The Table

BEING

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

EDITED BY

R. S. LANKESTER AND J. M. DAVIES

VOLUME XXXV
for 1966

LONDON
BUTTERWORTH & CO. (PUBLISHERS) LTD
88 KINGSWAY
and at
SYDNEY · MELBOURNE BRISBANE · TORONTO
WELLINGTON · AUCKLAND · DURBAN · WASHINGTON
1967

Price 35 Shillings

USUAL PARLIAMENTARY SESSION MONTHS

	Parliament	Jan.	Feb.	Mar.	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
	United Kingdom		•	•	•	•	•	•				•	•
	Northern Ireland	•	•	•	•	•	•				•	•	•
	Jersey	•	•	•	•	•				•	•	•	•
	Isle of Man	•	•	•	•	•	•	•			•	•	•
Canada	Federal Parliament		•	•	•	•	•	•	•	•	•	•	•
	Ontario	•	•	•	•	•	•						
	Quebec	•	•	•	•	•	•						
	Nova Scotia			•	•								
	New Brunswick		•	•	•								
	Manitoba		•	•	•								
	British Columbia	•	•	•	•							•	•
	Prince Edward Island		•	•	•								
	Saskatchewan	•	•	•	•								
	Alberta		•	•	•								
	Newfoundland			•	•	•	•						
Australian Commonwealth	Commonwealth Parliament		•	•	•	•	•		•	•	•	•	
	New South Wales		•	•					•	•	•	•	•
	Queensland			•	•				•	•	•	•	•
	South Australia						•	•	•	•	•	•	
	Tasmania				•	•	•		•	•		•	•
	Victoria			•	•	•	•		•	•	•	•	•
	Western Australia							•	•	•	•	•	•
	Northern Territory		•			•			•			•	
	Papua and New Guinea		•			•				•			
	New Zealand					•	•	•	•	•	•	•	
	Western Samoa			•	•	•			•	•	•		
	Ceylon	•	•	•	•	•	•	•	•	•	•	•	•
India	Central Legislature		•	•	•	•			•	•		•	•
	Andhra Pradesh		•	•			•	•				•	•
	Bihar		•	•	•				•	•			•
	Gujarat		•	•	•				•	•			•
	Kerala	•	•	•						•			
	Madhya Pradesh		•	•	•					•			
	Madras	•	•	•	•			•	•	•			•
	Maharashtra		•	•	•			•	•			•	•
	Mysore		•	•	•			•	•		•	•	•
	Orissa		•	•	•				•	•			
	Punjab		•	•	•								•
	Rajasthan		•	•	•				•	•	•		
	Uttar Pradesh	*No settled practice.*											
	West Bengal		•	•	•			•		•		•	•
Pakistan	National Assembly			•	•				•				
	East Pakistan	*No settled practice.*											
	West Pakistan	•				•	•	•				•	•
	Ghana			•			•			•			•
	Malaysia	*No settled practice.*											
	Sarawak	*No settled practice.*											
	Singapore	•	•	•	•	•	•	•	•	•	•	•	•
	Sierra Leone			•	•			•				•	
	Tanzania		•			•	•				•		•
	Jamaica			•	•	•						•	•
	Trinidad and Tobago	•	•	•	•	•	•	•			•	•	
	Uganda	•	•	•	•	•	•			•		•	•
	Kenya		•			•	•			•	•	•	
	Malawi	*No settled practice.*											
	Zambia			•	•		•	•	•		•	•	
	Southern Rhodesia		•	•			•	•	•	•	•	•	
	Bermuda	*No settled practice.*											
	Guyana	•	•	•	•	•	•	•	•	•	•	•	•
	British Solomon Islands						•						•
	East African Common Services Organization				•					•			•
	Gibraltar	•	•	•	•	•	•	•			•	•	•
	Malta, G.C.	*No settled practice.*											
	Mauritius			•	•	•	•			•	•	•	•
	St. Vincent	•	•	•	•				•	•	•	•	•
	British Honduras		•	•		•	•	•		•	•	•	•
	Cayman Islands	*No settled practice.*											
	Lesotho		•	•	•				•	•	•		

CONTENTS

USUAL SESSION MONTHS OF LEGISLATURES — *Back of title page*

PAGE

I. Editorial
- Obituary Notice
  - Sir Victor Goodman, K.C.B., O.B.E., M.C. - 9
- Retirement Notice
  - Alan Pickering, C.B.E., M.Ec. - 11
- Honours - 11

II. SELECT COMMITTEES ON PROCEDURE, 1966. BY C. J. BOULTON - 12

III. LEGISLATION BY COMMITTEE, 1952-62. BY NARINDER S. KAPUR - 20

IV. SASKATCHEWAN–WESTMINSTER: AN EXCHANGE OF CLERKS. BY K. A. BRADSHAW - 33

V. BOMB EXPLOSION IN THE HOUSE OF COMMONS, CANADA. BY J. GORDON DUBROY - 43

VI. GIFTS TO THE COUNCIL NEGRI OF SARAWAK AND TO THE LEGISLATIVE ASSEMBLY OF THE SABAH. BY S. C. HAWTREY - 45

VII. A PARLIAMENTARY DELEGATION TO SINGAPORE. BY ALEC MARPLES - 49

VIII. PRESENTATION OF A SPEAKER'S CHAIR TO THE NATIONAL ASSEMBLY OF MALAWI. BY J. F. SWEETMAN - 53

IX. INAUGURATION OF THE LEGISLATIVE COUNCIL OF NAURU AND PRESENTATION OF A PRESIDENTIAL CHAIR FROM THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA. BY A. G. TURNER - 56

X. SELECT COMMITTEE ON TELEVISING THE PROCEEDINGS OF THE HOUSE OF LORDS, 1965-1967. BY D. DEWAR - 58

PAGE

XI. BROADCASTING THE PROCEEDINGS OF THE HOUSE OF COMMONS. BY D. W. LIMON - - - 69

XII. BROADCASTING OF PARLIAMENTARY PROCEEDINGS IN AUSTRALIA. BY A. R. BROWNING - - - 74

XIII. PARLIAMENTARY BROADCASTING IN NEW ZEALAND. BY H. N. DOLLIMORE - - - - - 85

XIV. BROADCASTING OF PARLIAMENTARY PROCEEDINGS: ANSWERS TO QUESTIONNAIRE - - - 92

XV. APPLICATION OF PRIVILEGE - - - - 101

XVI. MISCELLANEOUS NOTES:

1. *Constitutional*

House of Lords: Irish Peers - - - 166

Jersey: Constitutional - - - - 166

Australia:

Senate Elections Act 1966 - - - 166

Papua and New Guinea Act 1966 - - 168

Statute Law Revision (Decimal Currency) Act 1966 - - - - - 168

Capital Territory Representation Act 1966 - 169

India:

Constitution (Nineteenth Amendment) Act 1966 - - - - - 169

Punjab Reorganisation Act 1966 - - 169

Mysore: Transfer of Territory - - - 171

Kenya: Constitutional changes - - - 171

Sarawak: Constitutional - - - 175

Lesotho: Constitutional - - - - 175

2. *General Parliamentary Usage*

House of Commons:

Errors in Order Paper - - - - 175

Supply of Parliamentary Papers - - 176

Queensland: Free Vote in the Parliament - 176

3. *Procedure*

House of Commons:

Hybrid Bills - - - - - 178

Alteration in Official Report - - - 182

Chairman of Ways and Means (Conduct) - 184

PAGE

New South Wales: Legislative Assembly: Parliamentary expressions - - - 189

4. *Ceremonial*

Isle of Man: Centenary Celebrations - - 189

5. *Electoral*

Australia:

Commonwealth Electoral Act 1966 - - 190

Defence (Parliamentary Candidates) Act 1966 190

Canada: Prince Edward Island: Electoral - 190

India:

Representation of the People (Amendment) Act 1966 - - - - - 191

Madras: Electoral - - - - 195

West Pakistan: Electoral - - - 195

6. *Emoluments*

Australia:

Parliamentary Retiring Allowances - - 195

New South Wales: Parliamentary Allowances 196

New Zealand: Parliamentary Allowances - 201

Maharashtra: Travelling Allowances - - 201

Malta, G.C.: Retirement Allowances - - 202

7. *Standing Orders*

House of Lords - - - - - 202

Australia: House of Representatives - - 202

South Australia: House of Assembly - - 203

Madras: Legislative Council: Money Bills - 203

West Pakistan:

Repeal of Standing Order limiting the length of certain speeches - - - - 204

Ministerial presentation of Railway Budget - 204

8. *Order*

India: West Bengal - - - - 205

9. *Administration*

South Australia: Legislative Council - - 205

XVII. SOME RULINGS BY THE CHAIR IN THE HOUSE OF COMMONS, 1965-66 - - - - - 207

PAGE

XVIII. EXPRESSIONS IN PARLIAMENT, 1966 - - - 211

XIX. RENIEWS - - - - - - 215

XX. THE LIBRARY OF THE CLERK OF THE HOUSE - 221

XXI. RULES AND LIST OF MEMBERS - - - 222

XXII. MEMBERS' RECORDS OF SERVICE - - - 233

INDEX TO VOLUMES XXXIV AND XXXV - - 235

The Table

BEING

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

I. EDITORIAL

Sir Victor Goodman, K.C.B., O.B.E., M.C. (14th February, 1899–29th September, 1967) was Clerk of the Parliaments, House of Lords, from 1959 until 1963 when he retired, owing to ill-health, at the age of sixty-four. Unsparingly supported by his wife, he bore his last long illness with great fortitude and cheerfulness and died on Michaelmas Day 1967.

