ERRATUM

THE TABLE, Volume XXXII, page 20, second paragraph, first line should read:

This tradition dates back to 1497.

not 1947 as printed.

The Table

BEING

THE JOURNAL OF
THE SOCIETY OF CLERKS-AT-THE-TABLE
IN COMMONWEALTH PARLIAMENTS

EDITED BY
R. S. LANKESTER AND M. A. J. WHEELER-BOOTH

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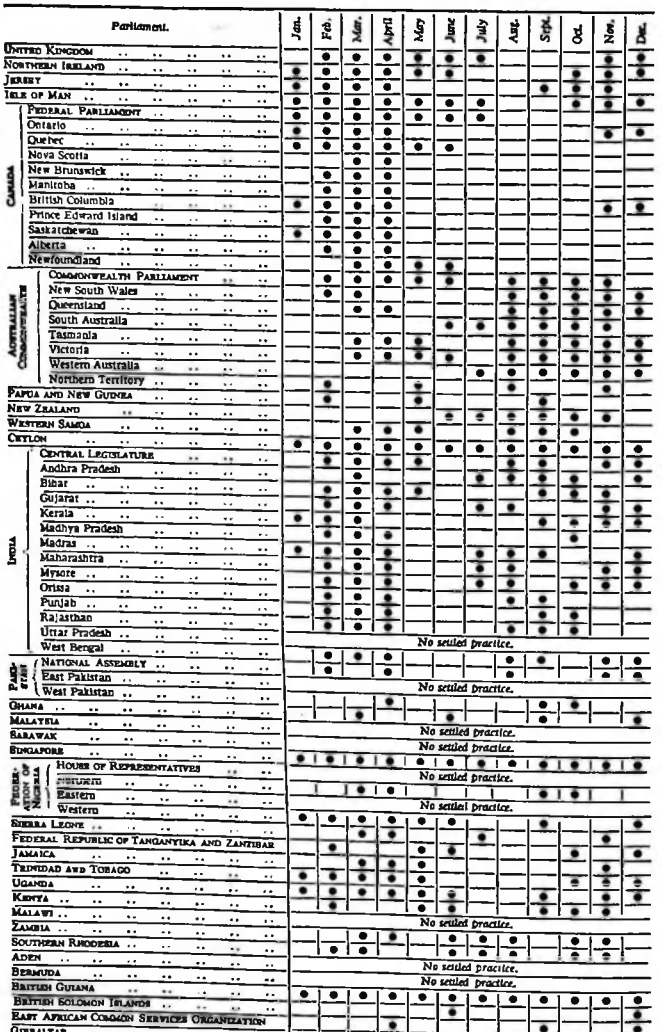

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The Table

BEING

THE JOURNAL OF
THE SOCIETY OF CLERKS-AT-THE-TABLE
IN COMMONWEALTH PARLIAMENTS

I. EDITORIAL

Owen Clough, C.M.G., LL.D. (26th June, 1873-6th February, 1964).—Founder of the Society of Clerks-at-the-Table in Commonwealth Parliaments, the Editor of its Journal for twenty years and then its Honorary Life President, Owen Clough died on 6th February, 1964, full of years with his life work firmly established. Although born in England, Clough had made his home in South Africa for more than 60 years and it was a great sorrow to him when the Union left the Commonwealth. In 1903 Clough began his career as a Clerk in the Legislative Council of the Transvaal, then still under Crown Colony rule; continued with that Council when the Transvaal obtained representative government, and on the formation of the Union in 1910 became Clerk of its Senate. He held that post for nineteen years. He had accompanied the South African representative to the Delhi Durbar in 1903 and when Sir Howard D'Egville founded the Empire (now Commonwealth) Parliamentary Association, Clough became the South African branch secretary, which gave him the opportunity of visiting Australia and Canada. So when Clough retired from the Clerkship of the Senate, he determined to do for the officers of Parliaments what D'Egville had already done for their Members, and thus in 1932 our Society was born.

Starting anything new in the parliamentary world is always difficult and for twenty years as Secretary, Treasurer and Editor Clough *was* the Society, and had his disappointments and setbacks; while financing the Journal was always difficult. But Clough refused to give in and with dogged pertinacity persevered until at last the Parliaments of the Commonwealth themselves realised the value of the Society

and enabled its finances to be put on a sound basis. In 1952 Clough handed his work over to younger men. In 1953 the Coronation of Her Majesty drew sufficient Clerks-at-the-Table to London to warrant the first meeting which the Society had ever held and its first action was to elect by acclamation its Founder as its Life President.

While Clough's long experience, technical skill, enthusiasm and pertinacity won the respect of his colleagues, it was the friendliness and gentleness of the man which gained their affection. We mourn with his widow and their daughters, and with them glory in the triumph of his achievement.

(*Contributed by Sir Edward Fellowes, K.C.B., C.M.G., M.C.*)

Shri S. N. Mukerjee, M.A., B.L.—Shri B. N. Banerjee, Secretary of the Rajya Sabha, New Delhi, writes:

It is with deep regret that we have to record the sudden death of Shri S. N. Mukerjee, Secretary, Rajya Sabha, at New Delhi on Tuesday, 8th October, 1963. Shri Mukerjee was the Secretary of the Rajya Sabha since its inception in 1952 right up to his death. He had not been in good health for some time. He was suddenly stricken by a heart ailment on 7th October, 1963, and passed away the next day.

The esteem in which Shri Mukerjee was held was in evidence when on hearing the news of his sad and sudden death the President, the Vice-President, the Speaker of the Lok Sabha, Cabinet Ministers, Members of Parliament, high ranking Civil Servants and many other distinguished persons called at his residence to pay their tributes.

Born in 1898 and educated at the Presidency College and University Law College, Calcutta, he practised law from 1922-32 and joined the Legislative Department of Bengal in 1933. Before joining the Rajya Sabha, Shri Mukerjee served as Chief Draftsman in the Constituent Assembly of India and from there he went to the Law Ministry as the Principal Draftsman of the Government of India. He was responsible, in his capacity as a Draftsman, for some of the major legislative measures among which mention may be made of the electoral law of the country. He was frequently consulted by Government on important and intricate aspects of legislative and constitutional measures. He was the Government of India's correspondent for the United Nation's Year Book on Human Rights since 1951. His work received well merited recognition when the President was pleased to confer on him in 1962 the high national award of " Padma Bhushan ".

Occupying the Secretary's Chair at the Table for nearly

twelve years, Shri S. N. Mukerjee set a unique record of service to our Parliament and assisted in maintaining high parliamentary traditions. He helped in moulding and shaping Rajya Sabha procedure in such a way that while it absorbed in it all that was good in established practice and rules, it enabled new and better conventions to develop. While he was an orthodox constitutionalist, he believed in the progressive evolution of constitutional principles and constitutional proprieties particularly where these concerned Parliament's powers and functions.

The late Dr. B. R. Ambedkar, the Chairman of the Drafting Committee which had been entrusted with the task of drafting Independent India's new Constitution, paid this tribute to him in the Constituent Assembly:

> His [Shri Mukerjee's] ability to put the most intricate proposals in the simplest and clearest legal form can rarely be equalled, nor his capacity for hard work. . . . Without his help, this Assembly would have taken many more years to finalise the Constitution.

The Rajya Sabha was not in session when Shri Mukerjee passed away on 8th October. When the House reassembled on 18th November, 1963, the Chairman of the Rajya Sabha in the course of reference to late Shri Mukerjee paid this tribute to him:

> To the Rajya Sabha, it has been a happy circumstance that a person who had such personal and intimate knowledge of the Constitution became its first Secretary. . . .
>
> With his extreme courtesy and great humility, Shri Mukerjee made himself a friend and counsellor to every member of the Rajya Sabha who sought his help. He placed wholeheartedly at the service of this House his vast experience, good judgment and a sense of fair mindedness. He built up a loyal and efficient Secretariat which has become a living instrument in the hands of members to enable them to fulfil their parliamentary rôle adequately.
>
> This House owes him a debt of deep gratitude for the devoted service he rendered to it. In the history of India's Parliament, Shri Mukerjee has earned an abiding and distinguished place.

At the end of the reference, the House observed one minute's silence as a mark of respect to the memory of Shri S. N. Mukerjee.

Our heartfelt sympathy goes to his wife and his son in their grievous loss.

Enche' Charles Anthony Fredericks, A.M.N.—The Prime Minister of Malaysia paid the following tribute:

> I have a sad duty to perform in that I have to move a motion in respect of the death of a very well-known friend of every Member of

this House. I refer to Mr. Charles Anthony Fredericks, A.M.N., who was the former Clerk to this House. I beg to move,

> That this House desires to record its sense of great loss and its deep regret at the death of Enche' Charles Anthony Fredericks, A.M.N., who was the former Clerk to this House.

As I said just now, he had been associated with this House—not only with this House but with the Legislative Council in the days of old. The grievous and sad loss to this House, through the death of Mr. Fredericks, was caused by another motor accident. Without warning, a man, who had given loyal and selfless service to the nation throughout his life, passed away three days ago in hospital following a tragic accident.

Mr. Fredericks had a long, distinguished and honourable career in the service of the Government and, in particular, in the service of this House, the House of Legislature, be it in the old House of the Legislative Council, or this new House of Parliament. He had been a Clerk of Council for a number of years. He started work as a clerk in the Federal Secretariat in 1929 and was first appointed Clerk of the Federal Legislative Council in 1954. With the emergence of Malaya as a nation at the time of Merdeka, Mr. Fredericks became and continued to be the Clerk of the Federal Parliament. With the creation of Malaysia, he became Clerk of the National Parliament and had been organising all preparations, preliminary preparations, for the opening of this Session of the House, when his untimely death occurred.

Sir, no more familiar figure than Mr. Fredericks could be found at any time, either in the precincts of the House of Parliament or in the old Legislative Council Chambers. When I first became a Member of the former Legislative Council, Mr. Fredericks was there as the Clerk, and when the old House became the House of Parliament he was there as the Clerk but with much greater prestige. At every session whether in the old Legislative Council or Malayan Parliament, and here in the Malaysian Parliament, his voice would ring throughout the precincts of the House as he read the morning prayers in English, or as he called out the names of various speakers, or announced the Orders of the Day.

He was the authority to whom all of us in this House went to for advice. We sought his views when we were in doubt on any ruling, and he was always willing and ever ready to give us help, and all of us accepted his advice born of knowledge and experience of parliamentary procedure and method. It is true to say that he was a pillar of strength in Parliament, not only to the Members of this House alone but even more so to the various Speakers under whom he served. A nicer man to deal with on affairs of this House, and for that matter on any other matter, could not be found anywhere. Both inside and outside this House, whether discharging his duties as Clerk of Parliament or on social occasions, or in the quiet surrounds of either his office or his home, Mr. Fredericks was a man always pleasant to everyone, always amenable in manner, and if ever he felt ruffled by circumstances, he certain never showed his concern. An exemplary Government servant, he died in harness. His death is a national loss sincerely felt by all who knew him. His name will always be remembered as one associated with our parliamentary history as being the first Malaysian to be given custody, supervision and the administration of the affairs and procedure of the House of Parliament.

Sir, I am sure that all Honourable Members will join with me in

expressing our sincere condolences to his bereaved wife and sorrowing family: they have lost a husband and a father, and we have lost a fine man and a good friend.

I recall in the entrance to the Legislature of the Australian House of Parliament the maxim which is inscribed on the floor, "In a multitude of counsellors there is wisdom". Let me say on behalf of Honourable Members of this House that the late Mr. Fredericks was one counsellor who had a multitude of wisdom. Therefore, I felt that the service that he had rendered to the country should find permanent tribute in the records of our House of Parliament, and that a copy of the record should be sent to his widow and children. I am sure that in saying this, I reflect the views of Honourable Members of this House. Every day in this House he used to pray to God in these words: "Let Thy blessing descend upon us." This prayer of his rings clear in my mind, and so too I humbly invoke that the blessings of God will descend upon him, and may peace be unto his soul.

Sir Victor Goodman, K.C.B., O.B.E., M.C.—In June, 1963, the Clerk of the Parliaments retired on medical advice and on the first day after the Whitsun recess (when his letter of retirement was considered) the Leader of the House (Viscount Hailsham) said—

My Lords, as I said on the last day before the Recess, the House will have heard with the deepest regret of the resignation of Sir Victor Goodman, and also the cause, which was his medical advice. It is now my task to move the first of the two Motions which stand in my name in regard to that resignation. That Motion reads as follows:

> "That this House received with sincere concern the announcement of the retirement of Sir Victor Martin Reeves Goodman, K.C.B., O.B.E., M.C., from the Office of Clerk of the Parliaments, and thinks it right to record the just sense which it entertains of the zeal, ability, diligence, and integrity with which the said Sir Victor Martin Reeves Goodman executed the important duties of his Office."

It is obvious that a Motion of this kind is moved with mixed feelings of sorrow and pleasure. There is pleasure in recollecting Sir Victor's long and distinguished service, and in recording our appreciation of that service, which lasted for over 43 years. There is sorrow in parting with an old friend of us all, whose wise counsel has always been at the disposal of the Members of your Lordships' House. There will be many Members of your Lordships' House more competent than I to do justice to Sir Victor's continuous service. This dates back to 1920, when he first entered the Parliament Office. Over the years, he has earned enormous experience in all the branches of the office which serves the House. I think he will be especially pleased—and it certainly pleases me as a member of the legal profession—if I recall that he spent the major part of his time before he came to the Table in the Judicial Office of your Lordships' House. This department he made very much his own, and the smooth working of the administration of Judicial Business of the House has for a long time been his special concern.

I think, too, that I should recall that over a period of twenty years, Sir Victor was intimately connected with the care, editing and calendaring of the historical documents in our Record Office, which form together one of the great collections of historical documents in this country. I am particularly pleased to remind the House of this aspect of his work, because very soon the new Victorial Tower Record Repository will be declared open, and we

shall all have the opportunity of seeing the fine work which has been done for the housing and preservation of our most valuable collection of records; and we shall recall, in doing so, that the origin of this particular enterprise can be dated, I think, to Sir Victor's own work in about 1937.

I should like also to mention another little-known but valuable service when Sir Victor has rendered, not to this House alone but to the whole Palace of Westminster: for he was the chief Air-raid precautions officer and in charge of the Civil Defence and security arrangements of both Houses during the last war. He was also second-in-command of the Palace of Westminster Company of the Home Guard. It is no surprise that one who fought in the First World War in the Coldstream Guards, and was awarded the Military Cross for gallantry, should have been chosen for these important duties during the Second World War, and that here, too, he should have carried that burden with such distinction.

There is another extramural activity which I think it is right for me to mention. Sir Victor has been a Trustee of the British Museum since 1949, and since 1953 he has been a member of the Standing Committee of the Trustees. While we have the British Museum Bill in progress in our House, it is fitting for us to recall the debt which the British Museum owes to his careful discharge of that office.

I have dwelt on perhaps the least known of Sir Victor's services to the House and the public, because, in a sense, it would be superfluous for me to enlarge on his years here at the Table, where he has been so well-known and so deeply loved in all quarters of the House. I will, therefore, add only this comment: I am sure that the House will join with me in wishing Sir Victor good health which rest from his labours may give to him, and in hoping that he and Lady Goodman will come back from time to time to the House, where I know that from all sides and from all individual Members they will find a very warm welcome.

Earl Alexander of Hillsborough, Leader of the Labour Party in the Lords, said:

My Lords, I rise, not only for myself but for the whole of my colleagues on these Benches, to support the Resolution which the noble and learned Viscount the Leader of the House has moved. The most adequate speech which the Leader of the House has made, covering all Sir Victor Goodman's activities known to the House, and some, perhaps, unknown to others, makes it difficult for me to speak in any detail; nor is there any real necessity, after the speech the Leader of the House has made.

It is always sad for the House to part with a Clerk of the Parliaments of the standard which has been maintained by Sir Victor Goodman, and this House has very great indebtedness always for the manner of service we get from the Clerk of the Parliaments and his two Assistants at the table, and we are always grateful to them all. I doubt whether there is any company of discussion and consideration such as we have here on such important and often legal matters which is better served than we are at the Table of this House.

The record which the noble Viscount has given to us of Sir Victor Goodman in so many departments makes us able to view him on his departure, as having been not only a great public servant to the House of Lords but also a notable servant to the nation at large. And for that we admire him. I join with the Leader of the House in his expressed good wishes adding our regret at the reason for Sir Victor's leaving, that of ill-health, and hoping that the rest from his work here will provide for him at least some measure of recovery, and that we shall see him again as a friend.

These expressions were echoed by the Liberal party in the Lords (Lord Rea), from the back benches by Lord Saltoun, and by the Lord Chancellor (Lord Dilhorne) who spoke as follows:

My Lords, I hope your Lordships will bear with me if I add a few words to what has already been so eloquently and truly said about Sir Victor and the services he has rendered to your Lordships and to this House. I suppose that every Lord Chancellor enters upon his duties with considerable nervousness. I certainly did, and I should like publicly to express my very real gratitude to Sir Victor for the great help and valuable advice he has given me since I became Lord Chancellor.

It is perhaps appropriate that I, too, should mention the service which Sir Victor rendered in the Judicial Office of your Lordships' House from 1934 to 1949. I have heard from my predecessor Lord Simons, and from former Judicial Members of your Lordships' House, of the especially valuable services which Sir Victor performed in that important department.

It is sad to part with friends and, despite his retirement after long service, I join with those who have expressed the hope that we shall continue to see something of him, and I am sure it is your Lordships' hope, as it is mine, that he will long enjoy his well-earned retirement.

Mr. H. M. Burrows, C.B., C.B.E.—At the end of 1963, Mr. Burrows retired as Clerk Assistant in the House of Lords.

No man who reaches the rank of Clerk Assistant and retires after thirty-eight years' service in the House of Lords is likely to lack the esteem of the peers. He is certain to have performed public services of permanent and recognised value.

All this was abundantly true of Henry Burrows. In his case, however, it is possible to argue that never was there a clerk of any level whatever who gave more dedicated service or entered so deeply into the life and mind of the House of Lords.

His two periods of exceptionally gallant service in the Navy were one of piece with his civilian life. There are many to my certain knowledge in the House of Lords who felt his departure as a great personal loss and who will always treasure the memory of his unfailing helpfulness and understanding. His buoyant and invincible humour in good times and bad will always figure prominently in the memory which will be so warmly cherished.

(*Contributed by the Earl of Longford, Lord Privy Seal and Leader of the House of Lords.*)

Mr. Erskine Grant-Dalton.—The dissolution of the Federation of Rhodesia and Nyasaland on 31st December, 1963, brought to an end the Parliamentary career of Mr. Erskine Grant-Dalton, M.A., the Clerk of the Federal Assembly.

Mr. Grant-Dalton was born in South Africa in 1914. He was educated at Diocesan College, Rondebosch, Cape, and at Worcester College, Oxford. After taking a law degree he joined the Southern Rhodesia Native Affairs Department in 1938. During the war he served with the Southern Rhodesia Anti-Tank Battery, the Northumberland Hussars and the Intelligence Corps.

In 1946 Mr. Grant-Dalton was appointed Serjeant-at-Arms of the Southern Rhodesia Legislative Assembly, and in 1950 Second Clerk-

Assistant. In 1954 he was appointed Clerk-Assistant of the Federal Assembly, and on the retirement of Colonel G. E. Wells, O.B.E., E.D., on 13th July, 1962, he was appointed Clerk of the House.

Mr. Grant-Dalton was widely interested in all aspects of Parliament. He contributed many articles to THE TABLE and compiled a useful commentary on the Standing Orders of the Federal Assembly and a Guide to the Chairman of Committees. During the brief period of less than eighteen months during which he was Clerk of the House he introduced many changes in procedure and in the compiling of the Votes and Proceedings, which he based on those of the House of Commons.

At a small gathering of Mr. Speaker and staff of the Federal Assembly, shortly before the final dissolution, Mr. Grant-Dalton was presented with a complete set of Beethoven's Symphonies from the Members of the Federal Assembly and a gold watch from the Speaker and staff. The Members also presented to Mr. Grant-Dalton a silver brush and comb set for Mrs. Grant-Dalton, who during the life of the Federal Assembly had devoted considerable time to the arrangement of flowers in the Members' restaurant and lounge.

(*Contributed by Mr. L. B. Moore, Second Clerk Assistant of the Southern Rhodesia Legislative Assembly, and Mr. Guy Noble, formerly Clerk Assistant of the Federal Assembly.*)

Mr. A. I. Crum Ewing.—On the occasion of the retirement of Mr. Crum Ewing, Clerk of the Legislative, British Guiana, tributes were paid to him in both Houses. In the Legislative Assembly on Friday, 29th March, 1963, the speeches which marked his retirement were as follows:

Mr. Speaker:

. . . We have learnt with a certain amount of surprise that Mr. Crum Ewing, the Clerk of the Legislature, will be going on pre-retirement leave. I say "surprise" because since Mr. Crum Ewing apparently has discovered what has eluded the alchemists over the ages, the means of maintaining perpetual youth, few of us realised that he had reached retirement age.

I remember coming to this Chamber when it was called the Legislative Council, when I was a much younger man—let me say, when I was a young man, lest I start a debate on the question of my age—and seeing Mr. Crum Ewing here when I brought a number of boys from Queen's College way back in the late '40s. I, Sir, and I am sure it can be said of other Members of this House, have had the experience of being the recipient of great courtesy from Mr. Crum Ewing.

We have been frequently indebted to him as a result of his knowledge of so many points of procedure. We have also found him extremely kind on many an occasion when there seemed to be an impasse, and as it were with a magic wand the difficulties disappear after Crum, as we familiarly call him, has given his advice or made his suggestion.

He has become part of the tradition of this House, so to speak. He has served this House for a period of 18 years as Clerk of the Legislature. His service in this House as Clerk culminated or rather was the high-water mark of a distinguished career in the Public Service of this country.

Undoubtedly Mr. Crum Ewing must have political views. A man with a keen mind like his, a man with the energy which he possesses, must have political views and must have exercised his franchise on more than one occasion. But in 1953, in 1957 and again subsequent to 1961, never has he left me with a clear impression as to his support of any political party or ideology. That, I think, is a tribute to his keen appreciation of what the duties of a public servant, and more especially a Clerk of the Legislature, are. Regardless of how he may feel on one political topic or another, his duty is to serve in his post and in his office without any suggestion or partiality or preference.

No one is indispensable, but I don't know whether this House will be the same after Crum has left. I rather doubt it, combining as he did undoubted ability and efficiency with charm and equipoise. We usually have our differences in this House, but I am quite sure on this Motion no division will be necessary, and if we call for a division it will merely be to place on record that every sitting Member of this House has shown his high appreciation of the services rendered to this Legislature by Mr. Crum Ewing. In the circumstances I do not think I have to use any persuasive techniques or debating gimmicks to recommend to this House the passage of the Motion I am about to move.

BE IT RESOLVED:

That in view of the impending retirement of Mr. Alexander Irving Crum Ewing, Clerk of the Legislature, this House desires to place on record its appreciation of the distinguished services rendered by him as Chief Executive Officer of the Legislature since 1945;

AND BE IT FURTHER RESOLVED:

That in view of the long and faithful service of Mr. Crum Ewing, he be appointed an Honorary Officer of the House with the privilege of entrée of the House and a seat at the Table on occasions of ceremony.

I am convinced that Mr. Crum Ewing has many more years of fruitful service ahead of him for, as we all know, not only has he served well in his capacity of Clerk of the Legislature but also as a leading member of the Scout Movement of this country. I am led to believe that there are many more years, as I said before, of good, faithful public service. I am sure that Mr. Crum Ewing will deserve the peace, the happiness and the health which we would wish him as we say goodbye to him this evening.

Sometimes we feel that the sorrowfulness of parting is to be found only when lovers say goodbye or, perchance, close relatives, but on this occasion though Mr. Crum Ewing is neither my lover nor my close relative, I feel a certain tinge of sadness that one whom I had come to regard as an institution and as a friend will no longer be with us. In the circumstances, may I, on behalf of my colleagues, say goodbye. Fare thee well, Crum, and if forever, still forever, fare thee well. (*Applause.*)

The Premier (Dr. Jagan):

I would like to join the hon. Member for Ruimveldt in expressing regret that Mr. Crum Ewing, Clerk of the Legislature, would be leaving on pre-retirement leave. I remember as a cub-legislator 'way back in 1947 when, perhaps, I was much more brash than I am now, when it was necessary to round off the corners of my personality, Crum used to call me into a corner and say, " Look here, young man, if I were in your position, I would have done it in this way ". I must admit that the advice he gave me on many occasions was sound.

As the hon. Member for Ruimveldt said, whatever may have been the political views and sentiments of the Clerk of the Legislature, he never at any

time made them apparent in giving advice or in speaking on any question which required impartiality. I know it must have been very difficult for him to have sat patiently in the Legislative Council in the old days, and to sit now in the Legislative Assembly, and hear so many views expressed—some of them sense, some nonsense—without being moved to get up and shout: " Let us put an end to all this."

I am sure Mr. Crum Ewing must have felt at times like entering the political arena. Perhaps we need people with his calm and balance in the political arena. Who knows, maybe now that he is retiring he may enter politics. Of course, he has always told me that he prefers the quiet life and perhaps he will now become a gentleman-farmer. Let us hope that he will combine with gentleman-farming, or whatever his other pursuits may be, an active interest in the affairs of the country and, particularly, of this Legislature. I am sure that he will always be at hand and will always be willing to give you, Sir, if need be, any advice from his long experience, for we are all, at times, in the position where we require mature advice from people who have had long experience.

On behalf of my colleagues on this side of the House and on behalf of the people to whom Mr. Crum Ewing has given such valuable service, I would like to express my deep appreciation, and also my regret and sorrow that he is leaving. He goes with our warm wishes for success in whatever he contemplates in the future. We have no doubt that, in the same way as he has made such a great hit in his present job, he will do likewise in whatever he undertakes in the future. I wish to say that we on this side of the House support whole-heartedly the Motion which has been moved. (*Applause.*)

Mr. d' Aguiar (Leader of the United Force):

Your Honour, it was with surprise and shock that I heard that this Motion was coming up. It is a Motion which we all support wholeheartedly, but which we all wish was not necessary. Mention has been made of the apparent youthfulness of Mr. Crum Ewing. I would like to refer, if I may, to the youthfulness of myself and of others as Members of this honourable Assembly. We cannot look back upon Mr. Crum Ewing's long services to the Assembly in the past, because we are new Members. But, as a new Member, I would like to say this: from the very beginning I was deeply impressed by Mr. Crum Ewing's desire to help us, new Members, in the sometimes complicated procedures of the Legislature. I am sure that I speak not only for myself but for all the Members present who have served in this Legislature for the first time when I say that Mr. Crum Ewing has always extended great courtesy, helpfulness and willingness to impart his knowledge to us, and helped us in conducting and understanding the business of the House. . . .

So, Mr. Speaker, certainly on behalf of my party, and if I may, on behalf of the new Members of the House, I wish to say that we wholeheartedly support this Motion of appreciation of the services of Mr. Crum Ewing, and that we bid him goodbye with an extreme sense of sorrow and regret, and I feel that when we meet again and he is not present as Clerk of the Legislature, we shall feel a sense of loss from the moment prayers are read. I wish him all the best in the future from the bottom of my heart. (*Applause.*)

The Attorney-General (Dr. Ramsahoye) in the course of his speech said:

Mr. Crum Ewing is a man who was obviously bred in traditions of gentility. As a result courtesy was to him a way of life. His impersonal advice, his readiness to allay anxiety and to bring comfort in disturbed situations was a feature which we know too well. I feel it a privilege to do honour to a man whose wealth of learning in the field of parliamentary practice and procedure

had often times stunned me, for until I came into this Assembly I was perhaps inclined to feel that such learning was the exclusive prerogative of lawyers. I have often times referred to him as a person practising the profession without having been admitted. . . .

I have always been particularly impressed with his wide and liberal views on parliamentary sovereignty. I have been touched by his perfect grasp of the principle that sovereignty rests with the people, and that their elected representatives in Parliament are free to discuss any subject they wish. Such a feeling must rest in the breasts of all men who had pretensions to culture and refinement, for such a right in the people's representatives is, to my mind, the very essence of civilisation.

Mr. Crum Ewing leaves us unexpectedly and in a way which probably will bring sadness to people who have only heard of him, let alone those of us who have had to deal with him during the sittings of our Parliament and in our dealings with the office of the Legislature. In support of the Motion I can only say that Mr. Crum Ewing has built unto himself an everlasting monument: *Exegi monumentum aere perennius*, as the Roman poet said, and I will go further and say for him: *Non omnis moriar*. For surely he shall not die; his memory will live with him. For him and his family I do wish the very best in the period of his retirement. (*Applause.*)

Mr. Kendall (Deputy Speaker), supporting the motion, said:

. . . Today we take leave of him and we shall miss him. We shall miss his devotion to duty and his thoroughness in handling the affairs of this Assembly. It is a great pity that on the threshold of independence this Legislative Assembly will lose the knowledge, advice and calm manner of this dignified officer of the Civil Service of this country. We hope that in his retirement he will be able to live long enough to enjoy the fruits of his labours. I sincerely trust that the powers that be will see fit to give him the recognition he deserves with the type of honour befitting one of Mr. Crum Ewing's stature. (*Applause.*) His unselfish service to this Legislative Assembly and to this country cannot be forgotten. (*Applause.*) I join with the last speaker in wishing him long life. I wish that his wife and family will share in his retirement because as a public man I know that it is very difficult at times for people to appreciate the amount of sacrifice that one's wife and children must endure during periods of public service.

Crum, you have my best wishes. May God bless you and keep you as always calm, objective and sincere in all that you do. (*Applause.*)

Dr. Jacob also spoke in support of the motion.

Mr. Speaker concluded by saying:

Hon. Members, I can only say how happy I am to find such unanimity over the question put before the House. Both sides are in agreement that this is a sad moment when one who has served this Legislature as a Clerk for eighteen years and has served his country in the Civil Service for thirty-four years leaves us, still apparently in youth, definitely in good health, to move on to a period of rest and retirement.

I was pleased to hear Members, the hon. Premier leading them, then the hon. Member for Georgetown Central and others, paying tribute to the way in which Mr. Crum Ewing has helped and guided Members who have come into this House for the first time. He has certainly become an institution in that respect, because all who have come into the House have found that he was very willing indeed to give them of his experience and knowledge and so prime them—if I may use that word in this connection—to carry out the functions for which they were elected to the satisfaction of all concerned.

He has served us all very well, in previous Legislatures and in this one. A very important thing which we should remember is that when we have had a bicameral system of Legislature—for example, when the State Council and the House of Assembly were the constitutional bodies of the Legislature, and now that we have the Senate and the Legislative Assembly—Crum has served as Clerk of both bodies. He has, therefore, been able to act as the focal point and guiding light for all the Legislatures, and I am sure that if it had been possible for us to have invited Members of the Senate to join us in this pleasant function today, Members of the Senate would also have paid tribute to the good work of the Clerk. . . .

The hon. Deputy Speaker has referred to something which I think bears repeating. He said that in view of the long service which Crum has given to this country in general, and the Legislature in particular, the " powers that be " should take cognizance of this on his retirement and perhaps bestow some honour on him. (*Applause.*) That is not for me to decide, but I think that it is good that the Legislature should so express its views, for I believe that all hon. Members are in agreement with what has been said. (*Applause.*)

Actually, it would not be a precedent for I know that in the British Parliament Clerks have been knighted, and in addition there were the cases within recent times when on retirement the Clerk of the Parliament and the Clerk of the House of Commons were elevated to the Peerage. I refer to Sir Henry Badeley who became Baron Badeley, and Sir Gilbert Campion who became Lord Campion, and whose monumental work on procedure is to be found in every Legislature in the Commonwealth. I am not suggesting that Mr. Crum Ewing should be given a peerage in the upper House, which would be the Senate, because from the way in which the leaders of the parties have expressed their views concerning the manner in which he has dealt with things, we would not like to see which side of the rubber stamp he will use. (*Laughter*). Of course, as I have said, it is for those who are in authority to make that decision. . . .

Now, hon. Members, I shall put the question, but I shall not ask you to give your assent in the formal way by saying " Aye ". I will ask you to rise in your places in expression of of the passing of the Motion of appreciation.

[Hon. Members rose.]

Mr. Speaker:

Thank you, hon. Members. I declare the Motion carried. Please be seated.

[*The Clerk bowed to the Speaker and to hon. Members on both sides of the House in acknowledgement of the tributes paid to him.*]

On Friday, 5th April, 1963, a letter from Mr. Crum Ewing was read to the Assembly by the Speaker, as follows:

Your Honour,

On my retirement from the Office of Clerk of the Legislature, I desire firstly to thank you most warmly for the support and encouragement you so generously gave me, and secondly to place on record an expression of my gratitude to your predecessors and other occupants of the Chair under whom I served during the past eighteen years.

To the Members with whom I have been closely associated and to my colleagues past and present, of all ranks and grades, I tender sincere thanks not only for their friendship which I value highly, but for the many marks of courtesy, kindness and consideration shown to me over the years.

In saying farewell I will ask you and the Members to accept this expression of my profound gratitude for the warm and sincere tributes paid to me at last Friday's sitting of the Legislative Assembly. Those kindly references shall be a constant reminder of my very happy association with the House.

After spending eighteen years at the Table in this beautiful Chamber, it is natural that I must leave with great regret, but I am proud that that period has been spent in the service of Parliamentary Democracy which we must strive to preserve for all time.

In the coming years I shall remain a sincere and sympathetic spectator and well wisher, and it is no empty phrase when I say I shall pray for God's blessing on you all.

With kindest personal regards,
Yours very sincerely,
I. CRUM EWING.

There were similar proceedings in the Senate on 9th April, 1963, when the President announced that he had received a letter of farewell from Mr. Crum Ewing, and spoke as follows:

I am sure that Members of the Senate would wish me to place on record our sincere and deep appreciation of the service rendered by Mr. Crum Ewing to the Senate during our short association with him. Mr. Crum Ewing has been Clerk of the Legislature for a considerable time and we have benefited greatly from his experience and from his ability. I should like to return to him the thanks of this Senate for the courtesies and kindnesses which he in turn has extended to us during his term of office. I understand that in another place Mr. Crum Ewing has been given an honorary office entitling him to be present on official occasions in the Legislature. I am sure that Members of the Senate will heartily endorse that.

Senator Nunes (Minister of Education and Social Development) and Senator Too-Chung added their tributes.

Honours.—On behalf of our Members, we wish to congratulate the undermentioned Members of our Society who have been honoured by Her Majesty the Queen since the last issue of THE TABLE:

K.C.B.—Sir David Stephens, C.V.O., Clerk of the Parliaments.
Kt.B.—Sir Thomas Williams, O.B.E., E.D., Speaker of the National Assembly, Zambia.
C.B.—Henry Montagu Burrows, C.B.E., lately Clerk Assistant, House of Lords.
M.B.E.—P. Pullicino, Clerk of the National Assembly, Uganda.

II. THE PRESERVATION OF THE RECORDS OF PARLIAMENT AT WESTMINSTER

By MAURICE BOND, O.B.E., F.S.A.
Clerk of the Records in the House of Lords

On his appointment, the Clerk of the Parliaments swears to make "true Entries and Records of the things done and passed" in Parliament,[1] and when the Royal Assent is given to Bills he is directed by the Sovereign "to endorse the said Acts and Measures in Our Name, as is requisite; and to enrol . . . the said Acts and Measures in manner accustomed".[2] Thus the Clerk of the Parliaments has custody not only of the domestic papers of the Upper House, but also of the records of Parliament as a whole. These documents gain their official character not from any seal—Parliament has no seal of its own—but from having been kept in the Clerk's continuous custody and then being produced and, if necessary, certified, by him as true records.

This tradition dates back to 1947. Before then, the Clerk of the Parliaments had also been a clerk in Chancery, and, at the end of a session, the records he had made or received were transferred from Parliament to Chancery, with the result that mediaeval Parliamentary records are nowadays preserved not at Westminster but amongst the Chancery records in the Public Record Office, Chancery Lane.[3] Since 1497, however, there has accumulated at Westminster a vast series of documents in the Clerk's care, numbering today something in the region of two million pieces. They are very varied in format and content, including books, papers, rolls of parchment, plans, maps, architectural and engineering drawings; and even two large gravestones, brought in as evidence in a peerage claim a century ago but then conclusively proved to be forged.

The central series undoubtedly is that of the 60,000 or so master-texts of Acts of Parliament dating from 1497 to the present day and including in their number such famous documents as the Petition of Right, the Habeas Corpus Act, and the Bill of Rights. These were written, until 1850, on skins of vellum which were sewn end to end to make rolls, attaining on occasion lengths of as much as a third or a quarter of a mile (probably the longest documents in existence). Eventually, in the sessions of 1849-50, this historic but tedious method of enrolment was abandoned, and the present system adopted, by which each Act after Royal Assent is printed in a

separate book of vellum leaves with its own title page, now acquiring the signature of the Clerk (or his deputy) as an additional form of authentication.[4]

The most extensive class of Parliamentary records known to the public, after the Acts themselves, is that of "Parliamentary Papers". Since 1800 a high percentage of these papers has been printed, and the many thousands of resulting volumes form an immense quarry for political and historical searchers, still only inadequately worked. These volumes are, however, only part of a greater whole. In the Victoria Tower repository at the Houses of Parliament are manuscript papers of similar character dating back to 1513, and including important series of returns relating to trade, colonial affairs, the armed forces, and the negotiation of treaties. The first "Command" paper seems to be one delivered by the Lord Privy Seal in 1641 "by command of His Majesty, touching certain Anabaptists in Southwark"; the first "House Paper" (*i.e.*, paper laid by order of the House), the record of the trial of Mary Queen of Scots, dated 7th March, 1588; and the first "Act Paper", a Report of Commissioners of Accounts appointed under an Act of 19 & 20 Car. II, c. 1, which is elaborately documented by some fifty-five copies of letters, certificates and minutes of proceedings. Even after the opening of the nineteenth century, when most of the papers laid began to be printed, a certain proportion remained, as they do today, in their single original manuscript or typed copy in the Victoria Tower, and these frequently contain material of local importance (as, for example, in relation to river boards) which is not accessible to the public elsewhere.

Local affairs, however, are most impressively documented by the deposits which began to be made at Westminster in connection with Private Bill legislation in 1794. In that year there opens a series of Plans, Sections, Lists of Consents, Subscription Contracts, Estimates of Time and Expense and other papers, which summarise the history of the construction of roads, canals, harbours, railways and other public works, and today constitute a major source for the study of modern economic history and the so-called Industrial Revolution.

Legislative Records preserved in the Tower are supplemented by long and complex series of documents relating to the judicial activities of Parliament, and, in particular, to those judicial functions of the Upper House which were initiated or revived during the year 1621 in Parliament's struggle to obtain ascendancy over the courts of equity and, in some degree, over the crown. The records preserved relate to appeal cases in civil causes (1621-date); appeals in error (1621-1907); appeals in criminal causes (1907-date); the trials of peers (1641-1935); impeachments (1621-1805); the hearing of original civil causes (1621-93); and also to an extremely wide variety of more domestic matters concerning breach of privilege and peerage claims.

The vital guide to these and to the many other ancillary classes of Lords' records, as also to the daily proceedings of the House itself, is the sequence of Journals of the House, the manuscript originals of which are preserved in the Victoria Tower from 1510. In some cases, further valuable information is provided by the Manuscript (and later, the printed) Minutes (1621-date) and by the Clerk's scribbled notes and books (1621-89), which, lying nearer to the actual events recorded often give a truer picture of what in fact happened than the formal Journal and, in the seventeenth century, frequently included material not inscribed in the Journals. The records of Lords' debates, however, with unimportant exceptions, have never formed part of the archives. For long indeed they might lead to a breach of privilege hearing and the punishment of fining, or of imprisonment by Black Rod. Both Houses agreed on this policy, the Commons informing the Lords in 1628 that even "the Entry of the Clerk, of particular Mens Speeches, was without Warrant at all Times, and, in that Parliament, by Order of the House, rejected". When, eventually, in 1803, reporters gained official admission to the gallery of the Commons, the resulting volumes of contemporary *Parliamentary Debates* were placed on the shelves of the Libraries of the Houses, but never added to the Parliamentary archives.

Acts; Papers; Private Bill deposits; court records; Journals; these, together with numerous minor accumulations, demanded extensive storage facilities. From 1621 the records were mainly stored in the ancient Jewel Tower at Westminster (where they replaced the royal wearing apparel, bed linen, chessmen, walking sticks and princesses' dolls previously kept there).[5] By the time that a new Palace of Westminster was envisaged, after the fire of 1834, the somewhat diminutive Jewel Tower had become wholly inadequate, and Sir Charles Barry therefore planned, as the architectural climax of the new Palace, a record Tower standing directly opposite the ancient Jewel Tower. This new Tower, named after the Sovereign, the Victoria Tower, was claimed to be the highest square tower in the world, although today its height of 395 feet to the top of the flagmast has ceased to dominate the London landscape. It provided what was then so ample provision for the documents that the top half of the Tower was left empty and unfinished by Barry, to become a haunt for pigeons and kestrels. On the lower six floors the complete range of records then in the care of the Clerk of the Parliaments was installed from 1864 onwards, and there they were joined from time to time by the ballot papers from general and by-elections.[6] In 1927 the archive was further augmented by the first element from the smaller record series of the House of Commons, and a subsequent series of deposits by both the Speaker and the Clerk of the Commons has now brought within the Tower practically the entire range of historic records of the Lower House, including in particular the original manuscript Journals (1547-1800) and the important Private

Bill deposits (from 1835) complementary to those already preserved from the Upper House.

Partly no doubt as the result of the more orderly arrangement of the records in the Victoria Tower in 1864, increased attention began to be paid to them, and in 1870 the newly appointed Royal Commission on Historical Manuscripts initiated a series of full and learned reports on them. In 1896 the compilation of these reports (or calendars, as they had by then become) was transferred from the Commission to the House itself, and the Clerk of the Parliaments then began to nominate certain junior members of his staff to produce further volumes of calendar and, in general, to care for the contents of the Tower. This arrangement continued for more than a generation, producing incidentally eight volumes of calendar of the highest scholarly standards, until in 1937 a detailed and masterly report from the clerk in charge of the records, Mr. V. M. R. Goodman,[7] made clear that still fuller provision for their care was required. The war intervened, but in 1946 Sir Henry Badeley, then Clerk of the Parliaments, appointed for the first time a Clerk of the Records[8] to be responsible, in general, for the preservation of the records of Parliament and, specifically, to undertake four duties: the rehabilitation of the repository; the systematic repair of the documents; the development of a programme of publication and photo-copying; and the maintenance of a Search Room to which the public might come throughout the year. In the subsequent eighteen years, the staff of the Record Office, which consists today of a Clerk, two other graduate archivists (Assistant Clerks of the Records), a clerical officer and four office assistants, eight repairers and a microfilmer, have pursued these aims.[9] The Search Room was visited in 1963 by over 700 students, including in their number historians and legal searchers from Britain, the U.S.A., and many other parts of the world. The newly established repair shops within the Palace of Westminster repair annually some 6,000 documents, following a scheme of systematic inspection of the entire archive. Publications since 1946 have comprised three substantial volumes of calendared documents from the period before 1714, a series of leaflets and postcards intended for schools and the general public, some thirty duplicated Memoranda on the work of the office and on aspects of the records or history of Parliament (issued free to the public), and a short illustrated guide for Members of the two Houses.[10]

The most important work of the Lords' Record Office has, however, related to the repository itself. In 1946, the newly appointed staff found the Victoria Tower in a semi-derelict condition, for which bombing during the second World War had only in part been responsible. Standing close to the river the Tower had been extremely damp; it was also incredibly dirty, entirely unheated, and almost completely unlighted. Very many documents were ravaged by mould and in a state of advanced decay: the situation was indeed

critical. The House of Lords therefore requested the Ministry of Works as a matter of urgency to effect a complete restoration of the repository,[11] and the resulting work, begun in 1948 and concluded in 1963, has very fully met the House's requirements. Into the shell created by Barry's external walls an almost completely new internal structure has been introduced, to form a repository of great dimensions, with sufficient space for a further sixty years' accessions, and containing the latest types of archival equipment. This new repository now occupies the whole Tower instead of merely the lower section; it comprises twelve floors, with a total area of 32,400 square feet; about five and a half miles of steel shelving have been installed; and the whole repository is air-conditioned to produce atmospheric conditions of an optimum character for the preservation of parchment and paper.[12]

On 3rd July, 1963, this new repository was declared open by the then Leader of the House, Viscount Hailsham, and on that and the following day the Tower was visited by members of both Houses and by many guests. In his speech at the opening, Lord Hailsham remarked that the Tower "houses one of the most valuable collections of public documents in the country". The Ministry of Public Building and Works had by its reconstruction produced a record repository which "now represents one of the most efficient examples of modern storage technique in the country or indeed anywhere in the world". Lord Hailsham thanked Sir Victor Goodman, the Ministry, and the present staff of the Lords' Record Office for what they had contributed to this achievement and concluded by forecasting for the new building a long and distinguished career in the service of Parliament, of history and of culture.

[1] This appears in the first recorded oath (H[ouse of] L[ords] R[ecord] O[ffice], Main Papers, 21st March, 1621), as it does in its contemporary form (L.J. CXCV, 346); cf. H.L.R.O. Memorandum, *The Oath of the Clerk of the Parliaments* (1959).

[2] From the text of the Royal Commission read in the House at the passing of Bills; cf. L.J. CXCV, 509, for a recent example. (The Measures mentioned are those passed by the National Assembly of the Church of England and then submitted to Parliament under the provisions of the Church of England Assembly (Powers) Act 1919.)

[3] John Taylor, appointed Clerk in 1509, was not a Chancery clerk, but was admitted as a master in Chancery in order that he might have access to earlier records (M. F. Bond, "The Formation of the Archives of Parliament, 1497-1641", *Journal of the Society of Archivists*, Vol. I (1957), p. 151; and "The Office of Clerk of the Parliaments", *Parliamentary Affairs* (1959), pp. 297-310, *passim*).

[4] Since 1955, for economy, Private Acts have been printed on hand-made paper instead of vellum, but in 1957, for greater protection, it was agreed that the covers should again be of vellum (L.J. CLXXXVIII, 453; CLXXXIX, 261).

[5] For a fuller account of this extremely interesting survival from the mediaeval Palace at Westminster, see A. J. Taylor, *The Jewel Tower* (H.M.S.O., 1956). The Jewel Tower is open free to the public, and is in the charge of the Ministry of Public Buildings and Works.

[6] Since the recent war, however, the ballot papers have been kept elsewhere.

[7] Now Sir Victor Goodman and himself, from 1959 to 1963, Clerk of the Parliaments. [8] L.J. CLXXVIII, 169.

[9] Some account of the progress in each year since 1950 is given in the H.L.R.O. annual Reports, issued by the Office as H.L.R.O. Memoranda.

[10] In addition, Messrs. Phillimore and Co. have recently published *The Records of Parliament: A Guide for Genealogists and Local Historians*, by the present writer. A work on a larger scale, which will aim at providing a complete guide to the entire Parliamentary archive, is in course of preparation. In this it is hoped to relate each class of record to the historical procedure which produced it and to outline briefly the character of the source material contained within it.