Victor Martin Reeves Goodman was born in the last year of the nineteenth century and educated at Eton. He served in the Coldstream Guards in 1918-19 and won the Military Cross for gallantry in the field. After holding the post of Intelligence Officer in the 2nd Guards Brigade in 1919, he entered the service of the House of Lords in 1920 and remained forty-three years in the service of the House until his retirement in 1963. His special knowledge and interest lay in the field of judicial appeals and he became Principal Clerk of the Judicial Office in 1946.

In the tradition of Sir Henry Badeley, who preceded him by some years both as Head of the Judicial Office and as Clerk of the Parliaments, Goodman understood better than most the unique character of the House of Lords in carrying out not only parliamentary but also judicial functions. For him the " High Court of Parliament " had a special significance and the exercise of the judicial authority of the House of Lords as the Final Court of Appeal for the United Kingdom was for him no less important than the discharge of its parliamentary functions. His attitude was well brought out in an article on the Judicial Business of the House of Lords which appeared in this Journal in 1949 (Vol. XVIII, p. 122).

In 1949 Goodman became the Third Clerk at the Table or

Reading Clerk; and in another four years (1953) Clerk Assistant of the Parliaments.

One of Goodman's most important, but also least known, achievements was in the field of parliamentary records. The Victoria Tower is now well known to students as the repository of one of the great collections of historical documents in this country. Our parliamentary records are now superbly housed, indexed and permanently available to visitors and to students of law making, of peerage and of Parliament. What is less well known is the fact that the idea of the creation of a record office, under the permanent care of full-time specialists and continuously available to the public was born out of a report made by Goodman to the Clerk of the Parliaments (then Sir Henry Badeley) in 1937. This report revealed how much of the material lay unlisted, uncalendared and unpublished in poor and in some cases even damaging physical conditions in the Victoria Tower. It was the final indictment of the system of part-time supervision, which had served for the previous 400 years. It led directly to the new conception of Record keeping which was realised with the reconstruction of the Victoria Tower after the war. It accorded well with his special interest in Records that Goodman was a Trustee of the British Museum from 1949 to 1963 and of the Natural History Museum from 1963.

Another valuable service which Goodman rendered to Parliament as a whole was in his capacity as Chief A.R.P. and Security Officer of the Palace of Westminster during the Second World War. He was on duty on 10th May, 1941—the last night of concentrated attack by enemy aircraft upon the centre of London. This was also the night on which the House of Commons was destroyed and Westminster Hall, with its roof alight, was saved by the prompt action of the firefighters under Goodman's command.

Victor Goodman was justly proud of being an Officer of both Houses of Parliament—a legacy of his war service, when the whole Palace of Westminster was under his care. He was widely respected and loved not only in both Houses of the British Parliament, but also throughout the Commonwealth, and in the Association of Secretaries General, of which he was an active member. It was by his personal qualities, by the warmth of his personality, by his friendliness and approachability that he endeared himself to his wide circle of friends and acquaintances. He knew instinctively how other people felt and thought; he had a sure instinct for what was practically possible and what was not; and he knew how to get the best out of the people with whom he worked.

A most fitting and beautiful Service of Memorial and Thanksgiving was held on 8th November, 1967, at the Church of St. Margaret, Westminster, when a large congregation drawn from his family, his friends and Members and colleagues from both Houses of Parliament gathered together to do honour to his memory and give thanks for his life's work in the service of the House of Lords.

(*Contributed by Sir David Stephens, K.C.B., C.V.O., Clerk of the Parliaments.*)

Mr. Allan Pickering, C.B.E., M.Ec., retired as Clerk of the Legislative Assembly, New South Wales, Australia, on 31st December, 1966.

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.V.O.—Captain Sir Kenneth Mackintosh, R.N.(retd.), Serjeant-at-Arms, House of Lords.

M.B.E.—Mrs. S. McLaughlin, Clerk of the Legislative Assembly, Grand Cayman.

II. SELECT COMMITTEES ON PROCEDURE, 1966

By C. J. Boulton
A Senior Clerk in the House of Commons

One Report, on Financial Procedure, was made by the Select Committee on Procedure in the short Session which ended in March 1966. In the new Parliament a Procedure Committee was again appointed with terms of reference that allowed them to consider all aspects of procedure in the public business, and with largely the same membership. They produced three Reports during the remainder of the year, on the Times of Sittings of the House, on Standing Order No. 9; Urgent and Topical Debates, and on Methods of Voting. These four Reports* are described separately below, with indications of the extent to which the recommendations they contained were adopted by the House.

Financial Procedure

In examining this complex subject the Committee were at pains to distinguish between the forms of procedure and the realities of financial control. Their principal conclusion in relation to Supply was that "the forms of procedure by which the House considers and votes Supply have in course of time come to be mainly used not for truly financial purposes, but as a means of controlling administration". They went on: "In examining the operation of the procedure your Committee have been guided by the objective of permitting the real nature of Supply debates—the opportunity provided to the Opposition to examine Government activities of their own choice—to be seen more clearly. But they have not forgotten that the basis of financial forms must be retained: the House must not give up its right to grant or refuse to grant the money required by the Executive." The Committee gave examples of some of the ways in which Supply procedure had become out of date or confusing, including going into and out of Committee of Supply when there were no Estimates that could be debated; reporting "Progress" when none had been made; and the choice of Votes on which no one was likely to speak in order that Supply might be taken "formally" and the day's business conducted on some other motion.

The most striking change proposed by the Committee was the abandonment of the rule that a "charge" must originate in Com-

* Published as House of Commons Papers (1965-66) 122 and (1966-67) 153, 282 and 283.

mittee of the whole House. The use of Committees of the whole House for this purpose goes back to the first half of the seventeenth century; the first record of a Committee of Supply being on 5th February, 1620. The principal remaining advantage of the practice was that proceedings in Committee provided an additional stage in the consideration of financial proposals, but this had long since ceased to be a reality in Supply proceedings, and experience in Ways and Means (where a vote but no debate on report was still permitted) and on Financial Resolutions in connection with Bills (where the Report stage was virtually never debated) were not thought to justify the retention of the rule. On 14th December, 1966, the House abolished the Committee of Supply, and agreed to the following changes in Supply procedure, all recommended by the Select Committee on Procedure:

(i) The business of Supply should include debates on substantive Motions tabled by the Opposition and adjournment debates;
(ii) the Deputy Speaker should be given the power to accept the Closure on Supply days (the object being to preserve the interest of the Chairman of Ways and Means in the business of Supply);
(iii) it should be made clear by a note on the Order Paper that Supply business is chosen by the Opposition;
(iv) a third guillotine (for Winter Supplementary Estimates) should be introduced;
(v) the number of allotted days to be taken before the various guillotines should be adjusted to ensure a more even distribution of Supply days;
(vi) Members wishing to vote against Estimates "rolled up" in the guillotine should be required to give notice of their intention, in order to permit the unopposed Estimates to be put in one question;
(vii) the guillotine should fall at 10 p.m. and not at 9.30 p.m.;
(viii) there should be a standard form of putting the question on Motions to reduce Estimates;
(ix) the third reading of Consolidated Fund Bills should be undebatable, and the lost debating time replaced by Supply days, of which there would thus be 29. The second reading debates should be made available entirely for private Members.

On Ways and Means, the Committee made the following recommendations:

(i) Ways and Means Resolutions (including Budget debates) should be taken in the House sitting as such;
(ii) there should be a new form of provisional authorisation of taxes, with considered decisions by the House at the end of the Budget debate;

(iii) the practice of bringing in Consolidated Fund Bills and certain other Bills on Ways and Means resolutions should be ended.

The Committee explained the second of these recommendations as follows:

" No debate is permitted on the report stage of Budget Resolutions, but the opportunity for a second division that is afforded allows a considered vote on proposals which are first put immediately after the conclusion of the Budget speech, and this is obviously useful. There are, however, difficulties about the present procedure in which an Opposition has to decide virtually without notice whether or not to divide on the first occasion. There clearly must be some immediate decision, in order to allow new rates of tax to be levied forthwith. Your Committee consider that a resolution of the House of a character designed to show its provisional nature (referring to motions tabled by the Chancellor and to be printed in the Journal) passed immediately the Chancellor sits down, should be substituted for the present series of questions on all the Motions save the last. The Budget debate would then proceed on the first of the Budget Resolutions and considered decisions could be reached on all the Resolutions at the end of the debate."

Before this recommendation could be adopted it was necessary to amend the Provisional Collection of Taxes Act 1913 and other Acts. This was done in the Finance Act 1967 (s. 41). On 24th October, 1967, Standing Orders were amended to bring about the abolition of the Committee of Ways and Means and provide for the other recommendations. The Budget will henceforth be opened in the House, and Mr. Speaker will at last be able to remain in the Chair to hear the Chancellor's proposals along with his fellow-Members.

On Money Resolutions, the Committee recommended that they should be taken in the House, and that the Queen's recommendation to them should be signified to the Clerk of the House in writing before they were taken and the fact of the signification be indicated by means of a note on the Order Paper. These recommendations were adopted, but not the Committee's suggestion that there should be some compensation for the loss of the Report stage by the extension of the time for debate to one hour.

It is to be hoped that by making these sweeping changes in financial procedure the House has not lost any of its powers in the process. Certainly the Leader of the House said goodbye to the venerable forms without any regrets. In congratulating the Committee on their Report, he said, " Most of the Report is concerned with sweeping away the mumbo-jumbo which has clogged so much of our Supply procedure. That so much of the Report and so many of the recommendations are almost unintelligible, even after several days' study, to hon. Members with years of experience shows the extent to which we have been frustrating the efficient management of our affairs by clinging to obsolete ceremonial phrases." (*H.C. Deb.* (1966-67) 738, c. 483.) It is hoped that similar difficulties have not been presented to readers of this inevitably condensed account.

The Times of Sittings of the House

The Committee were bound by an Instruction to report first on this topic when they were set up in the new Parliament. It is a subject that had excited much comment from Members first elected in 1964 and the Government had promised to give attention to it. The House had been sitting on average until 11.42 each night, and through the night until 3.44 a.m. on average during the Committee proceedings on the Finance Bill. The Procedure Committee of 1964-65 had also been instructed to report on times of sittings, but they had declined to do so until they had considered the implications of the evidence they were to receive on other procedural matters, such as the Select Committee system, upon the appropriate hours for the House to sit. These investigations were by now somewhat further forward, but the problem was still an extremely difficult one to tackle because of the deep differences between Members on the desirability of procedural changes that would involve full-time membership of the House. Most of those Members who advocated changes in times of sittings that would have the effect of making it virtually impossible for outside interests to be pursued were Government supporters. This cleavage was reflected in the Committee, and in the event two Draft Reports were prepared, one by the Chairman and one by an Opposition Member, and the Chairman's Draft prevailed only after a vote on party lines. Even so, the Report finally adopted did not disguise the fact that proposals to bring forward the Parliamentary day so that the House sat in the mornings with the hope that it would thereby rise earlier in the evenings, were fraught with difficulties. There was the obvious danger that the evenings left free would soon be demanded by the Government and private Members for extra business; there was the problem for Ministers in attending the House in the mornings when they were required in their Departments, and the risk that the House would be "fobbed off" with junior Ministers. There was Mr. Speaker's preparatory work for the day's sitting to consider, Private Members' constituency work and the work of Standing Committees. A serious consideration for many of those Members who advocated morning sittings was the danger that the development of specialist Committees would be prejudiced if the House were to sit regularly in the mornings for Questions and important business. The Speaker told the Committee: "I am convinced that the general public think it is quite easy; that all we do is come in, talk in the Chamber, and go home." The Committee recognised that the situation was not as simple as that.

The Report considered the problem under six heads, as follows:

(i) Proposals for an automatic interruption of proceedings at a fixed time. The Committee considered that such a rule would only be practicable were there to be an increased acceptance

of time-tables for Bills. They recommended, however, that the rule for the interruption of business should not be suspended on Thursday nights, when many Members leave for their constituencies.

(ii) Proposals for shorter speeches. In order to make the time-tabling of Bills more acceptable, and to facilitate earlier rising generally, the Committee recommended an experimental limitation of speeches to fifteen minutes for backbenchers. There would be a discretion in the Chair to allow an extension of time to make up for interruptions and Members in charge of Bills or Motions would not be affected. Front bench speakers should be invited to limit themselves to half an hour. This recommendation was not adopted.

(iii) Proposals for removing certain classes of business from the floor of the House. The Committee were not ready to make firm proposals on this score, but they did so later in their Sixth Report of the Session.

(iv) Proposals for bringing forward the whole Parliamentary day. For the general reasons stated above the Committee did not recommend a simple moving forward of business.

(v) Proposals for sitting on more days in the year. There was general agreement that "a week here and there" was all that could properly be added to the length of each Session, and that it was in the best interests of Ministers and private Members that they should not be confined to the Palace of Westminster for the whole of the year. The Opposition Chief Whip told the Committee "the great need for Parliament is that people are sufficiently well informed to probe the Executive correctly by asking the right questions". They had to get out and acquire this information for themselves.

(vi) Proposals for taking certain kinds of business out of the present time-table and considering them at morning sittings of the House. This was the solution that commended itself to a majority of the Committee. The object was to identify items of "second class" business—such as non-controversial Bills, and motions relating to Statutory Instruments—that could be transferred to morning sittings without creating the problems for the Chair, for Ministers and for Private Members that a general bringing-forward of business would involve. The test of the success of an experiment in morning sittings of this type would be whether or not they allowed the House to rise earlier at night.

The Government accepted this proposal in general terms, and the House agreed to it, on a division, on 14th December, 1966. On Mondays and Wednesdays the House was to meet at 10 a.m. for the following business: Statements by Ministers (other than those of first

importance), Ten Minute Rule Bills, proceedings in pursuance of any Act of Parliament, and proceedings on or in relation to public Bills. There would be an adjournment debate at the end of the morning sitting, and no adjournment debates on Tuesday and Thursday nights. The moment of interruption would be brought forward to half-past nine, a move justified by the smaller number of Statements to be expected at half-past three. There could be no counts and no divisions in the morning; the challenge of a division would mean that no further proceedings could then be taken on that business, and the division would be held after the moment of interruption that evening. The proposals relating to adjournment debates, counts, divisions and the interruption of business at half-past nine had not been recommended by the Select Committee on Procedure. A recommendation by them that Friday sittings should be extended by one hour to make it easier for two private Members' Bills or Motions to be debated on one day was not accepted. During its first months the experiment was modified in two respects; the number of Statements made in the morning was reduced, and the moment of interruption was restored to ten o'clock. It was decided to abandon Monday morning sittings in future Sessions, but to consider the suitability of Tuesdays and Thursdays. It is too early to say what will be the final judgment of the House on morning sittings, but it would be fair to say that few of those who opposed them at the outset have changed their minds. Nor should it be forgotten that this is not merely a question of the hour at which Members should be free to go to bed. In the words of the Leader of the House (*H.C. Deb.* (1966-67) 738, c. 494), "the experiment in morning sittings is consciously designed to strike for the first time a balance of convenience in the management of our business which reflects the increasing need for the Member of Parliament to be prepared to make his parliamentary work a full-time job".