[11] L.J. CLXXXIV, 45.

[12] A full technical account appeared in *Archives*, Vol. VI (1963), pp. 85-94.

III. INDIA: "CALLING ATTENTION" NOTICES

By S. L. SHAKDHER
Joint Secretary of the Lok Sabha

A notice to call the attention of a Minister to a matter of urgent public importance and to ask him to make a statement thereon is a formidable weapon in the hands of a member to introduce an unscheduled item of business in the list of business for the day which has been previously fixed. The Speaker's power to allow or disallow such a notice is uncontrolled, but he exercises his discretion with care in arriving at his decisions. If he allows a notice, the matter comes up before the House at once, and the Government's ability to collect facts at short notice, present them in an assimilated form and withstand the onslaught of questions in the House is severely tested. The procedure is convenient to Government often, but not always, to explain the position on an important matter which they may otherwise hesitate or omit to bring before the House.

The concept of introducing "calling attention notices" in the Rules of Procedure of Lok Sabha is purely of Indian origin. It is an innovation in the modern parliamentary procedure, if one may call it so. It combines the asking of a question for answer with supplementaries and short comments in which all points of view are expressed concisely and precisely, and Government has adequate opportunity to state its case. Sometimes it gives opportunity to members to criticise the Government, directly or indirectly, and to bring to the surface the failure, or inadequate action, of Government on an important matter. The main feature of the procedure is that it begins suddenly, lasts a short while and leaves in its trail consequences of varied character.

The rule regarding the "calling attention notices" was written into the Rules of Procedure and Conduct of Business in Lok Sabha in 1954. The rule reads as follows:

197.(1) A member may, with the previous permission of the Speaker, call the attention of a Minister to any matter of urgent public importance and the Minister may make a brief statement or ask for time to make a statement at a later hour or date.

(2) There shall be no debate on such statement at the time it is made.

(3) Not more than one such matter shall be raised at the same sitting.

(4) In the event of more than one matter being presented for the same day, priority shall be given to the matter which is, in the opinion of the Speaker, more urgent and important.
(5) The proposed matter shall be raised after the questions and before the list of business is entered upon and at no other time during the sitting of the House.

The Rules Committee while considering the above rule recorded in its minutes as follows:

New rule regarding calling attention to matters of general public importance: It was explained that there was considerable feeling that at present no precise procedure was available to private members to raise at short notice important matters. The procedure of bringing an adjournment motion which was in the nature of a censure motion was restricted in its scope in the present constitutional set-up. It was therefore considered that some procedure must be devised whereby members shall have an opportunity of bringing important matters to the attention of the Government. It was considered necessary to make provision that a member might, with the previous permission of the Speaker, call the attention of a Minister to any matter of urgent public importance and the Minister might make a brief statement or ask for time to make a statement at a later hour or date. The Committee accepted this new rule.

During the remaining two years of the First Lok Sabha, it worked fairly well, though members were not enthusiastic to take to it frequently. It did not give them the satisfaction that was desired because the notices were not generally put down on the day they were given. A member was required only to make a request to the Minister to make a statement and he was not permitted to make his observations or to ask[1] any question after the Minister had made the statement. In the initial stages when the potentiality of the procedure could not be envisaged fully, the Speaker proceeded with caution and enforced the rule strictly so much so that on one occasion he did not permit the Prime Minister to make a second statement in response to a calling attention notice.[2]

During the second Lok Sabha, not much headway was made. On the contrary, the procedure fell more and more into disuse. There were several reasons for this: the decisions on the notices were taken leisurely and even if a notice was admitted the convenience of the Minister to make a statement was ascertained and the Minister took his own time in giving a date. When the statement was made the urgency of it had already vanished. The member might have lost interest in it and if he still had any, he was not allowed to ask questions. Members felt sceptical of the usefulness of this procedure, and although there was a feeling that it was a potent weapon, but the ability to use it was circumscribed by so many restrictions and conditions that it lost its force.

It was at the beginning of the Third Lok Sabha that the procedure received the vitality and importance that it has now achieved during the last two years and more. The Speaker realised that the desire of

the members to resort to tabling notices of adjournment motions arose from the fact that the members had no real procedural opportunity to raise a matter of urgent public importance immediately it came to their notice and they had no other means of compelling the Government to state their position on the matter there and then. Even though the members felt that in raising a number of matters on adjournment motions they had no desire to censure the Government and wanted only a statement from them as to the action that was being taken, they nevertheless resorted to it as it enabled them to force the attention of the Speaker and the Government to urgent and important matters, which were agitating their minds. The procedure of adjournment motions was consequently being slowly and steadily used for a purpose for which it was not intended in the new constitutional set-up.

During the Second Lok Sabha the procedure was somewhat like this: A member would raise a matter on a motion for adjournment; the Speaker would ask him how the matter was admissible, and under cover of admissibility the member would make his observations or raise the substance of the matter of the notice, and the Government, in order to oppose the admissibility of the motion, gave facts; and in the nature of things a miniature irregular debate followed in which the members and the Government would state their respective positions under the cover of technical submissions to the Chair for admissibility or inadmissibility of a motion; and after that was over the Speaker would declare that he had not given his consent to the adjournment motion. A sort of satisfaction was derived: that while the members had their say and the Government had given the facts, adjournment motions were not proceeded with. But everybody felt or seemed to say that there was something unreal about the procedure. The Speaker felt keenly that that was not a correct procedure, and he took the earliest opportunity, after his election to his office, to study the psychological urge of the members and the needs of the situation, and hastened to take a decision. At a meeting of the Leaders of the Groups he outlined his thoughts thus: he said that if members were given an opportunity to raise urgent matters of public importance quickly, preferably on the same day, and also were given an opportunity to ask for further information or to make comments in the form of questions, after the Minister had made a statement, it should satisfy a large number of members who tabled the motions for adjournment merely for that purpose. He proposed to give life and content to the rule regarding "calling attention notices" and promised to make an effort to make it workable to the satisfaction of members as far as possible. The members, though sceptical, agreed to the procedure in order to see how it would meet the wishes of the members and work in practice.

The last two years have evidenced a phenomenal confidence in the ability of this procedure to achieve the purpose in view. The tre-

mendous fall in the number of motions for adjournment and the increasing number of "calling attention notices" during this period have demonstrated that the procedure has given satisfaction all round. Three things have contributed to this:

(1) the decisions are taken instantly and urgent and important matters are brought before the House the same day;
(2) if there be unavoidable urgency, more than one such matter is brought on the same day;
(3) the members who have tabled notice of the matter are each allowed to ask one question.

It should be noted that the restrictions which have been strictly imposed by the Speaker have equally contributed to the strengthening of the procedure. The two restrictions that only those members who have given notice in writing before the commencement of the sitting would be permitted[3] to ask questions and that one member would be allowed to ask one question[4] have helped a great deal in keeping the procedure tidy and the members alert in bringing forward really important matters.

Any private member may give a "calling attention notice". A blue form is provided by the Notice Office and on that a member is required to write down the matter on which he would like to ask the Minister to make a statement and his name and division number and sign it. The notice may be in Hindi or English. The member is required to make out four copies—one addressed to the Secretary of the House, second to the Speaker, third to the Minister concerned and the fourth to the Minister of Parliamentary Affairs. All copies are given in the Notice Office. If a member gives or sends his notices before 10 a.m., he drops them in a box outside the Notice Office. At 10 a.m. the box is opened and all notices collected from it. After that, members give notices at the counter of the Notice Office in person or through their messengers. The Notice Office arranges the notices in order of the time of receipt. Where two or more notices are received at the same time or before 10 a.m. (they are all deemed to have been received at 10 a.m.) the Notice Office ballots them and fixes priority. Thereafter the notices are each allotted a number and the time of receipt is noted on each notice. The notices intended for the Ministers are sent to the room of the Minister of Parliamentary Affairs from where the copies of notices intended for the concerned Ministers are despatched to them immediately.

The members' chief source for tabling the calling attention notices is the daily newspapers. Sometimes they may be based on the private information of a member or on the correspondence between him and his constituents but such notices are fewer in number.

There is no limit on the number of notices that a member may table. There is no limit on the number of members who may table notices on the same subject. It has happened that sometimes a large number of notices have been received on a particular day on

a number of subjects. It has also happened that a number of members, sometimes thirty to forty, have given notices on the same subject. Notices may be signed by one member or by several members. They may be signed by members of one parliamentary group or members belonging to several parliamentary groups. Members of the ruling party as well as opposition groups can table notices—may sometimes sign the same notice. There is no restriction of any kind. The subject may be of a few words or a few lines. So long as the subject is clearly expressed, no notice is rejected on the ground of form. The member may give the source of his information, say, name of the daily paper in which the matter has appeared, or reference to his private correspondence, or say that he has got it from his constituency. There is no compulsion on the member to indicate the source, though of course, if a matter is not within the common knowledge and the Speaker is doubtful, he may call upon the member to indicate the source on which his notice is based.

As a rule, the notice must be given on the same day on which a matter has arisen or becomes publicly known. If it is given a little later, the notice may be rejected on the ground that it was not raised at the earliest opportunity. The matters selected for admission are taken up the same day provided a "calling attention notice" is not already fixed for the day in the list of business. In that case, depending upon the urgency of the matter, the Speaker may allow another notice to be taken up at the appointed time after question hour or at the end of the day.[5]

The notices for Secretary and Speaker are collected up to 10.30 a.m. or a little later, arranged by subject and priority and placed before the Speaker. Usually fifteen to twenty notices are received, but some days the number is as high as fifty, and the average is nearly twenty notices per day. Mr. Speaker goes through these notices one by one within the fifteen minutes available to him before the commencement of the sitting of the House and gives his decisions briefly. This is a period of intense action. The Speaker's mind and attention are concentrated on these notices. He listens to the advice that is given to him, makes a brief comment, and gives his decision, concise and clear. No one is required to record the reasons for his decision and no reasons are communicated to the members. The Speaker is not bound by any precedents strictly, although he has laid down for himself such obvious rules or conventions as, for example, whether the matter falls within the cognizance of a Minister of the Central Government, whether the matter is trifling, involves argument or is vague or general or whether it can be appropriately dealt with by other parliamentary procedure. These are rules of thumb and no one need point out to the Speaker that he has not followed these tests strictly in every sense. Admission of a notice is not a precedent, for a similar matter in another context may be disallowed. It is the feeling, the judgement of the Speaker, and

the surrounding circumstances in the context of the information available to him on the day the notice is received, that are vital in determining whether a notice is admissible or not. Sometimes a matter may have just started and no significance may be attached to it. A few days later further developments may take place and it may become important and urgent and the Speaker may admit it then. The Speaker is ever watchful, sensitive to the atmosphere around him and keeps his mind flexible and receptive. No doubt he discharges this heavy responsibility alone, but everybody has to submit to his decision and there is no appeal against it. The Speaker admits or selects a notice purely on the importance and the urgency of the matter raised therein. He is not concerned with who has tabled the notice and whether such a matter would embarrass the Government or not. Although sometimes he judges the importance of a matter by the number of members who are interested in it or by the national interest behind it, but these are factors like others, which he takes into consideration; by themselves they are not conclusive.

Members whose notices are disallowed often enquire from the Speaker in the House the reasons for which the notices have been disallowed. The Speaker has firmly and resolutely declined to give reasons or to enter into argument with the members in the House.[6] He once told members that his reasons might be right or wrong, his decision had to be accepted. There should be no occasion when an argument between a member and the Speaker should develop in the House and if the Speaker has to give reasons in the case of one notice, he would be expected to give reasons in the case of other notices that he has disallowed. The Speaker has, however, stated it so often and reminded the House time and again that it was open to the members to meet him privately in his chamber to convince him of their point of view and he was prepared to review his orders on good and sufficient grounds.[7] If they convince him of their point of view or bring to his notice some new or additional facts of which he may not be aware, the Speaker may reconsider his decision. He does so in very exceptional circumstances because his original decisions are given after careful consideration on good grounds and generally members do not succeed in shaking him from his position.

After the notices have been considered by the Speaker and his decisions given, a parliamentary official gets into touch with the Minister concerned or his principal officials and the members concerned and informs them of the Speaker's decisions. This is a period of intense activity as there is barely an hour available during which the Minister must be contacted and he must prepare a statement on the facts of the case. The parliamentary official does this work by personal contact and orally and not by writing letters, memoranda and the like. An entry is also prepared which is given to the member to read and the Minister is informed of the precise position in the

list of business at which the matter will be taken up. The Ministers on their part are generally aware of such notices as the members have previously sent copies to the Ministers concerned through the Minister of Parliamentary Affairs. It has, however, happened in some cases that the Minister received his copy of the notice after the matter came up for discussion in the House.[8] This shows that there is scope for improvement in the prompt despatch of these notices to the Ministers concerned.

By now the Ministers and senior officials of the Government are familiar with the type of subjects which may be raised in the House and on which they may be required to make a statement. Telephones, wireless teleprinters and telegraph lines keep buzzing and humming throughout the morning or since the previous evening to enable the officials and the Ministers to get the latest and accurate information on matters which may have suddenly arisen. India being a vast country, much of the information has to be obtained from the State Governments and local offices of the Central Government or local Military Commanders from far-flung places. It is remarkable that in most cases the information is collected in the shortest possible time and officials and Ministers of the Government are in readiness to give it to the House if they are called upon to do so. As it turns out, it is only a few matters that are called the same day and much of the information that is available and is in the possession of the Ministers is not required to be given to the House, but in cases where they are required to make statements, the Ministers are in a position to face the House.

When a member is called by the Speaker to call the attention of the Minister to a matter of public importance, the member rises in his place and makes a formal request to the Minister to make a statement on the matter which he reads briefly. The Minister may make the statement there and then, if he has got all the facts of the case, or he may give such information as is in his possession and request[9] that he may be given time to give further information later. The Speaker usually grants this request. The Minister, if he is not ready with the statement, may straightaway ask for time to collect the information[10] and give it to the House either later in the day or next day or a few days later as the case may be. Such requests are sparingly made, but when they are made, they are granted. If the statement is short, the Minister usually reads it out to the House and then and there follow questions on that statement by the members who have tabled the notice and answers by the Minister. But if the statement is long and the Speaker asks the Minister to lay it on the table of the House, then the usual practice is for the members to study the statement and then to ask the questions at a later hour, usually at the end of the day, if so fixed by the Speaker, or on the next working day.[11] It has happened in one or two cases that after the Minister made a statement the members voluntarily refrained from asking the questions, as

they thought[12] that the matter was delicate and the Minister should not be pressed to give further information. If the questions become complicated or involve a high level policy of Government, the Prime Minister may intervene, and give an authoritative opinion of Government or promise further consideration of the matter or even give such further information which the Minister may have felt unable to give on the ground of secrecy, or partial knowledge of the matter or for fear that other Ministers are concerned with the matter.

If a notice is received in Hindi, it is usually the practice that the statement should be made in Hindi,[13] and if the Minister concerned does not know Hindi, arrangements are made to get it read by some other Minister. This is followed by a translation in English. Sometimes when a notice is received in English and the statement is made in English, some members may desire that in view of the importance of the matter, a Hindi translation may be given. Arrangements are made to give a gist of the statement in Hindi if no actual Hindi translation of the statement is available at the moment. Questions on the statement can be asked either in English or in Hindi and the Minister does his best to answer them.

The subjects on which Ministers may be called upon to make statements may cover matters like disturbances in any part of India. Although the subject of law and order comes within the sphere of the State responsibility under the Constitution, the responsibility of of Central Government may sometimes be achieved by a skilful member by connecting the matter with the protection of a minority, the employment of armed forces, or damage done to a public undertaking and so on. Other matters on which statements may be requested may include subjects like border troubles, for example incursions into our territory by foreign armed forces; migration of refugees from Pakistan, accidents on railways, shutting down of a Public Undertaking, movement of Naga Hostiles, judgements by law courts in which observations affecting Ministers or Officers of the Central Government are involved, violation of air space by enemy aircraft, strikes involving the harbours, ports, air companies, railways and other public utility services, position of Indians Overseas—and this shows the wide range of subjects which are covered by the "calling attention notices". The subjects have been broadly classified here, but the notice relates to a specific incident or matter which has arisen suddenly and created some apprehension in the minds of the members.

Generally speaking, the House does not recommend to Government any action to be taken on the basis of a "calling attention notice", but sometimes the questions are in the form of suggestions and the Government indicate in their replies whether they are in a position to accept them or not. An instance comes to my mind. Recently in the case of plight of Indians in Burma[14] following the nationalisation of business controlled by Indians in Burma, the

members insisted that officials of the External Affairs Ministry should be sent to investigate into the grievances of Indians there and plead with the Government of Burma to agree to their repatriation in an orderly manner, and this was accepted by the Government. Sometimes the heat generated by the discussion of a matter on a "calling attention notice" is sufficient to create an urgency in the mind of the Government to tackle the situation with vigour and celerity. Often it has happened that the statements made by the Government in response to "call attention notices" have given the lie to sensational reports appearing in the newspapers which had no basis in fact, and this has resulted in stopping promptly a rumour which would have otherwise filled the papers and the minds of the people unnecessarily.

The procedure has thus enabled Parliament to keep the Government on its toes, to call for an explanation immediately a matter of importance vital to the public has taken place, and enabled the Government to state the facts or its decision or to deal effectively with the matter with the knowledge and the feeling that it has the support of the House. It is a short and swift method of raising, dealing with and bringing to a conclusion an important matter in which members who have given notices are entitled to take equal part without any party whip and without coming to the painful determination by dividing on a formal or a specific motion. No specific conclusions are recorded. Only the atmosphere is charged with feelings from all sides of the House and each member is free to interpret the short discussion in his own light and to come to his own conclusions.

In the end the country gains, Parliament gains and the Government is stronger for the action that it contemplates taking.

[1] *Lok Sabha Debate*, dated 7.9.1957, c. 12509. *Ibid.*, dated 17.3.1958, cc. 5191-92. *Ibid.*, dated 12.9.1958, c. 6207. *Ibid.*, dated 17.12.1959, c. 5638.
[2] *House of the People Debate* (II), dated 15.4.1954, c. 4810
[3] *Lok Sabha Debate*, dated 20.11.1963, c. 648. *Ibid.*, dated 3.12.1963, cc. 2741-44. [4] *Ibid.*, dated 30.8.1963, c. 3611. *Ibid.*, 13.9.1963, c. 6009.
[5] *Ibid.*, dated 17.12.1963, cc. 5162-66 and 5284-95.
[6] *Ibid.*, dated 5.8.1959, cc. 661-62. *Ibid.*, dated 17.2.1961, c. 611. *Ibid.*, dated 21.2.1961, cc. 1100-01.
[7] *Ibid.*, dated 3.5.1962, cc. 2457-68.
[8] *Ibid.*, dated 27.2.1964, cc. 2779-82 and 2825-28.
[9] *Ibid.*, dated 26.11.1963, cc. 1472-73. *Ibid.*, dated 29.11.1963, cc. 2222-28.
[10] *Ibid.*, dated 25.2.1963, c. 959. *Ibid.*, 27.2.1963, cc. 1201-05. *Ibid.*, dated 19.8.1963, cc. 1201 and 1341-4. *Ibid.*, dated 17.9.1963, c. 6506. *Ibid.*, dated 30.3.1964, c. 8111. [11] *Ibid.*, dated 26/27.8.1963, cc. 2910-13. *Ibid.*, dated 25.3.1964, c. 7508. [12] Ibid., 23.3.1964. c. 6913.
[13] *Ibid.*, dated 20.11.1963, cc. 661-62 [14] *Ibid.*, dated 28.4.1964.

IV. THE SELECT COMMITTEE ON PROCEDURE

By H. R. M. FARMER
Clerk of Committees in the House of Commons

The Committee, which was first appointed in Session 1961-62, differed considerably from previous Committees on Procedure. Previously they had been appointed either to review the whole Procedure in the Public Business in the House, as in Sessions 1957-58 and 1958-59, or to consider certain specific questions of procedure, set out in the Order of Reference, as in Session 1956-57. Now, however, the idea was to set up a committee which could consider any point of procedure which might be raised by Members at any time during a Session, provided always that the House specifically referred it to the Committee.

It was considered, with considerable justification, that to set up a "permanent" committee with power to initiate whatever procedural investigations it thought fit would cause more trouble than it solved. There were, however, a number of minor, though important, problems which cropped up from time to time, which deserved consideration by the House, but for which there was no machinery provided for such consideration. Such a point arose in March, 1962, when Sir David Robertson queried the method of selecting members of Standing Committees by the Committee of Selection. (*Com. Hans.*, Vol. 655, cc. 201-2)

The Government therefore decided to set up a sessional Select Committee on Procedure with an Order of Reference restricting it to consideration of "any matters which may be referred to them by the House relating to the public business of the House". Thus the Committee was somewhat similar to the Committee of Privileges, which is appointed every Session, but only meets when a *prima facie* case of breach of privilege is referred to them. Twelve senior Members of the House, including the Leader of the House, the deputy leader of the Opposition, and the leader of the Liberal Party, were nominated as members. They were given power to send for persons, papers and records, and the quorum was fixed at five. It may be noted that the nomination of members on 10th May, 1962, provided one of the few examples of the House debating such a motion and an amendment for an alteration in membership being moved. (*Com. Hans.*, Vol. 659, cc. 770-4.)

The first matter referred to the Committee was the effect of Stand-

ing Order No. 58 (2) (now No. 60 (2)) on minorities, *i.e.*, the way in which the Committee of Selection chose members of Standing Committees. This was the only subject referred to the Committee during that Session, and the Committee recommended no change in the Standing Order. In the second year of its existence, two major problems were referred, the rule relating to reference in the House to matters considered as *sub judice*, and the expediting of the consideration of the Finance Bill, mainly by referring the whole or part of the Bill to a Standing Committee. Further small points were later referred to the Committee which were all dealt with in one short report.

The *sub judice* problem occupied the Committee for some time and was dealt with in their First Report of Session 1962-63. In this they recommended that the House should, by resolution, adopt certain rules, different for criminal and civil cases.

There was a short debate on 20th June, 1963, when the House agreed with the Committee in the Report and the formal resolution giving effect to it was agreed to on 23rd July. This was:

That subject always to the discretion of the Chair and to the right of the House to legislate on any matter,

(1) matters awaiting or under adjudication in all courts exercising a criminal jurisdiction and in courts martial should not be referred to—

(*a*) in any motion (including a motion for leave to bring in a bill), or
(*b*) in debate, or
(*c*) in any question to a Minister including a supplementary question;

(2) matters awaiting or under adjudication in a civil court should not be referred to—

(*a*) in any motion (including a motion for leave to bring in a bill), or
(*b*) in debate, or
(*c*) in any question to a Minister including a supplementary question

from the time that the case has been set down for trial or otherwise brought before the court, as for example by notice of motion for an injunction; such matters may be referred to before such date unless it appears to the Chair that there is a real and substantial danger of prejudice to the trial of the case.

(3) Paragraphs (1) and (2) of this Resolution should have effect—

(*a*) in the case of a criminal case in courts of law, including courts martial, from the moment the law is set in motion by a charge being made;
(*b*) In the case of a civil case in courts of law, from the time that the case has been set down for trial or otherwise brought before the court, as for example by notice of motion for an injunction;
(*c*) in the case of any judicial body to which the House has referred a specific matter for decision and report, from the time when the resolution of the House is passed.

(4) Paragraphs (1) and (2) of this Resolution should cease to have effect—

(*a*) in the case of courts of law, when the verdict and sentence have been announced or judgment given, but resumed when notice of appeal is given until the appeal has been decided;
(*b*) in the case of courts martial, when the sentence of the court has been confirmed and promulgated, but resumed when the convicted man petitions the Army Council, the Air Council or the Board of Admiralty;
(*c*) in the case of any judicial body to which the House has expressly referred a specific matter for decision and report, as soon as the report is laid before the House. (*C.J.*, Vol. 218, p. 297.)

The Committee rejected any idea of committing the Finance Bill to a Standing Committee.

The other matters referred to the Committee did not call for any action by the House, except to approve certain amendments to the Standing Orders, which fulfilled the recommendations of the Committee.

In Session 1963-64 the Committee was not set up at the beginning of the Session, as in the previous year, but a number of problems affecting the public business of the House arose during the course of the Session, and the Committee was eventually appointed at the end of February. On this occasion the leader of the Liberal Party gave way to another member of his party.

Their first task was to consider a technical and complicated point relating to the form of the Defence Estimates. The Treasury had made certain proposals, designed to bring them more in line with the Civil Estimates. These proposals, slightly modified, had been agreed to by the Public Accounts and Estimates Committees, but both had pointed out that the changes affected to some extent the procedure of the House itself and recommended that the Select Committee on Procedure should consider this aspect of the proposals. The Committee did not feel able to endorse the Treasury's proposals, on the grounds that they diminished the rights of the House and its control over expenditure, and, in particular, the existing opportunities of backbenchers. They therefore recommended that the existing form of the Estimates should be continued in 1965-66. They did, however, also recommend that early in the next Parliament every aspect of the House's control over expenditure should be considered by a Select Committee. In a later Report the Committee also recommended that the House should authorise the release of Select Committee Reports to the Lobby Correspondents twenty-four hours in advance of publication, in order to give the Press more time to summarise and comment on the Reports.

There is little doubt that the Committee is a useful body and enables the House to deal with a number of minor, but nevertheless important, procedural problems with expedition. Before this Committee was set up, such matters usually had to wait, sometimes for years, until it was thought that the time had come for a major review of parliamentary procedure. There is, however, one feature of the

composition of this Committee, in which it differs from all other Committees on procedure, namely the nomination of the Leader of the House as a member of it and his subsequent election as Chairman. Heretofore, the Leader of the House has never been a member of a committee on procedure, but has appeared before it as a witness. As he is responsible for organising the proceedings in the House, and therefore no doubt has a number of ideas for improving procedure, it might well be thought that his presence at the Committee as a witness rather than as the Chairman would be preferable. It has certainly been so found in the past and there has been at least one occasion during the existence of the present type of Committee when it would also have been more convenient.

V. SERVICE CANDIDATES AT PARLIAMENTARY ELECTIONS, 1962-63

By A. A. BARRETT
A Senior Clerk in the House of Commons

One of the candidates at the Lincoln by-election in March, 1962, was a Captain Taylor, who had left the army a few days before in order to fight the election. His platform was simple: the need to re-introduce conscription to increase the manpower of the armed forces. He was far from successful, for he received a mere 412 of the 37,692 votes cast, but it soon appeared that the consequences of his action in leaving the army to contest an election might seriously reduce the numbers of servicemen.

At that time, for reasons which are not relevant to this account, the Service authorities were very reluctant to allow men to leave the armed forces. However, if a member of the forces wished to stand for Parliament, they invariably released him. This was because members of the armed forces were disqualified from membership of the House of Commons by the House of Commons Disqualification Act of 1957, and in order to contest an election they had first to leave the forces. The Service authorities, anxious to prevent servicemen from becoming actively engaged in politics while still serving had, by the Servants of the Crown (Parliamentary Candidature) Order 1960 and by Service regulations forbidden serving members of the armed forces to engage in any form of overt political activity. At the same time, being equally anxious to allow servicemen the same rights as other citizens wherever possible, they had in practice granted automatic release, so far as the exigencies of the Service allowed, to intending candidates. Thus, in spite of the general reluctance of the Services in 1962 to release their members for any reason, Captain Taylor was allowed to resign his commission. Even "the exigencies of the Service" were not, at that time, held to be more important than the rights of a citizen to contest an election if he wished.

Captain Taylor had discovered the one virtually certain means of getting out of the forces—in his case without any greater inconvenience than the loss of £150 deposit. Once he had shown the way, others were quick to follow. Hundreds of servicemen are believed to have applied for nomination forms for pending by-elections, although only a fraction of those actually applied to the Service authorities for release. Many of those who did so were probably

skilled tradesmen, such as electricians who, having learned their trades in the forces, wished to earn the higher wages available in civilian employment before their Service engagement had been completed.

For such non-commissioned servicemen there was an additional advantage in this method of obtaining release, because it was free, whereas a normal discharge, when it could be obtained, had to be purchased, at a cost of anything up to £250. Moreover, it was soon discovered that the serviceman, once released, was under no legal obligation to pay the £150 electoral deposit, or take any other step towards offering himself for election.

The Services were soon in danger of losing large numbers of very valuable men, and there was a real prospect that voters at by-elections would be faced with farcically long lists of candidates. The Government decided, in the interests both of the Services and of the electoral system, to suspend the practice of granting immediate release from the forces to intending parliamentary candidates.

This decision was announced in the House of Commons by the Home Secretary (Mr. Henry Brooke) on 18th December, 1962. It meant that, of all those who applied for release to contest an election, only those who could have obtained release on other grounds were actually allowed to go, and in appropriate cases other ranks had to purchase their discharge. At the same time the Home Secretary proposed that the Select Committee should be set up to consider the whole problem.

The Committee was appointed on 20th December, the day before the House rose for the Christmas adjournment, and set to work under the chairmanship of the Home Secretary himself with a great sense of urgency. Even when Committees are empowered to sit notwithstanding any adjournment of the House they rarely find it necessary to make use of this power. All the members of this Select Committee returned for the first meeting on 3rd January, however, despite the worst weather for a century. They found the problem referred to them extremely intractable, but the same sense of urgency led them to report to the House on 6th February. In their report they explained that, under the arrangements announced on 18th December, a *bona fide* application by a serviceman for release to contest an election would be refused unless he qualified for release on other grounds unconnected with parliamentary candidature. Whilst there was no evidence that such a situation had yet arisen, and the possibility of its arising might be slight, there was always a risk that a genuine applicant might be prevented from offering himself for election, and for that reason the arrangements announced on 18th December should be brought to an end.

The difficulty was to decide what should replace these arrangements. The problem was complex and if it were to be solved by legislation there would inevitably be delay. The Committee there-

fore proposed an immediate return to the system existing before 18th December, 1962, with one very important change, while they considered the fundamental questions at greater length.

The principal defect both of the arrangements which the Committee proposed to end and of those to which they proposed to return was that they failed to distinguish between *bona fide* applications and others. The Committee therefore recommended that the Home Secretary should set up an advisory committee to consider every application for release to contest a parliamentary election and to advise the appropriate Service Minister whether, in their opinion, the application was made in good faith. The actual decision to release an applicant remained with the Minister, and he and his officers would, of course, take into account the needs of the Service, as well as the advisory committee's report.

This proposal was severely criticised when it was debated in the House. Some Members regarded the advisory committee as a dangerous innovation, since they felt that it would be deciding whether a man was fit to present himself to the electors. In fact the committee's function was to advise the Service Ministers on the exercise of a power which they already possessed, and it was designed to help, rather than hinder, the release of genuine candidates. During the debate the complexity of the problem impressed itself on the House, which passed the resolution empowering the Home Secretary to set up the advisory committee, after the Leader of the House and the principal Opposition speaker had stated that it was not intended to be a permanent solution.

Meanwhile, the Select Committee continued their labours, but could discover no simple remedy. On 27th June they presented their final report to the House. In it they laid down two principles which they held to be fundamental to the relationship between the armed forces and the House of Commons. They were:

(1) That members of the forces should, so far as is consistent with the efficient functioning of the Services, enjoy the normal rights of the citizen; and
(2) that serving members of the armed forces should not become actively engaged in politics.

The arrangements existing before 18th December, 1962, reconciled these principles, but broke down in practice. The committee went on to examine these and also several other proposed solutions which involved some sacrifice of one or other of their fundamental principles.

Return to the arrangements announced on 18th December (treating applications in the same way as applications for release on other non-compassionate grounds). This, they said, had the advantage of being readily understood and simple to apply, but might deprive a

genuine applicant of the opportunity to stand for Parliament, perhaps for the remainder of his period of service.

Continuation of the current (advisory committee) procedure. This procedure had worked well in practice and reconciled the two principles better than any other new solution, but it could allow a bogus applicant to be released and a genuine one to be retained.

Return to arrangements in force before 18th December (immediate release). These had proved open to serious abuse, harmful to the Services and the electoral system.

Immediate release coupled with a financial sanction. The Committee considered various ways of compelling applicants to pay for their release, in order to deter those who did not really intend to stand for Parliament. These ways included purchase of discharge, repayment of extra pay which had been obtained by signing on for long periods of service, and compulsory offering of the electoral deposit. The Committee decided that the risk of an electoral deposit of £150 would not be a sufficient deterrent. As for the other proposals, it would be very difficult to fix a penalty which would not be ineffective against certain individuals and prohibitive against others.

Release on leave to contest elections. This proposal, which had been urged both in the Press and in Parliament, meant the complete abandonment of the second principle. It had been adopted during the war, and was appropriate for the citizen army of those days, but the Committee firmly believed that the regular army in peace-time should not become involved in politics.

Transfer to a reserve. They considered that if servicemen were to be granted temporary release to contest elections, it should be by means of transfer to a special reserve, which would leave the Service Departments free to recall unsuccessful candidates after elections or not, as they thought fit. They outlined a possible scheme which was, of necessity, complicated.

The Committee's final conclusion was that the choice before the House lay between three of the proposals which they had examined. These were: a return to the arrangements introduced on 18th December, the continuation of the advisory committee system, and the introduction of a scheme for transfer to a reserve. It could be argued against the first of these that it might penalise the genuine applicant, and against the third that it could involve members of the armed forces in political activities, although the Committee had made every effort in their scheme to reduce this danger to a minimum. The advisory committee procedure seemed least objectionable in principle. It was less restrictive than the first proposal and a great deal simpler than the third. They therefore recommended that before coming to a final decision the House should give the current arrangements a further period of trial.

The Report included a short account of the work of the advisory committee, which was under the chairmanship of a Queen's Counsel and included another well-known Q.C. and a number of public figures who had formerly been eminent in politics. Up to the 27th June they had held ten meetings for the purpose of interviewing servicemen. They had dealt with 35 applications (15 from the Navy, 6 from the Army and 14 from the Air Force) and no further applications then awaited consideration. They were satisfied of the genuine nature of only one of these applications. In fact he was released from the Army, but subsequently announced that he had decided not to contest the by-election.

The most interesting point about these figures is that they are so small. It would appear that the mere setting up of the advisory committee had drastically reduced the numbers of those who were seriously considering resort to this expedient for getting out of the forces. In this respect the new procedure had been strikingly successful. At the same time the Press, which had previously given great publicity to what it called the "Army Game", began to lose interest. The Select Committee's report was published shortly before the summer adjournment and was not debated in the House. The advisory committee has therefore continued in existence, but it is unlikely that it has had more than a handful of cases to consider. For practical purposes the problem has ceased to exist. The Select Committee's basic dilemma remains unresolved, however, and it seems unlikely that any Government would willingly seek to determine by legislation the proper balance between the need to maintain non-political armed forces and the need to preserve rights of the members of those forces. If the advisory committee procedure continues, it will not be the first time that a temporary expedient has become permanently established, because to attempt to lay down fundamental principles and give them precise legislative effect would create more problems than it would solve.

VI. RELATIONS BETWEEN THE TWO HOUSES: LORD HAILSHAM ATTACKED IN THE COMMONS

An incipient tension between the Lords and Commons arose at the time that the "Profumo Affair" was occupying Parliament. On Thursday, 13th June, 1963, Viscount Hailsham, Lord President of the Council, Minister for Science, and Leader of the House of Lords, appeared on a television programme at which the debate on Security, arising out of Mr. Profumo's resignation, and which was to take place in the Commons the following Monday, was under discussion. In the course of the discussion Lord Hailsham asserted that this was a non-party matter and that the three-line whip issued by his party was, as were all three-line whips, not a direction as to how to vote, but a summons to attend the House.

In the debate in the Commons the next Monday, Mr. Wigg, Member for Dudley, referred to the television programme and said:

> How typical of the Tory Party! Lord Hailsham is put on to broadcast. He is a great actor. He seethes with moral indignation. He is the great champion of truth. He claims this to be a non-party matter—the object being to try to make out that we on this side of the House have played party politics. Then suddenly he is in a jam. For a split second he finds himself in exactly the same jam as John Profumo found himself. Someone asked him, "What about the Three-line Whip?" He could have said, "You have caught me", but he did exactly the same as John Profumo did. He lied. There is not a right hon. or hon. Gentleman on either side of the House who accepts Lord Hailsham's interpretation of what a Three-line Whip means. The Three-line Whip is the final appeal to loyalty on party lines, and Lord Hailsham knows it. Whether I am in order or not, I call Lord Hailsham a lying humbug. (*Hon. Members:* Hear, hear.) (*Com. Hans.*, Vol. 679, c. 100.)

Later in the same debate, Mr. Paget, Member for Northampton, recurred to this topic in these words:

> From Lord Hailsham we have had a virtuoso performance in the art of kicking a fallen friend in the guts. (*Interruption.*) It is easy to compound the sins that we are inclined to by damning those we have no mind to. When self-indulgence has reduced a man to the shape of Lord Hailsham, sexual continence involves no more than a sense of the ridiculous. (*Interruption.*) . . . The moment he was cornered, by being asked about the Three-line Whip, what did he do? He told a lie. (*Interruption.*) . . . My right hon. Friend the Member for Dudley was right in saying that this was lying humbug. (*Ibid.*, c. 151.)

Three days later Viscount Hailsham made a personal statement in the Lords:

Last Thursday, in the course of a television interview, I stated that a Party Whip was not a direction as to how to vote, but a summons to attend. I have been a Member of one House of Parliament or another now for 25 years and this has not only been my own understanding of the position but has accorded with my actual practice. A direction how to vote would be, I conceive, a direct contempt of either House, and certainly the Party I belong to has always taken that view. Monday's vote in another place confirmed my opinion since it is reported in the Press that a number of my own Party who attended did not vote. However that may be, I am not concerned to justify my opinion as correct so much as to vindicate it as sincere.

I have always understood that it was the accepted practice in each House, as a matter of reciprocal comity, to accord to the Members of another place the same protection from abuse, un-Parliamentary expressions and imputations of motive as they accorded to their own Members. May I say I regard this as a right and proper practice? But its value and validity depend largely upon its reciprocity.

I noticed therefore with distress in the reports of the debate in another place on Monday that it appeared that an individual Member of the Commons House was reported as describing myself in terms which, if they had been used in relation to a Member of that House, would, I think, without doubt, have been considered a gross breach of Parliamentary order, and that he said that he proposed to make use of these words, whether they were in order or not. This particular phrase was merely the culmination of a sustained personal attack in which several similar phrases were used, and the phrase together with other and even more offensive matter was again employed by another Member later in the debate. It will be noticed that these attacks were not attacks upon my broadcast, but upon me personally. To use of a man the language applied to me is not to attack a particular utterance, but an attack upon the man himself in all his capacities, and to traduce his personal integrity in all of them, as a man, a Minister, or a Member of Parliament.

My Lords, I would not complain only for myself, although I frankly resent this unjustifiable attack, but I consider that the implications to the comity of both Houses of Parliament are so serious that I feel I must draw it to the attention of your Lordships. Accordingly I have thought it was my duty to make this protest to your Lordships against a breach of what I have always felt to be a long-standing Parliamentary tradition.

My Lords, I would be the last to seek to do anything which might impair the relationship between the two Houses. Despite my own feelings in the matter, therefore, I do not propose to take it further. I think, however, that your Lordships would consider it in this House proper to intervene if such an expression were used here in relation to a Member of another place. (*Lords Hans.*, Vol. 250, c. 1371-2.)

This statement led to comment from both sides of the House, some agreeing, some disagreeing, with Viscount Hailsham's assertion as to the function of a three-line whip. What, however, chiefly concerned those who spoke was the effect of the whole matter on the relations between the two Houses.

Earl Alexander of Hillsborough (Labour Leader in the Lords) gave expression to this concern:

We on these Benches are concerned above everything else that good relations should be maintained between the two Houses. That is what is fundamental. This is why I raised the first point. The statement that was made by the noble and learned Viscount in the broadcast was made outside the House; but the other statement complained of was made inside another place; and even in the very last sentence the noble and learned Viscount

used, when he said what would have been our action, there was an implication against the manner in which the Rules of Order were conducted in another place. It is a very serious position for us to be in. I regret, therefore, that perhaps some other means could not have been obtained by the noble and learned Viscount, as Leader of the House, in maintaining the good relations between the two Houses. I wish some other means had been found to make his views known, and perhaps, with their permission, those of many of his colleagues, to make a repetition of the kind of thing that he complains of not likely to happen. (*Lords Hans.*, Vol. 250, c. 1374.)

Lord Rea (Leader of the Liberals in the Lords) echoed this concern:

The second point concerns the behaviour of the two Houses and their relationship to each other. There is no actual written law, but we can call *Erskine May* a very sound and useful guidance to both Houses about their relations to each other. I am quite sure that if in this House those guidances for good behaviour were ignored by any Member of this House, the matter would be taken up in this House, and, no doubt, under the leadership of the noble and learned Viscount. It is only convention. If something should go wrong, or appear to go wrong, or be said to have gone wrong, in another place, it does not seem to me quite appropriate that we in this House should draw attention to this matter. We should let it go. (*Ibid.*, c. 1375.)

as did Lord Morrison of Lambeth:

I think it is a matter of national and constitutional importance that the relations between the two Houses should be good. And I come back again to the point that the original statement of the Leader of the House—which he had a perfect right to make—was on television; that these other observations, which I personally would not have made, were made in the House of Commons. It seems to me that at that point, in order to keep up tradition, it would have been wise for the Leader of the House not to follow the example of the two honourable Members in another place, but instead—a course in regard to which he would have got, equally effectively the publicity to which he is entitled—he could have issued a Press statement. That would have met the case without breaking the traditions of the two Houses in this respect, which I think it is a pity the Leader of the House of Lords should do. (*Ibid.*, c. 1379.)

The Marquess of Salisbury quoted the rule stated by the then Earl of Home, when Leader of the House, on 5th May, 1959:

Perhaps, if the House agrees, I might summarise the present practice as follows. The limit on quoting applies only to the current Session, and, as to this, it is out of order to quote from a speech of a Member of the House of Commons unless it be a ministerial statement of Government policy; and the content of a speech in the House of Commons may be summarised, but no private Member of the House of Commons may be mentioned by name by way of criticism. (*Lords. Hans.*, Vol. 216, c. 66.)

Lord Salisbury went on:

The Leader of the House very carefully did not mention the name of the Member in question, nor did he quote his words, and I am certainly not going to do so myself; but I think there is no doubt that words were probably used which he would not have been allowed to use if he had been referring to a Member of his own House.

Several Noble Lords: Hear, hear!

If that is true, I do not say that it is constitutionally impossible or anything of that kind, but I think that is a very undesirable precedent. If we once all of us began to use language about Members of another place which we should not be able with any propriety to use of Members in our own House, I think that it would exacerbate the relationship between the two Houses. I do not care if the whole of this thing arises from something that was said originally outside. The point is that something was said in one of the Houses about a Member of the other House which he would not have been allowed to say about a Member of his own House. I think that is a great pity, and I think we should all agree that the less that happens in this respect the better for Parliament. (*Lords Hans.*, Vol. 250, c. 1381.)

and was supported by Lord Ailwyn:

My Lords, perhaps your Lordships will allow a humble but very ancient Back-Bencher to register his profound regret and real dismay that certain intemperate and really outrageous remarks by two Members of another place, in virulent criticism of my noble and learned friend the Leader of the House, were allowed to pass last Monday unchallenged. The grossness of the language used constituted, in my view, a flagrant impropriety, and I can recall no more deplorable episode touching the decencies of relations between the two Houses in all the twenty-seven years that I have been privileged to sit in your Lordships' House. (*Lords Hans.*, Vol. 250, c. 1382.)

The Lords left the matter there, but on the following Sunday, a newspaper claimed that Viscount Hailsham had corresponded with the Speaker, and on the Monday Mr. Michael Foot, Member for Ebbw Vale, made this complaint of Privilege in the Commons:

I wish to raise with you, Mr. Speaker, at the first available opportunity, a matter which may involve an issue of the privileges of the House of Commons.

The passage to which I refer appeared in the *Sunday Telegraph* yesterday, 23rd June, and read as follows:

> " Lord Hailsham's personal statement in the Lords on Thursday was not, I am told, his first counter-charge to the attacks made on him in the Commons on Monday. Earlier in the week he had written a private letter to the Speaker. It was apparently on failing to receive a satisfactory answer that he determined to follow a precedent going back to 1922. For a Member of one House to make his displeasure felt to the Speaker of another is, I imagine, unique."

To relate the passage in the newspaper to the general statement about privileges of the House which appears on page 45 of *Erskine May*, I will quote from Erskine May:

> " Speaker's Petition.—At the commencement of every Parliament it has been the custom for the Speaker, ' in the name, and on behalf of the Commons, to lay claim by humble petition to their ancient and undoubted rights and privileges: particularly that their persons (their estates and servants) may be free from arrests and all molestations; that they may enjoy liberty of speech in all their debates;' "

If the statement which appeared in the passage which I have read from the *Sunday Telegraph* is untrue, and if no such letter was ever despatched, then it seems to me that an early opportunity should be taken of making that fact generally known, and my raising the matter in this way may be a convenient opportunity for that to be done. But if, on the other hand, the statement

which appeared in the *Sunday Telegraph* is true, and if a letter was sent to you in terms even approximating to those described here, then it seems to me that a very serious issue arises. For the only judge of how the liberties of speech in this House shall be exercised is you, Sir, and the only people who are entitled to express displeasure about it are Members of this House. As the House knows, that is done only on the very rarest of occasions, and when it is done it has to be done in the open by means of a substantive Motion. There is no other way in which a criticism could be made.

But if someone outside this House were to express displeasure with a Ruling in this House, or the way in which liberty of speech has been exercised, if it were to be done by anybody it would be serious enough, but if it is done by a person of some eminence in another place, then it seems to me that the matter is all the more serious; and if the person is not only of some eminence, but is also a Minister of the Government, that adds further still to the offence which might have to be considered.

Personally, I am always in favour of being very sparing in invoking questions of privilege, but if this House were to let pass a statement of this nature it might set a most dangerous precedent because it might be supposed that anybody could write to Mr. Speaker from another place or else criticising the conduct of business in this House. I therefore submit to you that a *prima facie* issue of privilege arises. (*Com. Hans.*, Vol. 679, cc. 949-50.)

A copy of the newspaper was handed in and Mr. Speaker undertook to rule on the matter the next day. On Mr. Wigg asking that the letters, if written, be made available to the House, Mr. Speaker added:

I realise the difficulty here. I have no wish to do anything but share all my information with my fellow Members. The noble Lord did write to me, and I wrote to him, and he wrote to me. Those three letters were each of them private and personal. I hope that I may say this clearly. As far as I am concerned, let us not have any imagined mysteries about it. I am utterly content that all the world should know the contents of them save on one point—that if we cannot, in public life, write private and personal letters to one another, then very serious inconvenience must arise.

No one is to say that by labelling one's correspondence in some way one may perpetrate an abuse, but it is necessary to think how much private and personal letters should be made public property in the interests of all. (*Com. Hans.*, Vol. 679, c. 951.)