Standing Order No. 9: Urgent and Topical Debates

In their Second Report the Committee returned to quieter waters, and produced a Report on urgent and topical debates in which they were unanimous in all important respects. Their principal concern was to free Standing Order No. 9 (under which a Member can ask leave to move the adjournment of the House to call attention to "a definite matter of urgent public importance") from the restrictive effects of a long series of rulings on how the Standing Order should be interpreted. The Committee reported: "There have only been fifteen debates under the standing order in the last twenty years, compared with 102 debates in the first twenty years of the century. Your Committee accept the advice tendered by successive Clerks of the House that certainty of the order of business is a most valuable achievement in a parliamentary assembly. They consider, however, that this certainty is obtained at too high a cost if it is virtually

impossible for backbench Members to call attention to an urgent matter in time to exert influence on events. Your Committee conclude that what is required is a relaxation of the restrictions which have developed and a widening of the range of matters upon which Mr. Speaker can permit debates, combined with an indication of the frequency with which it would be acceptable for debates under the standing order to be held." They accordingly proposed a new formula to replace "definite matter of urgent public importance" ("specific and important matter that should have urgent consideration") not because this was helpful in itself, but in order to free Mr. Speaker from the restrictions that had grown up around the old form of words. They indicated that they had in mind a return to roughly the frequency which obtained in the early years of the century, when an average of five debates a Session took place. They recommended that it should be possible to debate a matter which, although not of current ministerial responsibility, could be made so by legislation or administrative action, including intervention in overseas affairs. They considered that matters involving the ordinary administration of the law should be capable of being raised (though not any matter that is *sub judice*). The Committee also recommended that wherever possible the Member intending to make an application under the Standing Order should give notice to Mr. Speaker by twelve o'clock, and in all suitable cases the debate should take place at 3.30 on the following day, rather than at 7 o'clock that evening.

In addition to proposing this widening of S.O. No. 9, the Committee also recommended that there should be additional facilities for the official Opposition to raise urgent matters by giving them the right to earmark for short-notice debates four half Supply days out of the twenty-nine days available to them.

Turning to the question of opportunities for debates on important matters of current public interest (as distinct from urgent matters) the Committee allowed themselves to voice a mild protest against those who said that Parliament was losing its position as the forum of national debate. They made two points: one that not all the matters which at a given time are of public interest (in the sense that they are prominent in the news) are appropriate for discussion in the House of Commons; the second point was that in fact only little over half of each Session is occupied by the Government programme, including the budget, and the rest is available either to the Opposition or to private Members, or taken up by debates on motions in Government time. The Committee confined themselves, therefore, to making some minor recommendations (about the arrangements for the ballots for private Members' motions and adjournment debates), and recalling their recommendation about an extension of Friday sittings. When the House came to consider this Report (together with others) on 19th April, 1967, the Government announced that they would accept none of the recommendations until the Committee had re-

ported on public bill procedures, so that increased opportunities for debates could be balanced by changes in the amount of time occupied by legislation (*H.C. Deb.* (1966-67) 745, c. 599).*

Methods of Voting

The apparent waste of time in spending about ten minutes in dividing the House was one of the matters that excited the attention of the many Members who were first elected in 1964. The desirability of adopting an electronic voting system had been examined by a Select Committee on Procedure as recently as 1959, but since that date it had become possible to provide facilities for push-button voting in the Division Lobbies that would not occupy much space, and also possible to provide voting stations away from the Chamber, both inside the Palace of Westminster and away from it, that could transmit the votes of Members to a central unit at the same time as voting was taking place in the lobbies. The Committee examined the potential of these devices with great care, but no amount of electronic invention could overcome the need for Members to have six minutes in which to reach the Chamber when a division was called, or provide the necessary information to help Members distant from the Chamber to decide how to cast their vote at an outstation. A possible saving of about two minutes was not thought worth the cost (about £80,000) involved. The Commitee did conclude however, that a small saving of time would be achieved if the tellers were appointed as soon as their names were handed in and could begin counting straight away, rather than having to wait until after the "second time of asking" which takes place two minutes after the division is first called. This proposal was not adopted by the House, and, as in so many other procedural matters, those who were once so anxious for change have now largely become content with, reconciled to, or perhaps just philosophical about, the existing state of things.

* The recommendations about S.O. No. 9 and half Supply days were adopted on 14th November, 1967, and new arrangements for ballots on 12th December, 1967.

III. LEGISLATION BY COMMITTEE—1952-62

By Narinder S. Kapur

Department of Political Science, Khalsa College, University of Delhi

In the process of law-making two things have emerged in India. In the first place, the principle or principles of a Bill are to be agreed upon on the second reading, and secondly, the way of accomplishing them is to be decided by the House. Further, it is an accepted principle that some share in legislation is given to Committees of the House. This means that the Select or Joint Select Committees receive a Bill only when the House has decided in its favour by accepting its principles at second reading. An attempt is made in this article to describe, in the Select or Joint Select Committee, the role of the Chairmen, Ministers, Secretaries, Draftsmen, Officials, Laymen and "Special Interests", in framing and reframing Bills in the first two Parliaments since Independence. The question of how effectively these Committees have functioned will also be examined.

The first important fact about the members of these Committees is that a large majority of them are party men. Since these Committees are concerned with legislation and formed of the Members of the House (in the case of a Select Committee) or of both Houses (in the case of a Joint Select Committee) party differences are expected to display themselves, reflecting the party division in the House; in fact each one of them is a little Parliament.

That the members are party men and are expected to behave as such, is understandable when we look at the composition of these Committees. It is usually the Minister for Parliamentary Affairs who offers one quarter[1] or so of the membership to the Opposition groups and chooses the rest, after consultation with the party's conveners, from among those of his own party who are known to be interested in the subject.[2] There is of course no "nucleus of Members" who compose the Select Committees. In fact, each Committee is freshly chosen for each separate occasion. The consent[3] of Members is necessary before they can be nominated to a Committee by the mover of the Bill.

It is interesting to observe[4] that members of the Committee do not sit across the floor facing each other in the Committee Room or in the Lobby of the Central Hall of the Parliament,[5] whichever may be the venue of its sittings. This practice is unlike that in England where members of the governing-party in a Standing Committee of the House of Commons occupy seats on the right of the Chairman, while

those of the Opposition parties sit on his left. The quorum[6] is fixed at one-third of the total members of a Committee.

The Chairman of a Select or Joint Committee is appointed by the Speaker from amongst the members of the Committee and where the Deputy Speaker[7] is a member of the Committee, he is usually the Chairman. But sittings of these Committees have been presided over by the members of the Opposition groups as well. Thus the Joint Committee on the Dowry Prohibition Bill 1959 was presided over by Shrimati Renu Chakarvartty of the Communist Party; Shri K. S. Raghavchari belonging to the Krishak Mazdoor Party was twice the Chairman of the Joint Committee on the Constitution (Tenth Amendment) Bill 1956, The Motor Vehicles (Amendment) Bill 1955 and also the Select Committee on the Proceedings of Legislatures (Protection of Publication) Bill 1956; Shri N. C. Chatterjee of Hindu Mahasabha occupied the Chair of the Select Committee on Electricity Supply (Amendment) Bill 1959. Party considerations alone, therefore, do not constitute the main factors in the nomination of a Chairman; ability, knowledge and parliamentary experience also count for much.

In a Select or Joint Select Committee the Minister pilots the Bill and steers it through, whereas the Chairman[8] is concerned with questions of order and conduct of business. Where a Minister is the Chairman[9] of a Committee, his task is two-fold: to lead, and to conduct the proceedings. At the first sitting, the Chairman is authorised by the Committee members to decide, after examining representations and memoranda from different associations and individuals, as to which of them should be called to tender oral evidence before the Committee. Thus the Chairman[10] may refuse permission to an association to give evidence before the Committee if it goes against the very principle of the Bill which the House has already agreed. Permission may also be granted to associations desiring to tender oral evidence before the Committee even if the request was received late.[11] When the spokesman or representatives of associations and public bodies tender evidence before the Committee, the Chairman takes upon himself the task of a "moderator or traffic policeman" of the discussion. Thus, in the event of a controversy between a member of the Committee and a spokesman of some association who has appeared as a witness in the Committee, the Chairman's intervention[12] speeds up the Committee's job. Again it is the Chairman's task to put to the vote the numerous amendments to the clauses of the Bill put forward by Government and opposition members. He may rule out of order an amendment if he considers it beyond the scope of the Bill.[13] Similarly on a point of procedure raised on a Bill in 1959, namely whether a Member could refer to material contained in documents circulated to the members of the Committee in their minutes of dissent or during the debate in the House, the Chairman ruled that except for documents marked

"Secret", the Members could refer to any material in their minutes of dissent or in their speeches in the House. The Chairman further pointed out that with regard to documents marked "Secret", the members could use the arguments contained therein but the names of persons or authorities should not be quoted. More than once therefore, the Chairman has acted as a guardian of points of procedure, order and privilege raised during the deliberations of the Committee. During the third and fourth sittings of the Joint Committee on the Hindu Marriage Act Divorce Bill 1952, the Chairman's attention was invited to a point raised, namely, whether a reference should be made in the minutes of the Joint Committee which are circulated to members to the amendments which were negatived. The Chairman observed that under rule 75 of the Rules of Procedure and Conduct of Business in the Council of States all that is required is that a record of the decisions of a Select Committee should be maintained. Another instance of a point of privilege raised by Shri Venkataraman in the first sitting of the Joint Committee on the Constitution (Ninth Amendment) Bill 1956, speaks of the decisive role of the Chairman. It was brought to the notice of the Chairman Shri Govind Balabh Pant (who was then the Home Minister), that the full text of the note on linguistic minorities by the Ministry of Home Affairs had appeared in the daily issue of the Indian Express on the day of the first sitting of the Joint Committee on the Bill, and that this appeared to constitute a breach of privilege of the Committee. The Chairman ruled that there was no technical breach of privilege although the publication of the note could be considered as having been appropriate.

Briefing of the members by the Chairman[14] before they put questions to the witnesses who appear in the Committee to give oral evidence is yet another useful function performed by him.

The Chairman of a Select or Joint Committee has at times appointed, with the approval of the Speaker, a sub-committee[15] comprising from seven to ten members[16] in order to redraft a Bill or to make a detailed investigation to consider any particular section or sections of a Bill more thoroughly, with a view to finding out the defects, if any, in those provisions of the Bill and to suggest remedies to the main Committee within a specified time.

The legal intricacies of the Bill and the question of the competence of Parliament to pass it are other matters which engage the active attention of the Chairman. Thus the Bill on Women's and Children's Institutions Licensing of 1953 was limited only to private institutions for women and children, Government institutions being excluded from the scope of the Bill, when the Chairman explained the legal and constitutional position as to the competence of Parliament to enact this Bill. Similarly, when the Joint Committee on the Constitution (Ninth Amendment) Bill 1956 considered an amendment at its second sitting, proposing to insert a new Article in the Constitution to the effect that the President might be given power to issue directions to

any State on matters relating to linguistic minorities and that such directions might be binding on the State, the Chairman pointed out that such a provision would adversely affect the autonomy of the States.

Exercise of the casting vote[17] by the Chairman is his traditional right, although it is used sparingly. The Chairman also exercises his discretion in matters of reopening a Committee's earlier decisions in subsequent sittings at the request of members. When the Chairman of the Select Committee on the Representation of the People (Second Amendment) Bill 1955 received requests from some members of the Committee belonging to majority and minority parties for permission to reopen some clauses of the Bill as introduced, he did not allow discussion on one of the clauses but granted permission to reconsider another clause. Requests for reopening other clauses were not pressed.[18]

The Committee authorises the Chairman to seek an extension from the House of the time-limit for the presentation of the Report if it has not been able to complete its work within the allotted time and when the Report is ready, to submit it to the House, on its behalf.

After the Chairman, the task of getting the Bill through the Committee falls on the Minister. In fact, he does most of the talking; he explains to the members the salient provisions[19] of the Bill; he replies to questions put to him by members in elucidation of the provisions;[20] gives assurances[21] on the floor of the Committee which are relevant to the deliberations. As spokesman of the Government, he deals with the opposition amendments by accepting or rejecting them, indicating at the same time whether he is willing to make concessions along the lines advocated by the opposition groups. Thus, when it was suggested in the Joint Committee on the University Grants Commission Bill 1955[22] that the development of regional languages should be specifically mentioned as one of the purposes for which the Commission would make grants, it was pointed out on behalf of the Government that it would not be proper to do so, although the Government gave the assurance that the Commission would give due consideration to the importance of the development of languages mentioned in the Eighth Schedule to the Constitution. And on this assurance being given, the amendment was not pressed. Similarly, when the Select Committee on the Coffee Market Expansion (Amendment) Bill 1954[23] took up discussion of the principle whether the Chairman of the Coffee Board should be a wholetime government servant or a person elected by the Board, the Minister for Commerce and Industry explained to the Committee that the Government could take up the responsibility for the proper management of the affairs of the Board only if the Chairman was made responsible to the Government. Therefore, when the principle of having a paid Chairman appointed by the Central Government was put to vote, it was carried by a majority.

A Minister may attend the sittings of a Committee with the permission of the Chairman even if he is not a member.[24] Sometimes important and controversial clauses of a Bill may not be taken in the Committee if the Minister is unable to attend the sittings, due to illness[25] or some other unavoidable reason.

The composition of the Joint or Select Committee is incomplete without the presence of the Draftsman and the Secretariat of the Lok Sabha. The former endeavours to bring out, under the directions of the Committee, a precise and clearly worded form of law in the Bill while the latter keeps a formal record of the Committee's proceedings. Both assist the Chairman and the Committee members, and are therefore present on the floor of the Committee. The Lok Sabha Secretariat is usually represented by a Deputy Secretary and the Under Secretary or the Joint Secretary[26] of the House. When the Committee decides that a press communiqué be issued advising associations, public bodies, companies and those others who wish to place their views or suggestions before the Committee in respect of a Bill, all such written memoranda or representations are sent to the Lok Sabha Secretariat within a specific date prescribed by the Committee. Subsequently these are circulated to the Members of the Parliament or placed in the Parliament Library by the Secretariat as desired by the Committee. Where evidence is tendered orally, a verbatim record is taken and published by the Secretariat either in full or in summary form. When a Joint Committee on the Arms Bill 1958 took up the Bill, the Secretariat arranged an exhibition of the different types of arms in the Parliament House for the benefit of the members of the Committee. Minutes of dissent recorded by the members are also sent to the Secretariat.

The Draftsman is, of course, an expert at drafting and is generally of the status of an Additional Secretary[27] or Joint Secretary of the Ministry of Law. Although he works under the directions of the Chairman of the Committee and drafts Bills accordingly, his opinion on any clause of the Bill is given consideration by the Committee. An occasion arose during the fifth sitting of the Joint Committee on the Untouchability (Offences) Bill 1954, when it was considered whether the scope of the Bill should be confined to Hindus only.

It was pointed out by the Draftsman that Article 17 of the Constitution would be contravened if any such discrimination was made and the Committee decided therefore not to alter the scope of the Bill in this respect. Such instances are, of course, rare because the Draftsman does not address or participate in the discussions in the same way as members do. His primary task is to see that the decisions of the Committee are expressed in the technical terminology of law, so that no legal lacuna is left in framing the Bill clause by clause. After all, "the law requires careful definition to embody the intention of the legislator with the least amount of ambiguity, for the

law courts interpret mainly by following the letter of the law and not by reference to the intention of the legislator ".[28]

Sittings of a Committee also include the presence of some senior officials of the Ministry concerned. They assist the Minister in charge of a Bill in determining the substance of the Bill which the Committee is considering and attend each sitting. These officials[29] represent "technical knowledge"; an overall understanding of the law as it is; and specialised knowledge in supplying the necessary data of likely expenditure of money and a sound estimate of the "administrative work, procedure and machinery" required to obtain the desired targets; and also an "appreciation" of the consequences of the enactment of the new law.

It has been stated earlier that the Minister for Parliamentary Affairs offers nearly three-fourths of the membership of the Committee to those of his party who are known to be interested in the subject. It follows that the Committees (by offering membership to the right elements) provide ample scope for special knowledge and interest. It is reasonable, therefore, to think that a majority of the members of the Joint or Select Committees possess special knowledge of, or interest in, the Bill which the Committee is considering. Of course some members who are not well qualified may sometimes find a place on a Committee but it is certain that at least some of them are not just laymen. This can be illustrated by a study of Bills considered by the Committees with reference to the membership serving those Committees. When, in 1955, a Joint Committee considered the University Grants Commission Bill, the guidance and services of such distinguished educationalists as Dr. A. Ramaswamy Mudaliar, Dr. Zakir Hussain, Dr. Radha Kumud Mookerjee, Dr. Raghu Vira, Dr. Meghnad Saha were made use of, besides those of the Education Minister, the late Maulana Abul Kalam Azad and Shri N. V. Gadgil, the latter acting as Chairman. Similarly the Select Committee on the Muslim Wakfs Bill 1952 contained nine eminent Muslim members, and the Joint Committee on the Maternity Benefit Bill 1960 had eleven women members.