The next day Mr. Speaker gave his ruling:

In my view, neither of the letters which I received from Lord Hailsham, which were personal and private letters, in any way infringed the privileges of this House, and my conclusion, therefore, is that the hon. Gentleman's complaint does not, *prima facie*, raise a matter of breach of privilege. . . .

I was asked to consider whether I would make available the letters, so that the House could judge. The difficulty is obvious, and I have given prolonged and anxious consideration to my duty. In this matter, as in all others, I am the servant of the House and take the direction of the House if and when it should be given to me, but I would ask to be acquitted of any sort of discourtesy if I said that unless so directed I would decline to make public a part of my personal and private correspondence.

The fact is that we all, as Members of this House, have to receive from time to time communications in circumstances of confidence. I myself receive them from time to time from hon. Members, officers, officials, members of the other House, and so forth. It seems to me to be a necessary part of our

parliamentary life that one should be able to do so. Therefore, until the House otherwise me directs, I would not think my duty required me to do that which would destroy the confidence in which such communications are made. (*Ibid.*, c. 1134-5)

Various Members while accepting that there was no *prima facie* case of breach of privilege by the newspaper, yet zealous for the dignity of the House, pressed that letters written to the Speaker relating to the business of the House, however endorsed, could only be official. If they contained any reflection on, or attempt to interfere with, the Speaker's conduct in the Chair, it would be an unwarrantable interference with the House. In any case, now that their existence had been made known to the Press. presumably by their sender, they were no longer confidential on that score.

Mr. Speaker held to his view that the letters were confidential, and that while he would be content to make them available if requested so to do by the House, he would not otherwise disclose them. He did not accept the view that the newspaper disclosures altered the position. He did, however, permit greater latitude than usual in probing his ruling since the:

subject matter on which the House has to judge is exclusively in my possession. Proud as I am of myself, I do not like to wander forth saying, "Accept my pronouncement exclusively, without any check on it." That would not be very sensible, and that is why we are looking at it. (*Com. Hans.*, Vol. 679, c. 1142.)

In the event, no motion requesting Mr. Speaker to disclose the letters was put down and neither House pursued the matter further.

VII. THE PROFUMO AFFAIR: SOME ASPECTS OF PRIVILEGE AND PROCEDURE

The security and moral aspects of the Profumo affair have been fully canvassed elsewhere and fall outside the ambit of THE TABLE. It administered at the same time so severe a jolt to accepted privileges and procedures of the House of Commons that, in the end, in the words of one Member, "the House of Commons now finds itself that it feels almost unanimously the necessity of putting on the Order Paper, and passing unanimously, a Motion which I should have thought was unnecessary to be argued or restated".

The matter was first brought before the House on 20th March, 1963, when the Consolidated Fund Bill was being read a second time. Late that night three Opposition Members referred to the rumours, then current, and which they thought the Press, inhibited by the libel laws and the aftermath of the Vassall case, were reluctant publicly to probe. Mr. Wigg, Member for Dudley, expressed it thus:

> There is not an hon. Member in the House, nor a journalist in the Press Gallery nor do I believe there is a person in the Public Gallery who, in the last few days has not heard rumour upon rumour involving a member of the Government Front Bench. The Press has got as near as it could—it has shown itself willing to wound but afraid to strike. . . .
>
> That being the case, I rightly use the Privilege of the House of Commons—that is what it is given to me for—to ask the Home Secretary, who is the senior member of the Government on the Treasury Bench now, to go to the Dispatch Box—he knows that the rumour to which I refer relates to Miss Christine Keeler and Miss Davies and a shooting by a West Indian—and, on behalf of the Government, categorically deny the truth of these rumours. On the other hand, if there is anything in them, I urge him to ask the Prime Minister to do what was not done in the Vassall case—set up a Select Committee so that these things can be dissipated, and the honour of the Minister concerned freed from the imputations and innuendoes that are being spread at the present time.
>
> It is no good for a democratic State that rumours of this kind should spread and be inflated, and go on. Everyone knows what I am referring to, but up to now nobody has brought the matter into the open. I believe that the Vassall Tribunal need never have been set up had the nettle been firmly grasped much earlier on. We have lost some time, and I plead with the Home Secretary to use that Dispatch Box to clear up all the mystery and speculation over this particular case. (*Com. Hans.*, Vol. 674, c. 725.)

He was supported by Mr. Crossman and Mrs. Castle, who specifically referred to the rumour that Mr. Profumo was cognisant of

Miss Keeler's whereabouts when she failed to attend court as a witness.

Mr. Brooke, the Home Secretary, declined to entertain the matter.

I do not propose to comment on rumours which have been raised under the cloak of Privilege and safe from any action at law. The hon. Member for Dudley (Mr. Wigg) and the hon. Member for Blackburn (Mrs. Castle) should seek other means of making these insinuations if they are prepared to substantiate them. (*Ibid.*, c. 758.)

The subsequent events of that night are fully described in Lord Denning's Report. (Cmnd. 2152, pp. 54-60.) In brief, five Ministers who were present in the House, or directly concerned, met after the debate and decided that, since Mr. Profumo denied the rumours and was waiting for an opportunity to bring a libel action, he should make a personal statement the next morning, to scotch the rumours as soon as possible.

Accordingly, Mr. Profumo was, with his solicitor, summoned to the House, and a draft statement was drawn up by the Attorney General, the Solicitor General and Mr. Profumo's solicitor. This was read to all present and agreed to by Mr. Profumo.

When the House met on Friday, 22nd March, Mr. Profumo made the following personal statement:

I understand that in the debate on the Consolidated Fund Bill last night, under protection of parliamentary privilege, the hon. Gentlemen the Members for Dudley (Mr. Wigg) and for Coventry East (Mr. Crossman) and the hon. Lady the Member for Blackburn (Mrs. Castle), opposite, spoke of rumours connecting a Minister with a Miss Keeler and a recent trial at the Central Criminal court. It was alleged that people in high places have been responsible for concealing information concerning the disappearance of a witness and the perversion of justice.

I understand that my name has been connected with the rumours about the disappearance of Miss Keeler.

I would like to take this opportunity of making a personal statement about these matters.

I last saw Miss Keeler in December, 1961, and I have not seen her since. I have no idea where she is now. Any suggestion that I was in any way connected with or responsible for her absence from the trial at the Old Bailey is wholly and completely untrue.

My wife and I first met Miss Keeler at a house party in July, 1961, at Cliveden. Among a number of people there was Dr. Stephen Ward, whom we already knew slightly, and a Mr. Ivanov, who was an attaché at the Russian Embassy.

The only other occasion that my wife or I met Mr. Ivanov was for a moment at the official reception for Major Gagarin at the Soviet Embassy.

My wife and I had a standing invitation to visit Dr. Ward.

Between July and December, 1961, I met Miss Keeler on about half a dozen occasions at Dr. Ward's flat, when I called to see him and his friends. Miss Keeler and I were on friendly terms. There was no impropriety whatsoever in my acquaintanceship with Miss Keeler.

Mr. Speaker, I have made this personal statement because of what was said in the House last evening by the three hon. Members, and which, of course, was protected by privilege. I shall not hesitate to issue writs for libel and slander if scandalous allegations are made or repeated outside the House. (*Ibid.*, cc. 809-10.)

This statement stifled overt expression of the rumours but did not scotch them. Two Questions relating to them were put down by Opposition Members, but withdrawn. Finally, on 4th June, Mr. Profumo acknowledged that, in refuting rumours accusing him of a breach of security, and of the disappearance of a witness (which he has always denied), he had, in what seemed to him a lesser matter, misled the House in regard to his personal relationship to Miss Keeler. He resigned from the Government and the House. He was removed from the Privy Council.

The House was then adjourned for the Whitsun recess. When it next met, on 17th June, it immediately debated, at the instance of the Opposition, the security aspects of the affair.*

At the outset, Mr. Wilson, the Leader of the Opposition, stated the affront to the House which the personal statement represented:

> What concerns us directly is that the former Secretary of State for War, faced with rumours and innuendo that could not be ignored, chose deliberately to lie to this House, and in circumstances in which this House allows freedom of personal statement without question or debate on the premise that what is said is said in good faith. (*Com. Hans.*, Vol. 679, c. 35.)

It was felt that this affront to the House could not be allowed to pass without formal censure. Accordingly, three days later, Mr. Ian Macleod, then Leader of the House and Chairman of the Committee of Privileges, moved:

> That Mr. John Profumo, in making a personal statement to this House on 22nd March, 1963, which contained words which he later admitted not to be true, was guilty of a grave contempt of this House.

with these words

> We are concerned with a matter of privilege and it is as Leader of the House that I put this Motion before the House of Commons.
>
> It arises out of the statement made by Mr. Profumo on 22nd March and his subsequent admission that part of that statement was untrue. It follows, as the Leader of the Opposition pointed out on Monday, that there is a clear contempt of the House of Commons and it is right that, quite apart from any debate, we should find a formal way of recording the censure of the House.
>
> There is one other matter which has been raised by the hon. Member for Dudley (Mr. Wigg). This was that the words, twice repeated in the statement, " under protection of parliamentary privilege" were tendentious in a statement which, in the usual way, had been shown to Mr. Speaker. In the light of what has since been learned, I think that the House will agree that this is so.
>
> I do not think that this is the appropriate occasion to add further censure or comment on what has been said. I accordingly advise the House that we record our displeasure.

Mr. George Brown, Deputy Leader of the Opposition, supported the motion, and also added:

* This debate also contained the attack on the then Viscount Hailsham, which led to the stress between the two Houses, described on pp. 44-49.

Mr. Profumo's statement purported to be a personal statement, but when one listened to what the Leader of the House said, as recorded in col. 166 of *Hansard* for 17th June, it seemed very much more like a statement which was, in fact, written for the then Secretary of State by Ministers which he was then persuaded to make because Ministers thought that it would be convenient and proper, or whatever the word is, for everyone that he should do so. The other lesson that we have to learn from all this is that it is an abuse of the procedure of personal statements. (*Ibid.*, cc. 655-56.)

After a few other short interventions the Question was put and agreed to. Mr. Charles Pannell then rose on a point of order, the Speaker having asked him to defer it until then. Mr. Pannell was concerned about the procedure for personal statements. He alluded to the fact that personal statements could only be made after they had been submitted to, and approved by, the Chair.

He believed

that the last paragraph of the personal statement which we were dealing with went beyond what is allowed in a personal statement.

The rule is, in effect, that Members making personal statements should not be able to threaten other Members or other people. (*Ibid.*, c. 666.)

He asked the Speaker to look at the matter.

Mr. Speaker did not think a point of order arose. Any suggestion for the better control of personal statements could, if properly tabled, be considered by the Committee on Procedure. He understood what Mr. Pannell was seeking to say and would, of course, consider it. There the matter rests.

VIII. SERVICE OF PROCESS WITHIN THE PRECINCTS OF PARLIAMENT:

Answers to Questionnaire

The questionnaire for Volume XXXII asked the following questions:

"(*a*) How far does Parliamentary privilege restrict the service of any form of process (writs, etc.) within the precincts of the House?

(*b*) What is the extent of the precincts of the House for this purpose?"

No clear answer ran through the replies, which revealed a wide discrepancy of practice, though there seemed to be a tendency to follow the practice of the House of Commons in England.

In quite a number of cases there are no standing orders, precedents or rulings on this point which could be found. In the opinion of some correspondents, steps would be taken to avoid any difficulty by arranging to serve the writ outside the precincts of the House. In the list which follows no entry is made in the case of those countries in which there are no precedents or rules.

In cases where answers to the questionnaire have shown that the "precincts" are co-terminous with the Parliament House buildings no mention is made of it in this article: only where the reply indicates some surprising definition has this been noted.

United Kingdom

In the House of Lords the position is partly obscured by Privilege of Peerage which gives the Peers some form of privilege from arrest or molestation, as has recently been shown to be the case in *Stourton* v. *Stourton*, [1963] 2 W.L.R. 397. However,

for members of the House of Lords privilege of Parliament is broadly the same as that enjoyed by members of the House of Commons. This privilege was a protection afforded by the Crown to enable members of Parliament freely and properly to exercise their duties. In 1705 the House of Lords resolved that neither House had power to create any new privilege (*L.J.*, 17, p. 677). This Resolution was communicated to the Commons at a conference and agreed to by them (*C.J.*, 1702-4, pp. 555, 560). At present both Houses of Parliament claim that privilege of Parliament belongs to and is exercised by them. It consists of—

(1) Freedom from interference in going to, attending at and going away from Parliament. Traditionally this privilege extends from forty days before until forty days after the Session, and it may cover any form of molestation or interference with a member while he is carrying out his parliamentary duties, which are fairly narrowly defined. This privilege covers any form of arrest or detention, except on a criminal charge, or for refusing to give security for the peace, or for a criminal contempt of court. Notification of any order for the imprisonment or restraint of a Lord of Parliament should be given to the House by the court or authority ordering such restraint or imprisonment (Standing Order No. 71).
(2) Freedom of speech. . . .
(3) Each House is also the guardian of its dignity, and may punish any insult to the House as a whole.

A breach of any of these three branches of privilege is a contempt of the House, and is punishable by reprimand, fine or imprisonment. Periods of imprisonment imposed by the House of Lords do not end at the prorogation of Parliament.

Parliamentary privilege in general extends to the Officers of the House in the carrying out of their duties as such. It also extends to witnesses attending to give evidence.

There is also a certain privilege attaching to the Palace of Westminster. The origin of this privilege is uncertain but it has been interpreted to mean that no summons may be served, or any form of distress carried out, in the Palace, at any rate while Parliament is sitting. (*Companion to the Standing Orders and Guide to the Proceedings of the House of Lords* (1963), pp. 51-3.)

In the House of Commons the extent of privilege in this respect is complicated and is treated in *Erskine May* on a number of pages of which the most succinct extract is given as follows: [1]

Other acts besides words spoken or writings published reflecting upon either House or its proceedings which, though they do not tend directly to obstruct or impede either House in the performance of its functions, yet have a tendency to produce this result indirectly by bringing such House into odium, contempt or ridicule or by lowering its authority may constitute contempts.

The following are instances of this type of contempt:

> Serving or executing civil or criminal process within the precincts of either House while the House is sitting without obtaining the leave of the House (*Henderson's case*, H.C. 31 (1945-46); see also *Bush's case*, L.J. (1685-91) 298, 301; *Bell's case*, Parl. Deb. (1827) 17, c. 34; and *cf.* H.C. 101, p. 23 (1938-39)). No breach of privilege is, however, involved in the service of criminal process after notice has been given of a motion relating to the circumstances of the alleged offence, provided that the occasion of the service does not otherwise constitute a contempt (H.C. 244 (1950-51); C.J. (1950-51) 319). (Erskine May, *Parliamentary Practice*, 17th edition, p. 120.)

Jersey

There are no Standing Orders regarding the service of any form of process, but if it became necessary to do so the process would be served outside the building.

Newfoundland

Service of process is not allowed within the precincts of the House of Assembly.

Australia: House of Representatives

(*a*) Section 49 of the Constitution states that the powers, privileges, and immunities of the Senate and of the House of Representatives, and of the Members and the committees of each House, shall be such as are declared by Parliament, and until declared, shall be those of the Commons House of Parliament of the United Kingdom, and of its Members and committees, at the establishment of the Commonwealth.

(*b*) There is no recorded precedent establishing the precincts of the House.

Queensland: Legislative Assembly

A statement by Mr. Speaker Eliott on 19th September, 1867, appears to be the only occasion on which this matter was raised in the House:

Mr. Groom said . . . that when the House met on the afternoon prior to the late adjournment, he was sitting in the Library, and a clerk from one of the solicitor's offices in town entered, and, producing from his pocket a number of law papers, forthwith served a garnishee summons on him (Mr. Groom) as representing the municipality of Toowoomba, at the instance of the Bank of New South Wales, in a case against a contractor named Martindale, for which the corporation was made garnishee. The Librarian told the clerk that he had no right to enter within the precincts of the House and serve a Member of Parliament with any legal process; but in spite of that officer, the person still persisted in serving process. He (Mr. Groom) believed that, according to parliamentary practice, all members *during session*, and within the precincts of the House, were free from molestation by legal process of any kind. It was in order to ascertain whether members were to be protected in the performance of their public duties, that he now brought the question before the House. His case might any day be that of any other honourable member who, at the head of any banking establishment or corporation, held public moneys. There seemed to be an opinion current, that any process of the Supreme Court was competent to upset the jurisdiction of the House, or the privileges of honourable members. As a guide for the future, he desired to have the Speaker's opinion, in order that legal gentlemen might know whether honourable members had privileges or not. He would not attempt to dictate to the House, but, in looking over " May's Practice of Parliament ", he thought he could discover that the House had privileges, and that, within the precincts of the House, no honourable member could be served with legal process.

Speaker Eliott was not prepared to say that this was an actual breach of the privileges of the House; but it approached as nearly to one as it could. He thought the practice was one to which a stop ought to be put with as little delay as possible. He was glad the honourable member had brought the case forward; for the House ought most decidedly set their faces against the service of process of any kind on honourable members within the precincts of the House or its approaches. He was not sure it was included in those cases contemplated in the rule laid down:

> " Such are, among others, indignities to the character or obstructions to the proceedings of either House; assaulting, obstructing, insulting, or menacing any member in his coming to or going from the House; so, the endeavour to compel members by force, to declare themselves in favor of, or against, any proposition."

It was very near those described, at all events. (*Hansard*, pp. 154-5.)

In recent years it has been the practice for Members to arrange to accept service of writs, etc., outside the Parliamentary grounds.

The Precincts of the House were defined in Standing Order No. 125 which reads:

> When a Member is suspended from the service of the House, he shall be excluded from the House, from all rooms in the Parliamentary Buildings, from the Building known as the Parliamentary "Lodge", and from the grounds upon which and in which the Parliamentary Buildings and the "Lodge", or either of them stand.

Western Australia

No particular restriction concerning the service of process within the precincts of the House is contained in the Parliamentary Privileges Act, and this would be covered in the general provisions of the Act, that the privileges, immunities and powers of the two Houses are the same as those enjoyed and exercised by the House of Commons of Great Britain.

The precincts of the House have always been regarded as "within the building".

New South Wales: Legislative Assembly

There does not exist in New South Wales a Parliamentary Privileges Act defining the privileges of Parliament. There is, however, a generally recognised and traditional practice that legal process should not be served upon any Member of the Legislature while he is on the parliamentary premises or within the precincts. The extent of the precincts for this purpose includes the whole of the buildings and grounds of the establishment.

On 18th November, 1920, the Legislative Assembly had before it, as a matter of privilege, a Motion moved by Mr. Bavin relating to the service upon him of a subpoena to appear as a witness before the Royal Commission on the adequacy of Salaries of Members and Ministers of the Crown, and the House on that occasion negatived the Motion, viz., that the service of the subpoena constituted a grave breach of privilege. Mr. Bavin had not been served with the subpoena at the House, however, and, although other Members evidently had been served with similar subpoenas within the precincts, the matter of privilege primarily raised was the compulsion to attend the Commission under threat of punishment.

In 1948 Mr. Speaker Lamb received a subpoena at Parliament House to attend Central Police Court to give evidence in a civil case. The subpoena had been transmitted by post by a firm of solicitors under cover of a letter. There was considerable doubt whether the method of "service" chosen constituted valid service of the subpoena and consideration was given by the Speaker to whether or not the action amounted to a breach of the privileges of Parliament.

The Crown Solicitor agreed that, although the privileges of Members of Parliament in relation to the service of legal process had not been defined by legislation, there was an undeniable Parliamentary tradition in New South Wales which recognised that at least it would be a very unwise proceeding to choose the Parliamentary premises as the place for the service upon a Member of any legal process.

The Crown Solicitor advised that: (1) the attention of the firm of solicitors should be drawn to the fact that they had purported to serve the subpoena upon the Speaker at Parliament House by transmitting it by post, and that if this action constituted service, it might be necessary to consider whether it amounted to a breach of the privileges of Parliament; and (2) the subpoena should be returned to the solicitors with an intimation that Mr. Speaker was prepared to give an undertaking to attend the court on the appointed day.

This advice was followed and the subpoena returned.

New South Wales: Legislative Council

Parliamentary privilege, as applied in the United Kingdom, and which has been enacted in the Commonwealth of Australia, and Victoria, does not apply in New South Wales, except as has been embodied in some particular legislation, *e.g.*, "Defamation Act". Bills to enact privilege have been introduced on five occasions, but all have failed to pass.

There have been a number of occasions when officers of the House have been served with some form of process, to produce records. Legislative Council Standing Order No. 17 reads:

> The custody of the Minutes of Proceedings, Records, and all documents whatsoever laid before the House, shall be in the Clerk, who shall neither take, nor permit to be taken, any such Minutes, Records, or Documents, from the Chamber or Officers, without the express leave or order of the House.

A case occurred on 8th March, 1876, when the President informed the House that the Clerk of the Parliaments had been subpoenaed to attend at the District Court, Sydney, in a case *Waverley* v. *Sydney*, and there to produce the Abstract of Lands set apart for Religious and Other Purposes, presented to Parliament on 16th August, 1866. A Motion was then agreed to that the Clerk have leave to comply with the said subpoena personally or by one of the officers of his department, as may be most convenient to the business of the House. Further cases of a similar nature have occurred in 1895, 1905, 1906, 1930, and 1931.

In 1933, the President informed the House that he had been served with a Statement of Claim in the suit *Doyle* v. *the Attorney-General and Others*, relating to the validity of certain legislation affecting the Legislative Council instituted in the Equity jurisdiction of the Supreme Court of New South Wales.

It is presumed in all the above cases the process was served at Parliament House, but the precincts of the House have never been defined.

South Australia

There are no Standing Orders or precedents covering this point and under Standing Order No. 1 the English House of Commons procedure would apply.

Northern Territory

Section 7 of the Legislative Council (Powers and Privileges) Ordinance 1963 provides:

7. (1) A person shall not on any day in respect of which this section applies, within the precincts of the Council

(*a*) serve or tender for service or execute any writ, summons, warrant, order or other process issued by or with the authority of any court or otherwise in accordance with any law of the Territory or

(*b*) except as authorized by section seventeen of this Ordinance, arrest another person.

(2) This section applies in respect of

(*a*) a day fixed by resolution of the Council or otherwise to be a day on which the Council will sit;

(*b*) a day fixed by a committee to be a day on which the committee will sit.

The precincts for this purpose are defined in a schedule to the Ordinance and include all buildings and the grounds of the Council.

Tasmania: Legislative Council

In the absence of written rules, and any precedent, under S.O. No. 1, the practice of the English House of Commons would apply.

Tasmania: House of Assembly

No question regarding this matter has ever been raised in the Tasmanian Parliament. The House would not extend protection against the service of a writ within the precincts of the House if it were concerned with a criminal charge. The position might be different in the case of a civil process.

South Australia: House of Assembly

The South Australian Constitution Act (§§ 38, 39) provides

that the privileges, immunities and powers of the House of Assembly and its Committees and Members are the same but no greater than those of the House of Commons as at 24th October, 1856. This date marks the day on which Royal assent was given to the Constitution Act which inaugurated Responsible Government and the bi-cameral legislature in South Australia.

However, no Member is entitled to set up or claim any of these privileges, immunities or powers as against any summons, subpoena, writ, order, process or any proceeding whatsoever issued by any court of law within the State: provided that no writ of *capias ad satisfaciendum* shall be executed or put into effect against any such Member during any session of Parliament or within

ten days prior to the meeting thereof; and no Member shall be liable to any penalty or process for non-attendance as a witness in any court when such non-attendance is occasioned by his attendance in his place in Parliament.

India: Rajya Sabha

Under clause (3) of article 105 of the Constitution, the powers, privileges and immunities of each House of Parliament and of the members and the Committees of each House, shall be such as may from time to time be defined by Parliament by law, and, until so defined, shall be those of the House of Commons of the Parliament of the United Kingdom, and of its members and Committees, at the commencement of the Constitution, i.e., 26th January, 1950. No such law has been made so far by the Indian Parliament and hence members of the Indian Parliament and its Committees enjoy the powers, privileges and immunities which the members of the House of Commons of the Parliament of the United Kingdom and its Committees enjoyed at the commencement of the Constitution.

It has been well recognised in India that no legal process, civil or criminal, shall be served within the precincts of the House without obtaining the permission of the Presiding Officer concerned. Suitable instructions in this regard have also been issued by the Government of India to the authorities concerned.

As a corollary to the above, it is also not regular to serve a legal process on Members of Parliament through the Presiding Officer or the Secretariat of the House of Parliament. The executive authorities themselves in such cases arrange to serve the process direct on the Member concerned outside the precincts of the House.

India: Lok Sabha

The position regarding service of a legal process within the precincts of the House is described in Rule 233 of the Rules of Procedure and Conduct of Business in Lok Sabha (5th Edition) as follows:

233. A legal process, civil or criminal, shall not be served within the precincts of the House without obtaining the permission of the Speaker.

(*b*) The "precincts of the House" are described as follows in Rule 2 (1) of the Rules of Procedure and Conduct of Business in *Lok Sabha* (5th Edition) and Direction 124 of the Directions by the Speaker:

Rule 2 (1). . . . "precincts of the House" means and includes the Chamber, the Lobbies, the Galleries and such other places as the Speaker may from time to time specify;

Direction 124. The term "precincts of the House/Parliament House" used in the Rules of Procedure shall, except for the purposes of rule 374, include, in addition to places specified in rule 2, the following:

(i) The Central Hall and its Lobbies;
(ii) Members' Waiting Rooms;
(iii) Committee Rooms;
(iv) Parliament Library;
(v) Members' Refreshment Rooms;
(vi) Lok Sabha Offices located in Parliament House and the hutments adjoining the Parliament House;

(vii) Corridors and passages connecting or leading to the various rooms referred to in (i) to (vi) above; and
(viii) Parliament House Estate and approaches to the Parliament House.

India: Rajarsthan Legislative Assembly

It is one of the privileges of Members that no service of processes are to be effected upon them when they are within the precincts of the House. This privilege is enjoyed by the Members under Article 194 (3) of the Constitution of India.

India: Uttar Pradesh Legislative Council

The privileges of Members of the Uttar Pradesh Legislative Council that they cannot be arrested within the precincts of the House or that no legal process civil or criminal can be served on them have not been defined in the Rules of Procedure and Conduct of Business of the Uttar Pradesh Legislative Council. The State Government have issued instructions on this subject. In accordance with these instructions a legal process civil or criminal cannot be served on members within the precincts of the House without obtaining the permission of the Chairman.

India: Uttar Pradesh Legislative Assembly

According to Rule 88 of the Rules of Procedure and Conduct of Business of the Assembly, a legal process, civil or criminal, shall not be served within the precincts of the House without obtaining the permission of the Speaker.

India: Madhya Pradesh Vidhan Sabha

Service of any legal process is not permitted within the precincts of the House, when the House is in session, without obtaining the permission of the Speaker for the purpose.

India: Gujarat Legislative Assembly

Under Article 194 (3) of the Constitution, the position in respect of service of process within the precincts of the House is the same as in the House of Commons. U.K. It is also provided in Rules 250 and 251 of the Gujarat Legislative Assembly Rules that no arrest shall be made within the precincts of the House without obtaining the permission of the Speaker and that a legal process, civil or criminal, shall not be served within the precincts of the House without obtaining the permission of the Speaker.

India: Maharashtra

It has been ruled in the past that service of summons or a letter of request on a member within the precincts of the House constitutes a breach of privilege. It has further been ruled that if the letter of request is sought to be delivered to the member through the Speaker, such action is also open to serious objection.

India: Madras Legislative Council

Service or execution of legal process within the precincts of the Legislative Council when the House is actually in session is a breach of privilege.

India: Kerala

Rule 159 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly reads as follows:

159 Service of legal Process. A legal process, civil or criminal, shall not be served within the precincts of the Assembly without obtaining the permission of the Speaker.

India: Mysore

There is no rule in the Rules of Procedure of the Mysore Legislative Assembly/Council restricting the service of any form of process (writs, etc.) within the precincts of the House. But following the practice followed in the House of Commons, the service of summons within the precincts of the House is held to be a breach of privilege. As such, in the cases where summons were sought to be served on Members through the Presiding Officers, they have been returned to the courts with a request not to send them for service within the precincts of the House.

India: Bihar Legislative Council

Summonses and criminal processes in the name of the Members are not served upon them through the Secretariat. Such processes in the name of Members are served to them by the court itself at their local or any other address. Service of a criminal process whether on a Member or an officer of the House within the precincts of the House at a time when the House is actually sitting is regarded as a breach of privilege and processes are returned unserved if received by the House.

Nigeria

No process issued by any court in this country in the exercise of its civil jurisdiction can be served or executed within the Chamber or precincts of the Senate buildings and the National Hall (used by the House of Representatives) when Parliament is in session or through the President of the Senate, the Speaker or any officer of Parliament.

Eastern Nigeria Legislature

The Eastern Nigeria Law No. 16 of 1959 entitled " The Legislative Houses Law section 14 " provides as follows:

14. Notwithstanding the provisions of any written law
(*a*) no process issued by any court in Nigeria in exercise of its civil jurisdiction shall be served or executed within the Chambers or precincts of

the House while that House is sitting or through the Speaker or President or any officer of the House;

(*b*) no process issued by any court in Nigeria in exercise of its criminal jurisdiction shall be served or executed within the Chamber or precincts of the House while the House is sitting or through the Speaker or President or any officer of the House without leave of the House being first obtained.

Nyasaland: Legislative Assembly

Clause 4 of Chapter 135 of the Laws of Nyasaland, the Legislative Assembly (Orders and Privileges) Ordinance, provides that no Member shall be liable for arrest for any civil debt whilst going to, attending at, or returning from a sitting of the Assembly or any of its committees; or within the precincts of the Assembly whilst the Assembly or a committee is sitting for any criminal offence without the consent of the officer presiding.

Clause 5 of the same Ordinance states that no process issued by any court in the exercise of its jurisdiction shall be served or executed within the precincts of the Assembly while the Assembly is sitting, or through the officer presiding or any officer of the Assembly.

Northern Rhodesia (now Zambia)

Service of any form of process within the precincts of the House is restricted by sections 4 and 9 of the Legislative Council (Powers and Privileges) Ordinance, Cap. 71 of the Laws of Northern Rhodesia. Section 4 reads:

4. No civil or criminal proceedings may be instituted against any member for words spoken before, or written in a report to, the Council or to a committee thereof or by reason of any matter or thing brought by him therein by petition, Bill, resolution, motion or otherwise.

Section 9 reads:

9. Notwithstanding anything to the contrary, no process issued by any court of the Territory or outside the Territory in the exercise of its civil jurisdiction shall be served or executed within the precincts of the Council Chamber while the Council is sitting or through the Speaker or any officer of the Council, nor shall any member be arrested on civil process, save by the leave of the Speaker first obtained, while he is within the precincts of the Council and while the Council is sitting.

Uganda

Under Section 5 of Ordinance No. 11 of 1955, no process issued by any court of Uganda in the exercise of its civil jurisdiction shall be served or executed within the precincts of the Assembly while the Assembly is sitting or through the Speaker, the Clerk or any officer of the Assembly.

British Guiana

Article 77 of the British Guiana Constitutional Instruments, 1961, states:

PRIVILEGES, ETC., OF CHAMBERS

77. The Legislature may by law determine and regulate the privileges, immunities and powers of the two chambers of the Legislature and the Members thereof, but no such privileges, immunities or powers shall exceed those of the Commons' House of Parliament of the United Kingdom or of the Members thereof.

No such law has yet been made.

Kenya: House of Representatives

The procedure is laid down in the Power and Privileges Act Cap. 6 (Revised 1962) as amended by the Legal Notice No. 600 of 1963. The relevant section 5 of the Act provides as follows:

No process issued by any Court of Kenya in the exercise of its civil jurisdiction shall be served or executed within the precincts of the Assembly while either House is sitting, nor shall any such process be served or executed through either the Speaker or any Officer of the Assembly unless it relates to a person employed within the precincts of the Assembly or to the attachment of a member's salary.

Mauritius: Legislative Council

Section 6 of the Legislative Council (Privileges, Immunities and Powers) Ordinance, 1953, provides as follows:

(1) Each of the following acts, matters and things, is hereby declared to constitute the offence of contempt of the Council, that is to say—

(*t*) The service or execution in the Chamber or precincts of the Council of any legal or judicial process.

(2) Any person who commits the offence of contempt of the Council shall, on conviction by a District Magistrate, be liable to imprisonment not exceeding three months or to a fine not exceeding one thousand rupees.

Sierra Leone: House of Representatives

(6*a*) The Legislative Council (Powers and Privileges) Act No. 7 of 1953 states that

no process issued by any court in the exercise of its civil jurisdiction shall be served or executed within the precincts of the Legislative Council while the Legislative Council is sitting or through the President, the Clerk or any officer of the Legislative Council.

Sarawak

Section 7 of the Council Negri (Privileges, Immunities and Powers) Ordinance (Ordinance No. 10 of 1963) provides that no process issued by any court in the exercise of its civil jurisdiction shall be served or executed within the precincts of the Council while the Council is sitting, or through the Speaker, the Clerk or any officer of the Council.

IX. "OPERATION EXCHANGE, WESTMINSTER–ADELAIDE"

By G. D. COMBE, M.C.
Clerk of the House of Assembly, South Australia

The excellence of the article by Michael Ryle in THE TABLE (Volume XXXI, 1962), "Exchange between Clerks in the House of Commons and Clerks in other Commonwealth legislatures" impels me, as a "foundation beneficiary" under the scheme, to make some observations of a general nature. I am also emboldened to write in the hope that the account of my own experience as an officer of a small Parliament from the other side of the globe on exchange at the House of Commons, Westminster, may prove to be of some interest and value to other parliamentary officers far removed—in terms of mileage—from the home of "Erskine May" and its erudite authors.

It was my great privilege to spend three months at the House of Commons, Westminster, from February to May, 1963, on the "first leg" of an exchange. In preliminary correspondence I sought the concurrence of the Clerk of the House of Commons, Sir Barnett Cocks, to have the opportunity to discuss a number of procedural topics with Table officers and Principal Clerks at Westminster and to attend in the gallery at sittings of the House in addition to having facilities to examine the *modus operandi* in the several offices in the Department of the Clerk of the House. With this end in view I suggested that favourable consideration might be given to a programme which provided for a week to be spent in each of the Public Bill, Journal, Committee, Table and Private Bill Offices, alternated with an unattached week to afford me the opportunity for observations and helpful discussion.

It was fully appreciated by me that it would be necessary for my programme to be co-ordinated with the requirements of the House of Commons organisation, but the flexibility in the proposed arrangements appeared best calculated to supply me with the experience and information likely to be most educational for me and through me the most beneficial for the Parliament of South Australia.

In submitting these proposals to Sir Barnett, I ventured the opinion that there should be a large measure of elasticity in any scheme for the exchange of parliamentary officers and that one could never strike an exact balance sheet for any particular interchange. That the interchange should take place was of paramount importance and

maximum facilities should be provided for the visiting officer to observe and discuss and, if possible, to participate in such proceedings of the Parliament being visited as were likely to prove most helpful to him and to his own House and Members.

My proposals had the complete approval of Sir Barnett and were implemented sagely and sympathetically by the Fourth Clerk at the Table, Mr. Charles Gordon.

Sir Barnett had pointed out that he did not think that the exchanges when they occurred need necessarily be simultaneous. The wisdom of this opinion was to be immediately demonstrated in the arrangements made for the exchange between Westminster and South Australia. One stipulation for my participation was that I could be absent from our House only during recess. A simultaneous visit by an officer from the Commons to our House when it was not sitting would have been patently abortive. As it transpired, the officer from the Commons designated to visit South Australia in 1963, as the second half of "Operation Exchange" was forced to withdraw for family reasons of an emergency nature on the eve of his departure and it was then too late to arrange for an immediate substitute. Happily, however, the exchange Westminster–Adelaide will be consummated in the Southern hemisphere spring of 1964 with the advent to antipodean Adelaide of Mr. John Taylor, Senior Clerk in the Committee Office of the House of Commons at Westminster.

The costs of my visit were met by the Government of South Australia. The Treasury authority covered first class air fares from Adelaide to London and return, and travelling allowances at rates which enabled me to enjoy accommodation at good class hotels *en route* to and in London.

The itinerary which was strongly supported by the Speaker and approved by the Government. enabled me to visit, albeit briefly, Parliaments in New Zealand and Canada and provided for a fleeting excursion to Washington D.C., rare opportunities which proved to be both stimulating and rewarding. Signatures of Parliamentary officers were transmuted into warm personalities; for I was privileged to meet in person for the first time such eminent Parliamentary authorities as Neil Dollimore in Wellington, New Zealand, Ned De Beck in Victoria, British Columbia, Roderick Lewis in Toronto, Léon Raymond in Ottawa, and Antoine Lemieux in Quebec. I was delighted also in Ottawa to renew friendship with "Monty" Montgomery, whom I had previously met in Adelaide. Furthermore, before my return to Adelaide it was my good fortune to be able to meet Sholto Cooke and John Kennedy in Belfast, Northern Ireland, and Loke Weng Chee in Singapore, and to benefit from their expert knowledge and long experience and to enjoy their splendid hospitality in the same ample measure as characterised my earlier contacts with Members of our Society. Discussion with all these officers proved most beneficial to me, gave me a new understanding of some of the

difficulties peculiar to other Houses, and reassurance in coping with some of the problems common, it seems, in most legislatures.

I felt both proud and grateful to be accepted as a brother in this select fraternity.

My rôle at Westminster could be likened to a post-graduate study by a general practitioner at an academy staffed by benevolent and skilled specialists. I was placed on the staff of the House of Commons as a Temporary Clerk and listed as such in the Table of Officers of the House of Commons periodically published in *Hansard*. I regarded my inclusion in such distinguished company as a great honour. The significance of the appointment was that it put me on the same basis as permanent officers of the House of Commons and ensured, for example, that I was able to observe proceedings at any time in the Commons Chamber without any formality or difficulty, to attend Committee meetings not open to the Press or public, and to discharge professional duties, when required, on Standing Committees or elsewhere.

It would undoubtedly be tiresome for your readers if I were to expatiate in this article upon my wonderful experiences at Westminster. My report to the Speaker of our House gave an account of some of the features of the proceedings of the Commons: it dealt briefly with questions, notices of motion, parliamentary records and papers, public bills, private members' business, financial procedure, *sub judice* matters, subordinate legislation and a miscellany of minor matters. The report has been printed as a Parliamentary Paper, and I should be pleased to send a copy to any of THE TABLE'S readers who may be interested.

As will be seen from the foregoing, my preoccupation at Westminster was with the offices in the Department of the Clerk of the House of Commons. However, I was afforded the opportunity, which I grasped eagerly, to meet officers in other departments in the Palace of Westminster, and to have fruitful discussions with them. In this category were the officers in the Department of the Speaker, including the Speaker's Secretary, Counsel to the Speaker, the House of Commons Librarian and Assistant Librarians, the Accountant and the Editor of *Hansard* and the Vote Office staff. I had most helpful conversations with the officers in the House of Lords and in the Department of the Sergeant-at-Arms. Furthermore, I valued greatly the hand of friendship extended to me by the Executive Officers of the Commonwealth Parliamentary Association at Westminster. Everywhere and by everybody in the Palace of Westminster I was assisted in a uniformly friendly and able manner.

At the invitation of the Clerk of the House of Commons I attended one of a series of meetings of Senior Clerks—presided over by Sir Barnett—who were engaged in the revision of Erskine May's *Parliamentary Practice* in preparation for the publication of the 17th Edition. One could not be but impressed by the Parliamentary

experience and erudition of this group representative of each of the several offices of the House of Commons and by the meticulous care devoted to the substance and style of and the authority for any proposed amendment of "May". In the Parliament of South Australia, like a number of other Commonwealth Parliaments, in circumstances when our provisions or precedents are silent, our first resort is to "May", and it was an edifying experience to witness at first hand the painstaking care lavished upon its compilation by devoted Parliamentary practitioners.

The practice and procedure of the House of Commons represent the distilled wisdom resultant from centuries of Parliamentary evolution and should be accorded all due veneration. House of Commons authorities concur, however, in the opinion that there is no inherent virtue in Parliaments in other parts of the Commonwealth slavishly following every practice at Westminster, and that the principles enshrined in the proceedings of the Commons frequently call for varying application according to differing local conditions. In this context the size of any Parliament has great significance.

From my point of view, the first phase of "Operation Exchange" was eminently successful, an achievement due principally to the friendly co-operation and unstinted assistance given me by the Clerk of the House of Commons, Sir Barnett Cocks, and his team of excellent officers. I valued immensely the dual honour granted me to serve and witness at Westminster.

As to the second phase of "Operation Exchange"—we in South Australia are elated at the prospect of the visit to our House of the Commons representative in the person of John Taylor. Apart from any advantage which he himself may obtain from observing the functions and procedure of a State Parliament in a Commonwealth Federation, I am confident that substantial value could accrue to our own Parliament from informal discussions by Members and staff with him and also from an objective scrutiny and appraisal of some selected aspects of our own practice made by a learned and experienced officer from the Mother of Parliaments.

I am certain that upon the foundations of this exchange scheme planned so skilfully by Sir Barnett, there will grow a structure of great functional value, worthy of its architect and the institution of Parliament it is designed to serve.

X. ACCOMMODATION FOR THE HOUSE OF COMMONS

By H. M. BARCLAY
A Senior Clerk in the House of Commons

Announcement of the Proposals

Anyone who was at all familiar with the working conditions of Members and others in the House of Commons at Westminster can scarcely have been surprised when in March, 1960, the Minister of Works of the day announced, in reply to a number of Questions [*H.C. Deb.* (1959-60) 618, c. 100 ff.], that the Government would shortly be making proposals for improving the existing accommodation—indeed, cause for surprise might be found rather in the length of time for which the existing conditions had been borne. But in fact, as later events showed, the work of the Select Committees on Accommodation of 1953-54 (under the Chairmanship of the late Mr. Richard Stokes) and of 1955-56, was far from being forgotten, and the pressure for improvements had never been altogether relaxed.

These proposals were explained by the Minister of Works to the House on 31st March in a debate [*H.C. Deb.* (1959-60) 620, c. 1522 ff.], on a Government Motion "to take note". The main proposal, which it was intended to put in hand as soon as possible, was to floor in the whole of the space in the roof above the committee rooms, both in the House of Commons wing and in the House of Lords wing of the Palace of Westminster. At the same time proposals were described for a very large development of Government offices between Bridge Street and New Scotland Yard, and the Minister explained that he was considering the allocation of some part of those offices for parliamentary use; he explained, however, that the latter proposal was "a long-term possibility". The cost of the roof-space scheme was estimated at £250,000, or some £13 per square foot of the 19,000 square feet of usable space that it would provide.

The proposals were not found unwelcome in themselves by the House, but a reasoned amendment was moved, calling for a House of Commons Commission as recommended by Mr. Stokes's Select Committee. The debate lasted all day, and the amendment was eventually negatived by 201 votes to 154, voting being on party lines.

The Committee of 1960

On 23rd June, 1960, the Speaker announced that he was setting

up an *ad hoc* Committee to consider the proposals; the Committee consisted of four Members who were Government supporters, three Labour Members, and one Liberal Member, as well as the chairman, Sir James Duncan, M.P., a Government supporter. The Committee first met on 29th June, and held six sittings before reporting to the Speaker on 21st July. The Committee concerned itself mainly with the question whether good use could be made of the roof-space, but in considering that question found itself obliged to review, necessarily briefly, the use being made at the time of all the existing accommodation. Their Report therefore dealt mainly with the new space, but also contained incidental recommendations on such matters as further rooms for Ministers, rest rooms for the waitresses, another writing room and more filing cabinets for Members.

The main effort of the Committee, however, was directed to settling the use to be made of the roof-space, and they sent a questionnaire to all Members, with the intention of finding out how many Members desired individual rooms, whether they would be prepared to share a room with another Member and or Members, whether they would prefer their secretaries, if any, to work in the room or not, and whether they would wish to have an individual telephone there. The results of this questionnaire were reported to the Speaker, and the Committee put the figure of Members desiring a private room or share of a room at 202; (they also found that 33 Members who used the accommodation then available to Members had no desire for any further facilities, and that a further 20 Members other than Ministers claimed not to use even the accommodation then available).

The Committee reported that the figures amply justified a decision to go ahead with the building; but they emphasised that it should not necessarily all be used for Members' private rooms—on the contrary, they wished to see as much space near the Chamber as possible allocated to Members, and to see some offices transferred from that area to the roof-space. They hoped that a fresh Committee would be set up in the following Session to make detailed recommendations.

The Committee of 1960-61

A fresh Committee was duly set up on 21st November, 1960, with similar terms of reference, and with the same chairman and substantially the same membership. In the course of the Session the Committee were informed that further space could be temporarily made available in what was then the St. Stephen's Club on the Whitehall side of Bridge Street, as the Ministry of Works had acquired the lease of the premises with a view to demolition and the re-development of the whole site from Bridge Street to New Scotland Yard. Seven rooms below the Speaker's House, several of them of a standard unsuitable for office accommodation, also became available for allocation.

In the course of the Session the Committee made recommendations

for the allocation both of the forthcoming accommodation in the roof-space and of the accommodation actually available. They held seventeen meetings between November, 1960, and July, 1961, and produced five Reports, and in the course of the Session reviewed the use that was being made of all the accommodation allocated to the House of Commons. They made a number of detailed recommendations on minor matters, and at times almost played the part of the Committee of a club; but they did not lose sight of their main function, and in their fourth Report, dated 3rd May, 1961, they gave their final approval to plans for the roof-space, viz., to make the south end of the South (House of Lords) Wing into a new Fees Office, with a large room for Members' secretaries immediately to the north of it; the north end of the North (House of Commons) Wing was to be made into a flat for the Clerk of the House with bedrooms for the Clerk Assistant and Second Clerk Assistant, and the remainder of both north and south blocks was to be converted into rooms for the use of Members. A plan was prepared by the Ministry of Works and provided for 51 private rooms for Members of a size of 116-120 square feet. Pending demolition the St. Stephen's Club premises were to be allocated to the Fees Office, and to a pilot scheme of some 20 rooms, individual and shared, for the private use of Members. The rooms under the Speaker's House were allocated to the Library.

Mr. Speaker made statements to the House from time to time, and virtually all the recommendations were accepted. The result of moving the Fees Office was to make the offices off Westminster Hall, next to the Commonwealth Parliamentary Association suite, available for the more immediate use of Members and their secretaries, and the Library were also able to free some very conveniently placed rooms for Members' and Ministers' use. At the time of writing, work on the roof-space over the North block is well advanced and may be ready for occupation this year.

The Committee of 1961-62

A further Committee, again with the same Chairman and with substantially the same membership, was set up in May, 1962, and made recommendations how an area of 50,000 square feet in the prospective building on the Bridge Street site could best be used. This Committee held seven meetings and was able to agree to a Report, with a vote on only one paragraph. but this work is summarised here only briefly. as other possible schemes are at present under consideration based on a different lay-out of the site.