Apart from men of ability, there are other interested parties such as persons and organisations who may be advocating the Bill's enactment or opposing it because of its consequences upon their interests. There are very many associations in the country organised locally, by States or nationally, representing industry, the professions and various other interests. Such special interests present their views on the Bill to the Committees through letters, memoranda, and representations, or may be allowed to appear in person as witnesses in the course of hearings by the Committee. Thus interests affected by the Bill are given an opportunity to give their opinions and view-points upon the measure being considered and even to influence[30] the members of the Committee. The many associations, trade unions, federations, etc., which tendered evidence before Committees include the

names of Indian Medical Association, All India Bank Employees' Association, National Rifles Association India, Federation of Indian Chamber of Commerce and Industry, Indian National Trade Union Congress, Tata Industries Private Ltd., The Central Council of Indian Associations (Jinga, Uganda, and British East Africa), All India Jewellers' Association, the Bombay Share and Stock Brokers' Association Ahmedabad, Federation of Electricity Undertakings of India, Bombay, etc.

It is not, however, a disqualification if a member of the Committee represents some interest affected by the Bill[31] unless the interest of the member is considered as direct, personal or pecuniary.[32] Obviously, if a member has special knowledge it should qualify him to be included in the Committee.

Attention should be given to the uses to which these Committees are put and to consider how far they function usefully. Clearly these Committees assist Parliament to pass more Bills. If each and every Bill were to be considered by the whole House without reference to a Committee, much business could not be transacted because the House can only consider one Bill at a time whereas two or more Select or Joint Committees can sit at once and discuss Bills simultaneously. Furthermore, discussion in the House over a Bill is subject to restrictions through guillotine or closure, while such restrictions do not apply to the Committee's proceedings. A Government which intends to pass a large number of Bills can do so with the help of its majority in the House, but in that case proper consideration of the Bills is not possible. The Committees provide this. In a Committee the aim of what is said is to " convince and not to gain a mere debating point " whereas in the House Members are called in for a division and it is possible a number of them may not have been present during the discussion on the Bill. Moreover, members can speak in a Committee as many times as they like on various clauses of the Bill and although they have reasons to differ, their approach is not as sharply or acutely divergent, as it is bound to be in the House.

One may also consider the extent to which Committees can be used by Parliament because of the demand of parliamentary business on its time. The Second Lok Sabha devoted 25·3 per cent. of its time[33] to the consideration of Government Bills and only 2·9 per cent. of the time to Private Members' Bills during the first to the fifteenth sessions in the years 1957-62, and the rest to the discussion on the budget, questions, motions, resolutions and other business such as the President's address followed by discussions. The result is that not enough time is left for legislation.

A common objection against these Committees is that they are " little legislatures ", which duplicate legislative work, and therefore involve enormous waste of the time of the House. Sound as this argument may appear, it is not intended to deal with it here. Instead,

what should be considered here is how well these Committees work. Is the use of Committees excessive, and is the consideration given to Bills in Committees sufficient?

First let us examine the question of excessive use of these Committees. In the first Parliament, in the years 1952-56, out of 360 bills passed, there were twenty-four Select Committees and seventeen Joint Committees which submitted their reports along with the Bills, as amended, to the House. Similarly in the years 1957-61 when the Second Parliament was in session there were a number of Select Committees and twenty-four Joint Committees which presented their reports along with the Bills as amended, although 320 Bills in all were passed by this Parliament during these years. This shows that a very large part of the legislative work is done by Parliament and is not left solely to Committees.

We may now take up the point whether adequate consideration is given to Bills in the Committees. A Bill is referred to a Committee with instructions to be reported to the House by a specific date. Where a Committee is unable to complete the work within time, the House may, as stated above, grant extension of time asked for, and if the request for further extension is reported, the House normally agrees to it. The time spent on the Bills by Committees is fairly considerable. Thus the Companies (Amendment) Bill 1959 spent twenty-seven days with the Joint Committee for a total of seventy-nine hours and fifty-four minutes. The Hindu Marriage and Divorce Bill 1952 was considered in twenty-two sittings of the Joint Committee which decided to meet even on Sundays in order to complete its work "expeditiously".[34] Similarly, the Representatives of the People (Second Amendment) Bill 1955 was considered by the Select Committee in twenty-two sittings for a total of roughly fifty-one hours[35] including meeting on Sundays. When it is seen that the Joint Committee on the Companies (Amendment) Bill 1959 received sixty-four memoranda and representations from different associations, public bodies and individuals; heard evidence given by fourteen associations and was granted extension of time in which to report by Parliament four times, and that eleven out of forty-five members appended notes of dissent, it seems fair to say that so far as the Committee-stage of this Bill was concerned, it received adequate consideration.

It is noteworthy that, when necessary, consideration of a Bill at the Committee-stage was assisted by an on-the-spot study-tour by the Committee or its sub-committee, with the permission of the Speaker, for example, of marine establishments at Bombay and Calcutta in connection with the Merchant Shipping Bill 1958, of rubber centres in Travancore Cochin in the case of the Rubber (Production and Marketing) Amendment Bill 1952[36] and of Customs Offices in Calcutta with regard to the Customs Bill 1962. The members thus became acquainted with the working of marine, industrial and customs establishments and were also able to question in detail the authorities

and others concerned in order to elicit first-hand information on the provisions of the Bills.

There has also been a marked increase in the number of Joint Select Committees during the term of the second Lok Sabha as compared to that of the first Lok Sabha. A Joint Committee, needless to say, brings in "greater simplicity, more rapidity and corresponding economy" in legislation and avoids repetition. Sir Thomas Erskine May, the great parliamentary authority, once strongly advocated the use of Joint Committees for Private Bills and even declared that had these been adopted in 1854, it "would have saved the promoters and opponents of private Bills many millions". In India, Joint Committees have been used with regard to Government and Private Members' Bills.

The confidential nature of the proceedings of these Committees together with the slender information available from records of the minutes of dissent[37] appended to the Bill when reported by a Committee, adds to the difficulty of knowing the role of opposition groups. These are appended by the majority and minority groups alike, but where there are no minutes of dissent[38] on record one may infer that the Bill was approved unanimously by the Committee.[39] But of course opposition Members do put in minutes of dissent and these show that the greater part of the discussion is taken up by them while, on the Government side, most of the talking is done by the Minister or the Deputy Minister and others supporting them.

Amendments to a Bill are sometimes put forward by the Opposition groups in order to receive an assurance or explanation from the Minister and when he has made a statement, these are withdrawn. An Opposition amendment may of course sometimes be accepted and incorporated into the Bill.[40]

It still remains to be seen what further use can be made of these Committees. It has already been shown that legislative Committees are specialised in the sense that men who are known to have an intimate knowledge of the subject are nominated to a Committee, and that each Committee is chosen afresh for each Bill. The ruling party has its Informal Consultative Committees on different subjects, such as Education, Foreign Affairs, Defence, Agriculture, and the Members interested in different subjects join these Committees. They make a special study of the subject concerned so that they can be readily available to speak on the Bill in the House as well as to participate in the Select Committee's discussions. Such Committees are, therefore, calculated to serve as a training ground for the M.P.s, though it cannot be authoritatively said that these Committees have brought forward teams of "advanced specialists". There are, of course, specialists in the party but they may have gained this distinction without the assistance of these Consultative Committees.

Another suggestion that may be made with a view to securing better use of the Joint or Select Committees is that they should be so consti-

tuted that the report stage could also be entrusted to them. It generally happens that the majority of the participants in the debate on a Bill in the House are those very Members who were dealing with the Bill in a Committee because they alone have known the significance of the amendments proposed and considered in the Committee. Therefore, the report stage is more intelligible to them, whereas the majority of the Members of the House are not only silent listeners but at times are present in the House solely on account of the whip issued for a possible division. It might be considered whether the size of a Joint or Select Committee should not be increased into a sub-committee of fifteen to twenty-five members when a Bill is first taken up for consideration. When the deliberations have been completed, this sub-committee should be allowed to submit its report to the full Committee instead of to the House, unless a certain number of members of the Committee objected. In this case, the report stage would then be taken in the House as at present. This procedure would also be likely to save more of the time of the House which could be devoted to other legislation.