The 1961-62 Committee proposed allocations as follows:

	Sq. ft.
Conference room, 20 individual rooms, secretaries' room and storage room, all for the use of the leading Members of the Opposition	4,200
Lounge for wives and husbands of Members	800

Further Press accommodation	400
Library Service for the new building	800
Commonwealth Parliamentary Association rooms	2,000
Commonwealth Parliamentary Association (General Council) and others	3,500
Dormitory accommodation for staff	1,000
	12,700

The remaining area of 37,300 square feet was to be used to provide rooms for some 265 private Members. At the same time, the Committee insisted that the internal partitions between rooms in the available space should be of such a kind that the size of rooms could be changed without difficulty; they also recommended that the whole building should be designed in such a way that, if the need arose, the space allocated to Parliament should be capable of being enlarged.

The Committee of December, 1963

A Committee of four Members sat in December, 1963, to consider the use that could be made of a further two floors of the St. Stephen's Club premises until such time as the site is cleared. Their recommendation was that most of the space should be given to the official Opposition for conference and private rooms, with the remainder being allocated to the Government for sub-allocation to their back-bench supporters for use as private rooms. The original pilot scheme for private rooms in the St. Stephen's Club premises as recommended by the Committee in 1960-61, was under the administration of the Serjeant-at-Arms, the rooms being allocated to Members partly by ballot. It will now be possible to gain experience of the alternative method of allocation by the Whips (both Government and Opposition) and a comparison of the two methods is awaited with interest.

(*The above was written by Mr. Barclay in March* 1964.)

XI. INDIA: INTERRUPTION AND WALK-OUT BY CERTAIN MEMBERS DURING PRESIDENT'S ADDRESS

By M. N. KAUL, M.A.(Cantab.)
Secretary of the Lok Sabha

An unprecedented event occurred in the annals of the parliamentary history of India, when on the 18th February, 1963, certain M.P.s interrupted the President as he started reading his Address in English to both Houses of Parliament assembled together under Article 87 of the Constitution, and later staged a walk-out. Five members of Lok Sabha were involved in the incident. The first one to interrupt the President was Swami Rameshwaranand who asked the President in Hindi to speak in "Rashtrabhasha Hindi". The President said "You will have it read" and continued his address. Sarvashri Ram Sewak Yadav and Mani Ram Bagri also interrupted the President and then the former said in Hindi "I am leaving the House as I am unable to understand". This was followed by a walk-out by Sarvashri Ram Sewak Yadav, Mani Ram Bagri, B. Singh Utiya and B. N. Mandal.

Discussion in Lok Sabha

Immediately after the Lok Sabha assembled in its chamber later on the same day, the matter regarding interruptions and walk-out during the President's Address was raised by Shri Jaipal Singh, M.P. He said that "the behaviour of certain of our colleagues is a very serious reflection on the dignity of the Lok Sabha". He suggested the appointment of a Committee to look into the matter. Similar views condemning the incident were expressed by other members representing the various parties and groups in the House.

Suggesting the appointment of a Committee, the Speaker observed:

> Whatever has happened today is really very unfortunate and reprehensible too. A duty is cast upon the President under the Constitution, and he was there in deference to that obligation and he addressed both Houses.
>
> The occasion is very solemn and some decorum has to be observed. We are there just to listen to that Address, which is, of course, as I have said, a solemn occasion, and at that moment, to make such demonstrations or to obstruct the President from delivering his Address is unbecoming to a Member of Parliament.
>
> . . . There is another thing, namely, the code of conduct for any hon. Member also, and that governs him whether he be inside the House or outside

it. He has to conduct himself in a dignified manner in so far as he is a Member of Parliament. In my opinion—of course, it is a *prima facie* view—I have not gone into the case—it is an insult to the Constitution itself and a violation of the oath that the Members have taken.

So far as the calculated move was concerned, there can be no doubt about it because previous intimation had been given. It has appeared in the papers as well and it was known to everybody that they were going to do this. Therefore, it was done with an intention, premeditated and pre-conceived.

Then the President had told them that it did not behove them and, therefore, they should stop; but a sustained effort was made to stop the President from delivering that Address. Therefore, he had to ask me to take some action or do something. But when I stood up, certainly the Members decided to walk away.

Therefore, if the House agrees—of course, I will consult Members—we can appoint a Committee to go into this.[1]

The House authorised the Speaker to appoint a Committee to investigate the matter.

The Prime Minister then suggested that the Speaker "might be pleased to convey to the President the deep regret of the House at this indecorous behaviour and that you have taken some steps about the appointment of a Committee".[2] A letter expressing regret over the incident was accordingly sent to the President by the Speaker. The President in his reply appreciated "the feeling of the House on the unfortunate incident".[3]

On 19th February, 1963, the Speaker appointed a Committee[4]:

to investigate the conduct of Sarvashri Ram Sewak Yadav, Mani Ram Bagri, B. Singh Utiya and B. N. Mandal and Swami Rameshwaranand in connection with the disorder created by them at the time of the President's Address to both Houses of Parliament assembled together under article 87 of the Constitution on the 18th February, 1963, and to consider and report whether such conduct of the said Members was contrary to the usage or derogatory to the dignity of the occasion or inconsistent with the standards which Parliament is entitled to expect from its Members and to make such recommendations as the Committee may deem fit.

The Committee was to report to the House by the 2nd March, 1963.[5]

The Committee heard the members concerned and Sarvashri Ram Sewak Yadav, Mani Ram Babri and B. N. Mandal also submitted to the Committee written statements.

The Committee's report stated that this was the "first case of its kind in our Parliament which not only affects the dignity of the President, Parliament and its Members, but also raises the wider issue of laying firm foundations for the successful working of the Constitution and the Parliament". The Committee further observed:

. . . the President's Address to Parliament is the most solemn and formal act under the Constitution. This solemn occasion should, therefore, be marked by dignity and decorum.

It is important, from the point of view of showing proper respect to the Constitution, that every member should maintain utmost dignity and de-

corum. It is as much a constitutional obligation on the part of the members to listen to the President's Address with decorum and dignity as it is on the part of the President to address Parliament. Any action on the part of a member which mars the occasion of the President's Address or creates a disturbance is thus unbecoming of him as a member of Parliament.

Further, according to Article 79, Parliament consists of the President and the two Houses. A member must show due respect to the President while he is discharging his duties under Article 87, in order to uphold the dignity of Parliament itself.

As regards the disciplinary powers of the House over its Members, the Committee stated:

The House of Commons, U.K., has disciplinary powers in regard to the conduct of its members. The extent and amplitude of the words "conduct of a member" has not been defined exhaustively and it is within the powers of the House of Commons in each case to determine whether a member has acted in an unbecoming manner or has acted in a manner unworthy of a member. Under the term "conduct of a member" action can be taken against a member even though the facts of a particular case do not come within any of the recognised heads of breach of privilege or contempt of House.

It may also be mentioned that the House exercises its jurisdiction of scrutiny over its members for their conduct whether it takes place inside or outside the House.

Conclusions of the Committee

The Committee found that the actions of two of the Members was not premeditated, but that the action of the other three had been "deliberate, premeditated and preconceived". The conduct of these three, aggravated further by their statements to the Committee in which they cast serious reflections on the President and the Committee was "undesirable, undignified and unbecoming of a Member of Parliament. Their conduct was contrary to the usage and derogatory to the dignity of the occasion."

The Committee recorded their emphatic disapproval of the manner in which the President's office had been dragged into this unseemly controversy and expressed their profound regret that any Member of Parliament should have indulged in any action which should even remotely reflect on the dignity of the President.

The recommendations of the Committee were:

The Committee recommend that Sarvashri Ram Sewak Yadav, Mani Ram Bagri and B. N. Mandal be reprimanded for their undesirable, undignified and unbecoming conduct during the President's Address on the 18th February, 1963, and for aggravating their offence by their evidence before the Committee subsequently.

As regards Shri B. Singh Utiya and Swami Rameshwaranand, the Committee feel that the ends of justice will be adequately met by expressing disapproval of their conduct.

The Committee recommend that if in future any Member of Lok Sabha interrupts or obstructs the President's Address to both Houses of Parliament assembled together, either before, during or after, the Address, while the President is in the Hall, with any speech or point of order or a walk-out or

in any other manner, such interruption, obstruction or show of disrespect may be considered as a grossly disorderly conduct on the part of the offending member and dealt with by the House subsequently on a motion moved by a Member.

The Committee recommend that, in future for any disorderly conduct during the President's Address committed by a Member, he may be suspended from the service of the House for a period which may extend up to one year.

On 19th March, 1963, Shri S. V. Krishnamoorthy Rao (Chairman of the Committee) moved the following Motion[6] in the House:

That this House agrees with the recommendations contained in paragraphs 26 and 27 of the Report of the Committee on the Conduct of certain Members during the President's Address presented to the House on the 12th March, 1963.

While moving the above Motion, Shri S. V. Krishnamoorthy Rao said that the disturbance created by certain Members during the President's Address on 18th February, 1963, was "an unprecedented event in the annals of the history of this Parliament" and that "no such incident has ever occurred during the past fifteen years". He added that "the Committee could have recommended a stronger action, but since it is an incident which has happened for the first time in the history of Parliament the Committee have taken a lenient view and recommended that they should be reprimanded".

Explaining why the recommendation of the Committee contained in paragraph 28 of their Report had not also been referred to in the Motion for adoption by the House, Shri S. V. Krishnamoorthy Rao said that the recommendation was "only a suggestion for future events". He felt that to adopt that recommendation would be restricting the powers of the House which was a sovereign authority. He added that each case had to be judged on its merits.

The Speaker then placed the Motion before the House and asked the Members concerned about whose conduct the Report had been made, one by one, to make statements in their defence, if they so desired.

After all the five concerned members had made their statements, there was a discussion in the House on the matter. Intervening in the debate, the Leader of the House (Prime Minister Shri Jawaharlal Nehru) said that the recommendations of the Committee about the punishment to be given were "about the least that this House can do". He urged the House to adhere to the Committee's report and fully carry out their recommendations. In this connection, he observed:

. . . the least we can do is to accept this and thereby give an indication to this House, to the country and to other assemblies in India that we shall adhere strongly to the behaviour that is expected of such a high assembly as Parliament and other representative bodies in India. We have to set an example to them, and if we are weakened in this it will be a bad day for Parliament and for our future work.

After some discussion the motion moved by Shri S. V. Krishnamoorthy Rao was adopted by the House. The Speaker, thereafter, reprimanded Sarvashri Ram Sewak Yadav, Mani Ram Bagri and B. N. Mandal, both in Hindi and in English, in the following terms:

Ram Sewak Yadav, Mani Ram Bagri and B. N. Mandal. The House has adjudged your conduct during the President's Address to both Houses of Parliament assembled together under Article 87 of the Constitution on the 18th February, 1963, as undesirable, undignified and unbecoming to a Member of Parliament and contrary to the usage and derogatory to the dignity of the occasion. This offence of yours was further aggravated by the nature of the statements you chose to submit to the Committee appointed to investigate your conduct.

In the name of the House, I reprimand you for this undesirable, undignified and unbecoming conduct during the President's Address and for subsequently aggravating your offence by your evidence before the Committee appointed to investigate your conduct.[6]

[1] *L.S. Deb.*, 18.2.1963, cc. 8-9 [2] *Ibid.*, cc. 9.10.
[3] *Ibid.*, 19.2.1963, c. 124. [4] *Ibid.*, 19.2.1963, cc. 173-74.
[5] The time for the presentation of the report was extended by the Speaker up to 12th March, 1963, on a request made by the Committee (*L.S. Deb.*, 2.3.1963, Minutes, dated 27.2.1963).
[6] *L.S. Deb.*, 19.3.1963, cc. 4789-90.

XII. EXTENSION OF THE FRANCHISE IN BERMUDA

By JOHN I. ELLIOTT
Parliamentary Registrar, formerly Clerk of the Legislative Council

Until the new Parliamentary Election Act became law early in 1963 Bermuda's franchise had been restricted to approximately 5,700 land owners out of an estimated resident population of 42,640. The Colony's nine parishes were the electoral constituencies with each one returning four members to the House of Assembly. An elector was qualified to vote in every parish in which he owned land assessed for parish tax purposes at £60 or more, and under the system he could vote for up to four candidates in each parish in which he qualified as an elector. General elections were spread out over three days with three parishes voting on the first day, another three on the second day and the final three on the third day. Electors could, if they wished, vote for less than four candidates and if they restricted their vote to one candidate only, the vote was known by the colourful name of a "plumper" and the practice itself as "plumping".

The Parliamentary Election Act, 1963, represents the final form of a Bill which was introduced on the recommendation of a Select Committee of the House of Assembly in the latter part of 1961. After the adoption of certain amendments in the House the Bill was sent to the Legislative Council where it was referred to a select committee of that body. It was then returned to the lower House with the suggestion that it would be advisable for a joint select committee of both Houses to examine it together in order to resolve certain points of special difficulty. After the most careful scrutiny the Act was finally passed by large majorities of both Houses and can therefore be considered to represent the collective wisdom of the Legislature at that time. The Act provides for universal adult suffrage at the age of 25 and at the same time it preserves to some extent the special position of land holders in that every land holder is granted the right to an additional vote, provided he owns freehold estate in land in Bermuda of an area of not less than 2,000 square feet. This special privilege perpetuated a former practice, but is more restrictive in that formerly a land holder could exercise his additional vote in every electoral district in which the requisite minimum of land was held, whereas under the new Act he is entitled to exercise his additional vote only in the district in which he lives.

One other change of special importance in the new Act is the sub-division of each electoral district under the former Act into two parts. The total number of representatives elected under the new system remains the same, however, as each sub-division now elects two representatives only, whereas each electoral district previously elected four representatives.

Registration of the electorate began on 1st February and closed at the end of March. Registration was effected in person at any one of a number of registration offices conveniently located throughout the Islands. Persons confined to their homes or hospital by illness were paid personal visits by Registration Officers. The Census of 1960 indicated that about 21,000 persons would be eligible to register and it was estimated that about 7,000 of these would be entitled to register as "plus voters"

When the registers were closed at the end of March it was ascertained that 14,896 people had registered, of whom 6,689 were property voters entitled to a "plus" vote. The total represented just over 71 per cent. of the number estimated to be eligible. It is thought that all, or nearly all, the people entitled to a property vote actually registered, but only 58 per cent. of the "single" voters did so. Two districts achieved a registration rate of 96 per cent. The lowest was 62 per cent.

Parliament was dissolved on 6th April a few days before its five-year life would have expired. The General Election was set for 16th May.

Election day saw a heavy turn-out of voters in the order of 84 per cent. The heaviest poll in any one district was 93 per cent. and lightest 75 per cent. Only 10 per cent. of the property voters failed to vote, while the corresponding figure for the "single" voters was 22 per cent. "Plus" voters were given two ballot papers at the polls while "single" voters received only one. It was permissible to vote for two candidates on each ballot paper or to "plump" for one candidate.

The preliminary skirmishing before the election saw the emergence of Bermuda's first political party, the Progressive Labour Party. It put nine candidates into the race and succeeded in seating six of them. All other candidates ran as independents. One coloured member of the old House was defeated, but the number of coloured members increased from nine in the old House to eleven in the new. Six other members of the old House were also defeated and three did not stand for re-election, so that the new House contained ten new faces. Generally speaking, younger men (and women—there were no women members in the immediately preceding House) replaced the older men.

The election campaigns of the independents and the Progressive Labour Party candidates were well conducted with courtesy and good humour marking most of the addresses at political meetings

and those made over the local radio and television stations. The election itself was held on a glorious spring day when Bermuda shows itself to its best advantage. All in all, the Colony's transition from a franchise restricted to land owners to a broadened one with what has been described as the "built-in safeguard of the plus vote for land owners" can hardly be said to have been a very painful one.

XIII. FEDERATION OF MALAYSIA: PRESENTATION OF A SPEAKER'S CHAIR TO THE HOUSE OF REPRESENTATIVES BY THE HOUSE OF COMMONS

By C. A. S. S. GORDON
Fourth Clerk at the Table, House of Commons

The steps which led to the attainment of independence by the Federation of Malaya on 31st August, 1957, were described in an earlier volume of this Journal.[1] About a month before their completion, Mr. Gaitskell, then Leader of the Opposition, asked the Leader of the House of Commons to make a statement about gifts to the Parliament and Government of the Federation to mark its independence. The Leader of the House (Mr. R. A. Butler) replied that the Government had authorised the gift of a Chair for the Malayan Speaker, and Mr. Speaker said that in due course this matter would be put into regular form by the passage of a Resolution.[2]

The " due course " of events was, on this occasion, slow to unfold, principally because the Malayan authorities had in mind the construction of a new Parliament building, and were understandably reluctant to commit themselves to any particular style of design for the Speaker's Chair before having a fairly clear conception of the surroundings in which it was likely to be placed. It followed from this that if the Chair was to be designed to suit the new building, it would be more fitting to defer presenting it until the building was in use. It further became apparent, during the course of 1963, that the inauguration of the new building might be timed to coincide with the addition of British North Borneo, Sarawak and Singapore to the eleven existing States of the Federation. Accordingly, the usual Address to Her Majesty was moved in Committee on 17th July, 1963, by the Leader of the House (Mr. Ian Macleod), who explained in his speech the reason for the delay which had occurred since 1957, and drew attention to the fact that the Chair would be presented to the House of Representatives, not of Malaya, but of Malaysia.[3] On 1st August, Mr. Macleod moved for leave of absence to be given to Sir John Barlow, Bt., Mr. Tom Fraser, Mr. Kenneth Robinson and Mr. Colin Turner, D.F.C., to present the Chair on behalf of the House, and announced that they would be accompanied by the writer of this article.[4]

By this time, the Chair which was to be presented was nearly ready

for transit (it was, in fact, conveyed to Singapore by the R.A.F. on 11th August). Designed by the Ministry of Public Buildings and Works and made by Messrs. Mines and West, Ltd., of High Wycombe, it measured 5 feet 6 inches in height, 2 feet 8 inches in width in front and 2 feet 3 inches at the back, and 2 feet in depth. It was made of teak, and the arms, seat and back-rest were upholstered in blue leather. In accordance with the request of the Malayan authorities, the design was of the severest plainness, an unusual feature being the absence from the back panel of the national coat of arms, such as are normally built into Chairs so presented; this was because a coat of arms was to be displayed, in the new building, on a panel behind the Speaker's dais. A silver plate on the Chair was inscribed with the words (altered almost at the last moment) "Presented by the British House of Commons to the House of Representatives of Malaysia".

The date at first envisaged for the presentation had been 31st August, the originally designated "Malaysia day" (a celebration which was, in the event, postponed for political reasons for a fortnight); when, however, it became clear that the Parliament Building would not be completed by then, the ceremony was deferred to Saturday, 2nd November. This was to have the fortunate effect of attracting, as additional spectators, the numerous delegates assembled for the annual Conference of the Commonwealth Parliamentary Association, held in 1963 in Kuala Lumpur, without clashing in any way with the proceedings of the Conference, which began the following Monday.

The delegation thus had ample time to prepare for their journey during the recess, and the usual courtesy calls were paid upon the Malaysian High Commissioner in London and upon Mr. Speaker. They left London Airport at 11 a.m. on 30th October, arriving at Kuala Lumpur the following afternoon—a smooth and uneventful journey marred only, as far as the writer was concerned, by its coincidence with the climax of an exceptionally heavy cold, a condition not recommended to long-distance air travellers. Thanks to the assiduity of the Foreign and Commonwealth Relations Offices, official representatives were present at every stopping-point to attend to the Delegates' welfare (even, at Bahrain and Karachi at 1 and 5 a.m. respectively); at Kuala Lumpur the Delegation was met by the Clerk of the House of Representatives, Mr. Charles Fredericks, A.M.N., and by Mr. J. A. R. Bottomley, the Acting High Commissioner for the United Kingdom. They thence went straight to their hotel through the intermittent rain which was to dog them during the greater part of their sojourn in the country.

On the following day calls were paid upon the Speaker of the House of Representatives (Dato Haji Mohamed Noah bin Omar) and the Prime Minister (Tunku Abdul Rahman Putra Al-Haj, K.O.M., C.H.). In the afternoon the delegation went to the new Parliament

Building to rehearse the ceremony. Writers of earlier articles in this Journal have emphasised the important part which this preliminary plays in achieving a successful presentation; it is unlikely, however, that any previous rehearsal has been held in conditions comparable to this one. The haste in which the Parliament Building had been constructed entailed a great deal of last-minute activity, and the rehearsal in the austere, almost cathedral-like Chamber of the House of Representatives took place without benefit of air-conditioning or microphones; both these deficiencies were tiresome, the first for obvious reasons, and the second because the clamour of workmen and their appliances made it very difficult to pick up the cues from Mr. Speaker, enthroned at the other end of the vast centre gangway. The delegation were much assisted, however, by an admirable printed programme prepared by Mr. Fredericks, and also by the great efficiency and precision of the Serjeant-at-Arms. Their seats were arrayed just in front of the Bar (to place them behind would have been physically impossible), with the Leader, Sir John Barlow, on the right and the Chair just in front and to the right of him.

The following morning's proceedings began with the formal opening of the new Parliament Building by His Majesty the Yang di-Pertuan Agong. Order had miraculously appeared during the night, all machinery was working, and it was possible to appreciate the full and breathtaking beauty and lightness of both the exterior and interior of the building. After an interval, during which the delegation were presented by Mr. Speaker to Their Majesties, each House sat for the first time in its own Chamber; the proceedings in the House of Representatives began with the swearing-in of the fifty-five members from the three newly acceded States (which took nearly two hours), followed by a short debate upon a Motion, moved by the Prime Minister, thanking His Majesty for the new Parliament building.

After a further short interval, during which the veiled Chair and the seats of the Delegates were placed in position, the House reassembled, and the Serjeant-at-Arms reported, in the time-honoured way, that the delegation was present and enquiring whether the House was willing to receive it. The House having signified assent, the delegates entered, and were briefly addressed by Mr. Speaker, who pointed out that it was the first time that they were meeting in the new Chamber, the first time that Members from Sabah (the new name of the former British North Borneo), Sarawak and Singapore were among them, and the first time that they had ever received a House of Commons delegation. "Such a conjuncture of notable 'First Times'," he said, "is truly unique."

Commenting on the gift itself, he observed that the Speaker's Chair, more than any other single appurtenance of a Legislative Chamber,

symbolises best the essentials of parliamentary democracy and the parliamentary system of government as practised in the countries of the Commonwealth. It is the focal point for debate, that essential prelude to the making of decisions in the House by which the majority justifies its right to govern, and the minority its constitutional right to criticise the acts of the majority and to oppose it in every legitimate way. It is in brief the epitome of a system of government that puts the highest importance on the rights of the individual, on the freedoms of speech, expression and assembly, and on the rule of law.

These sentiments were echoed by the leader of the delegation, who said:

We do not regard it as of wood, leather and nails, but as an emblem of the spirit and tradition of the British Parliament.

Observing that he was no newcomer to Malaysia's shores, Sir John spoke of the past development of the Federated States, which had never been Colonies, because the British had come not as conquerors, but by invitation as experts to initiate a modern system of government. Having mentioned his personal interest in the country's industries and agriculture, he said:

You may be interested to hear, Mr. Speaker, that to the amusement of my colleagues I brought with me some ipecac roots of a much improved strain which have been developed in England.

I expect and hope they will prosper here; and even more may I express the hope that the roots of democracy, already planted and thriving in this country, will continue to develop in such a way as to withstand all the winds and weather of a turbulent world.

He was followed by Mr. Fraser who, speaking as a Scotsman, recalled the voluntary union of England and Scotland 250 years ago and compared it with the bringing together of the diverse peoples of Malaysia. One of Mr. Speaker's most onerous responsibilities, he said, was to ensure that the respective rights of majorities and minorities were upheld by all who played their part in a political democracy.

Sir John Barlow then unveiled the Chair, after which the Prime Minister moved:

That this House accepts with thanks and appreciation the gift of the Speaker's Chair from the Commons House of Parliament of Great Britain and Northern Ireland as a token of friendship and goodwill on the part of the British House of Commons and people towards the House of Representatives and people of Malaysia.

In moving the Motion, he expressed warm thanks not only to the House of Commons for the Chair itself, but also to the people of Britain for the way in which they had carried out their renunciation of power over the Federation "gradually and well, and yet not a moment too soon", declaring that the Federation now floated or sank with the Commonwealth. The Motion was seconded by an Opposition Member, Enche Lim Kean Siew, and carried unanimously, after which a copy, signed at the Table by Mr. Speaker and

the Clerk, was brought to Sir John Barlow by the Serjeant-at-Arms. The delegation withdrew, and the House adjourned *sine die*.

The conclusion of the ceremony did not mark the end of the delegation's visit, and its members will long carry with them vivid memories of the beauty of those parts of the country which they traversed and the unbounded friendliness of their many hosts. In the course of four days of travel by road and air, during which overnight halts were made in the Cameron Highlands and at Penang, they were shown a land development scheme, a rubber estate, a new hydro-electric development and other aspects of the economic life of the country. On their last day, spent at Singapore, they had the honour of being received by H.H. the Sultan of Johore.

After his return to the United Kingdom, Sir John Barlow was able to revive an agreeable custom, which for various reasons had regrettably lapsed on the last few occasions. On 28th November, after Questions, he reported to the House that the delegation had duly discharged the commission entrusted to it, and read out the terms of the Resolution to which the House of Representatives had agreed. In accordance with the wish of the House, Mr. Speaker directed that the Resolution be entered in the Journal.[5]

[1] See THE TABLE, Vol. XXVI, pp. 87-108.
[2] H.C. Deb. (1956-57), 574, cc. 1518-19.
[3] *Ibid.*, (1962-63), 681, cc. 681-2.
[4] *Ibid.*, 682, c. 783.
[5] *Ibid.*, 685, cc. 482-3.

XIV. CYPRUS: GIFT TO THE HOUSE OF REPRESENTATIVES BY THE HOUSE OF COMMONS

By S. C. HAWTREY
Clerk of the Journals in the House of Commons

Cyprus became an independent republic within the Commonwealth on 16th August, 1960. To mark the event, the United Kingdom House of Commons addressed Her Majesty the Queen on 6th February, 1963, with the request that a gift should be presented on behalf of the House to the Cyprus House of Representatives. The Address received a favourable answer a week later and on 12th March a delegation consisting of four Members was appointed by the House to travel to Cyprus to make the presentation in person.

The gift chosen on this occasion was somewhat different from those which have in most cases been made to Commonwealth Legislatures by the House. The procedure of the Cyprus House of Representatives is less ceremonious than that in Britain and most other Commonwealth countries and in consequence neither a Speaker's chair nor a mace would have been suitable. Instead, with the agreement of the recipients, a bookcase (made of teak) containing some four hundred books on parliamentary and constitutional subjects (including, of course, Erskine May's *Parliamentary Practice*) was chosen, together with a gavel (made of rosewood) for the use of the Chair.

The delegation consisted of Dame Edith Pitt (the leader of the delegation), Mr. Arthur Bottomley, Sir Frank Markham and Mr. Kenneth Robinson, and was accompanied by the writer of the article. The members chosen were drawn from both main parties and combined a special experience of Commonwealth affairs (Mr. Bottomley had been Parliamentary Under Secretary of State for the Dominions from 1946 to 1947), with a personal knowledge of Cyprus (Sir Frank Markham had visited the island on several occasions) and a representative interest (Mr. Robinson's constituency of St. Pancras was one in which a number of Cypriots had settled). Dame Edith Pitt had been Parliamentary Secretary at the Ministry of Pensions and National Insurance from 1955 to 1959 and at the Ministry of Health from 1959 to 1962.

The delegation travelled by air from London to Cyprus on 27th March, arriving at Nicosia Airport about 9 p.m., and were met by a number of Members of the House of Representatives, namely, Mr.

Michael Savvides, Mr. Halit Ali Riza and Mr. Titos Phanos, accompanied by Mr. George Kyprianides and Mr. Kivanch Riza, respectively Director and Assistant Director of the General Office. The delegation stayed at the Ledra Palace Hotel, in Nicosia, as guests of the Government of Cyprus.

The morning of the following day (Thursday, 28th March) was devoted to calls on the British High Commissioner (Sir Arthur Clark, K.C.M.G., C.B.E.), on the President of the Republic (His Beatitude Archbishop Makarios), the Vice-President (His Excellency Dr. Fazil Kutchuk), the President of the House of Representatives (Mr. Glafcos Clerides) and the Vice-President (Dr. S. Muderrisoglou). The delegation also visited the British Council and lunched with the High Commissioner.

In the afternoon the delegation visited the House of Representatives, which was in full Session, and Dame Edith Pitt formally presented, on behalf of the House of Commons, the gavel and a book, as a symbol of the whole gift, to Mr. Clerides, who received them on behalf of the House of Representatives. Speeches were made by members of the delegation and by their hosts; and the guests were made to feel welcome and honoured participants in the proceedings of the House.

At the conclusion of the speeches the President (Mr. Clerides) moved a Motion thanking the House of Commons for the gift and conveying its warm greetings. This was seconded by Mr. Titos Phanos on behalf of the Patriotic Front and by Mr. Halit Ali Riza on behalf of the Turkish Group, and agreed to unanimously by the House. After the ceremony the delegation, together with Members of the House of Representatives, adjourned to the Library to examine the bookcase with its collection of books, which had already been installed there.

During the remainder of their stay, which lasted until the morning of 1st April, the delegation enjoyed the hospitality of the members of the House of Representatives and were given the opportunity of meeting many other prominent members of the community, in addition to the Representatives themselves. They were also taken to most of the principal towns (Limassol, Famagusta, Larnaca and Kyrenia, in addition to Nicosia) and shown some of the great historical and archaeological treasures of the island, as well as some of its chief industrial establishments. In each town they were most hospitably entertained by the Representatives for the district. To the visitors at least, the combination of so much that was beautiful and interesting that had survived from different periods of history—ancient, medieval and renaissance, for example—was almost dazzling in its richness, and to northern eyes it was seen to exceptional advantage against the background of a Mediterranean landscape in spring.

By the time the members of the delegation left Nicosia to return

to London, they had been enabled to visit most of the important centres in the island, and to see its chief features of interest, as well as to get a good idea of the life of its inhabitants. But above all they took with them an abiding impression of the charm, courtesy and real friendliness of the gifted people of Cyprus.

XV. THE FORMATION AND CONSTITUTION OF MIDWESTERN NIGERIA

By I. M. Okonjo
Clerk of the Midwestern Regional Legislature

Midwestern Nigeria covers an area of 14,922 square miles, and has a population of just under 3,000,000 peoples whose ethnic grouping includes the Edos, Urhobos, Itsekiris, Afenmai, Ishans, Ibos, and Ijaws. Until 9th August, 1963, the area was ruled from Ibadan as part of Western Nigeria. At that time it was represented in a House of 124 Members by 30 Parliamentarians.

The first formal demand for the Constitution of Midwestern Nigeria into a separate Region began in a small way in the late 1940s when His Highness Akenzua II, the Oba of Benin, as a Member of the then Western House of Assembly, found himself isolated in point of culture and language in the midst of his compeers. He demanded a separate state for the Benin-Delta Provinces of Western Nigeria in that Legislature and emphasised his strong views on this subject, two years later, by leading the Benin delegation to the 1950 Ibadan General Conference to boycott this Conference, which was called to review the Richards Constitution. Not much progress however was made as demands for the creation of several other states sprang up in the country. To press the demand, therefore, a Benin Delta People's Party was formed in 1951 with His Highness the Oba of Benin as President and Mr. G. E. Odiase as Secretary.

To put the matter in proper perspective it should be stated that at about this time the question of the creation of more states had become one which generated intense political heat and argument in the country generally. Two reasons can be given for this. In the first place, until the beginning of the governorship of Sir Arthur Richards in 1943, Nigeria had been ruled as a Unitary State. Of course there was some measure of devolution of authority to Chief Commissioners at Ibadan, Enugu and Kaduna and to Residents in the Provinces. But there was only one central Legislature and a Central Executive for the whole country and the Chief Commissioners and Provincial Residents belonged unquestionably to this Unitary Administration, taking their orders in all matters from Lagos. People were generally content to be referred to, without distinction as to place of origin, as Nigerians (paragraphs 4 and 5, Part VI, Cmnd. 505, Minority Commission Report). However, the Richards Constitution changed all

this. With the division of the country into three Regions and the institution of one Central and three Regional Legislatures, it made people aware, in a way they had never been before, that apart from loyalty to family and tribe there was place too for a third loyalty—to one's Region. Moreover, by what must be regarded as one of the most remarkable incidents of Nigerian history, each Region was formed around a solid block of tribe which, by its preponderance in number, bade fair to dominate all others within the Region. Thus in the West a solid block of Yorubas faced a minority group made up of Edo and Ibo speaking elements. In the East a dominant Ibo group faced a minority made up of Ibibios, Efiks and Ijaws, and in the North a phalanx of Hausas faced a small group of Tivs, Nupes, Kanuris, and others. Consequently. each minority group found itself threatened by a powerful tribe which, in a democracy, it could never hope to overthrow. It found its culture, tradition and language exposed to neglect and possibly extinction by those of the majority group. This, therefore, was the first and possibly the paramount consideration which led to agitation for the creation of separate states.

Secondly, in the late 1940s it soon became clear that Nigerian Nationalists and political leaders were looking beyond mere participation with the Colonial Office in the management of Nigerian affairs and were already fixing their eyes first on full internal self-government and then on complete independence. The National Council of Nigeria and the Cameroons, a political party formed in 1944, had in 1946 organised a country-wide political tour in the course of which they put before the people a picture of national independence. In 1947 they went ahead with a delegation to the United Kingdom and presented a demand for political advance to the Colonial Secretary, Mr. Arthur Creech-Jones Then public reaction to the shootings of 18th November, 1949, at the Iva Valley coal mines, Enugu, where a labour crisis had developed and at which 21 miners were killed as a result of police shooting, showed unmistakably that sentimentally at any rate, the people were poised to demand self-government and independence (see page 299, Nigeria, *Background to Nationalism*, by J. S. Coleman). At the same time, the youths under the banner of the Zikist Movement were preaching positive action and decrying imperialism everywhere, and it did not need much power of imagination to know that the old order was going to yield place to the new very soon. If therefore internal self government and then national independence were coming the question began to be asked as to what form of Government was the country going to have then. How was it to be organised and ruled, and what was going to be the future of minorities in an independent Nigeria? Was the division of the country into three Regions going to be final? What assurance had the minorities that their interest would be protected under a government of a Region drawing its support mainly from a majority tribe

or under a Central Government formed by an alliance of two or more major tribes? (See page 386, Nigeria, *Background to Nationalism*, J. S. Coleman.)

These then were the fears which galvanised the various minority tribes into action. The first warning that these fears were not without foundation came with the conduct of the various Conferences called to review the Richards Constitution. Although the Richards Constitution was introduced in 1947 and the first review of the Constitution was not due to be held until nine years had passed (see page 56, *The Nigerian Constitution: History and Development*, by Oluwole Idowu Odumosu, Law in Africa Series No. 4), the almost unanimous opposition to its provisions by Nigerian Nationalists and press and the limited success which attended the National Council of Nigeria and the Cameroons delegation to London in 1947 made the continuance in office as Governor of Nigeria of the author of the Constitution unrealistic, and so in 1947 there was a change in Governorship with the departure on retirement of Sir Arthur Richards (now Lord Milverton) and the assumption of office of Sir John Macpherson. Before long the new Governor made it apparent that he was anxious to restore goodwill, for almost his first act was to announce to the Central Legislative Council his intention to review the Richards Constitution so as to introduce a new one in 1950. But he was also careful to announce that this review would be undertaken only if it was "the wish of this Council and of the country" and that he was going to be guided by the principle that "before any change is made it is of the utmost importance to allow adequate time for the expression of public opinion, and if the Council agrees I propose, after a period has been allowed for preliminary public discussion, to set up a Select Committee to review the whole position and to make recommendations".

Accordingly a series of consultative meetings were held at village, district, Provincial and Regional levels between 1949 and 1950, culminating in the Ibadan Review Conference (1950) at which the details of a Constitution (which was later promulgated as the Macpherson Constitution of 1951) were settled.

The relevance of this historical excursion for this paper is that in the course of this marathon Review Conference several requests were put forward for the dismantling of the Regions and the regrouping of the different parts of the country so as to provide security for the minorities by merging them with their kith and kin (*e.g.* Yorubas in Offa and Ilorin in the North to be merged with the Yorubas in the Western Region, and the Ibos in the West to be merged with the Ibos in the Eastern Region) and the simultaneous creation of a number of states based on linguistic and ethnic considerations (see page 123, *Constitutional Developments in Nigeria*, by Dr. Kalu Ezera, Cambridge University Press). However, these proposals were rejected and the Constitution which emerged confirmed the existence

of the Regions and even strengthened their position by granting them a greater degree of autonomy than they had hitherto enjoyed.

Following their failure to persuade the Ibadan General Review Conference as to the need for the creation of more states, the various minority delegates to the Conference returned home largely disillusioned. In the case of the leaders of what is now the Midwestern Region, His Highness the Oba of Benin summoned a meeting at Ogwashi-Uku, of natural rulers and leading politicians from the Benin-Delta Provinces, where a Benin Delta People's Party was formed to press for their own state. Following the breakdown of the 1951 Macpherson Constitution a Constitutional Conference was held in London in July and August, 1953. This continued in Lagos in January and February, 1954, under the chairmanship of the Colonial Secretary, Mr. Oliver Lyttelton (now Lord Chandos). At this conference it was decided to constitute the territory of Southern Cameroons, which was then under United Kingdom trusteeship and which had hitherto been administered as part of the Eastern Region, into a separate area enjoying quasi-Federal status and having its own Legislative Assembly and a Commissioner (Governor in the other Regions) who would assent to bills in Her Majesty's name. (See page 54, Report by the Resumed Conference on the Nigeria Constitution, Cmd. 9050.) This seemed to minority movements in Nigeria to imply that the mind of the Colonial Secretary was not finally closed on the issue, and that provided they organised themselves more effectively and presented a united front they might achieve results.

In the meantime two elections held in Western Nigeria in 1954 and 1956 contributed significantly to the seriousness of the demand for the creation of the Midwest State. The first of these was to return 42 Members from Western Nigeria to the Central Legislature, the House of Representatives, set up under the 1954 Constitution, which for the first time frankly accepted the Federal system as a form of government for Nigeria. Under this Constitution Western Nigeria and Eastern Nigeria were to return 42 members each while Northern Nigeria, Southern Cameroon and the Federal territory of Lagos were to return 92, 6, and 2 members respectively. Each Region was to be represented in a Central Cabinet by three Ministers appointed by the Governor-General acting on the advice of the person who appeared to him to be the leader of the majority party of the elected Members in the House of Representatives (see Report on the London Conference on the Nigerian Constitution, Cmd. 8934). Thus this election was vital in that whichever party won in two or all three Regions would control all, or a majority of all, the seats in the Federal Cabinet held by elected Members. Three seats in the Cabinet were to be reserved for ex-officio Members, who were the Chief Secretary to the Government, the Financial Secretary and the Accountant-General. Moreover, this was the first General Election to be fought in Nigeria on universal adult suffrage (except in Northern Nigeria

where the franchise is still limited to males: see Section 8, Constitution of Northern Nigeria, published as third Schedule to the Nigeria (Constitution) Order in Council, 1960, S.I. 1960, No. 1652, and Section 8 of the (Republican) Constitution of Northern Nigeria, Law No. 33 of 1963 of Northern Nigeria) and the first election in Nigeria to be fought on the principle of a single-member instead of a multiple-member constituency. (See page 32, *Nigerian Political Parties*, by Richard L. Sklar, Princeton University Press.) Its result was therefore bound to be important as it was likely to set the pattern for future voting in Western Nigeria and to indicate the measure of popularity enjoyed by each party in the area where it was in control.

This election was contested in Western Nigeria by the ruling Action Group party led by Chief O. Awolowo, the Opposition National Council of Nigeria and the Cameroons Party led by Dr. N. Azikiwe, a number of mushroom political parties, and by a host of independent candidates.

In so far as the parties fought the 1954 Federal Elections in the West on national issues the most significant issue was the promise by the National Council of Nigeria and the Cameroon to support the creation of a Midwest State in Western Nigeria if it won the election. In the result, the National Council of Nigeria and the Cameroon won 23 seats to the Action Group's 18, a result which has been described as an " upset result " because this was and still is the only time a party had been defeated in a Region where it was in control of the machinery of government and also because this defeat had the effect of keeping the Action Group party away from the Federal Cabinet for a number of years. For our purpose, however, it is significant that the National Council of Nigeria and the Cameroons, which had campaigned in the Midwest on a promise of a separate state, won all the 10 seats allocated to the Midwest in that election (see page 136, *Nigerian Political Parties*, Sklar), while more than 60 per cent. of the Action Group candidates in that area lost their election deposits.

The immediate reaction of the ruling Action Group party to this defeat on their home ground was the filing of a motion in the Western House of Assembly by a prominent Action Group supporter, Hon. M. S. Sowole. The Motion prayed: " Her Majesty's Government in the United Kingdom to make necessary constitutional arrangements to give effect to the creation of a separate state for Benin and Delta Provinces ". This Motion was carried unanimously on 14th June, 1955 (see Western House of Assembly debates 14th June, 1955, pages 58-73), and represents the earliest Parliamentary acknowledgment of the case for the creation of a state of Nigeria.

The next election was that of the Western House of Assembly held on 26th May, 1956. This was again fought by the old rivals, the Action Group and the National Council of Nigeria and the Cameroon, and although the former won 48 seats to the latter's 32 there

was enough in the results from the Midwest to dishearten the Action Group party. Of the twenty seats contested in the Midwest the National Council of Nigeria and the Cameroons cleared 16, leaving only 4 to the Action Group.

A new movement, the Midwest State Movement, was formed in 1956 under the leadership of Hon. D. C. Osadebay, a foundation member of the National Council of Nigeria and the Cameroons, then Leader of the National Council of Nigeria and the Cameroons opposition in the Western House of Assembly and National Legal Adviser of the N.C.N.C.; later successor to Dr. Azikiwe as President of the Nigerian Senate, which post he combined with that of Administrator of the Interim Government of the Midwest Region. He is now the Premier of that Region. (See pages 136 and 518, *Nigerian Political Parties*, by Sklar.) Clearly, the intention was to take the Action Group for its word and to test its sincerity. For the leaders of this movement made no secret of their leanings towards the National Council of Nigeria and the Cameroons, while prominent Midwesterners in the Action Group (there were several—Chief M. E. R. Okorodudu, M. F. Agidee, Anthony Enahoro, Reece D. Edukugho, A. O. Rewane, S. O. Ighodaro, to name a few) remained aloof and hostile to the new movement and consistently contested its claims to be an all-embracing non-political movement out to campaign on a non-party platform for the creation of the state.

Apart from touring the Benin-Delta Provinces and establishing branches, one of the earliest assignments of the Midwest State Movement was to attend the London Conference on the Review of the Nigeria Constitution held in May and June, 1957, under the chairmanship of the Colonial Secretary, Mr. Alan Lennox-Boyd (now Viscount Boyd of Merton). But before dealing with this it is necessary to explore briefly the background to this Conference.

In 1953, following the breakdown of the 1951 Macpherson Constitution, a Conference had been held in London and Lagos which settled the main lines of a future federal constitution for Nigeria. The 1954 Lyttelton Constitution which replaced the 1951 Macpherson Constitution provided for a Federation with three Regions (North, East and West) which enjoyed wide residual powers and a Centre which enumerated powers (see Report of the Resumed Conference on the Nigeria Constitution, Cmd. 9059, and the Colonial Office Report on the Colonial Territories 1953/54, Cmd. 9169, paragraph 19). But a wide range of subjects was left unsettled and it had been agreed specifically that a further Conference would be held in 1956 to consider the terms on which internal self-government would be granted to those Regions desiring it (see paragraph 28 of the Report of the 1953 London Conference on the Constitution of Nigeria). There was also the vexed question of internal self-government and then independence at the national level. In 1953 a young and gifted federal legislator, Hon. Anthony Enahoro, had moved a controversial Motion on

self-government for Nigeria, requesting the House to endorse "as a primary political objective the attainment of Self-Government for Nigeria in 1956". But the time fixed for the attainment of this objective was, at any rate from the point of view of the Northern legislators who made up 50 per cent. of the House, inopportune or impracticable and the House had dispersed on a note of confusion and disagreement (see page 126, *Nigerian Political Parties*, by Sklar). For most of the delegates from the South, however, the matter was not yet closed, and at the 1957 Conference (postponed from 1956 to 1957 because of the Foster-Sutton Constitution: see Colonial Office Report on the Colonial Territories 1956/57, paragraph 39) the matter came up for discussion.

14. Hitherto the story of the demand for a Midwest state has been treated in isolation. As a matter of fact, demands were made for several other states by (i) the Calabar-Ogoja-Rivers State Movement in the East led by Dr. Udo Udomo, a prominent Nigerian lawyer, then president of the Ibibio State Union and now Chief Justice of Uganda; (ii) in the North there was the Middle Belt State Movement which demanded a state in the North to comprise the non-Hausa-speaking Provinces of Benue, Plateau, Kabba, Ilorin, Niger and Adamawa; (iii) there were also loosely organised demands for the creation, in the West, of a Lagos and Colony State and Central Yoruba State comprising Ondo and Ibadan Provinces; in the East, for a Rivers, an Ogoja and an Owerri State.

Representatives of most of these organisations were present at the 1957 London Constitution Conference, and one of the most important and pressing problems before the Conference was therefore the "Minority Problems and the question of New States". After protracted discussion, paragraph 24 of the Report (Cmd. 207) recorded the decision reached as follows:

> "Many papers on the question of creating new States had been submitted to the Conference. There was lengthy discussion on the problems of minorities, and on specific proposals for the creation of new States and the desirability of breaking up existing Regions. The practical difficulties that this would involve were also carefully considered. The Conference finally reached agreement as follows:
>
> (*a*) A Commission of Enquiry should be appointed to ascertain the facts about the fears of minorities in any part of Nigeria and to propose means of allaying those fears whether well or ill founded.
>
> (*b*) Though the desire for the creation of new States in part arises from the fears of minorities, it would be impracticable to meet all these fears by the creation of new States. There are many different ethnic groups and peoples in Nigeria and however many States were created, minorities would still inexitably remain. It would therefore be the task of the Commission to

propose other means of allaying these fears and to consider what safeguards should be included for this purpose in the constitution.

(*c*) However, if no other solution seemed to them to meet the case, the Commission would be empowered as a last resort to make detailed recommendations for the creation of one or more new States, specifying the areas to be included and the governmental and administrative structure most appropriate.

(*d*) The Conference took note that, before agreeing to any such recommendation as might be made, the United Kingdom Government would have to take into account the effect of the establishment of any such new States on the existing Regions in the Federation and on the Federation as a whole. The United Kingdom Government would also have to be satisfied by the Commission that any such new State would be viable from both the economic and administrative points of view, since it was the view of the United Kingdom Government that administrative and other practical reasons would inevitably limit most severely the possibility of the further sub-division of Nigeria into States modelled on the present Regional system.

(*e*) The Conference also noted that the view of the United Kingdom Government that while the creation of even one more State in any Region would create an administrative problem of the first order, the creation of more than one such State in any Region could not at present be contemplated.

(*f*) The Secretary of State was invited to establish the Commission as soon as possible and to determine its precise terms of reference along the foregoing lines.

(*g*) The Commission's Report would be submitted to the Secretary of State who would then consult with the Federal and Regional Governments as to whether it could be dealt with by correspondence or otherwise, or whether the Conference should be re-convened to consider it."

Accordingly in September 1957, the question of the creation of New States in Nigeria was submitted to a Commission appointed by the Colonial Secretary and headed by Sir Henry Willink. The terms of reference of this Commission were based strictly on the recommendations of the 1957 London Constitutional Conference quoted above, and in July, 1958, its report was presented to the Colonial Secretary and was subsequently published as Cmnd. 505.

A detailed review of this report does not belong to this paper, which does not profess to be an exhaustive study of the minority question in Nigeria. But it can be safely stated that while the report recognised that there were real and "genuine" causes for fear among the minorities, it did not think that a permanent solution

could be found in the creation of more states, and it turned to its alternative term of reference which permitted it to "propose means of allaying those fears" and to "advise what safeguards should be included for the purpose in the Constitution of Nigeria" as providing the answer to the problems (paragraphs 2 and 3, chapter 14, Part VI, Cmnd. 505). It therefore framed its recommendations around the axiom that the only protection for the minorities lies, in the last resort, on the goodwill of the majorities and in the practice of liberal democracy. It defined this to mean the observation by the Executive of the principles of the Rule of Law, Respect for Fundamental Human Right and for Human Dignity, the practice of Tolerance in Politics and the application of "broad principles" of decency and justice. To achieve this it recommended the entrenchment of elaborate Fundamental Human Rights and other basic principles of Parliamentary democracy including the Independence of the Judiciary and certain other public institutions such as the Public Service Commission, the Electoral Commission, the Judicial Service Commission, the National Police Council, the Police Service Commission, the Office of the Director of Public Prosecution, the Auditor-General. More relevantly, it recommended the proscription of Discrimination (within certain limits in Northern Nigeria, see Note. page 102, Cmnd. 505) and the creation of special areas whose development should be a concurrent responsibility of the Regional and Federal Governments. Thus in the West, Benin and Delta Provinces less Akoko-Edo District of Afenmai Division and Asaba Division should be constituted into a Minority Area to be known as Edo Area, and in the East a Calabar Area comprising Calabar Province to be set up. In the North, the Commission referred with approval to the intention of the Northern Nigerian Government to set up a Provincial System of Administration (paragraphs 8 and 9, Summary of Recommendations, page 104, Cmnd. 505). Each minority Area was to have a Minority Council with a Chairman nominated by the appropriate Regional Government and a predominantly elected membership. The Council was to be fixed with responsibility for fostering "the well being, cultural advancement and economical and social development of the Minority and to bring to the notice of the Regional Government any discrimination against the Area".

It is perhaps superfluous to state that these recommendations far-reaching as they may seem to an impartial observer, failed completely to impress those who had seen the Commission as their last hope for the creation of their own Region. Paragraphs 44-46 of Part XII of the Report by the Resumed Nigeria Constitutional Conference held in London in September and October, 1958 (Cmnd. 569), record the dissatisfaction of these leaders of minority movements and their pressure for recognition of their case in spite of the findings of the Willink Commission. Only the threat of postponement of National Independence (on which, with other delegates, they had set their

minds) and a promise for the insertion in the Constitution of provisions for the creation of new States after Independence finally persuaded them to yield (paragraphs 47-49, Cmnd 569).

Even before the Report of the Willink Commission the Western Nigeria Government took some steps in the direction of constituting the Midwest Area into a Special Area in order to meet the aspirations of the people of the area. In 1956, a Ministry for Midwest Affairs was set up and a leading Midwesterner, Chief the Hon. A. Enahoro, was appointed to take charge of this Ministry. In 1957 a Midwest Advisory Council was set up to assist the Ministry of Midwest Affairs. The terms of reference of the Council were:

(*a*) To meet from time to time for the interchange of views and information on development in the social, economic and cultural fields in Benin and Delta Provinces; and

(*b*) to ensure that the Government is adequately informed of the needs of the area and of the impact of Government's policies and activities in the general life of the people of Benin and Delta Provinces.

Reviewing the Constitutional Position of this Advisory Council, the Willink Commission commented as follows:

> "In the Western Region, a step to which we have already referred has been taken towards allaying the fears of a minority. This is the setting up of a Midwest Advisory Council with the Minister for Midwest Affairs, Chief Anthony Enahoro, as the Chairman. We were impressed with the effort which the Western Region had made in this matter and with the trouble which Chief Enahoro had taken to consult the many interests involved."

But it thought that the Council could not inspire confidence because it was not made more representative of public opinion in the Midwest and suggested that instead of containing only nominated members provision should be made for elected members "who are ready to criticise", that it should submit annual reports on its activities which should be debated in the Western House of Assembly and laid on the table of the House of Representatives, Lagos, and that the Council should be renamed "Council for Edo Affairs".

19. Immediately after National Independence in October, 1960, the Action Group Government of Western Nigeria laid on the table of the Western House of Assembly a White Paper entitled "Proposals for the Declaration of a Minority Area for the Midwest area of the Western Region and the establishment of a Midwest Minority Council". This was laid as sessional paper No. 14 of 1960 and it was intended to outline Government's plan to exercise the power vested in the Governor under Section 73 of the Constitution of Western Nigeria to declare an Area to be a Minority Area. Under this White Paper it was proposed to declare the entire Area now comprised in

Midwestern Nigeria (less Warri Division and Akoko-Oke District) into a Minority Area and to set up a Midwest Minority Council to replace the Midwest Advisory Council. This Minority Council was to comprise:

(i) all Members of the Federal House of Representatives who represent Federal Constituencies in the Midwest;
(ii) all members representing Regional Constituencies in the Midwest; and
(iii) those Members of the Western House of Chiefs whose areas lie wholly or in part in the Midwest.

The Chairman of the Council was to be the Honourable Minister for Midwest Affairs and the functions of the Council were defined in Section 73(3) of the Independence Constitution of Western Nigeria as follows:

"(3) The Minority Council for a Minority Area shall be responsible for advising the Government of the Region with respect to the development and welfare of that Minority Area and for bringing to the notice of the Government any discrimination against the inhabitants of that Minority Area and shall have such other functions with respect to that Minority Area as may be conferred upon it by any law in force in the Region."

Paragraphs 9-13 of Sessional Paper No. 14/1960 amplifies this as follows:

"9. In accordance with section 73(3) of the Constitution the functions of the Council will be mainly advisory, but it is proposed that the Minister of Midwest Affairs will be Chairman of the Council and that the exercise of certain executive powers in regard to the Midwest can be delegated to the Minister who will be in close touch with the Council and be in an advantageous position to appreciate the views and attitudes of members when exercising his powers. The purpose of this is to foster in a more effective way than was possible under the old Advisory Council the recognition of the right of the people of the Minority Area to play a greater part in the planning and execution of all Government schemes for the 'development and welfare' of the area, and of the need for their collaboration in getting Government decisions to be understood and accepted by their people.

"10. As a first measure to bring this about, relevant laws will be amended to permit the delegation of executive powers to the Minister in regard to certain aspects of matters closely related to local usages and customs in the Midwest area. Such matters might include certain aspects of the disposal of communal lands, of the constitution and operation of Local Government Councils and of the institution of Chieftaincy and traditional authority in the area.

"11. As a second measure, executive machinery will be provided at the Midwest level to facilitate consideration of Midwest policy matters by the Council and the exercise of the powers delegated to the Minister. This executive machinery will consist of a Midwest Circle headed by an officer of appropriate seniority, for each of the major arms of Government activity in the Midwest. Arrangements will be made by which the Minister will be well-informed in respect of all Government activities in the Midwest, by directives which will make it obligatory on Government officers (including officers of Statutory Corporations) in the Midwest to work in close liaison with the local office of the Ministry of Midwest Affairs in Benin and to clear their proposals with that office and submit reports of progress to it, for endorsement or comment before transmission to their head offices in Ibadan. It will thus be possible for the Ministry's office in the Midwest area to co-ordinate information for the Minister's use and to give him a measure of influence on daily occurrences in addition to his being able to take up at Headquarters any matters over which he has not received satisfaction in the area.

"12. As a third measure, policy matters initiated at the Headquarters of the various Ministries in Ibadan will be cleared with the Ministry of Midwest Affairs in so far as they affect the Midwest. These will include the Midwest aspect of all Government projects and plans for the development of the Region, the consultation of the Minister in respect of appointment of members of Public Boards and Corporations to represent the interest of the Midwest and the manner of application of any loans to be issued by the Finance Corporation in the Midwest so that they are directed to schemes that will adequately promote the rapid development of the Midwest area agriculturally and industrially.

"13. The Midwest Minority Council will meet as often as necessary to deliberate on information available on Government plans and policies for the Midwest and to make suggestions of methods that will facilitate their execution, both as to location to areas after due consideration of needs and potentialities, and adequacy in respect of quality and quantity related to the amount of expenditure allocated."

Laudable as these efforts were, they failed to catch the imagination of the people of the Midwest areas and it is doubtful if the Midwest Minority Council ever got under way. In the climate of political expectation generated in the Midwest in the years following the achievement of National Independence, by the fact that the National Council of Nigerian Citizens, a party which for over a decade spear-headed the struggle for the creation of the state, was now in coalition at the centre precluded any politician in the Midwest from giving any serious consideration to these proposals. And so this

final attempt to win the support of the people of the Midwest for the continuance of rule from Ibadan failed while it was being formulated.

Independence was attained in 1960 under a Coalition Government formed by the Northern Peoples Congress representing Northern Nigeria and the National Council of Nigeria Citizens representing the Eastern and Western Nigeria. One of the terms of the coalition was that the Northern Peoples Congress, which had never disguised its lack of enthusiasm for the creation of more states in Nigeria, would nevertheless support the creation of the Midwest State which the National Council of Nigerian Citizens had pledged itself to bring about in successive elections in Western Nigeria since 1951. Under pressure from the National Council of Nigerian Citizens therefore (whose members were in a strong position in the Federal Government and whose former National President had become the Governor-General) the Federal Government lost no time in taking steps under Section 4(3) of the Independence Constitution to introduce legislation for the creation of the Midwest State for Western Nigeria. On the 4th of April, 1961, the Federal Prime Minister, Sir Abubakar Tafawa Balewa, moved a motion for the creation of a fourth Region out of the existing Western Region of Nigeria, but owing to procedural defects in the manner of passing the Resolution in the Federal Parliament it became necessary to re-introduce it on 23rd March, 1962.

Section 4(3) of the Constitution provides as follows:

"(3) Alterations to section 3 of this Constitution for the purpose of establishing new Regions out of other territories shall be effected only in accordance with the following procedure:

(*a*) a proposal for the alteration shall be submitted to each House of Parliament and, if that proposal is approved by a resolution of each of these Houses supported by the votes of at least two-thirds of all the members of that House, the proposal shall then be submitted to the legislative houses of all the Regions; and

(*b*) if the proposal is approved—

(i) by a resolution of each Legislative House of a majority of all the Regions; or

(ii) by a resolution of each Legislative House of at least two Regions, including any Region comprising any part of Nigeria that would be transferred to the new Region under the proposal.

Parliament may provide for the alteration."

Owing to the absence of authoritative documentation it is not intended to go into details in dealing with the progress in the various Legislatures in Nigeria. In the case of the Northern and Eastern

Regions controlled by the Northern Peoples Congress and the National Council of Nigerian Citizens respectively which were the Parties in coalition in the centre no difficulties were expected or encountered and the motion for the creation of the new State secured the necessary votes of not less than two-thirds of all the Members of both Houses of the Legislatures in Lagos, Enugu and Kaduna. In the case of Western Nigeria the motion was debated and defeated, and to demonstrate the depth of feeling against the move to create the state the Western Nigeria Government filed actions in the Federal Supreme Court challenging the legality of the steps being taken by the Federal Government and the other Regional Governments to create the Midwest State.

The story of the political quarrel in which the Action Group the ruling party in Western Nigeria, was engulfed since 1959 (intensified by the defeat of that party at the Federal Elections of that year) and which erupted into the open early in 1962 does not belong to this paper. But it is pertinent to remark that the conflict which at its beginnings caught the Nigerian public unprepared developed into a major split which in turn led to a worsening situation of Law and Order compelling the Federal Government to declare a State of Emergency in Western Nigeria on 29th May, 1962, in exercise of its powers under Section 65(3)(b) of the Independence Constitution. Under Emergency Regulations, the Federal Government suspended the Western Regional Executive and the Western Regional Legislature and appointed an Administrator who, in the exercise of executive powers vested in him, was responsible to the Federal Cabinet through the Federal Prime Minister. It was in exercise of this power that the Administrator permitted the withdrawal of the legal suits filed by the suspended Action Group Government to stop the Federal Government from proceeding with action to create a Midwest State. Consequently, the way was clear for further progress on the creation of the State.

The next stage in the process was that Section 4(5)(b) of the Independence Constitution required, before effect could be given to a motion for the creation of a new state passed in the manner prescribed in Section 4(3), that—

> "A referendum upon the question whether the Act should have effect has been held in pursuance of provision made in that behalf by Parliament in every part of Nigeria that would be comprised in a new Region or transferred from one territory to another, as the case may be, at which the persons entitled to vote were the persons who at the date of the referendum were entitled to vote in any constituency in that part of Nigeria established under section 51 of this Constitution and at which at least-three-fifths of all the persons who were entitled to vote at the referendum voted in favour of the Act."

Accordingly a Referendum was organised on 13th July, 1963, under Regulations made in 1963 by the Governor-General on advice of the Prime Minister in exercise of powers conferred by Section 5 of the Constitutional Referendum Act, 1962, No. 4 of 1962, and the Midwest voters concerned voted overwhelmingly for the creation of the State. In the event, a record poll was registered and an average of 89 per cent. instead of the required minimum 65 per cent. was obtained. In one constituency, the Urhobo West Central Constituency, a 98 per cent. "Yes" Poll was cast. This was the highest during the Plebiscite and no negative votes were cast.

The final step was taken when the Governor-General, in exercise of powers under Section 1(2) of the Midwestern Region (Transitional Provisions) Act, No. 19 of 1963, constituted an Administrative Council for the new Region which was headed by an Administrator. This body was, for the first six months of the existence of the new Region (9th August, 1963—8th February, 1964), charged under Section 1(1)(a) of the said Act with the general duty of administering the Government of the Region and it was to be presided over by the Administrator who was to be assisted by three deputies. There were to be such other members of the Council as the Governor-General may appoint. In discharging its functions the Administrative Council was required by Section 1(6) to comply with such directions as it may receive from the Prime Minister. A new Constitution was drafted by this Interim Administration in close collaboration with the Federal Ministry of Justice and the Federal Cabinet and was ultimately submitted for the approval of the Federal Parliament as Act No. 3 of 1964 enacted by that Parliament. The Constitution is therefore not autochthonous because, following the established practice in constitution making in Nigeria, it was never submitted to the people for their direct approval. The new Constitution is divided into seven chapters and contains altogether 76 sections. It is itself a schedule to the Constitution of the Federal Republic of Nigeria although it contains two schedules of its own. Under Section 3 of the Act making provision for this Constitution it is stated that the Articles dealing with the "Constituencies, elections, qualifications, determination of questions, or the operation of Laws . . . relating to members of the House of Assembly of the Region" shall be deemed to have come into force on 1st November, 1963. The rest of the Constitution came into operation on 8th February, 1964, by an order published as Legal Notice No. 7 of 1964.

This Constitution repeats, mainly, the provisions of the Constitution of the other Regions of Nigeria. In this sense it may aptly be described as being framed in accordance with what Professor S. A. de Smith in his recent book *The New Commonwealth and its Constitutions* has referred to as the Westminster Export Model. It provides for a Governor in whom is vested the Executive Authority of the Region (Section 32). He is aided and advised in the exercise of his

functions (except in so far as the Constitution vests him with a discretion) by an Executive Council consisting of a Premier and "such other persons being Ministers of the Government of the Region as the Governor, acting in accordance with the advice of the Premier, may from time to time appoint" (Section 34). It provides for collective responsibility by the Executive Council (Section 35) and controls the appointment of a Premier and therefore of an Executive Council by requiring the Governor whenever he has occasion to appoint a Premier to appoint "a member of the House of Assembly who appears to him likely to command the support of the majority of the members of the House" (Section 33). It limits the right of the Governor to act at his discretion to three cases only:

(i) In the exercise of the power to refuse a dissolution of the Legislative Houses where the Premier advises a dissolution when a vote of no confidence in the Government of the Region has not been passed as required by Section 31(5)(a) of the Constitution. If it appears to the Governor that the Government of the Region can be carried on without a dissolution he may, in his discretion, refuse dissolution (see 38(1)(a));
(ii) In the exercise of the power to appoint a Premier under Section 33;
(iii) Whenever the Premier is for any reason unable to perform the functions of his office and the Governor considers it impracticable to obtain the advice of the Premier in his absence or illness, he may, in his absolute discretion, authorise some other Member of the Executive Council of the Region to perform those functions;
(iv) In exercise of power under Section 39 to request the Premier to furnish him information with reference to any particular matter relating to the Government of the Region;
(v) In giving approval for recruitment to his personal staff under Section 62.

The Constitution provides for a Bicameral Legislature—a House of Assembly and a House of Chiefs. The House of Assembly comprises 65 members who are wholly elected from sixty-five single member constituencies covering the area of the Midwest Region, while the House of Chiefs comprises:

(*a*) Ex-officio Members: The Oba of Benin and the Olu of Warri and such other persons who for the time being hold such other Chieftaincies as the Governor may prescribe. (At present, five other Chieftaincies have been so prescribed);
(*b*) 51 Chiefs selected in such manner as the Legislature may by law prescribe;
(*c*) 4 members selected by the Governor acting on the advice of the Premier to represent the interests of groups of persons

resident in a special area within the meaning of Section 14(4) (under the 1st Schedule to the Constitution the following areas have been designated special areas—Akoko-Edo, Isoko, Warri and Western Ijaw, and this is to remain so until the Midwestern Nigeria Legislature otherwise provides (see Section 14(4)); and

(*d*) Such special Members, being Chiefs, as the Governor, acting on the Premier's advice, may select. At present, there are three such special Members.

The total membership of the House at present is therefore 65. The House of Chiefs is presided over by a President elected under Section 9 and the House of Assembly is presided over by a Speaker elected under Section 10 of the Constitution.

The mode of exercise of Legislative power is by a Bill passed by both Houses of the Legislature and assented to by the Governor (Section 25). A bill, other than a Money Bill, may be introduced in either House, but only the House of Assembly may initiate a Money Bill and then only on the recommendation of the Governor signified by a Minister of the Government of the Region (Section 26). The House of Chiefs' power of delaying Bills passed by the House of Assembly is limited in the case of Money Bills to one month and in the case of other Bills to six months (Section 27). The Governor may at any time summon, prorogue or dissolve the Legislative Houses, but it is conceivable that this is one of the powers which the Governor is obliged under the Constitution to exercise on advice.

The Legislative Powers of the Region are derived from two sources:

(i) Matters not within Part I of the Legislative Lists (see Schedule to the Constitution of the Federal Republic of Nigeria); and
(ii) Matters within the concurrent List (see Part II of the Schedule of the Constitution of the Federal Republic of Nigeria).

This means that in respect of all matters not within (i) above the Region enjoys residual legislative powers and laws enacted in exercise of these powers would be supreme. Under (ii) however the Laws enacted by the Legislature of the Region will yield to Federal laws on the same matter with which they are in *pari materia*, irreconcilable and in conflict. The Legislature of the Region is supreme only when it acts within the limitations imposed by the Constitution read together with the Constitution of the Federal Republic. These limitations are those imposed by

(i) the fact that the Region is part of a big Federation and that legislative powers are therefore distributed;
(ii) the existence of Fundamental Human Rights provisions in

> the Constitution of the Federal Republic of Nigeria against which most enactments—be they Federal or Regional—would be tested.

The Federal Supreme Court, which is the highest Court in the country, has therefore been charged with the duty of scrutinising legislative enactments and pronouncing upon their validity or otherwise (Section 115, Constitution of Federal Republic of Nigeria). This supervisory function of the Judiciary is necessarily a normal incident of federalism and extends equally to the legislative activities of the other Regions of Nigeria.

Except when the Federal Parliament is exercising its power, under Section 70 of the Federal Constitution, the Legislative Houses of Midwestern Nigeria are entitled to discharge their functions in an independent and autonomous manner, without interference, and the Federal Parliament has no power or right to encroach, at any rate in pith and substance, upon the legislative field assigned to the Midwestern Nigeria Legislature. The principles of *R. v. Burah* (1878) and *Hodge v. The Queen* (1883) apply to Midwestern Nigeria in its constitutional relationship with the Federation. Neither is superior to the other and none acting alone can alter the balance of distribution of Legislative Power as enacted in the Constitution. Although Midwestern Nigeria as a Post-independence Region is mainly the creation of the Federal Parliament, it has taken only six months to attain the same stature with reference to legislative capacity and is now an equal partner in the Commonwealth of Nigeria.

There are provisions for a High Court, a Public Service Commission and an Electoral Commission. A few provisions are entrenched—those relating to the manner of exercise of the Governor's Executive powers, the method of appointment and removal of High Court Judges, the distribution of legislative powers and the alteration of Regional boundaries. These follow the pattern set in the Constitutions of the other Regions of Nigeria and a detailed description of them is therefore not called for.

Midwestern Nigeria is not one year old yet as a Region. But within the brief period of its existence a Regional Civil Service has been set up and the Legislature has successfully held two meetings, including a budget session.

The Government is formed by the National Council of Nigerian Citizens which controls 56 seats in the House of Assembly, while the Opposition Midwest Democratic Front Party has eight members and the Action Group Party one. There is no division on party lines in the House of Chiefs and, judging from the performance in the Legislature during the first two meetings, there is a bright future for the practice of liberal democracy in the governance of the young Region.

XVI. THE SESSIONAL TIME TABLE OF THE HOUSE OF LORDS

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The rôle of the House of Lords in the Constitution has changed considerably over the years, and indeed it is often claimed that the House of Lords has survived in the modern Constitution only because it has been able to adapt itself successfully to changing conditions. Today the Lords is seen primarily as a chamber for general debate, for the revision of Commons' Bills, and for the initiation of non-controversial legislation. An examination of the sessional time-table of the House of Lords in the period 1920 to 1964 illustrates the way in which the time of the Lords is distributed between these three functions of debate, revision and initiation, and shows some of the ways in which the work and procedure of the Second Chamber has evolved to meet the needs of the modern Parliamentary situation.

Since 1920 there has been a gradual increase in the amount of time that the House of Lords has spent in session. This can be seen by the increase over the years in the total number of sitting days and hours, as well as by the increase in the average length of each sitting.

Before 1939 the Lords generally sat for a hundred or less days per session, though there were longer sessions, as in 1929-30 (one hundred and twenty-eight days) and 1938-39 (one hundred and forty-three days). Between 1945 and 1950, in the period of the Attlee Labour Government, the number of sitting days was always more than one hundred, ranging from one hundred and twenty to one hundred and sixty. Since 1950, however, the number of sitting days has usually varied from one hundred to one hundred and thirty.

Rather more noticeable than the slight increase in the number of days per session has been the increase in the total number of hours per session. Before 1939 the number of hours in a Lords' session was usually between two and three hundred. From 1945 to 1950 this number increased to between four and five hundred, and though this was reduced to about three hundred hours when the Labour Government lost office in 1951, there has been a steady increase since then until in each of the past four sessions the Lords sat for well over five hundred hours.

As a result of this increase in hours, the average length of each sitting grew from two and a half hours before 1939, to about three and

a half hours in the period 1945-55, and to more than four and a half hours today. The 1960-61 session was the first in which the average length of the sittings exceeded four and a half hours. The longest single sitting since 1920 was on 8th November, 1934, when the House sat for just over twelve hours. There was a sitting of just under twelve hours on 13th May, 1963, and in most sessions there have been sittings of eight or nine hours.

On the other hand, on some days the Lords sit for less than thirty minutes when largely formal business is transacted. Before 1956 the number of such days was usually six or more per session, and before 1939 there were often ten or more sittings of less than thirty minutes. However, the number of such sittings has been reduced since 1956 and in the 1961-62 and 1962-63 sessions there were none at all because of the passing of Standing Order No. 44A (Printing of Bills brought from the Commons).

Another measure of the greater number of hours spent in session is to be found in the size of the Lords' Hansard. The number of columns in the House of Lords' Hansard grew from under five thousand before 1939 to eight and nine thousand between 1945 and 1950. In the last four sessions the Lords' Hansard has exceeded ten thousand columns.

The various classes of business dealt with in the Lords can be divided into four main groups: Bills, debates, finance, and incidental business.

With regard to the latter, the Prorogation of Parliament occupies one day, or sometimes (as in 1963) only half a day, at the end of each session. At the beginning of a Parliament or on the death of a Monarch three or four days are devoted to Oath Taking and other formal matters. Further, some business such as Prayers and starred questions appear on the time table daily and are not dealt with in this survey.

Very little time is devoted to financial business in the Lords because of the several constitutional limitations placed upon the House of Lords' power to deal with finance. Before 1950 one whole day or half a day was usually allocated to the consideration of the Finance Bill. Since 1950, however, an additional two or three days have sometimes been spent considering the Army, Air, and Navy Estimates, so that three or four days generally are spent on financial matters.

The bulk of the time in the Lords, however, is spent in considering Bills and in general debate, with the time divided almost equally between the two. The emphasis, whether on Bills or debates, varies from session to session, with no really clear pattern emerging. However, it may be noted that in the sessions 1946-47, 1947-48, and 1948-49, when the Labour Government introduced the bulk of its legislative programme, the amount of time spent on Bills exceeded to a considerable degree the time spent on debates. After 1950 debates

tended to occupy more time, but since 1960 Bills have again taken up a greater share of the time.

The Lords always spend more time dealing with Bills sent up from the Commons than they do in dealing with Bills initiated in their own House. Generally the ratio is two days to Commons' Bills to every one on Lords' Bills, but from 1945 to 1954 the time devoted to Commons' Bills was greater than this. The greatest number of days devoted to Commons' Bills was in the 1948-49 session when sixty days were spent in this way. However, in the 1960-61 and 1961-62 sessions the time spent on Lords' Bills almost equalled the time spent on Commons' Bills.

The consideration in the Lords of Commons' amendments to Lords' Bills does not usually take up much time. Even under Labour Governments, one day or even half a day is usually all the time that is taken, though in the 1929-30 session three and a half days were spent. This is perhaps a further indication that since 1918 the House of Lords has acted as a complement to, rather than a rival of the House of Commons, with the emphasis being placed on co-operation rather than conflict.

Debates in the Lords can be initiated in different ways The Speech from the Throne is always followed by a debate, but before 1939 this debate usually lasted for no more than one day. Since 1939 the number of days devoted to discussing the Speech from the Throne has increased, until in the last few sessions five or six days have been occupied in this way.

A voluntary statement by a member of the Government can lead to debate, but they are rare, the average being about one half day per session. The exception to this was the 1938-39 session when eight whole days were devoted to the discussion of Government statements, mainly on the European situation.

Debates on a motion to adjourn the House are also extremely rare, there being a total of only four whole days of such debates since 1920. In this respect then the practice in the Lords is vastly different from the practice in the Commons where the Adjournment Debate is a vital part of each day's procedure.

Before 1924 the most popular method of initiating a debate in the Lords was simply by asking an unstarred question,[1] the answer to the question being followed by a full-scale discussion. Again this shows a marked contrast to procedure in the Commons where the rules governing Question Time prevent such debates developing. However, debates developing from question and answer are not as common in the Lords today as they were before 1924, and generally only two or three days per session are occupied in this way.

Today the most usual method of initiating a debate in the Lords is

[1] An unstarred question is one that is designed to be the preliminary to a debate: a starred question is the equivalent in the Lords of an oral question asked in the Commons' Question Time.

by proposing a Motion for Papers. This Motion for Papers has no practical significance other than reserving for the proposer the right to have the last word in the debate. Usually a half or two-thirds of all the debates in the Lords are initiated in this way, so that since 1924 this method has gradually replaced the direct question as the main method of beginning a debate.

The final method of raising a topic for debate is by a straightforward resolution. The extent of the use of this method has not varied greatly over the years, though there have been slight differences from session to session. In general, about twelve days are occupied by debates initiated in this way.

How does the distribution of time in the Lords compare with that in the Commons?[1] In many aspects of procedure such as the rules governing Question Time, the Adjournment, etc., practice in the Commons is vastly different from the Lords, but under consideration here is rather a comparison of the differences in the time spent on the various classes of business in the two Houses.

On this the main difference between the two Houses is that the Commons spend considerably more time in session than do the Lords. The Commons' session is thirty or more sitting days longer than that of the Lords, the average length of each sitting in the Commons is longer than in the Lords, and the mere size of the Commons' Hansard as opposed to the Lords' Hansard indicates how much more activity there is in the Commons than the Lords.

However, with regard to the way that the sitting time is divided among the various classes of business, the main point of comparison is that in the Lords very little time is spent on finance, while in the Commons almost one-third of the time is devoted to financial Bills and financial debates. In each session the Commons tend to spend forty to fifty days on finance as compared with three to four days in the Lords.

Both Houses divide their time almost equally between debate and the consideration of Bills, but in the Lords more time is spent on "general" debate (as opposed to specific financial debate), as much of the Commons' debating time is spent in the discussion of financial matters.

A special comment might be made about the last three or four sessions as recently there has been a greater use made of the House of Lords as a legislative and debating chamber. The number of sitting days has not greatly increased as compared with the nineteen-fifties, but the number of hours has increased quite markedly. The 1960-61 session was the first in which the Lords sat for more than six hundred hours, and in the last three sessions the number was also much higher than was usual in the past.

[1] For the Sessional Time Table of the House of Commons see Lord Campion: *An Introduction to the Procedure of the House of Commons London*, 1958, Appendix III.

Another feature of the past four sessions has been that the number of days devoted to Bills has exceeded the number of days spent in debate, and again this is contrary to the tendency in the nineteen fifties. In 1960-61 and 1961-62 sessions the increase was in the time devoted to House of Lords' Bills, while in the 1962-63 and 1963-64 sessions the time devoted to House of Commons' Bills was much greater than had been usual in the past.

This increased legislative use of the House of Lords over the past four years is in many ways the most interesting feature of this survey. It was perhaps inevitable that the heavy legislative programme of the Labour Government between 1945 and 1950 should lead to an increase in the time and work of the Second Chamber, and the reduction in the length of sittings when the Conservatives returned to power in 1951 was perhaps to be expected. The marked increase in the length of sittings since 1960 is thus remarkable, and it may be questioned whether this is merely a temporary development due to greater Opposition activity as a General Election draws near, or whether it is an indication that in future years greater use will be made of the House of Lords as a legislative and debating chamber by Conservative and Labour Governments alike, and that the passing of the Life Peerages Act 1958 has had the predicted effect of strengthening the House.

SESSIONAL TIME TABLE OF THE HOUSE OF LORDS

		1920	1921	1922	1923	1924	1924–25	1926	1927	1928	1928–29
Bills	House of Lords Bills	22	16	17½	16½	20½	13½	17	13½	6	11½
	Commons Amendments		½	2				½		1	½
	Commons Bills	40	28½	21	12½	18	28	30	26½	22½	19
		62	45	40½	29	38½	41½	47½	40	29½	31
Debates	Speech from the Throne	1	4	3	1	1	1	1	1	1	1
	Initiated by Papers	9	3	3	9	13	27	15½	19½	19	7
	Initiated by Motion	15	13½	15½	6	10	8½	15½	12	8½	14
	Initiated by Question	17½	24	24	21	9½	12½	9½	12½	7½	5
	Government statement	1	1		½	2			½		
	Adjournment										
		43½	45½	45½	37½	35½	49	41½	45½	36	27
Finance	Finance Bill	1			½	½	1	½	½	½	1
	Forces Estimates		0	0							
		1	0	0	½	½	1	½	½	½	1
Incidental business	Prorogation	½	1½	1	1	5	3	½	½	1	1
	Oath taking	1		3			½			½	
	Demise of Monarch						2				
	Demise of Peer										
		1½	1½	4	1	5½	5½	½	½	2	1
Sittings of less than 30 mins.		8	11	1	7	4	8	10	7	7	6
Total sitting days		116	103	91	75	84	105	100	94	75	66
Total sitting hours		342	227	229½	141	234	223	216½	241½	145	151½
Average length of sitting		2hrs. 57m.	2hrs. 12m.	2hrs. 31m.	1hr. 52m.	2hrs. 47m.	2hrs. 7m.	2hrs. 9m.	2hrs. 35m.	1hr. 56m.	2hrs. 17m.
Longest sitting		10hrs.	9½hrs.	8½hrs.	4½hrs.	10½hrs.	4½hrs.	9hrs.	8hrs.	4hrs.	7½hrs.
Columns in Hansard		5824	4058	4038	2724	4078	4164	3992	4322	2738	2728

SESSIONAL TIME TABLE OF THE HOUSE OF LORDS

		1929–30	1930–31	1931–32	1932–33	1933–34	1934–35	1935–36	1936–37	1937–38	1938–39
Bills	House of Lords Bills	22	15	11½	16	33½	24	8½	13½	11	17
	Commons Amendments	3½	½	1	½	1½	1½	1	2	2	
	Commons Bills	29½	34	31	25½	17½	26	21	39	38½	35½
		55	49½	43½	42	52½	51½	30½	54½	51½	52½
Debates	Speech from the Throne	1	1	1	1	1	1	1	1	1	2
	Initiated by Papers	35½	23	17	27	23½	15½	28	26	20	43
	Initiated by Motion	10	12	15	11	12	19½	16	11	14½	12
	Initiated by Question	9	5	3	2½	4	2½	1	2	4	6
	Government statement								½	3	8
	Adjournment										
		55½	41	36	41½	40½	38½	46	40½	42½	71
Finance	Finance Bill		2	½	½	1		½	½	1	1
	Forces Estimates	0	2	½	½	1	0	½	½	1	1
Incidental business	Prorogation	½	½	1	1	1	1	1	1	1	½
	Oath taking	3		3				4	1½		
	Demise of Monarch							2			
	Demise of Peer										
		3½	½	4	1	1	1	7	2½	1	½
Sittings of less than 30 mins.		14	10	12	5	5	8	9	12	16	18
Total sitting days		128	103	96	90	100	99	93	110	112	143
Total sitting hours		298	230	192	217	279½	265½	216½	245½	274	296½
Average length of sitting		2hrs. 19m.	2hrs. 13m.	2hrs.	2hrs. 24m.	2hrs. 47m.	2hrs. 40m.	2hrs. 19m.	2hrs. 13m.	2hrs. 26m.	2hrs. 4m.
Longest sitting		8½hrs.	8½hrs.	8½hrs.	5hrs.	12hrs.	8½hrs.	5½hrs.	9½hrs.	9hrs.	7½hrs.
Columns in Hansard		5522	4178	3434	4018	5020	4840	3754	4244	4814	5206

SESSIONAL TIME TABLE OF THE HOUSE OF LORDS

		1945–46	1946–47	1947–48	1948	1948–49	1950	1950–51	1951–52	1952–53	1953–54
Bills	House of Lords Bills	17	18	18		22½	4	9½	7½	10	14
	Commons Amendments	1	1½	1	1	2	½	1	½		1
	Commons Bills	37½	47	45	60		10	25	24	34½	49
		55½	66½	64	1	84½	14½	35½	32	44½	64
Debates	Speech from the Throne	2	2	2	1	3	3	3	4	3	3
	Initiated by Papers	56½	33	32½	3	33	26½	44½	47½	37½	28
	Initiated by Motion	21	8½	7	1	12½	10½	6	8½	12½	21½
	Initiated by Question	4	4	2½		2½	2	2½	3	1½	½
	Government statement	½	1	1		½		½		½	
	Adjournment									½	
		84	48½	45	5	51½	42	56½	63	55½	53
Finance	Finance Bill	1	1	2		1	1½	1	1	1	1
	Forces Estimates						1	1	1	2	3
		1	1	2	0	1	2½	2	2	3	4
Incidental business	Prorogation	½	1	1	1	1	1	1	1	1	1
	Oath taking	5					3		5		
	Demise of Monarch		1						2		
	Demise of Peer										
		5½	2	1	1	1	4	1	8	1	1
Sittings of less than 30 mins.		13	7	8	0	3	4	5	6	3	9
Total sitting days		159	125	120	7	141	67	100	111	107	131
Total sitting hours		477	528½	418½	21	514	230	292½	381½	365	456½
Average length of sitting		3hrs.	4hrs. 15m.	3hrs. 29m.	3hrs.	3hrs. 38m.	3hrs. 25m.	2hrs. 55m.	3hrs. 25m.	3hrs. 24m.	3hrs. 28m.
Longest sitting		8½hrs.	11½hrs.	8½hrs.	6hrs.	9hrs.	8½hrs.	8½hrs.	8½hrs.	9hrs.	10hrs.
Columns in Hansard		8310	9174	7602	332	9420	3992	5304	6542	6726	8312

		1954–55	1955–56	1956–57	1957–58	1958–59	1959–60	1960–61	1961–62	1962–63	1963–64
Bills	House of Lords Bills	12½	17	14½	18	13½	17	28	24½	18	11
	Commons Amendments	½	1	28	½	½	½	1½	1½	1½	1½
	Commons Bills	12½	34½		30	39	31½	36	30½	51	45½
		25½	52½	42½	48½	53	49	65½	56½	70½	58
Debates	Speech from the Throne	3	4	3	5	6	4	5	4	5	6
	Initiated by Papers	14	57½	38	28	35	41	36½	34½	36	33½
	Initiated by Motion	6½	13	10	15	8	9	14	13	10	7½
	Initiated by Question	2	2½	4½	1½	2½	5½	3½	2	3	6½
	Government statement	1		½	1	½		1	2	1	
	Adjournment				½	½					
		26½	77	56	51	52½	59½	60	55½	55	53½
Finance	Finance Bill	1	1½	½	½	½	1½	½	1	1	½
	Forces Estimates		3	3	3	3	3	2	2½		½
		1	4½	3½	3½	3½	4½	2½	3½	1	1
Incidental business	Prorogation	1	1	1	1	1	1	1	½	½	
	Oath taking		2		2		3				
	Demise of Monarch										
	Demise of Peer										
		1	3	1	3	1	4	1	½	½	
Sittings of less than 30 mins.		2	10	4	1	3	3	2	0	0	1
Total sitting days		56	147	107	107	113	120	131	116	127	113
Total sitting hours		180	500½	398½	395½	461	472	601	547	587	555
Average length of sitting		3hrs. 12m.	3hrs. 28m.	3hrs. 43m.	3hrs. 42m.	4hrs. 4m.	3hrs. 55m.	4hrs. 38m.	4hrs. 33m.	4hrs. 37m.	4hrs. 54m.
Longest sitting		5½hrs	9½hrs.	9½hrs.	8hrs.	10hrs.	7½hrs.	8½hrs.	9hrs.	12hrs.	9hrs.
Columns in Hansard		3320	8994	7356	6994	8380	8695	11357	10382	12827	10691

XVII. APPLICATIONS OF PRIVILEGE, 1963

At Westminster

Broadcast alleged to hold up House to ridicule.—On 23rd January, 1963, Sir Norman Hulbert, Member for Stockport, North, raised the following as a matter of privilege:

On Saturday, 19th January, at approximately 10.45 p.m., the British Broadcasting Corporation televised a feature programme entitled " That Was the Week that Was ". It would appear to bear very little resemblance to any particular week. It was introduced by a Mr. David Frost, who proceeded to name 13 right hon. and hon. Members—[Hon. Members: " Why not?"]——

Mr. Speaker: Order. I hope that the House will allow me to hear this, because I have to be able to hear it.

Sir N. Hulbert: It was said that they had not properly carried out their parliamentary duties. I have here a full transcript of the broadcast. It is lengthy and I will summarise it.

I think that I can best illustrate the tenor of the remarks of Mr. Frost by quoting what was said about my right hon. Friend and Member for Woodford (Sir W. Churchill) and the hon. and highly respected Member for Liverpool, Scotland (Mr. Logan). This is it:

> " Two of them are very old men, 88-year-old Sir Winston Churchill and 91-year-old David Logan, and old men forget; they even forget the way to Westminster."

Mr. Frost then referred to the right hon. Member for Poplar (Mr. Key) and the hon. Members for Oldbury and Halesowen (Mr. Moyle), Norwich, North (Mr. Paton) and Springburn, Glasgow (Mr. Forman), my hon. Friend the Member for Southgate (Sir B. Baxter)—about whom a third form joke was made—the hon. Member for Edinburgh, Central (Mr. Oswald), my hon. Friend the Member for Stockport, South (Mr. H. Steward), the hon. Member for Gateshead, East (Mr. Moody), and for my hon. and Gallant Friend the Member for New Forest (Sir O. Crosthwaite-Eyre) there was projected on the screen a picture of the hon. and learned Member for Northampton (Mr. Paget) and to myself.

Offensive remarks were made about how long it takes to mention hon. Members' names and there was also a remark made about an hon. Member on this side of the House and a dog. As I said, this broadcast did not confine its attention to any one section in the House and, having checked with one or two hon. Members concerned—and this applies to me personally—the remarks were in many cases completely inaccurate.

There was, finally, a slighting reference to yourself, Mr. Speaker, for it was stated that the B.B.C. would be very pleased to supply you with the photographs of the hon. Members referred to—the inference being that you yourself were unable to recognise them—which would appear rather unfair on you as they would, presumably, include that of my right hon. Friend the Member for Woodford.

I submit that this performance—if one can call it so—was not only an unwarranted attack on the hon. Members I have mentioned, but that certain suggestions which were made were really holding up the House of Commons to ridicule. I have with me a transcript of this broadcast and I would ask you, Mr. Speaker, to consider it and, after consideration, say whether or not you think I have made out a *prima facie* case of breach of Privilege, or whether, in your view, the matter should be dealt with with the contempt it deserves.

Mr. R. T. Paget (Northampton): Since my features were used to illustrate in a most libellous way observations on an hon. Member opposite, may I say that I have communicated with the B.B.C. to tell the Corporation that I will forgive that libel on myself since it took part in such a delightful and amusing programme.

Mr. Speaker: I do not think that on this issue the threats by the hon. and learned Member for Northampton (Mr. Paget) to the B.B.C. are matters for my concern.

I am obliged to the hon. Member for Stockport, North (Sir N. Hulbert) for letting me have the script. I will consider his complaint and rule upon it tomorrow.

Mr. Sydney Silverman (Nelson and Colne): Further to the point raised by the hon. Member for Stockport, North (Sir N. Hulbert), may I ask you, Mr. Speaker, whether it would be possible to include in your ruling, after you have had an opportunity of considering it, the cognate question, namely, whether it would be a breach of Privilege on the part of this admirable programme to include this incident in its programme next week?

Mr. Speaker: My powers in the matter do not extend to a cognate question of such a kind. (*Com. Hans.*, Vol. 670, cc. 93-5.)

The next day Mr. Speaker ruled:

Yesterday, the hon. Member for Stockport, North (Sir N. Hulbert) raised with me a complaint of breach of Privilege relating to a television programme of 19th January. I have considered that complaint and the transcript which the hon. Member kindly provided in the light of precedents and what has been our recent practice in these matters.

I find statements critical of certain hon. Members. I do not find in the whole of it anything which *prima facie*, to my mind, constitutes an affront to this House, and it is with the Privilege of the House as a whole that my duty is concerned.

Accordingly, I rule that the hon. Member's complaint does not raise *prima facie* a breach of Privilege. As the House knows, and as those outside ought to know, the effect of my Ruling is in no way to prevent the House being invited by Motion to take a completely contrary view. It merely means that I cannot allow the hon. Member's complaint precedence over the Orders of the Day, which the Clerk will now proceed to read. (*Com. Hans.*, Vol. 670, c. 298.)

Pressure on Members.—Mr. Williams, Member for Bristol, South, complained on 1st July, 1963, that

I believe that all right hon. and hon. Members of the House have received over the weekend a circular letter which is headed, " Textile Action Group " and is sent from 9-11, Higher Church St., Blackburn, and dated 22nd June, 1963. It reads thus:

> " To all Members of Parliament. Hon. Members, The last debate on the textile industry was badly attended by Members of Parliament until the vote. On 1st July, 1963 "—

that is today—

> " the Textile Action Group will be at the House and will be very pleased to publish the names of Members who attend that day so that their constituents will be able to assess the interest shown.
>
> " Yours faithfully,
>
> " R. Cocks, Hon. Secretary."

I am not, of course, a representative of a constituency where textiles are a dominant industry, but I submit that this is highly offensive to right hon. and hon. Members who endeavour to attend this House regularly and who faithfully perform their duties on behalf of their constituents and the country. It is not possible for a right hon. or hon. Member always to be in his place in the House. Indeed, this will be, possibly, the situation today, as we deal with various subjects in which hon. Members are interested.

I submit, Mr. Speaker, that this is either an obvious or an implied threat to Members of the House and I ask you to be so kind as to rule whether this constitutes *prima facie* a breach of privilege of the House. (Coms. Hans., Vol. 680, cc. 35-36.)

The letter was handed in and the next day Mr. Speaker ruled:

The problem for me is the narrow one, namely, does the hon. Member's complaint raise *prima facie* a breach of the privileges of this House? To quote the Report of the Committee of Privileges of 18th October, 1946, in the case of Mrs. Tennant's posters:

> " The borderline between legitimate political activity and illegitimate pressure upon Members of the House of Commons must sometimes be difficult to determine. The circumstances of the time, the form and place of publication, and the interpretation to be put on the words used, as well as the intention of the author, *inter alia*, are relative factors in cases such as the present, and opinion may reasonably differ as to the importance to be attributed to each of these factors."

I have carefully considered the hon. Member's complaint in the light of the precedents. My predecessors have similarly had their attention drawn to such circulars and have deprecated them as thoroughly reprehensible. The House may remember an instance on 4th November, 1953, on which Mr. Speaker Morrison pronounced, in column 150 of *Hansard*; on 18th December, 1946, on which Mr. Speaker Clifton Brown pronounced, at column 1968; and an even earlier instance in the Session of 1877 which Speaker Brand dealt with in almost identical terms.

My conclusion is that while the language used in this circular is reprehensible and calculated, in the minds of most hon. Members, to produce an effect opposite to that which its authors intend, yet I could not consistently with recent precedents rule that it raises *prima facie* a breach of privilege.

. . . I ought to tell the House that I have this morning received a letter in manuscript in the following terms:

> " Dear Mr. Speaker,
>
> " The Textile Action Group understand that a letter sent by us to all hon. Members of Parliament has caused great offence. We are deeply sorry for this and extend our sincere apologies to you, Mr. Speaker, and all Members of this House."