At first sight the suggestion may seem to take away from the House not only its power to consider the report of Committee which was appointed by and is responsible to it, but it may also appear that the House would be deprived of its acknowledged right to legislate. This, of course, is not the purpose of the suggestion. As the practice goes, the House lays down the principles of the Bill and leaves the details to the Committee. Therefore, even if the report-stage were taken up by the Committee, the House would still be competent to give active consideration to the Bill in the course of the third and final reading. Parliament's supremacy in legislation would thus continue uninterrupted.

A casual survey of the last decade reveals that the chairmanship of these Committees has gone quite often to Members other than the Ministers. In the first Lok Sabha, out of 41 Select and Joint Committees, 19 were presided over by Members, 18 by Ministers and 4 by the Deputy Speaker. A Member, Pt. Thakur Das Bhargava, was nominated eight times as Chairman while Shri M. A. Ayyangar, Deputy Speaker, and Shri Govind Ballabh Pant, Home Minister, shared four times each the Chair of these Committees. Again in the second Lok Sabha, out of 35 Joint and Select Committees, chairmanship of 17 went to Members, 11 to Ministers and 7 to the Deputy Speaker. Both Shri G. B. Pant, Home Minister, and S. Hukum Singh, the then Deputy Speaker, presided seven times over each of these Committees. Thus it follows that where a Minister is not the Chairman, separation from party control of questions of order and fairness in discussion in a Committee is assured. This is a fairly encouraging aspect of the Committee system in India. None the less, it is desirable to offer as many Members as possible, other than Ministers, the chairmanship of such Committees.

Well worth notice is the Minute of Dissent put on record which is submitted along with the Report to the House. This is unlike the practice in England where only the majority report is presented. Sometimes a dissenting member[41] suggests the dropping of the Bill and sometimes the Government is criticised[42] for not sticking to the assurances made on the floor of the House before the forwarding of the Bill to a Committee. Dissenting opinions are expressed and recorded so freely that once even the Chairman[43] of the Select Committee on the Air Corporations Bill 1953 appended a note of dissent. And since these minutes of dissent cut across party lines[44] it can be said that the informal discussions which are ruled by reason are a Committee's *forte*. In conclusion we may say that when the seven main elements in a Committee play their roles with skill and tact, we shall have gone a long way to "ensure that we make not only the best of democracy but the best of bureaucracy "[45] as well.

[1] Morris Jones, *Parliament in India*, p. 122.

[2] *Ibid.*

[3] R.P. 254(2).

[4] Interview with Shri S. R. Rane, Deputy Chief Whip of the Congress Party in the House of People. This view is also confirmed by Shri N. C. Chatterjee (Hindu Mahasabha) now an independent Member of the Lok Sabha on the Opposition side.

[5] The Joint Committee on the University Grants Commission Bill, 1954, held five sittings from 4th July to 9th July, 1959, at Poona with the permission of the Speaker *vide* R.P. 267.

[6] R.P. 259(1).

[7] R.P. 258(1).

[8] At the Conference of the Secretaries of Legislative Bodies in India held at Jaipur in October 1957, the general consensus of opinion was that ". . . the Chairman of a Committee not only actually guided the deliberations of the Committee but also played a leading role in formulating the conclusions reached at the Committee which were incorporated in the Report ". (Con. No. 41, Vol. 41, pp. 22-28) (C.S. No. 150 dated 15th October, 1958.)

[9] Prime Minister Shri Jawahar Lal Nehru was twice Chairman of the Joint Committees on the Constitution (Third Amendment) Bill, 1954, and the Constitution (Fourth) Amendment Bill, 1954.

[10] In the second sitting of the Joint Committee on the State Bank of India (Subsidiary Banks) Bill 1959, the Chairman informed the Committee that the request of the Bank of Patiala Employees Union Kapurthala for permission to tender evidence before the Joint Committee had not been accepted by him as their main suggestion was for the merger of the Bank of Patiala with the State Bank of India, which was against the principle of the Bill.

[11] In the second sitting of 1st July, 1959, of the same Committee, the Chairman informed the Committee that a request had been received the day before from certain shareholders of the Bank of Mysore Ltd., Bangalore, for permission to tender evidence before the Committee. The Committee decided that since their request had been received late, they would not be asked to tender evidence. In the tenth sitting of the Select Committee on the Income Tax Bill 1961, held on 13th July, 1961, the Chairman informed the Committee that the Central Council of Indian Association, Kampala, had sent a cable stating that in addition to the evidence given by their representative on 21st June, 1961, another delegation of the Council was arriving in New Delhi on 16th July, 1961, and requested the Committee to permit the Council to give evidence before them. After some discussion the Committee agreed to hear their evidence.

[12] See extracts from the evidence tendered by Shri R. P. Aiyer, spokesman of the Federation of Electricity Undertakings of India, Bombay, on paper published by

the Lok Sabha Secretariat, February, 1959. C.B. (11) No. 80 under R.P. 382 of C.O.B.

Also see extracts from the evidence tendered by the spokesman of the Indian Chamber of Commerce, Calcutta, before the Select Committee of the Customs Bill, 62.

[13] "A Government amendment proposing a new Sub-Clause (b) clause 12 in substitution of the existing clause was ruled out of order by the Chairman in as much as the same provided for grants to be made by the University Grants Commission Central Act. The amendment was considered to be beyond the scope of the bill." Minutes of sixth sitting of the Joint Committee on the University Grants Commission Bill 1954. Report presented to the Lok Sabha on 29th July, 1955. See also a Direction by the Speaker 75(2) issued under the Rules of Procedure of Lok Sabha.

[14] When representatives of the Indian Federation of Working Journalists were to appear as witnesses in the ninth sitting of the Joint Committee on the Code of Criminal Procedure (Amendment) Bill 1954, the Chairman of the Joint Committee requested members to treat the extract from the Report of the Press Commission circulated to them as strictly confidential and not to divulge the contents of the Report while putting questions to the witnesses.

[15] R.P. 263(1).

[16] Select Committee on the Representation of the People (Second Amendment) Bill 1955 appointed a Sub-Committee of 7 members out of 40; Sub-Committee of the Joint Committee on the Displaced Persons (Compensation and Rehabilitation) Bill 1954 comprised 8 members out of 51; Sub-Committee of the Joint Committee on the Parliament Prevention of Disqualification Bill 1957 had 10 members (8 from Lok Sabha and 2 from Rajya Sabha) out of 45.

[17] An amendment to delete clause 9 of the Hindu Marriage and Divorce Bill 1952 was discussed at great length in the seventh sitting of the Joint Committee on this Bill and was negatived by the casting vote of the Chairman. See also R.P. 262.

[18] Minutes of the Twenty-first Sitting of the Select Committee on the Representation of the People (Second Amendment) Bill 1955.

[19] Minutes of the First Sitting of the Select Committee on the Indian Railways (Amendment) Bill 1961.

[20] Minutes of the First Sitting of the Joint Committee on the Displaced Persons (Compensation and Rehabilitation) Bill 1954.

[21] In the tenth sitting of the Select Committee on the Income Tax Bill 1961, the Minister of Finance gave an assurance to the Committee that administrative instructions would be issued that an order holding up refund should be reported to Government.

[22] Minutes of the Seventh Sitting of the Joint Committee on the University Grants Commission Bill 1955.

[23] Minutes on the Third Sitting of the Select Committee on the Coffee Market Expansion (Amendment) Bill 1954.

[24] Dr. K. L. Shrimali, Education Minister, though not a member of the Select Committee of the Lok Sabha on the Banaras Hindu University (Amendment) Bill 1958 attended all the six sittings of the Committee. Also Dr. B. Gopala Reddi, Minister for Revenue and Civil Expenditure, was present in all the four sittings of the Select Committee on the Preference Shares (Regulation of Dividends) Bill 1960. See R.P. 299.

[25] "As the Minister for Commerce and Industry was not able to attend the sittings of the Committee due to illness, the Committee decided not to take up controversial clauses of the Bill." Para. two of the Minutes of the Twelfth Sitting of the Joint Committee on the Companies (Amendment) Bill 1959, Report presented to the Lok Sabha on 16th August, 1960.

[26] Shri M. N. Kaul, Secretary of the Lok Sabha, represented the Secretariat in the Joint Committee on the Constitution (Third Amendment) Bill 1954.

[27] Shri K. V. K. Sundaram, Special Secretary of the Ministry of Law, was one of the Draftsmen of the Joint Committee on the Constitution (Fourth Amendment) Bill 1954.