It is signed by the person who appears to have signed the original letter. (*Ibid.*, cc. 213-14.)

The House accordingly took no further action.

Alleged reflection upon Mr. Speaker.—Mr. Bowles, Member for Nuneaton, made the following complaint of privilege on 1st May, 1963.

Mr. Speaker, I beg to draw your attention and that of the House to what I regard as a gross breach of Privilege on page 2 of today's *Daily Express*. Under the heading:

" Heath and Harry go a-wooing "

there appear these words:

" The British Cabinet, in a big ' wooing the Germans' campaign, has decided to send the Speaker of the House of Commons, Sir Harry Hylton-Foster, on an official visit to Bonn. And Dr. Augen Gerstenmaier, the Speaker of the Bundestag—Lower House—is to pay a reciprocal official visit to London. Details of the exchange of visits are not yet complete, but they will be on a lavish scale. The exchange fits in with other plans to build up a close Anglo-German association, and the first move is a visit to Germany by Lord Privy Seal Mr. Edward Heath. Mr. Heath, who was in charge of Britain's Common Market negotiations, is known in Germany as Britain's Minister for Europe. He has let the Germans know that membership of the Common Market is still his aim, and has been given the task of whipping-up German support. Mr. Heath arrives on Thursday for a four-day visit to Hamburg, Hanover, and Berlin. He will give a big Press conference on Thursday and later will address a top-level gathering of German industrialists in Hamburg's Uebersse Klub, before an banquet. His speech has already been billed to be a major policy one. The title: ' Great Britain and Europe.' The next day he travels to Hanover, where German's future Chancellor, Dr. Ludwig Erhard, will join his on the platform for a conference on the ' continuation of European integration '. The day is rounded off with another big banquet for Mr. Heath given by Dr. Erhard. Saturday—a trip to Berlin for a meeting with Mayor Willy Brandt. And on Sunday he will meet the Allied Commandants before flying back to London."

You, Sir, are our Speaker, the Speaker of our House, not a tool of the British Government or the British Cabinet. You act as directed by this House. The clear inference here is that the British Cabinet is using your official position to further a highly controversial policy. Accordingly, I ask you to rule that here is a prima facie breach of Privilege. (*Com. Hans.*, Vol. 676, cc. 1071-2.)

A copy of the newspaper was handed in and Mr. Speaker stated that he would give his ruling the next day, when he ruled as follows:

I have, naturally, given the most careful consideration to the hon. Gentleman's complaint in the light of precedent and other guidance available to me. Having regard to the conclusion which I have reached, I do not think it is desirable that I should say anything about the article. The conclusion that I have reached is that the hon. Gentleman's complaint does not raise, *prima facie*, a case of breach of Privilege of this House.

As the House knows, what I now say has no effect at all in relation to an opportunity for the House to consider the matter, should it so desire, on an appropriate Motion. It merely means that I cannot give the hon. Gentleman's complaint precedence over the Orders of the Day. (*Com. Hans.*, Vol. 676, c. 1322.)

He declined to hear further submissions from Mr. Bowles, who thereupon gave notice that he would put down a Motion.

The following Motion was subsequently put down and signed by more than fifty Members. It was not debated and stayed on the Order Paper until the end of the Session.

Mr. Speaker (*Daily Express* Article): That this House strongly condemns the action of the *Daily Express* newspaper in publishing on 1st May an article gravely derogatory to the position of Mr. Speaker.

Mr. Speaker's Hat.—On 18th July, 1963, Mr. Pannell, Member for Leeds, West, raised as a matter of privilege a report in the *Evening Standard* of Wednesday, 17th July, which, he said, stated:

that a garden fête is to be held at Stansted Hall, in Essex, on 27th July, and that Mrs. Butler has asked many prominent people for gifts.

I will not go into the matter at great length, but the thing to which I object is that she states that she is expecting a gift from the Speaker of the House of Commons, Sir Harry Hylton-Foster, and, among other distinguished gentlemen, the Lord Chief Justice, Lord Parker.

I hope that hon. Members will appreciate that this is a serious matter because it is stated that " All proceeds will go to local Conservative funds ".

. . . What I am complaining about is a statement in a newspaper which may be read by ignorant persons who do not know you so well as hon. Members of the House do, and who might draw a bad inference and a wrong conclusion. The inference which might be drawn is that you have departed from the strict code which must be assumed by everyone who comes to your Office and I want to say that I think the statement which appeared in the *Evening Standard* must be as impertinent as it is unwarranted.

This, Mr. Speaker, is a serious matter, and I hope that the House will appreciate that. I hope you will rule that there is *prima facie* a breach of privilege, or at least, that you will stigmatise this conduct as reprehensible and such as calls for an apology. The independence and impartiality that has evolved over the centuries on the part of the Chair is something which we in this place have to safeguard, either from the wives of prominent politicians or from the columns of the Press. Any assault on your integrity is a contempt of the House, Mr. Speaker, and therefore, I ask you to rule.

Copy of newspaper handed in.

(*Com. Hans.*, Vol. 681, cc. 740-2.)

The next day, Mr. Speaker ruled:

I have considered the complaint raised by the hon. Member for Leeds, West (Mr. C. Pannell) arising out of an article in Wednesday's *Evening Standard*. Speech or writing which could cast doubt upon the strict impartiality of the Speaker is unquestionably to be regretted, but I cannot find any precedent in any way parallel to this case.

It must be remembered that in ascertaining what constitutes a contempt it is usually necessary for me to collect from the Journals some precedent which would give effect to the belief that in some parallel case in the past the House has pronounced that a contempt has been committed. I have now had studied all the cases of speeches and writings reflecting on the character of the Speaker or making accusations of partiality in the discharge of his duty. In every instance the reflections related to the Speaker's conduct in the Chair, to his partiality in the exercise of his duties in the House, or to his prejudicial approach to matters before the House. They all in essence relate to the execution

of the Speaker's duties. There is in them nothing resembling the situation in this case when the report is of the person concerned describing her own initiative in a party matter and only remotely linking the Speaker with the matter in hand by reference not to a fact but to an expectation.

My conclusion must be that the matter is not so clearly a contempt of the House as would justify me in finding that it constitutes *prima facie* a breach of privilege.

I am grateful to the hon. Gentleman for acquitting me of any intended impropriety but, as the decision in such matters rests with the House, I must in fairness to all concerned make it plain that the article is accurate in so far as it is based upon a conversation which I had with Mrs. Butler when we were fellow guests of an official occasion from which a fitting and agreeable element of frivolity was not entirely lacking. It is true that I told her that I would let her have an old hat, having failed at that moment—I am sure that the fault is entirely mine—to realise that an element of support for political party funds might be involved. I have contributed no hat.

Mr. Pannell then said:

While, of course, your remarks, Mr. Speaker, ended on a note of frivolity, generally speaking I did not raise this as a frivolous matter. I think that you have appreciated from the beginning that there were certainly five or six hon. Members who were concerned about this. If this issue has made it perfectly clear that the Chair is above any of these considerations of patronising a party affair and that Mr. Speaker is something very much more than a place man in the Conservative Party to be used on behalf of party fêtes, then I have accomplished my purpose. (*Ibid.*, cc. 919-20.)

Agents for a Private Bill send improper letter to a Member.—Mr. Thorpe, Member for North Devon, complained on 24th June, 1963, that he had

just received a letter from Messrs. Sharpe Prichard & Co., Palace Chambers, Bridge Street, with reference to the Clywedog Reservoir Joint Authority Bill. The letter reads:

> " We are instructed to inform you that the Committee of the Promoters of the Bill this morning considered the Amendments standing in your name to be moved on consideration. The Committee are prepared to agree to these Amendments subject to you and the other Members who put their names to the Amendment refraining from further opposition to the Bill. In the circumstances we are informing the Chairman of Ways and Means that the Promoters agree these Amendments and we assume that you or one of the other Members will formally move them tomorrow."

I submit that not only is it improper to ask an hon. Member to refrain from opposition to any Measure which will come before the House, or is before the House, but that it constitutes an attack on the privileges of this House. (*Com. Hans.*, Vol. 679, c. 952.)

Mr. Speaker asked for the letter, which was handed in, and said he would rule the next day.

On the morrow he ruled:

In my view, the letter did constitute *prima facie* a breach of privilege of this House.

Mr. Thorpe then said:

May I thank you, Mr. Speaker, for your Ruling.

Subsequent to my raising this matter, I received a letter from the firm in question which, with the leave of the House, I should like to read. It is very short and to the point, and says:

> " We apologise sincerely for the letter which we wrote to you yesterday with regard to Amendments to this Bill. Mr. Wentworth Pritchard, who accepts fully the responsibility for the letter, saw you yesterday afternoon, when he explained that he had no thought of attempting to interfere with the rights of any Member of Parliament, and apologised personally to you. Nevertheless, we think that it is right that we should record in writing our apology to you and to the House for having written the letter to you."

May I say, in fairness, that this is a firm of the highest integrity and is among the most experienced Parliamentary Agents in this country. I therefore suggest to the House that this is both exceptional and isolated in the activities of this firm.

May I also suggest to the House that, in view of the apology which has been received as a result of this matter being raised yesterday, it may well consider that no further action need be taken. (*Com. Hans.*, Vol. 679, c. 1146.)

The House then proceeded to other business.

QUEENSLAND

Contributed by the Clerk of the Parliament

Election advertisement.—During his speech on the Address in Reply an Opposition Member referred to the publication in the Press during the 1963 General Election campaign of an election advertisement urging support for a Government party, which included a photograph of the Parliamentary building, superimposed on it being the hammer and sickle insignia. The honourable Member asked Mr. Speaker to indicate in the position of responsibility to the Parliament and its Members, which position Mr. Speaker held when the advertisement appeared in the Press, whether he regarded the dignity of the Parliament was grossly attacked and the Parliament itself held in contempt by the use, or misuse, of such a photograph of Parliament House. (*Hansard*, 10th September, 1963, pp. 266-7.)

On the 17th September, 1963, Mr. Speaker made the following statement:

On Tuesday last the hon. member for Baroona, Mr. Hanlon, under the purport of bringing to my notice an election advertisement, stated in effect that failure by me to take action according to the meaning he chose to assign to that advertisement would be a breach by me of my office as Speaker.

It is to be regretted that the hon. Member both used this advertisement in this House in a partisan manner and framed his use of it in intemperate language. Here we expect political partisanship and we allow it within quite wide limits. But however keen the advocate, we expect, and are entitled to expect, that his case will be factual and presented in parliamentary language.

The hon. Member wrongly said that I held the office of Speaker on 24th May last, the date on which the advertisement appeared in the Press. I remind him that 24th May last fell between the dissolution of the previous and the election of the present Legislative Assembly—or when in fact there was not in existence a Parliament of which I or anyone else could have been the Speaker or a Member. The advertisement itself was published as political propaganda by one of the major parties contesting the general election held on 1st June, 1963.

While I appreciate that the tenor of the advertisement may have greatly irked the hon. Member for Baroona, I am unable to see that the use it made of a photo or representation of this building in any way attacked or abused the dignity or privileges of this Parliament itself or of any of its Members, nor did the hon. Member bring to my attention any authority or precedent for his claim that it did. Certainly it did not do so comparatively to the representations and cartoons satirising political personalities which have always been a feature of political propaganda. It did appear to me somewhat strange that the hon. Member did not concern himself with producing to me a copy of the advertisement. However, I procured a copy for myself and may I be permitted to say that having done so, I quite appreciate this seeming lack of courtesy.

Hon. Members are aware that there is a remedy for persons, including Members of this House, who have genuine cause for complaint against political propaganda promulgated outside Parliament. Their remedy is in our courts. The fact that in the considerable interval since 25th May last the hon. Member has not resorted to this remedy leads to the inescapable conclusion that he well knows he has no real cause to complain of this advertisement. (*Hansard*, p. 336.)

WESTERN AUSTRALIA: LEGISLATIVE ASSEMBLY

Contributed by the Clerk of the Legislative Assembly

Disorder in the public galleries.—During October, 1963, the Minister for Labour (Hon. G. P. Wild, M.B.E., M.L.A.) introduced into the Legislative Assembly what proved to be a most controversial Bill. He proposed to abolish the existing Industrial Arbitration Court, consisting of a Supreme Court Judge, sitting with a representative of the employers, and a representative of the industrial workers. In its place the Bill set up an Industrial Arbitration Commission of four members, each of whom would hear cases alone. Provision was made for appeals to be heard by the full Commission. Without fully describing the provisions of the Bill, suffice it to say that it aroused the full ire and determined opposition of the Parliamentary Labour Party and of the industrial movement in Western Australia.

On each sitting day that the Bill was to be considered, protest meetings of unionists were organised outside Parliament House, addressed by union leaders and Members of the Opposition. The public galleries were overcrowded as soon as the House met. During the progress of the Bill disturbances from the galleries occurred on a number of occasions. They took the form of applauding loudly the remarks of Opposition Members and shouted interjections. The Speaker, exercising considerable restraint, issued several stern warn-

ings, and on one occasion saw fit to reprimand Members for encouraging the gallery occupants. Finally, interruptions from the galleries became loud and sustained, and a placard against the Bill was exhibited. The Speaker having ordered the removal of the placard, and not being obeyed, ordered the arrest of the offender and the clearance of the galleries. The Speaker left the Chair whilst his orders were being complied with. The Serjeant-at-Arms took over the custody of the arrested man, who was interviewed by the Speaker at the conclusion of the sitting. The man was released after a stern reprimand administered by the Speaker.

At subsequent sittings during the second reading debate and in the Committee stage it was found necessary to warn those in the public galleries.

The Bill was strenuously opposed at every stage by Opposition Members. After a long debate of seven hours in Committee on the first clause, notwithstanding the time limits imposed by the Standing Orders, the Government introduced a proposal for a time table for the remaining stages. This, quite naturally, was strongly opposed, but after a long debate was adopted. Disorderly scenes occurred during subsequent Committee stages, both on the floor of the House, and in the galleries. The Chairman of Committees ordered the clearance of the galleries. Later that evening, however, the Deputy Chairman decided to re-open the galleries, but issued a strong warning to the occupants. There were no further disturbances during the further progress of the Bill, which finally passed both Houses. The new Industrial Arbitration Commission commenced its duties in February, 1964. (See *W.A. Hansard*, 1963, pp. 2260, 2270, 2293, 2368, 2867; 2942, 2982 2984, 2989, 2993, 3007.)

India: Rajya Sabha

Contributed by the Secretary of the Rajya Sabha

Libel on Member.—Reference was made by the Chairman under rule 178 of the Rules of Procedure and Conduct of Business in the Rajya Sabha of a question of breach of privilege of the House to the Committee of Privileges. This arose out of certain writings contained in an article entitled "Bhupesh Unmasks Himself—Communist Trick to Destroy Indian Unity"—appearing in a weekly journal *Organiser* published from Delhi. These observations, it was contended in the notice by the Member, were "totally unfair and malicious" and that they "maliciously cast aspersions" on the motive of the Member concerned, in raising a matter in the House.

The Committee heard the editor, who denied any intention to show disrespect to Parliament or to prevent a Member of Parliament from discharging his duties. He apologised if he had erred. In view of the explanation and apology, the Committee recommended that no further action should be taken.

The Report was presented to the House by the Chairman of the Committee of Privileges on 18th September, 1963. On 20th September, 1963, the House adopted a Motion agreeing with the recommendations contained in the Report. (*Rajya Sabha Debates*, dated 20.9.1963, Vol. XLIV, cc. 4970-71.)

Complaint concerning legal proceedings.—The House, on a Motion, referred to the Committee a question of privilege arising out of certain statements contained in an affidavit filed by a plaintiff in a contempt application before the High Court of Judicature at Bombay. As the contempt application, out of which the question of privilege arose, was still pending before a court of law, the Committee decided that the matter should be kept pending till the final disposal of the application by the Bombay High Court. The Committee accordingly presented a preliminary report to the House on 16th December, 1963; and on 17th December, 1963, the House adopted a Motion extending the time for the presentation of the Committee's final report accordingly. (*Rajya Sabha Debates*, dated 1.5.1963, Vol. XLIII, cc. 1616-29 and dated 17.12.1963, Vol. XLV, cc. 3755-57.)

GUJARAT: LEGISLATIVE ASSEMBLY

Allegations of bribery and corruption.—The newspaper *Prabhat*, on 3rd April, 1962, published allegations that six Members of the House, comprising the Progatik group, had been offered Rs. 3,500 for voting for a candidate for election to the Council of States.

The question of privilege was raised on the next day and the Speaker ruled that there was a *prima facie* case of breach of privilege. The leave of the House being obtained, the matter was referred to the Committee of Privileges.

The Committee were concerned with the question whether or not the allegations cast reflections on the Members concerned in the discharge of their duties as Members of the House.

The Advocate General considered that, in acting as electors for the Members of the Council of States, the Members of the Legislative Assembly were acting in their capacity of Members. Only Members could be electors.

The Committee, however, considered that in acting as electors, the Members were not acting in the capacity of Members, and that privilege should extend only to secure the effective discharge of the functions of the House.

They therefore found no breach of privilege in the allegations. (Third Report. 18th March, 1963.) The House agreed to their Report.

Disclosure of Committee proceedings.—While the Committee of Privileges was still considering the above *Prabat* case, the newspaper, on 2nd August, 1962, published an item referring to the matter and indicating the nature of the correspondence between the Committee and the editor of the paper.

This was drawn to the Speaker's attention as violating the principle that evidence taken before and documents presented to Committees should not be published until they were presented to the House. He caused enquiry to be made of the editor. The editor contended that his publication did not disclose the Committee's transactions and therefore was not a breach of privilege, adding that Legislators should not be over sensitive. The Speaker then referred the question to the Committee.

The Committee found that the publication did disclose some of the Committee's proceedings and was, therefore, a breach of privilege. Since the editor had, meanwhile, expressed his sincere regret for the publication, which was made by inadvertance, the Committee thought "the House should best consult its dignity and take no further action in the matter". (Fourth Report, 18th March, 1963.) The House agreed to the Report.

KERALA: LEGISLATIVE ASSEMBLY

Contributed by the Secretary of the Legislative Assembly

Misreporting of proceedings.—A Notice dated 13th September, 1963, was received from Shri T. C. Narayanan Nambiar, raising a question of privilege in respect of a news item that appeared in the issue of the *Dinamani*, a Malayalam daily in its issue of the 13th September under the heading "Land Reforms Bill". It was alleged by the Member that the paper had stated that the Kerala Legislative Assembly had resolved to have a general debate on the Bill on the 23rd, 24th and 25th September, 1963, and that a decision was also taken to refer the Bill to a Select Committee, whereas in fact neither the matter had come before the Assembly nor even a copy of the Bill had been placed for information of Members and that therefore this was a clear case of breach of privilege affecting the prestige of the Assembly. The Speaker observed that a perusal of the news item showed that while the paper had embarked in conjectures of things that might happen when the Bill was introduced in the Assembly, the heading in the news item, namely, "It is learnt that the Assembly has taken a decision", would appear to be definitely a case of incorrect reporting of the proceedings of the House. *Prima facie*, therefore, there is a case of breach of privilege. But the paper having subsequently admitted the mistake and having published an unconditional apology in the issue of the paper dated 15th September, 1963, the Speaker stated that it was for the House

to consider whether any further investigation in this matter would be necessary and the matter need be pursued.

After hearing the views of the Leader of the House on the subject, the House, on 16th September, 1963, decided that the matter need not be pursued further.

Policy pronouncements outside the House.—On 18th November, 1963, a notice was received from Shri C. Achutha Menon, Deputy Leader of the Communist Party in the Assembly, requesting permission to raise a question of privilege in respect of a statement alleged to have been made by the Chief Minister on 13th November, 1963, relating to the pattern of education in the State, without informing the House in the first instance, though it was in session. The member alleged that by making that announcement to the Press, while the House was in session, the Chief Minister had infringed the privileges of the House and added that it was improper to take a decision on an important issue without consulting the House. The Speaker ruled that no question of privilege was involved in such matters though from the point of view of parliamentary convention the House, if in session, should have been taken into confidence in the first instance. His ruling is extracted below:

It would appear from the paper report, filed with the notice, that on the Chief Minister's return from a conference he was questioned by the reporters at the aerodrome where he was casually and informally talking to them. Evidently, he was not indicating that any decision of Government had been arrived at. He probably had expressed his opinion on the issue. Even granting for purposes of argument that it might be the Government's decision, it was not clear how it would involve a question of Privilege. As seen from the rulings of the Lok Sabha, based on the House of Commons practice, there could be no question of Privilege in these matters. It is an established parliamentary convention that Members of Government may refrain from disclosing to the public anything of importance bearing on the policy decisions of Government before the House is informed of them, if it is in session.

MADHYA PRADESH: VIDHAN SABHA

Contributed by the Secretary of the Vidhan Sabha

On 3rd April, 1963, a Special Report was submitted in the House, by a Special Committee, appointed by the House to enquire into the conduct of a Member, Shri R. S. Verma. The Member appeared before the Committee as a witness on 29th March, 1963, and in his statement before the Committee, made certain allegations against the Speaker. The Committee made a special report to the House and expressed the view that the allegations against the Speaker amounted to a breach of privilege of the House.

On the basis of the Special Report of the Special Committee a question of breach of privilege was raised in the House immediately

after the presentation of the report and was referred to the Committee on Privileges.

The Committee enquired into the case and found the allegations baseless. The Committee held that the allegations amounted to a breach of privilege of the House. However, as the Member in a letter to the Committee had expressed " sincere regrets " for his statement before the Special Committee and assured good behaviour in future, the Committee recommended that the House may best consult its own dignity and not take any further action in the matter.

MADRAS: LEGISLATIVE COUNCIL

Contributed by the Secretary of the Legislative Council

On 22nd November, 1963, a Member of the Madras Legislative Council gave notice of a Motion under Rule 157 of the Madras Legislative Council Rules to raise a matter of privilege, namely, the arrest of a Member of the Council by the Police on 20th November, 1963, on his way to Madras to attend the meetings of the Council, and thereby prevented from discharging his duty as a Member of the Council; the Hon. Chairman (Dr. P. V. Cherian) ruled as follows:

The privilege of freedom from arrest or molestation of Members, a privilege of great antiquity, designed to enable the Members to attend to their parliamentary duties without interference was of a very extended scope in the remote past. But even as early as 1404, freedom from arrest, as a privilege of Members, was restricted to freedom from arrest in civil actions during the time of Parliament and during the period of journeys to and from Parliament and was not extended to criminal charges. In Larke's case in 1929, the privilege was claimed " except for treason, felony or breach of peace ".

The development of the privilege reveals a tendency to confine it more narrowly to cases of civil character and to exclude not only every kind of criminal case, but also cases which while not strictly criminal partake more of a criminal than of a civil character.

In 1816, in Lord Cochrane's case, who was arrested by the Marshal while he was in the House of Commons, it was declared that the House of Commons would not allow even the sanctuary of its walls to protect a Member from the process of criminal law.

It is therefore well established that there is no privilege of freedom from arrest in cases of criminal character. The only privilege in cases of arrests on criminal charges and under Preventive Detention is that the House must be informed of the cause of arrest, and the service of criminal process upon a Member of the House within the precincts of such House must be done with the leave of the House only.

In the instant case, the alleged arrest of the Member was under Section 151 of Criminal Procedure Code, which is a preventive detention to prevent commission of an offence designed to be committed. Therefore, whether or not he was arrested on his way to Madras to perform duties as a Member of the Council, no privilege arises in respect of his arrest. The fact of his arrest has been communicated to me and it has been announced to the House also. Therefore, there is no *prima facie* case of breach of privilege in this case and I rule the motion out of order. (*Madras Legislative Council Debates.* Official Report. Vol LIII, No. 2, pp. 47-48.)

MAHARASHTRA

Contributed by the Secretary of the Maharashtra Legislative Secretariat

Publishing a totally wrong and misleading report of the Proceedings of the Legislative Assembly in the Newspapers.—Shri K. N. Dhulup and three other Members of the Opposition had given a notice of breach of privilege* arising out of a publication of a totally wrong and misleading report of the Proceedings in the issues of *Lok Statta* (a Marathi daily) and *Indian Express* (an English daily) both dated 22nd February, 1963. Both papers had published news items stating that two Government Bills, viz., the Bombay Landing and Wharfage (Amendment) Bill and the Bombay Municipal Corporation (Amendment) Bill had been approved by the Legislative Assembly. In fact the Bombay Landing and Wharfage (Amendment) Bill was pending in the House at the first reading stage at that time and the other Bill had not been taken up in the House till then. In the opinion of the Speaker, publication of such misleading and wrong reports of the proceedings of the House *prima facie* constituted a breach of the privilege of the House. Before, however, giving his consent to the motion being formally moved in the House, the Speaker directed that the explanations from the editors and printers and publishers of the newspapers concerned, be called for. Explanations of the editors and printers and publishers of both the newspapers were accordingly called for and as the editors of both the newspapers expressed regrets and tendered an apology for the wrong reports appearing in their newspapers, the Speaker directed that no further action need be taken in the matter. (*M.L.A. Debates*, Vol. IX, Part II, pp. 286 and 712.)

Casting aspersions on the conduct of a Member in regard to his behaviour in the House.—On 6th September, 1963, Shri M. J. Khandelwal, M.L.A., gave notice of a breach of privilege arising out of publications of certain news items in the issues of *Maratha* (a Marathi daily) dated 3rd and 4th September, 1963, casting aspersions on his conduct and also giving misleading account of happenings in relation to him in the House. The contention of the Member was that such publication lowered him in the estimation of the people and deterred him from performing his duties as a Member of the House. Before giving his consent for moving the Motion of breach of privilege in the House, the Speaker observed that he would call for an explanation from the editor and the printer and publisher of the daily *Maratha*. Accordingly an explanation of the newspaper was called for on 7th September, 1963. After considering the explanation

* In the Legislative Assembly and Legislative Council, permission of the Speaker and Chairman respectively must be obtained before a question of privilege is raised in the House.

received from the editor, the printer and publisher of the newspaper, the Speaker gave his consent to the raising of the matter in the House. Before, however, the matter was actually raised in the House, Shri P. K. Atre, the editor, the printer and publisher of the daily *Maratha*, who is also a Member of the Legislative Assembly, made a statement in the House, expressing his regret and tendering an apology for the aforesaid publications. In view of the apology expressed by the editor, the printer and publisher of the newspaper and accepted by Shri Khandalwal, M.L.A., the Speaker observed that no further action was necessary in the matter. (*Maharashtra Legislative Assembly Debates*, Vol. X, Part II.)

Whether advertising oneself amounts to breach of privilege.—Shri P. K. Atre, a Member of the Legislative Assembly and also the editor of *Maratha* (a Marathi daily) had made certain statements in his newspaper in bold letters, to the effect that he would speak in the House on 11th September, 1963. on the "No Confidence Motion" tabled by the Opposition Members and that people in general were anxious to hear him. Shri A. H. Mamdani, another M.L.A., thereupon gave a notice of breach of privilege stating that by making such statements Shri Atre tried to advertise himself in his newspaper and this also amounted to anticipating Speaker's permission for him to speak.

The Speaker, while refusing to give consent to the raising of the issue of breach of privilege in the House, ruled that in his opinion no breach of privilege was involved. He further observed that the action of Shri P. K. Atre, M.L.A., would at the most amount to the breach of etiquette. (*Maharashtra Legislative Assembly Debates*, Vol. X, Part II.

Publishing a wrong and misleading report of the Proceedings of the House.—Shri Ratanlal Mohanlal, M.L.C., gave notice of a breach of privilege arising out of publication of a totally wrong and misleading report of the proceedings of the House in the issue of *Free Press Journal* (an English daily) dated 8th March, 1963. The contention of the Member was that the newspaper had published a news item giving a wrong and misleading report pertaining to the Chairman's observations in the Legislative Council relating to the Bill to amend the Bombay Landing and Wharfage Act. After going through the official proceedings it was found that the proceedings of the House were not correctly reported in the newspaper. In the opinion of the Chairman, publication of such wrong and misleading reports of the proceedings of the House *prima facie* constituted a breach of privilege of the House. Before, however, giving his consent formally to move the Motion of the House. the Chairman directed that explanations from the editor and the printer and pub-

lisher of the newspaper be called for. Accordingly explanations from both the editor and the printer and publisher of the newspaper were called for and as both of them expressed regret for publishing the report in question, the Chairman directed that no action was necessary in the matter. (*Maharashtra Legislative Council Debates*, Vol. IX, Part II, pp. 501 and 561.)

MYSORE: LEGISLATIVE ASSEMBLY

Policy statement outside the House.—Complaint was made that the Minister of Education had made a statement of Government policy outside the House when the House was in session. The Minister denied enunciating any new policy which he accepted should, if made when the House was sitting, be made in the House.

The Speaker ruled, on 7th March, 1963, adopting a ruling of the Lok Sabha of 17th December, 1959:

> I am clear in my own mind, there is no breach of privilege in this matter. Even if a matter of policy were to be made outside the House when the House is in session, it was ruled in the House of Commons that there was no breach of privilege. It may be a breach of courtesy.

On merits the Speaker did not think any new policy had been enunciated. (*L.A. Deb.*, Vol. III, No. 11, p. 833.)

Abusive language to Member.—A Member visiting a Minister in his chambers on public business was alleged to have been subjected to rude and offensive language. The Speaker found that this did not affect privilege and declined to allow the matter to be raised in the House.

When pressed to reconsider his decision, he gave, on 23rd September, 1963, a considered ruling. He reminded the House that its privileges were what was absolutely necessary for the due execution of its powers and protected individual Members because the House could not perform its functions without their unimpeded service. They extended only in so far as they were necessary in order that the business of the House might be freely transacted.

The case in point could not be related to a transaction of the business of the House. No *prima facie* case of breach of privilege existed. (*L.A. Deb.*, Vol. III, No. 57, pp. 3860-2.)

UTTAR PRADESH: LEGISLATIVE ASSEMBLY

Contributed by the Secretary of the Legislative Assembly

Production of documents before a court of law.—The question in connection with the production of some documents asked for by the Court of Additional Munsif, Lucknow, at the request of the plaintiff

in the Civil Suit No. 442, 1962, of Sri Hari Nandan Sharan Bhatnagar versus the State and the Others was referred to the Privileges Committee, and the House was informed about it on 14th March, 1963. On 4th April, 1963, the House adopted a resolution to the effect that the time for the presentation of the Committee's report on this question should be extended till 15th May, 1963, and if the House were not sitting at the time of the said presentation then the Speaker, acting according to the recommendation of the Committee, as the case may be, should permit the production of the documents concerned or should claim privilege regarding them.

In connection with the above-mentioned case, the question regarding the production of some documents asked for by the Court of Additional Munsif, Lucknow, at the request of Defendant No. 3, was referred to the Privileges Committee on 28th March, 1963.

The report of the Privileges Committee in this case was presented to the House on 23rd September. 1963, according to which privilege was not claimed regarding any of the documents referred to above. The report of the Committee was considered and accepted by the House on 18th December, 1963.

Libelling of Members.—The question of breach of privilege raised by Sri Narsingh Narain Pande, M.L.A., and some other Members against Sri Shyam Narain Singh, Sri Keshav Singh, Sri Hublal Dubey and Sri Mahatam Singh was referred to the Privileges Committee on 7th March, 1963. The report of the Privileges Committee in this matter was presented to the House on 23rd September, 1963, and it was considered and accepted by the House on 18th December, 1963. The English translation of the resolution adopted by the House accepting the recommendation of the Privileges Committee is given below:

> This House accepts the Fourth Report of the Privileges Committee on the Third Vidhan Sabha relating to the question of breach of privilege raised by Sri Narsingh Narain Pandey, M.L.A., and certain other Members of the Assembly against Sarvasri Shyam Narain Singh, Keshav Singh, Hublal Dubey and Mahatam Singh and resolves that by printing and distributing the pamphlet against Sri Narsingh Narain Pandey, Sarvasri Shyam Narain Singh, Keshav Singh, Hublal Dubey have committed a breach of privilege of Sri Narsingh Narain Pandey and contempt of the House. Sarvsari Shyam Narain Singh, Keshav Singh and Hublal Dubey be therefore reprimanded.

Arrest of a Member.—A question of breach of privilege sought to be raised by Sri Krishna Pal Singh, Sri Madhav Prasad Tripathi, Sri Rajendra Singh, Sri Vishwanath Prasad and Sri Tambreshwar Prasad, regarding the arrest of Sri Baldev Singh, M.L.A., and of handcuffing him, was referred to the Privileges Committee on 3rd April, 1963, and another connected question of breach of privilege regarding the alleged false statement made by Government about the

behaviour of the police towards Sri Baldee Singh, M.L.A., was referred to the Privileges Committee on 4th April, 1963. The report of the Committee in this case was presented to the House on 23rd September, 1963. The Committee, while taking a serious view of the incident, recommended suitable action by the Government in the matter, held in its report that there was no breach of privilege or contempt of the House.

Disclosure of Committee proceedings.—The Chairman, Public Accounts Committee, had given notice of a question of breach of privilege regarding the publication of some portions of the draft Report of the Committee in the *Northern India Patrika*, Allahabad. On 23rd September, 1963, the Speaker informed the House that the question had been referred to the Privileges Committee, as the authorities of the newspaper wanted to place their viewpoint before the Committee. The report of the Privileges Committee on this question was presented to the House on 9th December, 1963, which recommended that the matter should be dropped in view of the apology tendered on behalf of the authorities of the newspaper concerned.

XVIII. MISCELLANEOUS NOTES

1. CONSTITUTIONAL

House of Lords: Disclaimer of Peerages under the Peerage Act 1963.—As a footnote to the article of Mr. J. Sainty on the Joint Committee of the House of Lords Reform and the Peerage Bill in the last volume of THE TABLE (pp. 13 ff.) it is of interest to note that the following peers have availed themselves of the Act and disclaimed their titles:

Stansgate, Viscounty of	(Mr. Wedgwood Benn, M.P.), 31st July, 1963.
Altrincham, Barony of	(Mr. John Grigg), 31st July, 1963.
Home, Earldom of	(Sir Alec Douglas-Home, K.T., M.P., Prime Minister), 24th October, 1963.
Hailsham, Viscounty of	(The Rt. Hon. Quintin Hogg, Q.C., M.P., Lord President of the Council and Secretary of State for Education and Science), 20th November, 1963.
Southampton, Barony of	(Mr. Charles FitzRoy), 16th March, 1964.
Monkswell, Barony of	(Mr. William Collier), 7th April, 1964.
Beaverbrook, Barony of	(Sir Max Aitken, Bart.), 11th June, 1964.
Sandwich, Earldom of	(Mr. Victor Montagu), 27th July, 1964.

The period of one year specified in the Peerage Act has now elapsed (August 1964) and the only persons who may from now on disclaim their peerages are those who succeed to hereditary peerages in the future.

Saskatchewan (Delegated Legislation).—At the 1963 session of the Legislative Assembly, the Regulations Act, 1963, was passed which provides for the central filing and publication of regulations. All regulations coming within the definition laid down by the Act are filed with the Registrar of Regulations who in turn provides a copy to the Clerk of the Legislative Assembly.

Section 16 of the Act provides that such regulations filed with the Clerk shall stand "permanently referred to such committee as the Legislative Assembly may appoint for that purpose, to be dealt with in such manner as the Legislative Assembly may direct".

A committee of the Legislative Assembly, constituted somewhat along the lines of the Westminster Committee on Statutory Instruments will review these regulations and draw to the attention of the Legislative Assembly instances in which, in the opinion of the committee, any regulation is faulty insofar as it does not conform to the terms of reference of the committee

Section 17 of the Act then provides that should the Assembly by resolution disapprove of any regulation, the Clerk of the Legislative Assembly shall forward a copy of such resolution to the regulation-making authority concerned, which thereupon "shall revoke the regulation in whole or in part or amend it as required by the resolution".

While this Act was passed during 1963, it did not come into force until 2nd January, 1964, and consequently the special committee on regulations did not begin its work until 1964.

(*Contributed by the Clerk of the Legislative Assembly.*)

Queensland (Cabinet).—Under the provisions of the Officials in Parliament Acts Amendment Act of 1963 the Membership of the Queensland Cabinet was increased from eleven to thirteen and the designation of the Leader of the Government was changed from "Premier and Chief Secretary" to "Premier".

(*Contributed by the Clerk of the Parliaments.*)

South Australia (Governor's Salary).—The salary of the Governor of the State of South Australia is fixed in the Constitution Act. Although the Governor's allowances have been adjusted from time to time, his salary has remained unaltered at £5,000 per annum since 1922. The Constitution Act Amendment Act (No. 67 of 1963) increased the salary to £7,500 with effect from 1st July, 1963. This Act was in the category required by the Instructions passed under the Royal Sign Manual and Signet to the Governor of South Australia to be reserved for Her Majesty's Assent.

(*Contributed by the Clerk of the House of Assembly.*)

India (Constitutional).—Under article 239-A of the Constitution of India, introduced by the Constitution (Fourteenth Amendment) Act, 1962, Parliament was empowered to create by law for any of the Union territories of Himachal Pradesh, Manipur, Tripura, Goa, Daman and Diu, and Pondicherry, a body, whether elected or partly nominated and partly elected, to function as a Legislature for that Union territory or a Council of Ministers or both with such constitu-

tion, powers and functions as may be specified in the law. In pursuance of this provision, Parliament enacted the Government of Union Territories Act, 1963 (No. 20 of 1963). The Act provides for the establishment of legislatures and Councils of Ministers in the territories mentioned above.

Under section 40 of the Act, one seat has been allotted to the Union territory of Pondicherry in the House of the People. (Pondicherry has already one seat in the Council of States allotted to it under the Constitution (Fourteenth Amendment) Act, 1962.) Section 53 of the Act made provision for election to fill the seats of the House of the People allotted to the Union territory of Goa, Daman and Diu (hitherto filled by nomination) and to fill the seat in the House of the People and the seat in the Council of States allotted to the Union territory of Pondicherry. The other three Union territories, namely, Himachal Pradesh, Manipur and Tripura, have already elected representatives in both the House of the People and the Council of States.

The Act also made provision for the delimitation of parliamentary and assembly constituencies in the Union territories by the Delimitation Commission (see sections 38, 39, 41, 42 and 43).

Before the coming into force of this Act, the seats allotted in the Council of States to the Union territories of Himachal Pradesh, Manipur and Tripura were filled by members of electoral colleges constituted for the purpose under section 27A of the Representation of the People Act, 1950. These electoral colleges consisted of members of the Territorial Councils for these territories constituted under the Territorial Councils Act, 1956 (since repealed). Under the Government of Union Territories Act, 1963, the electoral colleges for the purpose of election of members to the Council of States will consist of the elected members of the Legislative Assembly of each of these territories.

(*Contributed by the Secretary of the Rajya Sabha.*)

India (Constitutional).—The Constitution (Sixteenth Amendment) Act, 1963, was enacted for giving effect to one of the recommendations of the Committee on National Integration and Regionalism appointed by the National Integration Council, which was to the effect that every candidate for the membership of Parliament or a State Legislature should pledge himself to uphold the Constitution and to preserve the integrity and the sovereignty of India, and that for this purpose the forms of oath given in the Third Schedule to the Constitution should be suitably amended. As a result of the amendments made in the Constitution by this Act, the forms of oaths to be taken by Members of Parliament and by Members of the State Legislatures have been amended to include a reference to the upholding of the sovereignty and integrity of India. Members have now to pledge themselves to bear true faith and allegiance to the Constitution, to uphold the sovereignty and integrity

of India and to discharge faithfully the duty upon which they are about to enter. Another change introduced by these amendments is that every candidate for election to the Parliament or to a State Legislature has to take oath before his election. Hitherto Members of these bodies were required to take oath once only at the time of taking their seats in the House, after election. Now every candidate for election to these bodies has to take oath before election, and if he is elected, he has again to take oath at the time of taking his seat.

(*Contributed by the Secretary, Maharashtra Legislative Department.*)

India (Official Languages).—The Official Languages Act, 1963, provided *inter alia* that, notwithstanding the expiration of the period of fifteen years from the commencement of the Constitution, the English language may, as from the appointed day (26th January, 1965), continue to be used, in addition to Hindi, for transaction of business in Parliament. The Act also provides that, as from the day on which section 5 of the Act comes into force, the authoritative text in the English language of all Bills to be introduced or amendments thereto to be moved in either House of Parliament shall be accompanied by a translation of the same in Hindi authorised in such manner as may be prescribed by rules made under the Act.

(*Contributed by the Secretary of the Lok Sabha.*)

Northern Rhodesia (Constitution).—The Federation of Rhodesia and Nyasaland was dissolved on 31st December, 1963, and as a further step in the transition to independence a new constitution for Northern Rhodesia was made by an Order in Council dated 20th December, 1963 (S.I. 1963, No. 2088), and the greater part of which came into force on 3rd January, 1964.

It contained, in its first chapter, a definition of the fundamental rights and freedoms of every person—those of life and personal liberty, protection from slavery, forced labour, inhuman treatment and deprivation of property, protection for privacy of home and other property, protection of law, of freedom of conscience, of expression, of assembly and association, and of movement, and protection from discrimination on the grounds of race, tribe, place of origin, political opinion, colour or creed.

Provision was made for the appointment of a Cabinet presided over by a Prime Minister, on whose advice the Governor appointed the thirteen other ministers. The judicature, finance and the public services were regulated. Finally, protective provision was made for the Barotseland Protectorate.

Sarawak (Constitution).—With the establishment of Malaysia, a new Constitution for the State of Sarawak was promulgated and published on 6th September, 1963.

2. Under the new Constitution the Council Negri is composed of a Speaker, 36 elected members, 3 nominated members and 3 ex-officio members, namely, the State Secretary, the State Attorney-General and the State Financial Secretary. A ministerial form of Government is introduced and is headed by a Chief Minister whose Cabinet (Supreme Council) consists of five ministers appointed by the Governor on his advice and the 3 ex-officio members.

3. The privileges, etc., of the Council Negri and of the Speaker, Members and Committees thereof are defined in:

(1) the Council Negri (Privileges, Immunities and Powers) Ordinance (No. 10 of 1963);
(2) the Council Negri (Members' Remuneration) Ordinance (No. 13 of 1963);
(3) the Speaker of Council Negri (Remuneration Ordinance (No. 14 of 1963);
(4) Sessional Paper No. 5 of 1963 (together with amendment slips).

4. The system of indirect elections to the Council Negri is being retained for the time being as was agreed in the Inter-Governmental Committee Report on Malaysia and in the London Agreement and provided for in section 94 of the Malaysia Act. The number of Representatives from each of the five Divisional Advisory Councils was, however, amended on 15th June, 1963 (*vide* Gazette Not. S. 110) to comply with the provisions of Art. 14 (2) of the State Constitution that the number of elected members shall be thirty-six.

5. The Council is now presided over by a Speaker, who was appointed by the Governor on 15th September, 1963. He is Dr. M. Sockalingam, C.B.E., O.S.S.

(*Contributed by the Clerk of the Council Negri.*)

Western Samoa (Constitutional).—The Constitution was amended in three parts during 1963. The number of territorial constituencies were decreased from forty-five to forty-one to provide for four additional members, being one additional member for each of the four territorial constituencies prescribed in the Territorial Constituencies Act, 1963. A further amendment provides that as soon as possible after the number of Ministers falls below eight, by reason of the Minister or Minister's office becoming vacant, such number in addition to the Prime Minister shall be restored to eight as soon as possible. The time for the first appointment of the Electoral Commissioner was extended from one year to three years.

(*Contributed by the Clerk of the Legislative Assembly.*)

Uganda (Constitutional).—Important constitutional changes of far-reaching effect were introduced by the Constitution of Uganda

(First Amendment) Act, No. 61 of 1963, which was passed by the Parliament of Uganda on 26th September, 1963, after a two-day debate. As the Act involved an amendment to the Constitution it had to be passed by at least two-thirds of the total number (ninety-one) of Members of Parliament. Sixty-nine Members in fact voted for its Second Reading, whilst fourteen votes were cast against. The Third Reading of the Act was passed by 66 votes for and 2 against.

In moving the Second Reading of the Act, the Minister of Justice, the Hon. G. S. K. Ibingira, said that Members were sitting to decide that Her Majesty the Queen of Great Britain and Northern Ireland should not continue to be the Head of State for Uganda. It was a moment when, for the first time in the history of Uganda, Members sat as a sovereign Parliament to review the Constitution negotiated, agreed to and inherited with the supervision of Imperial authority at the London Constitutional Conference. It was a moment of exceeding responsibility.

The Minister of Justice reminded Members that Uganda was formally proclaimed a British Protectorate and part of Her Majesty's Territories and Dominions overseas, on 1st April, 1893. At the time, such protection extended to the Kingdom of Buganda alone, but progressively the area was enlarged so as to cover all the territory of Uganda. Section 2 of the Act provides for Uganda to cease forming part of Her Majesty's dominions and for the establishment of the office of the President of Uganda as Head of State in place of Her Majesty the Queen. Mr. Ibingira said:

> I would like at this juncture to hasten and correct anyone, lest they be misled, to believe that we no longer hold affection for Her Majesty the Queen, or that we take the view that Britain did nothing good for this country from beginning to end. Surely it must remain a fact of history that were it not for the British who assembled it, Uganda most likely would not be what it is, a sovereign independent State. The same people would, of course, be there on the same territory, but there is no reason to believe that they would not have fallen prey to an even worse and more vicious imperial power of the calibre of Portugal and Belgium. I am certain that it does not detract from our dignity and independence to acknowledge the fact, with gratitude, that the British, notwithstanding their other shortcomings, did help in the establishment and evolution of Uganda.
>
> I am sure the House will agree with me that we shall continue undiminished our affection for Her Majesty the Queen, and the Prime Minister has already signified to London our intention to remain members of the Commonwealth in which we shall continue to recognise the Queen as the symbol of its unity. Our decision that she should not continue as Head of State is therefore not out of either declining affection or diminished respect. It is a decision of a free and self-respecting people, wanting to choose their own way of life, their mode of Government, their status in life. It is a decision to demonstrate that Uganda must be ruled by Ugandans. It is the fulfilment of our national dignity and standing in the world community of nations. It is natural; it is proper; it is indeed an inalienable right.

As regards the selection of the name " President " for the Head of State of Uganda, Mr. Ibingira recalled that the Prime Minister had invited the public to suggest a suitable name.

To acquaint Hon. Members with the difficulty through which we had to go (explained Mr. Ibingira), I will read out a few of the names at random: The Nile of Uganda (*laughter*); the Senex of Uganda, where the word "Senex" is defined to mean an old fellow, Rukirabelemi, meaning that every other moment he is thinking about some new project for the development of the country; Barozi, which I think in vernacular means drums; Tunulira; Mpologoma; Emperor; Shepherd of Uganda (*laughter*)—because we are all sheep although we have not got four legs; Supreme Minister; President; and of course the already famous one, Giant Magnate; Jupiter; Leader of Uganda; King of Uganda; the Pole of Uganda; Kintu; the National Crown of Uganda; the Head of State of the Common Man, Father of the Nation; His Royal Imperial Highness of Uganda; Caesar (*laughter*).

The Minister said that although the title of President had been decided upon, Uganda would not be a republic because it contained a number of monarchies, nor would Uganda be a monarchy because there were many republican districts. Uganda thus became "The Independent Sovereign State of Uganda".

The same Act made provision for the Attorney General to have a vote in the National Assembly. The Attorney General of Uganda, if not an elected Member of Parliament, becomes a Member by virtue of section 38 (2) of the Constitution, but until September, 1963, he was not allowed a vote in the House.

(*Contributed by the Clerk of the National Assembly.*)

Swaziland (Constitution).—After discussions going back to 1960, with the principal aim of setting up a Legislative Council, in which both Swazis and Europeans should be represented, the outline of a constitution was published by the Secretary of State for the Colonies in May, 1963 (Cmd. 2052).

An Executive Council and a Legislative Council were proposed. The Legislative Council was to have a Speaker, twenty-four elected Members and four official Members and nominated Members. Of the twenty-four elected Members, eight were to be Swazis elected by traditional methods and certified by the Ngwenyama in Council, eight were to be persons of any race elected on a national roll, and eight were to be Europeans, four elected on a European roll and four on a national roll. The national roll comprised almost universal adult suffrage. Provision was also made for the Swazi nation land, human rights and the existing public services and courts.

The Paramount Chief disagreed with certain of the proposals and rehearsed his objections to the Constitution in a petition to the House of Commons at Westminster as well as negotiating directly with the Colonial Secretary. The House, as is normal nowadays with Petitions, took no action. The Colonial Secretary took no formal cognisance of the petition since it was not addressed to him. Certain modifications did, however, appear in the full terms of the constitution when it was promulgated as the Swazi Order in Council 1963. It came into force in January. 1964. The supporters of the Para-

mount Chief acted under its provisions, and in the ensuing elections, secured, subject to election petitions, most of the seats.

Kenya (Constitution).—The year 1963 saw major Constitutional changes in Kenya.

Under the two Constitutions—the Kenya Order in Council and the Kenya Independence Order in Council a bicameral Parliament came into existence for the first time in the history of this country.

The Parliament consists of Her Majesty and a National Assembly.

The National Assembly comprise two Houses that is to say, a Senate and a House of Representatives. The creation of two Houses under the new Constitution automatically meant also increasing the strength of the Legislature. It is equally important to note the existence in Kenya of the Regional Assemblies.

The Senate consists of forty-one Senators. Kenya was divided into forty Districts and the Nairobi area and each District elected its Member.

The House of Representatives on the other hand consists of Elected Constituency Members and Specially Elected Members. The number of Specially Elected Members of the House of Representatives is the number which results from dividing the number of Seats of Elected Members of the House by ten or, if that result is not a whole number, then the whole number next greater than the result. There are twelve Specially Elected Members to date in the House.

The Constituency delimitation Commission divided Kenya into 117 Constituencies which formed electoral areas. The Strength of the House of Representatives is 130 Members including one *ex-officio* Member who is the Attorney-General. The Attorney-General is by virtue of his office a Member of both Houses constituting the National Assembly.

There are also, of course, the Regional Assemblies in Kenya. In order to facilitate "regionalism", there is a loose form of autonomous legislatures in each of seven Regions:

(i) the Coast. (ii) the Eastern, (iii) the Central, (iv) the Rift Valley, (v) the Nyanza. (vi) the Western and (vii) the N.E. Regions.

The Regional Assemblies, unlike the Central Legislature, do not deal with major issues, and have no international obligations, but such matters as Commerce and Industry, Education, Community Development. Markets and Fairs and some other items provided in the Constitution are within their jurisdiction.

Privilege remains the same as before.

Unlike previous years, there are now Clerks to the Senate and a Clerk to the House of Representatives. The Offices of the Clerk to the two Houses and of the members of their staff are offices in the public service of the Government of Kenya.

(*Contributed by the Clerk of the National Assembly.*)

2. General Parliamentary Usage

House of Lords (Motion to defer Prorogation).—In October, 1963, the "customary processes of consultation" of the Conservative Party produced as successors to the ailing Mr. Macmillan the Foreign Secretary Lord Home. He (like Lord Hailsham) was in the running for the Premiership only as the result of the passing of the Peerage Act 1963 which allowed Peers to disclaim their peerages for life. When Lord Home emerged as the new Premier, on 18th October, it was clear that he would have to disclaim his earldom, and seek election for the Commons. Parliament was due to be Prorogued on Thursday, 25th October, and to be opened by Royal Commission (because of a Royal baby) on the following Tuesday. However, Lord Home decided that he needed to have time to fight the necessary by-election, so as to be able to face the Commons in person at the opening of the session.

On the day after the long summer recess, when both Houses were due to be prorogued, Lord Alexander of Hillsborough (Labour Leader in the Lords) moved to resolve:

> That this House consider that in the public interest Parliament should not be prorogued this day, and that Her Majesty's Government should advise the Queen to this effect.

During his speech Lord Alexander made the following point:

> The Motion which is on the Order Paper on behalf of this side of the House was, in our view, necessary because the present position seems to us to be an extremely important and constitutional matter. I want first of all to draw attention to the fact that we adjourned at the beginning of August with plans firmly made, and they were subsequently revised following the news that Her Majesty would not be attending in person at the opening of the new Session; the dates were renewed. The practice which has arisen under the constitutional rights of Parliament really has been, by interpretation and use, that the date fixed for Prorogation of the Session has usually fallen upon a Thursday, with due expectation of the reopening of Parliament for the new Session and the Speech from the Throne on or about the following Tuesday. . . .
>
> But the constitutional practice which has grown up, I submit, within the rights of Parliament as a whole as to the ending of a Session and the beginning of a new one has been gravely interfered with by the fact that the Prime Minister felt it necessary to alter the dates, not after a wide consultation with Leaders of Parliament in all Parties in both Houses but without any consultation about it whatsoever.

Lord Carrington, the new Leader of the House, in his reply said:

> If I may sum up, there are three reasons which seem to me to lead inescapably to the decision which the Prime Minister has taken to advise the Queen to postpone the sitting: the sudden illness of Mr. Macmillan; the formation of a new Administration with important new posts; and the belief of the Prime Minister himself that it is duty to be in another place from the very start of the Session. I do not believe that most people will think that

there is anything strange or derogatory to Parliament in what the Government are proposing to do. Indeed, I think it shows a great regard and respect for Parliament, and an accurate assessment of what is right in circumstances which are certainly without precedent. My Lords, I think that the great majority of the people of this country will feel that this is the sensible thing to do. (*Lords Hansard*, 252, cc. 1256 and 1266.)

The Lord Chancellor, winding up the debate, made the following point:

May I just remind your Lordship of the situation as it exists today? We are being asked to express our opinion . . .

> " That . . . Parliament should not be prorogued this day, and that Her Majesty's Government should advise The Queen to this effect."

We debate that Motion in these circumstances. An Order in Council was laid last night by Her Majesty in Council, on the advice of her Ministers, ordering that Parliament should be prorogued today and ordering that I, as Lord Chancellor, should issue a Commission under the Great Seal in the usual way. That Commission has been issued and an Order in Council has been made requiring this House to be prorogued today. While I feel—I say this sincerely—that we have had an interesting debate, on a high level and fully in accordance with the dignity and traditions of this House, I feel in the circumstances, in the light of those facts, that it is somewhat inappropriate that we should now be discussing this Motion.

The House divided on party lines, and the Motion was defeated by 101-32. In fact there was a precedent for the Resolution not entirely, but very nearly, fitting the case, for on 22nd April, 1831, at the close of the short Parliament preceding that which passed the Great Reform Bill, Lord Wharncliffe had moved " an humble address to His Majesty, not to exercize his undoubted prerogative of dissolving Parliament ". (*Lords Journals*, Vol. 63, p. 510). William IV had shortly after prorogued Parliament " with a view to its immediate dissolution ".

The procedure of the House precluded the Commons from taking the same course. When the House met, the time at their disposal before the deferred hour for the Commission for proroguing Parliament was spent debating a Motion for the adjournment of the House. The same ground was covered as in the Lords. One Member attempted to move the closure, but Mr. Speaker would not accept the Motion.

House of Lords (Companion to Standing Orders).—In December, 1963, a new *Companion to the Standing Orders and Guide to the Proceedings of the House of Lords* was laid upon the Table by the Clerk of the Parliaments. This work has been edited by the then Clerk Assistant of the Parliaments, Mr. Henry Burrows, C.B., C.B.E., and was very largely rewritten. It has completely superseded any earlier edition. This edition was authorised by the Procedure Committee (First Report from the Procedure Committee 1963-4) and agreed to by the House on 10th December, 1963.

House of Commons (Protracted Questions to Ministers).—On 31st January, 1963, at the end of Question time, Mr. Gresham Cooke, on a point of Order, said:

Mr. Speaker, may I ask you whether you would re-examine the whole problem of trying to speed up Questions during Question Time? I think that in this you would have the support of the whole House.

Today, we dealt with, I think, 29 Questions in all, including Questions to the Prime Minister, whereas in the last Parliament it was a quite frequent practice to deal with about 50 Questions. If I might respectfully say so, it seems that new practices have grown up during the last twelve months, and that the whole question ought to be re-examined.

I hasten to say that I have no personal axe to grind, as I had not tabled any Questions today. All the Questions were to one Minister, and only half of these were reached.

Mr. Speaker: I do not think that the hon. Member for Twickenham (Mr. Gresham Cooke) was alone in noticing that we had a very bad day today, but if the House wants to invent some new procedures I would hope that I might have formal assistance and have the matter referred to a Committee. Every body knows what the evils are, and that no further inquiry is necessary. What is necessary is that I, in the service of the House, may have the assistance of hon. Members. I did not have it today, and I am unhappy about it. . . .

The number of supplementary questions I can call depends on the length of them when asked, and all generosity would depart from my soul if I had another day like today. (*Com. Hans.*, Vol. 670, cc. 1130-1.)

House of Commons (Point of Order during Questions).—On 14th March, 1963, Mr. Silverman, Member for Nelson and Colne, sought to rise to a point of Order during Question time concerning a Question of his which had been transferred from the Prime Minister to the Attorney General.

Mr. Speaker, as soon as the general nature of the point of Order was apparent, asked Mr. Silverman "in the interests of other Members" to defer his point of Order until after Questions.

This he did and Mr. Speaker then entertained his point of Order. The right of a Minister to transfer a question was not in dispute and all Mr. Silverman sought was the right to withdraw the Question rather than have it answered by, in his opinion, the wrong Minister. The Question was withdrawn. (*Com. Hans.*, Vol. 673, cc. 1522 and 1528-30.)

House of Commons (Questions to Ministers).—Mrs. Castle, Member for Blackburn, sought Mr. Speaker's guidance, on 2nd April, 1963, concerning a Question she wished to put to a Minister.

She had originally put in the paper a fortnight earlier, but had then withdrawn at the written request of the Ministry in question on the understanding that she would be told when the Ministry were in a position to answer, so that she could put it down again.

While still waiting for that intimation she had discovered on the Order paper for answer that day, the same Question in another Member's name. The Minister had asked that other Member to put it

down. The Question, moreover, had not been asked orally and was left to go for written answer. She sought protection from "the growing habit of Ministers to indulge in this form of trickery".

Mr. Speaker replied:

> What the hon. Lady says does not raise any point falling within my control. Her quarrel is really with the Minister. I would not presume to advise her about the parliamentary but none the less wounding things that she could do. She must obtain suitable advice elsewhere. (*Com. Hans.*, Vol. 675, cc. 249-51.)

House of Commons (Conduct of half-hour Adjournment debate).—On 26th November, 1963, Sir Gerald Nabarro, Member for Kidderminster, raised on the Motion for the adjournment, the matter of the TSR 2 aircraft and spoke for about half the time available. His speech was severely critical of the Opposition.

Mr. Amery, the Minister of Aviation, then rose to reply. Mr. Wigg, Member for Dudley, rose to a point of order, protesting at the one-sided nature of the debate and seeking a future opportunity to put the Opposition view. Mr. Speaker replied that, while he had not the ruling to hand, if the Minister rose in an adjournment debate, then the Chair must call him, and accordingly did so.

Mr. Callaghan, Member for Cardiff South-East, protested at the misuse of the adjournment debate. These debates were for raising constituency questions and the like and not for making party attacks. In the circumstances he invited Mr. Speaker to let a Member on the Opposition side speak. Mr. Speaker adhered to the fact that he was bound by previous rulings to call the Minister.

Mr. Wigg thereupon demanded a count of the House. Mr. Speaker pointed out that counts during half-hour adjournment debates had been deprecated. The lack of a quorum was disclosed and the House adjourned. (*Com. Hans.*, Vol. 685, cc. 246-8.)

Mr. Wigg reverted to the matter on a point of order, at the end of Questions on 2nd December, 1963. He asked for the chapter and verse of the ruling that in an Adjournment debate the Minister, if he rose had to be called and also for the deprecating of demanding a count at such times. In calling for a count he had acted to stop an abuse of procedure and felt that his action should not, in those circumstances, have been deprecated.

Mr. Speaker acknowledged that during the Adjournment debate he had not been able immediately to give the authority for the ruling; he would therefore deal with the matter. Only in extraordinary circumstances could they discuss, on a point of order, procedural rulings of nearly a week ago. It was on 16th December, 1958 (*Com. Hans.*, Vol. 597, c. 1088) that the then Speaker had ruled that in an adjournment debate the Government ought to answer and that this overrode the strict alternation of parties, although the Chair tried to do what it could. If a Minister chose to give way to

someone from the other side that was not a matter for the Chair, which equally could not dictate what should be said in an adjournment debate, provided it kept within the rules of order.

He went on

> With regard to the hon. Gentleman's other point, I should dislike it very much if he or any other hon. Member felt aggrieved when I said that the practice of counting out an Adjournment debate had been deprecated. The hon. Gentleman little knows how much he had my sympathy at that moment, but I conceive that I have that duty, and I will tell the House why.
>
> It was deprecated by my predecessor in a letter, to the then Leader of the House in July, 1950. On that occasion my predecessor referred to it—that is to say, the not counting out of Adjournment debates. As an unwritten understanding—and he described it as a convention—and the reasons he then gave for us all observing that seemed to me as valid now as they were then. They were, to adapt his words, that it saves reprisals and unnecessary bad feeling, and it was solely with that in mind that I felt obliged to say that the practice had been deprecated, which, in fact, it has. (*Com. Hans.*, Vol. 685, cc. 777-85.)

3. Privilege

Western Australia (Legislative Council Powers and Privileges).—Using the powers granted by the Federal Government in 1962 the Council made the Legislative Council (Powers and Privileges) Ordinance 1963. The Ordinance followed the recommendations of a Select Committee which was constituted to examine an earlier Bill which was subsequently withdrawn.

A feature of the Ordinance is that although it defines certain powers and immunities it also provides that these powers and immunities " to the extent that they are not declared by the provisions of this Ordinance " shall be those of the House of Commons at the establishment of the Commonwealth of Australia.

The Ordinance also precisely defines the precincts of the Council and places it under the control of the President.

(*Contributed by the Clerk of the Parliaments.*)

4. Order

House of Commons (Giving Way).—On 26th March, 1963, the case of Chief Enahoro was, as on several occasions, occupying the House. A fresh legal point had arisen and the Home Secretary, in replying, was being pressed on its proper construction.

After an intervention from Mr. Wilson, Leader of the Opposition, the Attorney General rose to reply to him. Various Members at once questioned the propriety of the Attorney General's rising in the middle of the Home Secretary's speech.

The Deputy Speaker observed that he was bound by the rules of the House. He had tried a little laxity, but it was not accepted by the House. The position was that a speaker in the course of his speech could only give way in answer to a Question. In order to

enable the Attorney General to deal with the legal point, the Home Secretary ended his speech, hoping that the House would, in the circumstances, give him leave to speak again. Shortly afterwards the debate was adjourned to give time for a fuller examination of the point. (*Com. Hans.*, Vol. 674, cc. 1278-80.)

House of Commons (Corrections in Speeches).—On 22nd November, 1962, a Member drew attention to the fact that the speech of another Member, which had reflected upon him, had been altered by that Member before its appearance in *Hansard*. Mr. Speaker said that the alteration was one which should not have been made, that he regretted the error, and that he had directed that an erratum notice should appear in the next day's issue.

Later he said:

> Our rule about corrections is on page 270 of *Erskine May*. They are permitted, in practice, if they do not alter substantially the meaning of anything that was said in the House. It is because it did alter the meaning that this correction should not have been passed. (*Com. Hans.*, Vol. 667, cc. 1405-6.)

5. Procedure

House of Commons (Anticipation).—In the debate on the Address in reply to the Queen's Speech, on 18th November, 1963, Mr. Speaker had selected an Opposition amendment which covered in part the same ground as a bill which had been presented the previous week.

Before calling a Member to move the Amendment Mr. Speaker said:

> The House will be aware that the rule against anticipation, which forbids discussion of matters in a Motion or Amendment in anticipation of debate on the same matter in a Bill, is one of the most valuable of our rules of practice; its sole purpose is to inhibit repetitious debate.
>
> The first Amendment in the name of the Leader of the Opposition concerns the subject of housing. Though the scope of the Amendment is wider than that of the Housing Bill, and though, therefore, the two forms of proceeding are not identical in their content, a strict application of the rule against anticipation would compel the Chair to intervene as soon as any of the topics falling within the scope of the Housing Bill were touched on. This would inhibit speeches in favour of the Amendment and frustrate those in reply to it.
>
> Therefore, if both sides of the House agree, the Chair will be liberal in its interpretation of the rule, provided always that liberality is not abused by direct discussion of the Housing Bill. That Measure would not at this stage be the business before the House and debate on it would directly infringe the rule. (*Com. Hans.*, Vol. 684, c. 629.)

House of Commons (Questions to Ministers on Nationalised Industries).—The extent to which Ministers may be asked questions relating to nationalised industries has been a matter of controversy since the various nationalisation measures of the post-war Labour Government.

The 1957 edition of *Erskine May* summarised the then position. Questions relating to general directions to such industries in the national interests and to matters of specific ministerial responsibility, such as safety in mines, were permissible, but Questions asking a Minister to use his powers to require information on matters of day-to-day administration, though *prima facie* in order, had been refused answer by the Ministers concerned. Questions repeating in substance Questions already answered or to which an answer has been refused are out of order. These refusals have therefore, in effect, largely barred this class of Question from the Order Paper. The Speaker had, however, undertaken to allow certain Questions of day-to-day management where they raised matters of urgent public importance.

On 28th February, 1960, Mr. Butler, then Leader of the House, announced a widening of the range of Questions which Ministers were prepared to answer.

> We must adhere to the view that Ministers can answer Questions only on matters for which they have a recognised responsibility. Otherwise, they would inevitably find themselves encroaching upon the managerial functions entrusted to the nationalised boards.
>
> Ministers would, of course, answer for the matters which the industries are required by Statute to lay before them, and for appointments, finance and matters on which they themselves have statutory powers or duties. In addition, they may from time to time be concerned with other questions of broad policy affecting the industries.
>
> There is no hard-and-fast formula by which these matters could be identified and opened to Questions in the House, but provided Questions on the Paper relate to Ministers' responsibilities for matters of general policy, they will consider sympathetically the extent to which they can properly reply. (*Com. Hans.*, Vol. 618, c. 577.)

Mr. Gaitskell pointed out the difficulty, if there were no hard and fast formula, in getting a Question on the paper at all, and appealed to the Speaker. Mr. Speaker appreciated the difficulty, and could offer no immediate solution. The rules of the House were, in this instance, set into operation by what Ministers did. Ministers could not give *ad hoc* assent to a particular Question in a hitherto refusable category. The Table must have some consistent principle by which it operated. It could not be flexible if it were required to operate on no known principle.

Mr. Butler laid no claim to any great extension of permissible Questions and this was borne out by events. On 27th February, 1963, Sir Eric Errington, Member for Aldershot, had succeeded in putting down a Question asking the Minister of Transport if he would obtain from the British Railways Boards the mileage of disused lines in each region. The answer had been "No", thus ruling out comparable Questions in future. Sir Eric Errington returned to the Question on the half-hour adjournment debate on 1st April. He contended that his Question was not a mere day-to-day matter, but one which fell within Mr. Butler's concept of a "question of broad policy".

Mr. Ian Macleod, Leader of the House, answered the debate since it affected the rights of Members. He rehearsed the history of the problem and, of Mr. Butler's statement three years earlier, acknowledged that " we regarded that as a slight relaxation of the rule and the problem which confronts us tonight is how to translate that good intention into perhaps more practical terms, because it is extremely difficult ".

He concluded:

> I now come to the key matter. The difficult question is to strike a balance between three things. The first is the right of hon. Members to obtain information and criticise the Government especially when the expenditure of public money is involved. The second is the need to allow the nationalised industries to be free of excessively detailed inquiry into ordinary administration. Certainly we attach great importance to this, obviously more than hon. Members opposite. The third is the ultimate ministerial responsibility for the industry.
>
> It was anxiety on the second—the need to protect the industry against excessive investigation of this sort—that was the reason for the reply that my hon. Friend and Member for Aldershot received. But this does not mean that hon. Members are denied information. In the specific instance of the Question of my hon. Friend, the argument turned not on whether the information should be provided, but what was the right way of giving that particular information.
>
> I believe that the First Secretary's statement of three years ago is as good a guide as we can contrive for an admittedly difficult problem of definition. However, we are anxious to safeguard the rights of hon. Members. I would like to study what has been said in the light of the views put to me in the debate tonight, particularly concentrating on what I was asked to do; that is, to consider the words " broad general policy " and see if we can find a way in which it may conceivably be possible to carry this phrase a little further.
>
> We must draw the line somewhere and, on the whole, I believe—both in the instance quoted tonight and in the general approach of my right hon. Friends —that we have drawn it in the right place. (*Com. Hans.*, Vol. 675, cc. 206-10.)

While there has been some greater readiness to provide general statistical information, the position remains broadly unchanged.

Withdrawal of a Personal Statement.—Mr. Philby, a former Foreign Office official, who resigned in 1951 and was subsequently a newspaper correspondent in the Middle East, disappeared early in 1963, and on 1st July, 1963, Mr. Head, the Lord Privy Seal, informed the House that Philby had been the " third man " who had warned Burgess and Maclean that the security forces were about to take action against them. (*Com. Hans.*, Vol. 680, cc. 33-5.)

The next day Mr. Lipton, the Member for Brixton, on a point of order recalled that on 10th November, 1955, he had made a personal statement in the House withdrawing charges that he had made that Philby was the " third man ". He did so, because Mr. Macmillan, the Foreign Secretary, had told the House on 7th November, 1955, that he had no reason so to identify Philby.

Subsequent events had shown he should not have made the personal statement and he sought some formal way of withdrawing it. Mr. Speaker said that no point of order arose; he could do nothing himself, but that if Mr. Lipton sought his assistance in private, or that of the officers of the House. they would be anxious to assist him. It was not his duty to give such guidance in public, or to detain the House on what was not a point of order. (*Ibid.*, cc. 207-11.)

On the 17th July, the Leader of the House moved:

> That this House desires formally to record that the assumptions which prompted the honourable Member for Brixton to make a personal statement on 10th November, 1955, regarding Mr. Harold Philby were wrong and that his allegation of 25th October, 1955, has been justified by subsequent events.

He said:

> I move this Motion in circumstances that are unusual and, I believe, unprecedented. I believe, after reflection, that this is the right action to take and I therefore thought it right to draw up this Motion, to put my name to it as Leader of the House, and to commend it to the House.

The Question was put and agreed to. (*Ibid.*, Vol. 681, c. 682.)

Australia: House of Representatives (Speech-timing Device).—"The honorable Member's time has expired"—this announcement is now seldom heard from the Chair in the House of Representatives of the Australian Commonwealth Parliament in Canberra. The reason for this is that a speech-timing device has been installed in the Chamber and Members can see at a glance what time is left.

The installation of this device followed suggestions made by Members from time to time that some warning be given to them of the expiration of their allotted speaking time. The switching on of a small light above the Speaker's Chair was a prominent suggestion, but this was rejected by successive Speakers.

After investigation of several possible systems, that finally adopted provided for the installation of two sixteen-inch minute graduated clock faces, one facing each side of the Chamber. These clocks are operated by the Clerk Assistant from the Table where the Master Control Unit and Master Clock are located. On each clock there is a single hand which, upon a Member being called, is moved to the allotted time, be it 5, 10, 15, 30 or up to 45 minutes, as provided in the Standing Orders for the particular debate. The mechanism, which incorporates a one-revolution-per-hour synchronous electric motor and a transmitter, is immediately brought into operation and the hand on each clock commences to move back in an anti-clockwise direction to the zero or twelve o'clock position. With one minute to go, a small amber light on each clock face commences to glow to warn the Member that his time is about to expire. As the hand reaches the zero mark, the light goes out, thus indicating that the Member's time has expired. Extensions of time are similarly dealt with.

A year's experience with the device has shown its value in enabling Members more easily to allocate time to particular portions of their speeches and round off their remarks prior to the expiration of time.

(*Contributed by the Clerk of the House of Representatives.*)

6. Standing Orders

Saskatchewan (Right of reply in Budget debate).—The 1957 revision of the Standing Orders of the Legislative Assembly of Saskatchewan placed certain time limits on the debate on the Address in Reply and on the Budget Debate. Standing Order 46 adopted in 1957 provided that "the proceedings on the Order of the day for resuming debate on the motion 'That Mr. Speaker do now leave the Chair' for the Assembly to resolve itself into Committee of Supply (Budget) and on any amendments proposed thereto shall not exceed eight days". It provided also that the speaker should put all questions necessary to dispose of the main motion at thirty minutes before "the ordinary time of daily adjournment, unless the debate be previously concluded".

At the 1963 session a special committee was appointed to consider with Mr. Speaker the advisability and desirability of amending this standing order in order to give the mover of the Budget Motion "a reasonable opportunity to exercise his right to close the Budget Debate". This committee recommended and the Assembly adopted an amendment to Standing Order 46 which directs the speaker to interrupt proceedings in the Budget Debate at thirty minutes before the ordinary time of daily adjournment on the eighth day of resuming the said debate and "after allowing 20 minutes for the mover of the Budget Motion to exercise his right to close the debate" the speaker shall then put all questions necessary to dispose of the main motion.

(*Contributed by the Clerk of the Legislative Assembly.*)

Australia: House of Representatives (Revised Standing Orders).—The revised Standing Orders of the House of Representatives came into operation at the commencement of the Budget sittings on 13th August, 1963.* Members and Ministers have expressed general satisfaction with their operation and the major alterations have proved singularly successful.

The simplified financial procedures have presented no problems and are readily understood. The presentation of the 1963-64 Budget on the Motion for the second reading of the Annual Appropriation Bill, the subsequent Budget Debate on that Question, and the con-

* The Table, Vol. XXXI for 1962, pp. 85-7.

sideration of the Estimates of Expenditure during the Committee stage of the Bill proceeded smoothly and satisfactorily.

It is interesting to note that the new procedure by which the House can by-pass the Committee stages of a Bill by proceeding directly from the second to the third reading was invoked in respect of thirty-eight of sixty-three Bills dealt with during the Budget sittings.

(*Contributed by the Clerk of the House.*)

Tasmania: House of Assembly (Quorum).—Because of the increase of the Members of the Assembly from thirty to thirty-five, the quorum of the House was raised to fourteen Members including Mr. Speaker.

India: Rajya Sabha (Standing Orders revised).—The existing Rules regulating the procedure and conduct of business in the Rajya Sabha are the Constituent Assembly (Legislative) Rules of Procedure and Conduct of Business, in force immediately before the commencement of the Constitution, as modified and adapted by the Chairman in exercise of the powers conferred on him by clause (2) of article 118 of the Constitution. Clause (1) of the said article provides that each House of Parliament may make Rules for regulating, subject to the provisions of the Constitution, its procedure and the conduct of its business. The Rajya Sabha, by a resolution adopted on 7th September, 1962, appointed a Committee to recommend for its consideration Draft Rules pursuant to clause (1) of article 118. (*Rajya Sabha Debates*, dated 7.9.1962, Vol. XL, cc. 5554-63.)

The House has not yet considered and adopted the rules proposed by the Committee.

It noted that the Rules had, on the whole, worked satisfactorily and it, therefore, applied itself to making improvements consistent with the powers and functions of the Rajya Sabha. Apart from various drafting amendments, the Committee proposed certain more substantial amendments.

They recommended:

(1) defining the "precincts of the Council";
(2) incorporating the present practice for making or subscribing the oath or affirmation in the rules;
(3) better management, outside the rules, both of a "No-day-yet-named" Motions, and of the spread of Government business between the two Houses;
(4) allocation of every Friday to Private Members' business;
(5) widening the Business Advisory Committee's powers to business other than Government bills;
(6) giving an hour to Questions every sitting day;
(7) excluding imprecise Questions and those relating to matters under consideration of a parliamentary committee;

(8) allowing a Minister, if he wishes, to answer a Question not reached, at the end of Questions;
(9) permitting the Chair to insert a short notice Question which was unanswered as first Question on the day for answer under the normal rules;
(10) allowing half-hour debates on all sitting days;
(11) requiring the Government to lay a statement showing the need for all Ordinances;
(12) enabling Members to give notice of calling attention to, and debating, matters of urgent public importance;
(13) permitting more than one question of privilege to be raised at the same sitting and enabling Members to be informed of reference by the Chairman to the Committee of Privilege;
(14) providing for a Committee on subordinate legislation;
(15) affirming the Committees could function when the Council was prorogued; and
(16) dealing with Motions to suspend Members, which might be for a lesser period than the remainder of the session.

The House adopted rules in consonance with the recommendations on 2nd June, 1964.

Nigeria: House of Representatives (Revised Standing Orders).—Revised Standing Orders were agreed to in December, 1962. The principal changes were:

Old S.O. 1 (1); new S.O. 1 (1). The new Standing Order makes provision for a Member who has not taken the oath of allegiance to take part in the election of a Speaker.

Old S.O. 7 (1); new S.O. 8 (1). In the old Standing Order the quorum of the whole House was fifty; but in the new one the quorum is one-sixth of all Members of the House, *i.e.*, one-sixth of 312.

Old S.O. 7; new S.O. 8 (5). The new Standing Order provides that the House or a committee of the whole House shall not be counted on Mondays to Thursdays from 3 p.m. to 4 p.m. (The Question of Quorum does not therefore arise during this period.) There is no such provision in the old Standing Orders.

Old S.O. 39. Under the old Standing Order the House can recommend to the Governor-General the removal of a Minister from the Council of Ministers. There is no such provision in the new Standing Orders.

New S.O. 41 (3A). Provision is made in respect of Bills originating from the Senate in the new Standing Orders; but no such provision is made in the old one.

New S.O. 48 (5-8). The new Standing Order provides for Bills originating from the House of Representatives to be sent to the Senate for action and those originating from the Senate also go to the House.

Old S.O. 52. The old Standing Orders made provision for a Bill covered by a certificate of urgency to be proceeded with throughout all its stages regardless of anything in any Standing Order; there is no such provision in the new Standing Orders.

Old S.O. 53 (2); new S.O. 52 (2). Mr. Speaker, the Deputy Speaker, three members of the Council of Ministers, one representative Member (not a Member of the Council of Ministers) from each Region and the Cameroon formed the Committee of Selection according to the old Standing Order; but in the new one membership of the Committee is not made on regional basis.

Old S.O. 54 to 65; new S.O. 53 to 65. The new Standing Orders increase the quorum of each Special Committee.

(*Contributed by the Acting Clerk to the Parliaments.*)

Uganda (Standing Orders).—During 1963 the only amendment of any importance to the Standing Orders of the Parliament of Uganda was the addition of a proviso to Standing Order 55 which laid down the manner of voting. The Uganda Constitution specifies that certain parts of it can be altered only by the affirmative vote of a stated majority of Members of the Assembly. This being so, any question which would have the effect of altering the Constitution must be divided upon, even if the Assembly is unanimous about it, in order to ascertain the number of Members who have voted in support of the amendment. The proviso to Standing Order 55 makes provision for the Speaker to direct a division in such an event even if it is not called for by Members.

(*Contributed by the Clerk of the Legislative Council.*)

Northern Rhodesia (Revision of Standing Orders).—Following the Northern Rhodesia Constitution (Order in Council), 1962, which came into being on 1st September, 1962, it was necessary to revise Standing Orders considerably and the opportunity was taken to amend other Standing Orders in the light of past experience. A copy of the amendments is attached. As a further new Constitution came into force in January, 1964 (the Northern Rhodesia (Constitution) Order in Council, 1963), the Standing Orders, as amended, are already in need of further amendments in certain respects. For example, the quorum of the House is now fifteen as opposed to the previous figure of ten; provision is now made for a Deputy Speaker and none in made for an Acting Speaker, etc. It was decided, however, to print a temporary new edition of Standing Orders as amended after the Northern Rhodesia Constitution (Order in Council), 1962. These Standing Orders have to be read in conjunction with the present Constitution. In view of the probability of yet another new Constitution coming into force later this year it is not proposed to amend Standing Orders further at present.

(*Contributed by the Clerk of the Legislative Council.*)

Mysore: Legislative Council (Amendments to Rules).—Following the report of the Committee on Rules of Proceedings and Conduct of Business, of 24th September, 1962, the Council adopted amended rules on 16th March, 1963. The chief changes were:

1. Allotment of time for private Members business on every Friday.

2. Increasing the number of questions of which a Member could give notice.

3. Provision for raising discussion on matters of urgent public importance for short duration and calling attention to matters of public importance.

These two provisions have been made with a view to providing additional avenues for raising discussions on matters of public importance.

4. Constitution of the following committees:

(i) Library Committee: A Committee to suggest selection of books for the Library.

(ii) Business Advisory Committee: Committee to suggest the allocation of time for the several classes of official business coming up before the House.

(iii) Assurance Committee: Committee to follow up the promises and assurances made by the Ministers on the floor of the House.

Another significant departure made from the old rules relates to notices of breach of privilege, etc. As now amended, this is perhaps the only legislative body in India where Motion regarding breach of privilege can be moved in certain circumstances even after the Presiding Officer has held that a *prima facie* case has not been made out. This is in accordance with the practice in the House of Commons.

(*Contributed by the Secretary of the Mysore Legislature.*)

7. ELECTORAL

Saskatchewan (Electoral).—At the 1963 session of the Legislative Assembly the Legislative Assembly Act was amended to increase the membership of the Assembly from fifty-five to fifty-nine members.

The constituency of Regina City which formerly returned four Members was divided into four constituencies. The newly created constituencies of Regina East and Regina West will return two Members each, and the newly created constituencies of Regina North and Regina South will return one Member each.

The constituency of Saskatchewan City which formerly returned three members will now return five members.

(*Contributed by the Clerk of the Legislative Assembly.*)

Newfoundland (Electoral).—The electoral districts were redrawn in 1963 and they, and the number of Members, were increased from thirty-six to forty-two.

Western Australia (Adult Franchise for the Legislative Council).—Amendments to legislation to effect major changes in electoral provisions for the Legislative Council were passed during the 1963 Session. These amendments provide for adult franchise with compulsory enrolment and voting in place of the restricted property qualification, voluntary enrolment and voting, applying at present.

Under the new legislation, the State will be divided, for Legislative Council purposes, into fifteen Provinces, each returning two Members for six years, instead of the present ten Provinces, each returning three Members for the same period. Elections will be held every three years at the same time as the General Election for the Legislative Assembly, one Member for each Province facing the electors on each occasion. The first election under the new scheme will be in 1965. Up to the present, there have been biennial elections in the "even" year for one-third of the House.

The term of the ten Members due to retire in 1964 has been extended to 1965, and five of those due to retire in 1966 have been brought back to 1965, and the other five extended to 1968, thus arranging for fifteen members to retire at the time of the next two General Elections.

The qualification for membership of the Legislative Council has been brought into line with the qualifications required for the Legislative Assembly, the main requirements being that a person must have resided in the State for one year and be 21 years of age, and not subject to any legal incapacity.

The changes were effected by amendments to the Electoral Districts Acts and the Constitution Acts Amendment Act. Consequential amendments to the Electoral Act are still to be made.

(*Contributed by the Clerk of the Parliaments.*)

Northern Rhodesia (Changes in the law concerning Parliament, its Members, the electoral system and officers, etc.).—The Northern Rhodesia (Electoral Provisions) Order in Council, 1963, which was laid before the House of Commons on 4th September, 1963, and came into operation on 5th September, 1963, provided that:

> The Governor, acting in his discretion, may by regulation published in the *Gazette* make provision, for the purposes of the election of Members of the proposed Council, for
>
> (*a*) the division of Northern Rhodesia into constituencies;
> (*b*) the qualifications and registration of voters; and
> (*c*) any matter that appears to him to be incidental thereto or consequential thereon.

Subsequently, the Governor issued the Electoral Provisions (Qualifications of Voters) Regulations, 1963, the Electoral Provisions (Registration of Voters) Regulations, 1963, the Electoral Provisions (Registration of Voters (Amendment) Regulations, 1963, the Electoral Provisions (Registration of Voters) (Amendment) (No. 2) Regulations, 1963, the Electoral Provisions (Registration of Voters) (Amendment) (No. 3) Regulations, 1963, and the Electoral Provisions (Registration of Voters) (Amendment) (No. 4) Regulations, 1963.

The Northern Rhodesia (Electoral Provisions) (No. 2) Order in Council, 1963. was laid before the House of Commons on 3rd December, 1963, and came into operation on the 4th December, 1963. This prescribed the qualifications and disqualifications of candidates for election to the new Northern Rhodesia Legislative Assembly and enabled the Governor to make further provisions by regulation for the electoral law relating to the Assembly. Thereafter, the Governor issued the Legislative Assembly (Election) Regulations, 1963, the Legislative Assembly (Election) (Amendment) Regulations, 1963, the Electoral Provisions (Registration of Voters) (Amendment) (No. 5) Regulations, 1963, and the Legislative Assembly (Election) (Amendment) (No. 2) Regulations, 1963.

The Northern Rhodesia (Electoral Provisions) (Amendment) (No. 3) Order in Council was laid before the House of Commons on 20th December, 1963, and came into operation on 21st December, 1963. This provided that persons who are under a suspended sentence of imprisonment should not be disqualified from standing as a candidate in the elections. Thereafter, the Governor issued the Legislative Assembly (Election) (Amendment) (No. 3) Regulations, 1963, the Legislative Assembly (Election) (Amendment) (No. 4) Regulations, 1963, the Legislative Assembly (Election) (Amendment) (No. 5) Regulations, 1963, and the Legislative Assembly (Election) Regulations, 1963 (Amendment) Order, 1964.

These Orders in Council and Regulations paved the way for elections to be held in January, 1964, when a new Constitution came into being. Prior to this the Federation of Rhodesia and Nyasaland (Dissolution) Order in Council, 1963, which came into force partly on 21st December, 1963, and fully into effect immediately before 1st January, 1964, made provision for the dissolution of the Federation of Rhodesia and Nyasaland and certain federal bodies; the transfer of the assets and liabilities of the Federation and generally for the winding up of its affairs and the establishment of a Liquidating Agency for that purpose. This Order provided, *inter alia*, for the continuation of certain common services and provision for the payment of pensions and other terminal benefits to Federal officers. After this, the Northern Rhodesia (Constitution) Order in Council, 1963, was laid before the House of Commons on 1st January, 1964.

The new Constitution provides for a Legislative Assembly with a total of seventy-five Members of whom sixty-five are elected in Main Roll constituencies and ten in Reserved Roll constituencies. The electorate of the Main Roll constituencies is African and the electorate of the Reserved Roll constituencies is European. Asians and coloured persons are allowed to choose on which roll they wish to vote. For the first time, the elections took place on the basis of almost universal adult sufferage. The Speaker is elected by the Assembly from among persons who are Members of the Assembly or from persons who are qualified to be elected as such. A Deputy Speaker is elected by the Assembly from among Members of the Assembly other than Ministers or Parliamentary Secretaries. There is a Cabinet which consists of a Prime Minister and not more than thirteen other Ministers to whom portfolios are assigned by the Governor, acting on the advice of the Prime Minister. The Prime Minister presides over the Cabinet. The Governor retains the responsibility for defence, external affairs, public order and public safety and for the use and operational control of the police force, but he may delegate such responsibility if he thinks fit.

The Constitution contains a Bill of Rights which sets out the fundamental rights and freedoms of the individual and provides protection from discrimination on grounds of race, etc. The House of Chiefs retains its present functions. There is provision for a Constitution Council whose functions will include that of considering whether Bills referred to it by the Governor, acting on Cabinet advice, or by Mr. Speaker following a request made by not less than seven Members of the Assembly within three days of the final reading of the Bill in the Legislative Assembly, are inconsistent with the Bill of Rights. The Council, within a prescribed period, will report to the Governor and the Speaker respectively, on whether or not the Bill or any of its provisions would be inconsistent with the Bill of Rights. If the Council makes an adverse report, it will not be possible for any Motion that the Bill be presented for assent to be introduced in the Legislative Assembly for at least six months. In addition, not less than seven Members of the Legislative Assembly may ask the Constitutional Council to report on any statutory instrument and if the Council makes a report that any provision of any statutory instrument is inconsistent with the Bill of Rights the provision concerned will be annulled.

(*Contributed by the Clerk of the Legislative Assembly.*)

Western Samoa (Electoral).—The Electoral Act 1963 was enacted to comply with the provisions of the Constitution. The Act implements many of the provisions of the Western Samoa Legislative Assembly Regulations 1957 which has now been repealed and includes an appreciable number of new provisions. The revised form

has simplified the overall administration of all the electoral laws which include Part V of the Constitution, the Samoan Act 1963 and the Territorial Constituencies Act 1963.

The Samoan Status Act amends the law relating to Samoan status and the eligibility to hold a matai title. A Samoan is defined as a person who is a citizen of Western Samoa and has any Samoan blood whereas the previous legislation provided that such a person must have one-half or more Samoan blood. It also abolishes the definition of a European, who is now referred to in the Electoral Act as an Individual Voter. The Territorial Constituencies Act defines by names, boundaries, villages and sub-villages the territorial constituencies for the election of Members of Parliament and prescribes the four territorial constituencies which are each entitled to elect an additional Member.

A new provision in the Electoral Act prescribes that if a Member is charged by another Member as having sexual intercourse with any person other than his spouse by valid marriage or is guilty of conduct unbecoming a Member of Parliament he shall be disqualified from holding his seat. It is provided that if and as soon as the Speaker has reason to believe or suspect that a Member has become disqualified on any of these grounds he shall charge that Member with such disqualification and if the Legislative Assembly is sitting shall do so orally in the Assembly. If the Member does not admit the charge in writing within seven days it is then referred to the Supreme Court by Motion to be determined pursuant to Article 47 of the Constitution. The Assembly may then by resolution suspend the Member charged until the Motion has been disposed of, and during the period of suspension such Member is not entitled to sit or take part in the proceedings of the Assembly or any Committee thereof, or perform any of the functions or powers of a Member or have any of the privileges or immunities of a Member. If the Speaker is similarly charged by any other Member the Deputy Speaker then performs the functions of Speaker to deal with these provisions.

(*Contributed by the Clerk of the Legislative Assembly.*)

8. EMOLUMENTS

New South Wales (Members' Emoluments).—By the Parliamentary Allowances and Salaries Act. No. 36 of 1963, increases were granted to Members of both Houses, Ministers of the Crown and holders of various parliamentary offices and were made retrospective to 1st July, 1963. In moving the second reading in the Legislative Assembly on 25th September, 1963, the Premier, the Hon. R. J. Heffron, M.L.A., stated that it was four years since allowances for Assembly Members had been adjusted (1st July, 1959), and in that period the basic wage had risen 10 per cent., and the average weekly

earnings of a male worker had increased 12 per cent. There had been a population growth of 8 per cent.

For the first time expense allowances were granted, in the Assembly, to the Deputy Leader of the Opposition (£A100), Deputy Leader and Whip of a party of not less than ten Members (£A100 and £A50 respectively), and in the Council to the President (£A250) and Chairman of Committees (£A100). The increased rates resulting from the passage of this Act, together with other current allowances, are shown in the following table:

PARLIAMENTARY ALLOWANCES AND SALARIES (*From 1st July*, 1963.)

Office	*Allowance*	*Electorate allowance*	*Salary*	*Expense allowance*	*Total remuneration*
	£ p.a.	£ p.a.	£ p.a.	£ p.a.	£ p.a.
LEGISLATIVE COUNCIL					
Private Member ...	750	—	—	—	750
President	—	—	2,650	250	2,900
Chairman of Committees	—	—	1,850	100	1,950
Ministers	—	—	4,000	600	4,600
Leaders of Members who do not support Government	750+ 1,000 addtl.	—	—	—	1,750
LEGISLATIVE ASSEMBLY					
Private Member ...	2,650	750–1,050	—	—	3,400–3,700
Speaker	2,650	750–1,050	1,000	350	4,750–5,050
Chairman of Committees	2,650	750–1,050	450	150	4,000–4,300
Premier	—	750–1,050	5,450	1,750	7,950–8,250
Deputy Premier ...	—	750–1,050	4,600	700	6,050–6,350
Ministers	—	750–1,050	4,000	600	5,350–5,650
Leader of the Opposition...	2,650	750–1,050	1,100	600	5,100–5,400
Deputy Leader of the Opposition... ...	2,650	750–1,050	450	100	3,950–4,250
Leader of a Party (not less than 10 Members)	2,650	750–1,050	450	300	4,150–4,450
Deputy Leader of a Party (not less than 10 Members ...	2,650	750–1,050	—	100	3,500–3,800
Whips — Government and Opposition ...	2,650	750–1,050	400	150	3,950–4,250
Whips—of a Party not less than 10 Members	2,650	750–1,050	—	50	3,450–3,750

Living Away from Home Allowance of £4 4s 0d for each day they attend a sitting of the Legislative Council is paid to Members L.C. (except the Vice-President of the Executive Council, Ministers of the Crown, President, Chairman of Committees and Leader of Members who do not support Government) living in electoral districts specified (other than Metropolitan electorates).

Stamp Allowance. Members of the Legislative Assembly receive postage stamps to the value of £10 per month.

Telephones. Ministers, Mr. President and Chairman of Committees of the Council and Mr. Speaker and Chairman of Committees of the Assembly have all charges on their private telephones paid by the Government. All other Members L.A. have the full rental of their private telephones, plus 75 per cent. of all calls made, reimbursed by the Government.

Printing Allowance. Members are entitled to printing allowance with the Government Printer of up to £20 per annum.

Travel Allowance. Members of both Houses receive free railway passes during currency of membership. Members of the Assembly are also entitled to air travel, cost of which is met by the Government for six return trips by air between Sydney and the outlying electorates. Ex-Members of the Assembly, on retirement after service for the whole of three or more Parliaments, are entitled to a free railway pass for a period equivalent to the period of service as a Member.

(*Contributed by the Clerk of the Parliaments.*)

South Australia: House of Assembly (Members' Salaries and Allowances).—The Statutes Amendment (Public Salaries) Act (No. 52 of 1963) gives effect to the recommendations of a Joint Committee consisting of the Public Service Arbitrator and the Auditor-General appointed by the Government to investigate and report upon the salaries and allowances of Members of Parliament.

As a result of this Act the basic annual salary of a Member of either House is now £2,500, to which is added an electorate allowance of £600, £800 or £950 according to the location of the electorates. giving a private Member a remuneration range of £3,100 to £3,450. Additional allowances are paid to office-holders as follows:

Speaker, House of Assembly and President, Legislative Council	£1,050 per annum
Chairman of Committees, House of Assembly ...	£525 per annum
Leader of Opposition, House of Assembly ...	£1,350 per annum
Deputy Leader of Opposition, House of Assembly	£400 per annum
Government Whip and Opposition Whip ...	£300 per annum
Leader of Opposition, Legislative Council ...	£300 per annum

Total remuneration for Ministers is now: Premier £5,900; Chief Secretary £5,550; and other Ministers £5,200.

(*Contributed by the Clerk of the House of Assembly.*)

South Australia: House of Asssembly (Members' Superannuation).—Two features of the alterations to the existing compulsory

superannuation scheme for Members of Parliament effected by the Parliamentary Superannuation Act Amendment Act (No. 64 of 1963) are the increases in rates of contributions and pensions and the right newly conferred on the widowers of deceased women Members or pensioners to participate in the benefits under the scheme.

The following table summarises the rate of contributions and pensions authorised by the amending Act:

	Annual Pension Rates			
Annual rate of contribution	*For 9 years' service*	*Additional for each year of service in excess of 9 but not exceeding 18*	*Additional for each 3 years in excess of 18 years*	*Maximum pension*
* 72	240	20	20	500
100	360	30	30	750
150	540	45	45	1,125
200	720	60	60	1,500

* This rate of contribution is not available to future Members.

Subject to the Act, on the death of a person in receipt of a pension or of a Member with not less than nine years' service as a Member, there shall be paid to that widow or widower of that person or Member three-quarters of the appropriate rate of pension.

The minimum term of service as a Member to confer superannuation benefits is now nine years. This period is the equivalent of three normal triennial Parliaments.

(*Contributed by the Clerk of the House of Assembly.*)

Uttar Pradesh (Members' Emoluments).—The Uttar Pradesh Legislative Chamber (Members' Emoluments) (Amendment) Bill, 1963, was passed by the Uttar Pradesh Legislative Assembly. It amends the Members' Emoluments Bill of 1952.

The 1952 Act and the rules made thereunder had provided that a Member of the Legislature was entitled, without payment of rent, to the use throughout the term of his office, of accommodation at Lucknow, and where no such accommodation was provided, to a compensatory allowance of Rs. 75 a month.

Certain difficulties had been experienced in this respect and the amending Act provides for the payment to every Member of an accommodation allowance of Rs. 75 a month, subject to the condition that, during any period that he is provided with accommodation at Lucknow, a deduction from this allowance shall be made of the full rate of Rs. 75 a month where the accommodation is "A" type; and at the rate of Rs. 40 a month where the accommodation is "B"

type. The Act further empowers the State Government to prescribe by rules the scales according to which the accommodation should be furnished; the criteria for classification into "A" and "B" types and other related charges.

The 1952 Act and rules had also provided that a Member was entitled to his salary from the date of his taking the oath as a Member. The amending Act now provides for the salary to be paid:

(*a*) in the case of a General Election from the date of the constitution of the Assembly; and
(*b*) in any other case from the date of notification in the *Gazette* of a Member's election or nomination as the case may be.

9. ACCOMMODATION AND AMENITIES

Western Australia (Opening of the Completed Parliament House).—Several previous references have been made in THE TABLE (Vol. XXV, p. 124, Vol. XXVI, p. 177, and Vol. XXX, p. 167) to the project for the completion of the Houses of Parliament of this State. This has now been brought to a successful conclusion and the completed building was opened by His Excellency the Governor, Major General Sir Douglas Kendrew, K.C.M.G., C.B., C.B.E., D.S.O., on Monday, 23rd March, 1964

The building. originally commenced in 1902, stands at the western end of the main business thoroughfare, St George's Terrace, and although at present somewhat obscured from the City by other buildings on the Parliamentary Reserve, most of these are expected to be removed as other Government offices now under construction are completed.

It is an imposing building, finished in locally quarried cream freestone; the new frontage covering three floors with stone-covered concrete pillars running through the full height.

The principal improvements provided by the new section are main entrance hall, central stairway, meeting rooms, Party rooms, Party Leaders' offices, Members' offices, Library and newspaper rooms, and all associated facilities providing for comfort and efficiency.

Office accommodation has been allocated to all the Members. Those holding Parliamentary appointments, Presiding Officers and Chairmen of Committees. have, of course, as previously, private offices, but it has also been possible to allot individual offices to some Members holding Party appointments—Party Secretary, Whip, etc. In all other cases Members share offices with one, two or three Members of the same Party, each having an individual desk.

Generally, locally produced materials have been used in the construction, the only import of consequence being Italian marble which has been used in stairs and some wall panelling.

The foundation stone was laid on 31st July, 1902, and the first stage of the building was completed for a Session which commenced on 28th July, 1904. The building remained in an incomplete state until 1958 when substantial additions were commenced to the Legislative Assembly wing. This work was completed in 1961, and tenders were then let for the completion of the project.

In unveiling a plaque to commemorate the opening of the completed building, His Excellency referred to a comment made by the First Premier of the State, Hon. Sir John Forrest, when speaking in the Legislative Assembly on 17th October, 1894, on a Motion for a Commission to report on the expediency or not of erecting new Houses of Parliament, as follows:

> For my part, I believe in making a country's Houses of Parliament, as convenient, as beautiful, and even as splendid as possible, so that those who enter them may regard them as something like sacred ground, and be impressed with a certain amount of reverence for their surroundings, and so behave themselves.

(*Contributed by the Clerk of the Parliaments.*)

XIX. SOME RULINGS BY THE CHAIR IN THE HOUSE OF COMMONS, 1962-63

The following index to some points of parliamentary procedure, as well as rulings by the Chair, given in the House of Commons during the Third Session of the Forty-second Parliament of the United Kingdom (10 & 11 Eliz. II) is taken from Volumes 666 to 682 of the Commons *Hansard*, 5th Series, covering the period from 30th October, 1962, to 24th October, 1963.

The respective volume and column number is given against each item, the figures in square brackets representing the number of the volume. The references marked by an asterisk are rulings given in Committee of the whole House.

Minor points of procedure, or points to which reference is continually made (*e.g.*, that Members should address the Chair) are not included, nor are isolated remarks by the Chair or rulings having reference solely to the text of individual Bills. It must be remembered that this is an index, and that full reference to the text of *Hansard* itself is generally advisable if the ruling is to be quoted as an authority.

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—usual formula should be adhered to [672] 1230 1257 [675] 217
—*" half-hour "*
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—*subjects refused (with reason for refusal)*
—Chief Enahoro, decision of Home Secretary to surrender to the Nigerian authorities (not within the Standing Order) [673] 1548
—Chief Enahoro, refusal of Home Secretary to grant political asylum to (not within the Standing Order) [673] 1552
—commitment of Army Units to an operational area when below strength (not definite) [670] 584-5
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—Northern Rhodesia, granting by Her Majesty's Government to Government of, the right to secede from the Central African Federation (not within the Standing Order; would require legislation) [675] 38-9
—nuclear weapons, Government's decision to test device in near future, thus endangering prospects of early international agreement to ban nuclear tests (not urgent) [667] 201-3
—nuclear weapons, refusal of Government to confirm that no further underground tests would be carried out in near future (not within the Standing Order) [667] 30-2
—refusal of Government to intervene in action of Commissioner of Police for the Metropolis in refusing to allow demonstrations during State Visit of King and Queen of the Hellenes [680] 1048
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—mover of, on consideration of a Bill committed to a Standing Committee, may speak twice [679] 1756
—part of, ruled out of order, after debate drew attention to facts [675] 323
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—selection of, advance notice of, provisional only [679] 1522
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—in order to answer some attack, must not be used [681] 462
—Motions for leave to bring in under " ten minute " rule, interventions not permissible in proceedings on [672] 252, [681] 1478
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*not prepared to discuss selection of speakers [668] 501

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—on second or third reading of a Bill, Member can speak twice only with leave of House [671] 769 [675] 825
—on second reading of Consolidated Fund Bill, out of order to seek to repeal or amend legislation [674] 696
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—out of order, whennot addressed to Minister responsible for matter [668] 401
—private notice, terms varied [669] 1446
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—Chair not concerned with application of rule elsewhere than in the House [667] 581
—out of order, to allege that pending case is causing hardship [679] 627

XX. EXPRESSIONS IN PARLIAMENT, 1963

The following is a list of examples occurring in 1963 of expressions which have been allowed and disallowed in debate. Expressions in languages other than English are translated where this may succinctly be done, in other instances the vernacular expression is used, with a translation appended. The Editors have excluded a number of instances submitted to them where an expression has been used of which the offensive implications appear to depend entirely on the context. Unless any other explanation is offered the expressions used normally refer to Members or their speeches.

Allowed

"A nargal Pralap" (irrelevant talk) (for the Statement of a Member). (*Uttar Pradesh Leg. Ass.*, Vol. 238, 1963, pp. 789-90.)
"engaged in sordid intrigue" (of a Member). (*Com. Hans.*, 3rd March, 1964.)
"Gaddar Party" (party of traitors, if not used for a particular Party). (*Uttar Pradesh Leg. Ass.*, Vol. 241, 1963, p. 846.)
"Gair Jimmedarana" (irresponsible talk) (for the statement of a Member). (*Uttar Pradesh Leg. Ass.*, Vol. 238, 1963, pp. 589-90.)
"Gumrah Karna" (to mislead). (*Uttar Pradesh Leg. Ass.*, Vol. 241, 1963, p. 56.)
"hypocrites" (of Members *en masse*: but not permissible applied to an individual Member). (*Com. Hans.*, Vol. 672, c. 284.)
"Jansanghi" (to call a Member of another Party Jansanghi; Jansangh is name of a political party, and Jansanghi is Member of Jansanghi Party). (*Uttar Pradesh Leg. Ass.*, Vol. 239, p. 342.)
"stooges". (*Malwai Nat. Ass.*, 1963, p. 673.)
"to hell with the Federation". (*Malawi Nat. Ass.*, 1963, p. 1128 (unrevised edition).)
"traitors". (*Malawi Nat. Ass.*, 1963, p. 673.)
"untrue" (of a Member's statement). (*Com. Hans.*, Vol. 681, c. 1565.)

Disallowed

"Amanullar Fashion" (with reference to the executive action). (*Lok Sabha*, 1963.)

"Ap Ko Idhar Naheen Dikhaee Deta Hai" (You do not look to this side) (to the Chair). (*Uttar Pradesh Leg. Ass.*, Vol. 238, 1964, p. 553.)

"Are all loonies to be thrown into one bin?" (*Zambia Nat. Ass.*, Vol. 109, c. 22.)

"As a woman changes her sarees (with reference to executive action of transferring the officers). (*Lok Sabha*, 1963.)

Aspersions cast on the office of Attorney General (*e.g.*, "such persons indulge in corrupt practices"). (*Lok Sabha*, 1963.)

Aspersions cast on the personal character of a General (such as "he was found drinking whisky", etc.). (*Lok Sabha*, 1963.)

"Bakwas" (with reference to the observations of a Member). (*Lok Sabha*, 1963.)

"Big bull seal from Salisbury". (*Queensland Hans.*, p. 412.)

". . . Bloke who has to pay". (*Zambia Nat. Ass.*, Vol. 108, c. 1263.)

"Brute majority". (*Gujarat Leg. Ass.*, Vol. 8, part II, No. 5, p. 140.)

"Chalbaji" (cheating). (*Gujarat Leg. Ass.*, Vol. 8, Part II, No. 34, p. 1798.)

"Chamar" (cobbler). (*Uttar Pradesh Leg. Ass.*, Vol. 240, 1963, p. 627.)

"cowardly" (of a Member's action). (*Com. Hans.*, Vol. 680, c. 588.)

"Dambh" (hypocrisy). (*Gujarat Leg. Ass.*, Vol. 8, Part II, No. 26, p. 1342) and (*Gujarat Leg. Ass.*, Vol. 8, Part II, No. 29, p. 1491.)

"Deputy fuhrer". (*New South Wales Leg. Ass. Hans.*, p. 2871.)

"dictates of a body outside this establishment . . . coercing . . . the Minister . . . and the Speaker". (*New South Wales Leg Ass. Hans.*, p. 3465.)

"Dill". (*Queensland Hans.*, p. 412.)

"docile sheep at the back" (of the Government Backbenchers). (*Uganda Hansard*, Vol. 8. p. 597.)

"Does the Government want only enough 'yes' men who are appointed because they are public servants". (*New South Wales Leg. Ass. Hans.*, p. 6230.)

"Dogs" (with reference to officers). (*Lok Sabha*, 1963.)

"Do you want one (an amplifier) put in the bar". (*New South Wales Leg. Ass. Hans.*, p. 6048.)

"duplicity" (of a Member). (*Com. Hans.*, Vol. 678, c. 632.)

"evil practices". (*Punjab*, 1963.)

"fraudulent" (describing the activities of the Government). (*Sask. Leg. Ass. Journals*, p. 131.)

"Germ". (*Queensland Hans.*, p. 1007.)

"Gaddar" (traitor). (*Uttar Pradesh*, Vol. 241, 1963, p. 350.)

"Goonda" (rascal). (*Uttar Pradesh Leg. Ass.*, Vol. 240, 1963, p. 45-6.)
"Government has been . . . 22 years in office . . . only because of gerrymandering by the Government". (*New South Wales Leg. Ass. Hans.*, p. 5197.)
"he is guilty of an hypocrisy". (*Zambia Nat. Ass.*, Vol. 107, c. 100.)
"hon. Member deliberately lied". (*New South Wales Leg. Ass. Hans.*, p. 2875.)
"hon. official Ministers have so few principles". (*Zambia Nat. Ass.*, Vol. 109, c. 394.)
"hypocrite". (*New South Wales Leg. Ass. Hans.*, pp. 3709 and 5989.)
"hypocritical" (of a Member). (*Com. Hans.*, Vol. 679, c. 1745.)
"I make no apology for the length of that question". *New South Wales Leg. Ass. Hans.*, p. 6212.)
"Insinuations against the Chief Justice of India" (*e.g.*, charge of collusion with the Government). (*Lok Sabha*, 1963.)
"Kava dava" (conspiracy). (*Gujarat Leg Ass.*, Vol. 8, Part II, No. 33, p. 1717.)
"Liar". (*Queensland Leg. Ass. Hans.*, pp. 370, 1275.)
"Lie". (*Queensland Leg. Ass. Hans.*, p. 1275) (also *British Guiana Legislative Assembly*.)
"Lying". (*New South Wales Leg. Ass. Hans.*, p. 5556.)
". . . mere gang of disillusioned disorganised highwaymen". (*Malawi Nat. Ass. Hans.*, p. 644.)
"Minister lied". (*New South Wales Leg. Ass. Hans.*, p. 2767.)
"'Murder! bloody murder', cried that man from Iron Bark!" (*New South Wales Leg. Ass. Hans.*, p. 3419.)
"Nonsense! Utter rubbish". (*Zambia Nat. Ass.*, Vol. 107, c. 80.)
"old stick-in-the-mud". *Uganda Hansard*, Vol. 14, p. 687.)
"Paji" (ruffian). (*Uttar Pradesh Leg. Ass.*, Vol. 243, 1963, p. 86.)
"poppycock". (*Zambia Nat. Ass.*, Vol. 108, c. 860.)
"Puppet". (*Sarawak Hans.*, 1963, c. 17.)
"Rat". (*Queensland Leg. Ass. Hans.*, p. 1127.)
"scandalous lie". (*Punjab*, 1963.)
"Scab". (*Queensland Leg. Ass. Hans.*, pp. 562 and 1127.)
"Shameful" (with reference to a person). (*Maharashtra*, Vol. X, part II, 1963.)
"Sharamjanak" (shameful). (*Gujarat Leg. Ass. Co.* 8, Part II, No. 6, p. 221.)
"shoe-breaking". (*Punjab*, 1963.)
"Shut up" (with reference to a Member). (*Lok Sabha*, 1963.)

"Silly" (with reference to the observation of a Member). (*Lok Sabha*, 1963.)
"Sir Roy and his gang". (*Zambia Nat. Ass.*, Vol. 106, c. 206.)
"Skunk". (*Queensland Leg. Ass. Hans.*, p. 962.)
"social dishonesty" (used to describe certain actions of the Government). (*Sask. Leg. Ass. Journals*, p. 131.)
"some hon. Members are not as honourable as they should be". (*Zambia Nat. Ass.*, Vol. 108, c. 860.)
"stooge". (*British Guiana Leg. Ass.*)
"That section of the Liberal Party supporters known as rent racketeers and exploiters". (*New South Wales Leg. Ass. Hans.*, p. 6153-4.)
"The Minister of Injustice". (*Uganda Hansard*, Vol. 8, p. 596.)
"They always do bad things". (*Punjab*, 1963.)
"They have dedicated themselves to going to hell. They are liars . . .". (*Malawi Nat. Ass. Hans.*, p. 718.)
"Tikram" (craftiness) (for a Member). (*Uttar Pradesh Leg. Ass.*, Vol. 238, 1963, p. 395.)
"Tikram bazi" (craftiness) (for a Member). (*Uttar Pradesh Leg. Ass.*, Vol. 243, 1963. p. 846.)
". . . to hell with the *Nyasaland Times* and *Rhodesia Herald* and its associates". (*Malawi Nat. Ass. Hans.*, p. 739.)
"unadulterated hypocrisy". (*Zambia Nat. Ass.*, Vol. 109, c. 399.)
"Unmitigated liar". (*Queensland Leg. Ass. Hans.*, p. 421.)
"Utterly false". (*Punjab*, 1963.)
"use of open place as latrines by schedules tribes" (reference to this expression). (*Gujarat Leg. Ass.*, Vol. 9, Part II, No. 3, p. 108.)
"Ve Rajneetik Bandook Chalane ke adi Hain" (he has always been after his political game) (for a Member). (*Uttar Pradesh Leg. Ass.*, Vol. 240, 1963, p. 146.)
"What the hell are you doing?" (*Zambia Nat. Ass.*, Vol. 108, c. 69.)
"yahoo". (*New South Wales Leg. Ass. Hans.*, pp. 3709 and 3744.)

Borderline

"renegade" (not unparliamentary on this occasion). (*Com. Hans.*, Vol. 670, c. 422.)

XXI. REVIEWS

The History of Parliament: The House of Commons 1754-1790. By Sir Lewis Namier and John Brooke. Her Majesty's Stationery Office. Three vols. 21 gns.

The publication of these volumes marks the appearance of the first of a projected fifteen sections of the "History of Parliament" from its feudal beginnings to the end of the nineteenth century. This ambitious project owes its existence to the enthusiasm of the first Lord Wedgwood, who sensed the usefulness of such a history from the researches carried out by the Staffordshire Record Society in preparing their *Staffordshire Parliamentary History, 1213-1842*. The first volume of Wedgwood's parliamentary history (for the years 1439-1509) appeared in 1936, published by the Stationery Office but financed from private funds, and a second volume was published in 1938. It became obvious that a work on such a scale both deserved and required official support, and in 1940 a Trust was established consisting of senior Members of both Houses of Parliament (and subsequently the Clerks of both Houses) who, on the advice of Sir Frank Stenton, delegated the preparation of subsequent volumes to an Editorial Board. Since 1951 the Trustees have received an annual grant-in-aid. Six other sections are in various stages of production and such distinguished specialists as Professor Roskell, Sir John Neale, and Professor Aspinall are engaged on the work. The section under review was the responsibility of Sir Lewis Namier and, after his death, of Mr. John Brooke.

To the student of parliamentary affairs, long hardened to the private use of language affected by the object of his attentions ("tomorrow"; "an early day"; "this day six months") it will come as no surprise that the History of Parliament Trust is not entrusted with the preparation of a history of Parliament. What in fact the Trust is charged with is the compilation, through its Editorial Board, of a biographical dictionary of all who sat in the House of Commons (the House of Lords being held to be adequately dealt with in the *Complete Peerage*) from the thirteenth to the nineteenth centuries, together with such ancillary information about constituencies and the political background as will serve to give perspective to each period reviewed. This, then, is to be a House of Commons, not a parliamentary affair; nor is it to be a "history" in the accepted sense, but rather a warehouse of the stuff of history. In years to come many garments will doubtless be made up from these reams, but the reader

should be aware that they will not be bespoken by the purchase of these volumes.

The first volume (545 pages) consists of an introductory survey; an account of the constituencies; and appendices containing lists of Speakers, chairmen, first ministers, and leaders of the House, parliamentary lists, reports of debates, and contested elections. All these matters are related to the composition of the House, and they throw light only indirectly on the broader question of the place of the eighteenth-century Commons in the constitution, or on such domestic matters as the development of the office of Speaker, or the clerical organisation of the House. The introductory survey itself consists of an analysis of the membership to show the social standing, education, religion, occupations, financial interests, even the mental condition, of Members. The other two volumes (692 and 685 pages) contain the biographies themselves, which vary in length from a few sentences to over seven thousand words.

Professor Pollard, in a sympathetic review of Wedgwood's volume of 1936, commented that "a great man of science has said that the infinitely little may throw light on the infinitely great". This, of course, was Namier's philosophy, and it must surely be the justification for this enormous undertaking. The value of the "infinitely small" elements of the whole—in this case the information in the individual biographies—depends, of course, upon their accuracy, and upon their completeness comparing one with another. This latter consideration will doubtless be a serious one for the editors of the earlier volumes, whose records will become progressively patchier, and for whom it will be easier to fall into the trap of equating bulk of material with historical significance. The second half of the eighteenth century does not present severe problems on this score nor, if one may adopt the opinions of those students of the period who have already reviewed these volumes, does the scholarship which has gone into their preparation leave anything to be desired. Wedgwood's researchers were taken to task for multiplying entries by failing to recognise the several spellings by which one Member's name could be disguised. The most serious shortcoming that has been attributed to the present biographies is that they are incomplete in their account of which Members made the Grand Tour. Apart from the insignificant entries, they make good reading, and have been sensitively edited to produce a uniform "tone of voice" although they are the work of twenty different hands. The longer entries give many insights into character and personality taken from letters and diaries and contain comments not only on Parliament ("that scene of noise, heat, and contention"—Gibbon) but on the *mores* of the time; a period when great fortunes were being amassed and dissipated, and a kind of hysteria was abroad in public life: fifteen of the Members in this short time took their own lives.

The political significance of the work of the Members described in

the History may be left to others to evaluate. Readers of THE TABLE, however, should have their attention drawn to the solemn warning provided by the career of Jeremiah Dyson, a clerk turned Member. Having filled the office of Clerk of the House with distinction, and on his retirement having refused to sell the office—"which example his successors felt bound to follow"—he entered the House as a Member in 1762. True, he sat on the front bench throughout his membership, and was referred to by the King as "so thorough a master of form"; but to the politician he was "a pedant dedicated to the worship of parliamentary procedure, rigid, dry, and unresponsive to ideas or events". He would trip up his fellow Ministers on points of order, and opposed a grant to the King's brothers solely on procedural grounds. "There are persons in this world", said Burke of him, "whose whole soul is a previous question and whose whole life is the question of the adjournment."

The theme of eighteenth century parliamentary activity is management: management of Members no less than management of the electorate. The intimate detail with which the biographies reveal the manoeuvres and manipulations of the day make them a fascinating account not only of the political life of the time, but of human nature itself. These volumes contain a mass of information invaluable for all sorts of sociological investigation, and it would be churlish to ask them to be something other than they are. It might be reasonable to hope, however, that future sections might contain a fuller account of the daily work of the Parliaments of their period. The relative importance of different kinds of parliamentary business, and the organisation of the House, for instance, are domestic matters which would assist the student of parliamentary, as distinct from general political affairs, and which would not distract from the purpose of the work. As it is, two pages out of nineteen hundred do not seem many to describe the legislative work of the Commons during the period.

There may have to be adjustments in emphasis, maybe even of scale, in future sections. But when it is completed *The History of Parliament* will stand as a unique tribute to a unique institution. It will provide matter equally for the local and the national historian, the student of politics and the student of people. If their successors maintain the standard of these volumes, the History will fulfil Wedgwood's hope for it, that it should constitute an "authoritative record of the personnel, politics and duration of past Parliaments".

(*Contributed by C. J. Boulton, a Senior Clerk in the House of Commons.*)

What's Wrong with Parliament? By Andrew Hill and Anthony Whichelow. A Penguin Special. 3s. 6d.

Parliament has been written about never endingly and over the years has sustained continuous and vigorous criticism, not all of

which can be described as well informed. It is, therefore, all the more a pleasure to be able to commend a short book which in its one-hundred-and-two pages puts forward some suggestions for improvement which are both practical and reasonable.

What's Wrong with Parliament? may be a somewhat misleading title because the proposals discussed are confined to the workings of the House of Commons. As the authors explain, however, whereas there might be a strong case for reforming the unrepresentative nature of the House of Lords, no such case can, in their view, be made out against the *procedure* of the Lords. On the contrary it is suggested that the legislative record of the upper House would justify an increase in its influence *vis-à-vis* the Commons; this interesting suggestion is not pursued.

Control of the nation's money is at the heart of the parliamentary system. The early chapters describe how the vast increase in the scope of the Government's activity (and in its spending) during this century has imposed such severe strains on the financial procedure of the Commons that the House has, with increasing hopelessness, failed to exercise control in any real sense over public expenditure. The inadequacy of the Committee of Supply is contrasted with the efficiency of small select committees—the Public Accounts Committee and the Estimates Committee; and it is suggested that the remedy lies in a more extensive use of such small committees of investigation. This remedy is also put forward as a possible cure for the overloading of the parliamentary programme which has done so much to reduce the effectiveness of debate and supervision by the Commons. It is argued with some force that the difficulty experienced by the Commons in debating technical problems could be overcome if small specialist committees were to examine the problems and explain the points at issue before the House debated them. Thirdly, it is argued that the real mischief of the party system is that Members use party committees instead of parliamentary committees as their main means of influencing policies. By doing so they are depriving themselves of the very real powers possessed by parliamentary committees "The striving for truth on either side of the House is mopped up in the rival party committees" with the result that debates no longer yield a "House" view but reflect merely the triumph of a compromise view on the Government side of the House over a compromise view on the other.

Chapter 5 examines more closely the concept of specialist committees of Members to advise and recommend on Government action in the several fields of administration. Over the last thirty or forty years a remarkable range of distinguished political commentators of all political views, including two former Clerks of the House, has put forward some form of specialist committee as a means of enabling the Commons to scrutinise more effectively the actions of the Executive. This powerful advocacy has so far had little effect because

successive Governments have rigorously opposed the principle of specialist committees. This opposition is based primarily on the constitutional principle that the formulation of policy is the responsibility of Ministers and ultimately the Cabinet; a committee which is given powers to inquire into the operations of the Executive in particular fields would, it is said, seek to control instead of merely to criticise the administration. When due weight has been given to these views the suspicion remains that the House, in failing to appoint specialist committees, is depriving itself of a natural and proper means of obtaining information to assist it in discharging its duties. One of these duties is to criticise the Executive; and Ministers (or ex-Ministers) can hardly be expected to welcome procedures which are designed to make this criticism more effective. The authors go on to cite three precedents, the Standing Joint Committee on Indian Affairs, the Scottish Grand Committee and the Select Committee on Nationalised Industries, the history of which suggests the lines on which specialist committees might work and which show that the practice of the House has itself been moving in the direction of the idea. Some of the practical difficulties are discussed; for example, the terms of reference for specialist committees and the assistance that they would need to carry out their work. It is a pity that only one inconclusive paragraph is devoted to the relationship of Ministers to these committees; it is surely the possibility of constant and wide-ranging cross-examination by backbenchers, or worse still by Ministerial colleagues, which so daunts the Executive. Some reassurance is needed here.

In a final chapter the authors touch upon a few measures which are directed to improving the regard in which Parliament is held by the public. Can the method of selecting candidates for the House of Commons be improved? A possible way of doing so is by introducing some kind of "primary" election within the constituency party. Short but none the less powerful pleas are made for adequate facilities and remuneration for Members, and for the widening of the functions of the Select Committee on Public Petitions to embrace the rôle of an Ombudsman. Finally, the authors state their belief in the case for televising the proceedings of Parliament and discuss some of the significant practical difficulties involved.

Much of the value of the proposals in this book stems from their practical nature; practical, that is, not merely in the sense that they could be made to work, but practical in the sense that the House of Commons might in the not too far distant future be persuaded to adopt them. Messrs Hill and Whichelow are described as being "students of Parliament for many years" and with modesty they acknowledge that many of the ideas in their book have appeared in other works. Nevertheless the fruit of their studies is a useful contribution to the constant debate on the reform of Parliament. They have succeeded in writing a book on the subject which is both well

informed and brief without shirking the details of procedure. Moreover, it is eminently readable.

(*Contributed by J. F. Sweetman, a Senior Clerk in the House of Commons.*)

The Office of Speaker. By Philip Laundy. (Cassell, 75s.)

Mr. Laundy's book makes an invaluable and timely addition to the literary works on Parliament. There has been no book on the speakership of the House of Commons for nearly half a century, and Mr. Laundy's scholarly work admirably fills a notable gap.

The book is divided into three parts, in which the author deals with "The nature and functions of the Speakership", "The historical development of the Speakership" and "The Speakership overseas". To aid him in this self-imposed and mammoth assignment, the dedicated Mr. Laundy has drawn upon all the authorities and has brought together in the one volume a comprehensive coverage of the history and functions of the speakership not available in any other single publication. Herein lies the fundamental strength of the work.

The reviewer, as a permanent parliamentary officer, can imagine no more useful book to place in the hands of a Speaker-elect in any part of the Commonwealth to enable him to see his own rôle in broad historical perspective, to make him doubly proud of his status, and to stimulate him, if any incentive be necessary, to discharge his duties in accordance with the highest traditions of this ancient office.

Mr. Laundy writes with colour and clarity, and thereby transforms fare prospectively unappetising to other than the parliamentary gourmet into a rich feast most pleasantly palatable for the general reader.

The Speaker's duties, to preside over the debates, maintain order, interpret standing orders, and where necessary to answer points of order and give rulings, are widely recognised. The Speaker's position is one of known antiquity and dignity; it is an office to which respect and deference are rightly paid. Less well known is his function at a Speaker's Conference which, as Mr. Laundy points out, is normally understood to denote a conference under the Chairmanship of the Speaker of the House of Commons convened for the purpose of considering electoral reform and related questions. To the reviewer, this somewhat novel function of the Speaker seems to epitomise the lofty status the office of speakership of the House of Commons has attained. It is a measure of his traditional impartiality that the Speaker has been invited by the Prime Minister on at least three occasions to preside over a Committee charged with the duty to examine subjects usually laden with bitter political content, such as reform of the franchise and basis for redistribution of seats.

Further convincing evidence of the stature of the Speaker is afforded by the act of entrusting to him the appointment of this Com-

mittee of thirty-two members (five of them peers) to be selected so that they were eminently representative of the various shades of political opinion in Parliament and in the country upon the special topics connected with political reform—proof positive, in the eyes of the review, of the Speaker's objective approach to political matters.

The chronological account of the speakership in Part Two of the book is as comprehensive in its treatment as it is engaging in its style, for Mr. Laundy traces the development of the office and its occupants from the first Speaker so described, Sir Thomas Hungerford, in 1377, to the present distinguished incumbent, Sir Harry Hylton-Foster, Q.C. This exhaustive coverage is anything but portraiture in monochrome, for characters, colourful and courageous, are drawn against the kaleidoscopic backdrop of British history spanning six centuries.

In the one hundred pages covered by part three of the book, Mr. Laundy has ventured boldly and laudably into the realm of the speakership overseas. He encompasses the speakership in the colonies and new States, in Canada, Australia, New Zealand, India and South Africa, and the United States of America, all progeny of the British speakership, with a brief review of the speakership (or equivalent) in some of the European States thrown in for good measure. Of necessity the work on such a broad canvas lacks the third dimensional effect achieved in the preceding sections of the study, but this opinion should not be taken to derogate from the excellence of the book, for in the necessarily somewhat superficial treatment of such an extensive subject as the speakership overseas there is to be found compensation in the selection of the novel procedure and on occasions the sensational incident to whet the appetite of the reader. Mr. Laundy would undoubtedly be attracted and intrigued by the position in the present Parliament of South Australia, where the Government and Opposition parties in the Assembly are equal in number, and the speakership is held by an Independent!

The reviewer shares the author's views expressed in his last paragraph—" A Speaker is one of the trustees of a nation's liberties. On his fair interpretation of the rules of procedure depends the protection of the rights of Members and in particular the rights of minorities. In protecting these rights he is protecting the political freedom of the people as a whole. The fact that he himself may have political attachments is not in itself important, provided he is able to distinguish between a party allegiance and his duty to Parliament."

This scholarly work, lucid and entertaining in style and authoritative in substance, makes a noteworthy contribution to parliamentary literature.

(*Contributed by the Clerk of the House of Assembly, South Australia.*)

The New Commonwealth and its Constitutions. By S. A. de Smith. O.U.P.

At a time when interest in the future development of the Commonwealth and in the political evolution by which its more recent members have been brought to independence has never been greater, Professor de Smith's study of Commonwealth constitutions is most welcome. It is unfortunate that the rapidly growing membership of the Commonwealth in the last few months has meant that this book, the first to cover the subject, should already be incomplete. Professor de Smith realised the dangers of writing on such a large and continually changing subject, but as he says in his preface there existed very strong reasons why such a book should be written. This work will be most valuable for those who have in the last years followed the progress of many independence conferences with no technical knowledge of the difficulties involved in constitution-making. Though interest in the new Commonwealth has long existed, the comprehensive and well-analysed information provided by Professor de Smith has been lacking.

The author has begun his study of the main trends in the constitutions of the Commonwealth with an introductory survey of the structure of the Commonwealth as a whole. He traces the change that has occurred in the concept and the form of the relationship between Britain and her former colonies from the time of the Statute of Westminster of 1931 to that which exists today. As the legal links fell away in the years following the formation of the Indian Republic so more flexible but no less compelling reasons were found for the continuation of the Commonwealth. Professor de Smith, writing as a lawyer, has described this process with great skill, managing to define the more amorphous links which form the bands of unity today. He opposes the writing of a Commonwealth constitution; the strength of the association as it exists at the present lies in its flexibility; moreover, those who advocate a formal and legally definable association are favouring a course diametrically opposed to one principle of Commonwealth membership—the principle of independence. What would become of the Commonwealth if Britain were to join a European political union and thus lose her independence? The author agrees that the Commonwealth as it is definable now would cease to exist, but he sees no reason why yet another new "Commonwealth" should not be acceptable.

The second half of the book is given over to a more detailed examination of constitutional trends in Commonwealth countries. The author has adopted a comparative method for dealing with the vast amount of material and illustrates why some constitutions have collapsed while others have grown stronger. In discussing the degrees of dependence which certain colonies have had on Britain, Professor de Smith chooses the countries of Central Africa as ex-

amples and explains why these countries have gone their different ways. The difficulties facing the constitutional draftsman are strikingly revealed. On the one hand they are trying to create artificially, constitutional conditions which have grown up in Britain over many years; on the other they are faced with local ideas which cannot accept features of the British constitution. In a chapter on safeguards against the abuse of majority power the author describes the attempts made to achieve a constitutional balance, and in a later chapter on Cyprus he shows the great complexity that can arise and the absurdities which result from a written constitution in which there is no flexibility.

Though many of the points in this survey of Commonwealth constitutional trends are legal, the layman can easily follow the author's argument, built as it is round the historical, social and political background of the Commonwealth. Professor de Smith is to be congratulated on such a useful and scholarly work and it is to be hoped that it will not be long before he publishes a revised edition incorporating the constitutions of the latest members of the Commonwealth.

(*Contributed by J. M. Davies, a Clerk in the House of Lords.*)

XXII. THE LIBRARY OF THE CLERK OF THE HOUSE

The following volumes, recently published, may be of use to Members:

F. A. R. Bennion, *The Constitutional Law of Ghana*. Butterworth, 1962. 70s.

A. H. Birch, *Representative and Responsible Government*. Allen & Unwin. 1964.

Maurice Bond, *The Records of Parliament: A Guide for Genealogists and Local Historians*. Phillimore: Canterbury, 1964. 10s. 6d.

Strathearn Gordon, *Our Parliament* (sixth revised and enlarged edition). Hansard Society, 1964. 21s.

Archibald S. Foord. *His Majesty's Opposition 1714-1830*. O.U.P., 1964.

R. E. C. Jewell, *The British Constitution*. Teach Yourself Books. (O.U.P.). 7s. 6d.

Philip Laundy, *The Office of Speaker*. Cassell. 75s.

Sir Lewis Namier and J. N. Brooke, *The History of Parliament: The House of Commons 1754-90*. 3 volumes. H.M.S.O. 21 guineas.

Hans Daalder, *Cabinet Reform in Britain 1914-1963*. Stanford University Press, California (London, O.U.P.)

D. D. Basu, *Commentary on the Constitution of India*. Volume 3. Calcutta, 1963. £4.

C. D. Deshmukh, *The Commonwealth as India sees it*. Smuts Memorial Lecture, 1963. C.U.P. 3s. 6d.

Janes Eayrs, *The Commonwealth and Suez: A Documentary Survey*. O.U.P. 63s.

Bernard Crick, *The Reform of Parliament*. Weidenfeld & Nicolson, 1964. 21s.

J. S. R. Cole and W. N. Denison, *Tanganyika: The Development of its Laws and Constitution*. Stevens. 70s.

O. I. Odumosu, *The Nigerian Constitution: History and Development*. Sweet & Maxwell, 1963. 50s.

Sir Reginald Palgrave, *The Chairmen's Handbook*. Revised by L. A. Abraham. Sweet & Maxwell, 1964. 10s. 6d.

W. L. Guttsman, *The British Political Elite*. MacGibbon & Kee, 1963. 50s.

R. V. Heuston, *Lives of the Lord Chancellors, 1885-1940*. O.U.P., 63s.

F. Boyd, *British Politics in Transition*. Pall Mall Press. 27s. 6d.

P. G. Richards, *Honourable Members: A Study of the British Backbencher* (2nd edition). Faber & Faber. 36s.

G. H. Rose, *Questions and Answers in Constitutional Law and Legal History*. Sweet & Maxwell. 10s.

A Legal Bibliography of the British Commonwealth. 7 volumes (2nd edition). Sweet & Maxwell.

Robin Day, *The Case for Televising Parliament*. Hansard Society pamphlet, 1963.

J. E. S. Fawcett, *The British Commonwealth in International Law*. Stevens. 57s. 6d.

S. A. de Smith, *The New Commonwealth and its Constitution*. Stevens. 45s.

C. M. H. Clark, *A History of Australia*. Vol. 1. *From the Earliest Timer to the Age of Macquarie*. Melbourne U.P., 1962. 57s. 6d.

XXIII. RULES AND LIST OF MEMBERS

The Society of Clerks-at-the-Table in Commonwealth Parliaments

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1. The name of the Society is "The Society of Clerks-at-the-Table in Commonwealth Parliaments".

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2. Any Parliamentary Official having such duties in any Legislature of the Commonwealth as those of Clerk, Clerk-Assistant, Secretary, Assistant Secretary, Serjeant-at-Arms, Assistant Serjeant, Gentleman Usher of the Black Rod or Yeoman Usher, or any such Official retired, is eligible for Membership of the Society upon payment of the annual subscription.

Objects

3. (*a*) The objects of the Society are:

(i) To provide a means by which the Parliamentary practice of the various Legislative Chambers of the Commonwealth may be made more accessible to Clerks-at-the-Table, or those having similar duties, in any such Legislature in the exercise of their professional duties;

(ii) to foster among Officers of Parliament a mutual interest in their duties, rights and privileges;

(iii) to publish annually a JOURNAL containing articles (supplied by or through the Clerk or Secretary of any such Legislature to the Joint-Editors) upon Parliamentary procedure, privilege and constitutional law in its relation to Parliament.

(*b*) It shall not, however, be an object of the Society, either through its JOURNAL or otherwise, to lay down any particular principle of Parliamentary procedure, or constitutional law for general application; but rather to give, in the JOURNAL, information upon those subjects which any Member may make use of, or not, as he may think fit.

Subscription

4. The annual subscription of each Member shall be 25s. (payable in advance).

List of Members

5. A list of Members (with official designation and address) shall be published in each issue of the JOURNAL.

Records of Service

6. In order better to acquaint the Members with one another and in view of the difficulty in calling a meeting of the Society on account of the great distances which separate Members, there shall be published in the JOURNAL from time to time, as space permits, a short biographical record of every Member. Details of changes or additions should be sent as soon as possible to the Joint-Editors.

Journal

7. One copy of every publication of the JOURNAL shall be issued free to each Member. The cost of any additional copies supplied to him or any other person shall be 35s. a copy, post free.

Joint-Editors, Secretary and Treasurer

8. The Officials of the Society, as from January, 1953, shall be the two Joint-Editors (appointed, one by the Clerk of the Parliaments, House of Lords, and one by the Clerk of the House of Commons, in London). One of the Joint-Editors shall also be Secretary of the Society, and the other Joint-Editor shall be Treasurer of the Society. An annual salary of £150 shall be paid to each Official of the Society acting as Secretary or Treasurer.

Account.

9. Authority is hereby given the Treasurer of the Society to open a banking account in the name of the Society as from the date aforesaid, and to operate upon it, under his signature; and a statement of account, duly audited, and countersigned by the Clerks of the two Houses of Parliament in that part of the Commonwealth in which the JOURNAL is printed, shall be circulated annually to the Members.

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F. Malherbe, Esq. (South-west Africa).

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XXIV. MEMBERS' RECORDS OF SERVICE

Note.—**b.** = born; **ed.** = educated; **m** = married; **s.** = son(s); **d.** = daughter(s).

Members who have not sent in their Records of Service are invited to do so, thereby giving other Members the opportunity of knowing something about them. It is not proposed to repeat individual records on promotion.

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* **Banerjee, B. N., B.Sc. (Cal.), LL.B. (Cal.), LL.M. (London).**—Secretary, Rajya Sabha, Parliament of India; *b.* 1916; *ed.* Scottish Church College and University Law College, Calcutta, and London School of Economics; joined Bengal Judicial Service 1942; Assistant Solicitor in the Ministry of Law, Government of India, 1950-52; Assistant Legal Adviser and Legal Adviser to the High Commissioner for India in London, 1952-1955; Deputy Secretary in the Ministry of Law, Government of India, 1956; appointed Deputy Secretary, Rajya Sabha, in May, 1956; Joint Secretary, Rajya Sabha, 1960-63; appointed Secretary, Rajya Sabha, in October, 1963.

Edwards, Gilbert Benson.—Third Clerk-at-the-Table and Secretary to the Government Leader in the Council, Legislative Council, Hobart, Tasmania; prior to present post held the position of Secretary to the Minister for Lands and Works, within the Tasmanian Public Service.

Georges, Bryan M. E.—Clerk to the Executive Council and Clerk of the Legislative Council, Seychelles; *b.* 23rd September, 1927; *ed.* St. Louis College, Seychelles; *m.*, 2 *s.*; joined Government service, 1947; clerk, Executive Council, Legislative Council; Hon. A.D.C. to Governor, 1949; seconded to Colonial Office, London, 1958-9; Overseas Service Course, St. John's College, Oxford, 1961-2; Assistant Secretary (Administration), 1964; Justice of the Peace, 1964.

* **Sri K. P. Gupta, B.Sc., LL.B., H.J.S., Secretary, Legislature, Uttar Pradesh.**—*b.* 1904; *ed.* Agra University and became a Law

* Barrister-at-Law or Advocate.

Graduate in 1931 and was awarded Hammond Law Certificate and Scholarship for standing first in LL.B. (Prev.); practised at the Bar for nearly two years and thereafter was selected for U.P. Judicial Service in 1935 and later on in 1956 was promoted to Higher Judicial Service and became District and Sessions Judge in 1957; later on was appointed as Joint Secretary in the Ministry of Law, Uttar Pradesh, and took over as Secretary, Legislature, in April, 1964.

* **Hughes, Carl Alan Arnold, LL.B.**—Clerk of the Fiji Legislative and Executive Councils; *b.* 19th January, 1929; *m.*; 2 *d.*; *ed.* University College, London, and Wadham College, Oxford; called to the Bar (Lincoln's Inn) 1962; appointed Administrative Officer, Fiji, 1951; Assistant Secretary 1955; appointed to present post 1960.

Kharabe, S. R., B.A., LL.B. (Nagpur University), J.P.—Deputy Secretary to Maharashtra Legislature (Clerk-Assistant); *b.* 20th October, 1910; joined Law Department of Madhya Pradesh at Nagpur, 9th December, 1933; appointed Under Secretary at Nagpur, 23rd December, 1952 (A.N.); prior to which Superintendent in the Law Department and Legislature Secretariat, Madhya Pradesh. Nagpur; allocated to Bombay State in 1956 in the reorganisation of States; appointed Deputy Secretary Bombay Legislature, 1st March, 1958; made Justice of Peace, 1960. Member of this Society, 1952-6.

Le Brocq, Alfred Durell.—Greffier (Clerk) of the States of Jersey; *b.* 1908; *ed.* St. Luke's School, Jersey; *m.* 1940; Clerk, Education Department 1931-47. Appointed to States' Greffe (Secretariat) 1947. Secretary to various Committees of the States including Public Works and Public Health; appointed Deputy Greffier of the States in February, 1955; appointed to present position in June, 1963.

Mwenda, Leonard Jameson.—Clerk of the National Assembly, Malawi; *b.* 10th May, 1939; *ed.* Blantyre Secondary School, 1955-9, and Dedza High School, 1960-1; *m.*, 1 son; appointed Clerk-Assistant, November, 1962; appointed to present position on 14th May, 1964.

Okonjo, Isaac Madubuogo, B.A., LL.B. (Lond.).—Clerk to the Regional Legislature, Mid-West Region, Benin City, Nigeria; *b.* 1932; *ed.* University College, Ibadan, 1953-6; obtained Bachelor of Law degree through private studies; joined Public Service of Western Nigeria in 1956 as an Administrative Officer.

Shri H. B. Shukla, B.A., LL.B.—Appointed as Secretary, Saurashtra Public Service Commission in 1948; as Secretary, Saurashtra

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Small, Alexander.—Third Clerk-Assistant, House of Commons, Canada; *b.* 1919; *m.*, 4 children; *ed.* High School, Business College, and Accounting Institute. all in Manitoba; started with Public Service of Canada in 1939; on active and overseas service with Royal Canadian Air Force 1940-47 as air navigator; re-entered Public Service 1947; House of Commons' appointments by competitions: Committee Clerk (1952), Asst. Chief of English Journals (1958), Chief of English Journals (1961), Director of Legislative Services and Third Clerk-Assistant. 1964.

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ABBREVIATIONS

(Art.) = Article in which information relating to several Territories is collated. (Com.) = House of Commons.

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