[28] *The Theory and Practice of Modern Governments.* H. Finder, pp. 471.

[29] Shri C. P. S. Menon (Deputy Secretary, Ministry of Home Affairs) said in the third sitting of the Joint Committee on Arms Bill 1958: "On a point of clarification our Draftsman says that it is not worded properly in the U.K. Act whereas here it has been drafted better." Again when the spokesman of the National Rifles Association India, New Delhi tendered evidence before the Joint Committee on the Arms Bill 1958 in the fourth sitting, Shri C. P. S. Menon (official of the Ministry of

Home Affairs) said: "All your reasons are eliminated by the provisions already made in later sub clauses."

[30] When Dr. A. Ramaswamy Mudaliar appeared as a witness, on behalf of the Indian National Steamship Owners' Association, one of the members of the Joint Committee on the Merchant Shipping Bill 1958 (Shri Akbar Ali Khan) remarked: "We are laymen at least compared with you." Evidence tendered in C.B. (II) No. 66 published by the Lok Sabha Secretariat.

[31] The Chairman of the Joint Committee on the Banking Companies (Amendment) Bill 1959 was a legal adviser to certain banking companies. See minutes of the first sitting of the Joint Committee.

[32] R.P. 255 C.O.B.

[33] Second Lok Sabha, 1957-62. Activities and Achievements issued by the Lok Sabha Secretariat.

[34] Minutes of the Thirteenth Sitting of the Joint Committee on the Hindu Marriage and Divorce Bill, 1952.

[35] Since the minutes of second and third sittings of the Committee are not recorded, it is not possible to state exactly the numbers of hours put in by it for the consideration of the Bill.

[36] Twenty members of the Select Committee travelled about 450 miles by road when visiting rubber centres.

[37] Report of the Joint Committee on the Bihar and West Bengal (Transfer of Territories Bill 1956 covers minutes of dissent offered by twenty-three members out of forty-eight, the largest number ever on record during the first Lok Sabha.

[38] For example, Report of the Select Committee on the Notaries Bill 1952. Also see Report of the Select Committee on the Preference Shares (Regulation of Dividends) Bill 1960 which do not record a note of dissent of any member.

[39] My interview with Shri S. R. Rane, Deputy Chief Whip of the Congress Party in the House of People.

[40] "The following amendment was moved by Dr. Lanka Sundaram and Shri N. C. Chatterjee: 'At the instance of the representatives of a State in a zonal Council, a meeting of two zonal Councils will be convened to discuss any specific issue or issues which may concern two or more States.' The principle was accepted and the Draftsman was directed to place a suitable draft on the above lines before the Committee." Clause 21. Minutes of the Seventh Sitting of the Joint Committee on the States Reorganisation Bill 1956.

[41] Shri Jaipal Singh. Report of the Joint Committee on the Bihar and West Bengal (Transfer of Territories) Bill 1956. Presented to Lok Sabha on 11th August, 1956.

[42] Shri Frank Anthony. Report of the Joint Committee on the State's Reorganisation Bill 1956. Presented to Lok Sabha on 16th July, 1956.

[43] Pt. Thakur Das Bhargava. Report presented to Lok Sabha on 30th April, 1956.

[44] Report of the Joint Committee on the Bihar and West Bengal (Transfer of Territories Bill 1956 refers to a note of dissent offered by 23 members out of a total of 48. They belonged to the following parties: Mr. N. C. Chatterjee, Hindu Mahasabsa; Meshrs. Kishen Chand and R. P. Sinha of Praja Socialist; Messrs. Jaipal Singh and Benjamin Hansda of Jharkhand Party; Mr. B. Mahata of Manbhum Lok Sevak Snagha; Messrs. R. P. N. Sinha, S. Sahaya, Tarekeshwari Sinha (Mrs.), M. Imam, A. Ibrahim, P. C. Bose, Hari Mohan, P. G. Sen, B. J. Azad, R. D. Sinha Dinkar, Ram Subhagh Singh, Shah Umair of the Congress Party and Messrs. M. K. Moitra, T. Chatterjee, S. Banerjee, A. R. Khan, and Mrs. Renu Chakravarthy, all of the Communist Party. *Who is Who in the Parliament*, 1956.

[45] K. C. Wheare, *Government by Committee*.

IV. SASKATCHEWAN–WESTMINSTER: AN EXCHANGE OF CLERKS

BY K. A. BRADSHAW

A Deputy Principal Clerk in the House of Commons

The belief that a Clerk of Parliament has a professional training and experience which can be put to use beyond the precincts of his own Parliament has lately been gaining ground. Recent issues of THE TABLE have chronicled the progress made. An article in the 1962 issue drew attention to a new scheme prepared by Sir Barnett Cocks, Clerk of the British House of Commons, in conjunction with several of his Commonwealth colleagues, for exchange visits between Clerks of the Commons and those of Commonwealth parliamentary assemblies.* In the issues of 1963 and 1964 the visit to Westminster of Gordon Combe, Clerk of the House of Assembly in South Australia and the return visit to Adelaide of John Taylor, a senior Clerk at Westminster, were fully described.† In June 1965 further exchanges of Clerks were recommended to the Conference of Commonwealth Speakers held at the Palace of Westminster by Sir John McLeay, Speaker of the Australian House of Representatives, whose views were strongly supported by the assembled Speakers.

Another constructive step in the same direction was taken in 1965. Bev Koester, Clerk to the Saskatchewan Legislature, having obtained from that Assembly a year's leave of absence to read for a doctorate in history, enquired whether it would be possible for a Clerk from Westminster to be seconded to replace him at least for the Saskatchewan Assembly's Session in the early months of 1966. This proposal was immediately accepted by Sir Barnett Cocks, who made the further suggestion that the visit of a Clerk from Westminster to Saskatchewan should be regarded as the first part of an exchange and that as soon as arrangements could conveniently be made, Bev Koester should himself do a tour of duty with the Clerk's Department at Westminster. This suggestion was agreed to by the authorities in Saskatchewan. Both parts of the exchange have now been fulfilled in accordance with this agreement. I had the good fortune to make the first part of the exchange, and in this article I have tried to set down some impressions of it.

It was exhilarating, one morning in December 1965, to find myself travelling the high seas, away from the offices at Westminster. In

* THE TABLE (1962), pp. 31-34.
† THE TABLE (1963), pp. 65-68; (1964), pp. 64-68.

these days of universal air travel, I had chosen a more eccentric route to Regina—by sea and by train. Allowance being made for leisurely stops in New York and Montreal, the journey took fifteen days. The Atlantic crossing was rough—at times the waves were fierce enough to smash windows on the top deck—but all the traditional naval comforts were available in abundance and, it being out of season, there were few passengers to enjoy them. The train from New York took three days and two nights, so that by the time I reached Saskatchewan's capital city of Regina I had gained some idea of the vast extent of the country. For example, it took three or four hours for the train to work its way round the North shores of Lake Superior, and later as we moved into the prairies, there was an impression of limitless space.

I had also my first taste of Canada's winter. All the way across the snow lay deep on the ground. It was constantly refreshed while I was in Regina, and stayed until early April when the city's beautifully laid out gardens—public and private—could be seen for the first time. During January and February, the coldest months, the temperature varies between −20° and −40° Fahrenheit. This severe cold is often increased by northerly winds which are measured by "chill factor", officially defined as the rate at which the human body, if unclothed, would lose its heat. A chill factor of 30 could depress a temperature of −40° into the seventies—truly an Arctic temperature, reminding one that the Arctic was not so far away. A strong wind meant a blizzard. In a few minutes the snow would be whipped up into a frenzy, visibility would be reduced to zero and massive snow drifts would bring all transport to a halt. Fortunately there was only one serious blizzard while I was in Regina. It occurred on a Sunday causing the cancellation of all church services (remarkable enough in a city where a high percentage of the population are churchgoers) and sporting events.

But for the most part the sun shines for many hours a day from a clear, blue sky, and the air is dry, crisp and stimulating. It was a comfort to escape from the smoggy dampness of a London winter and also to live in a city in which the services are not overwhelmed by a sudden emergency. Houses are built to resist the intense cold, and the heating systems everywhere stand up to any extremes of temperature; indeed, a tenant of rented premises is legally entitled to this protection. The speed with which the streets are ploughed after a snow-storm struck a Londoner as little short of miraculous.

I was most grateful for the care taken by my kind hosts to ensure that I was protected against the inclement winter. I was lodged in a comfortable flat a short distance from the Legislative Building in a suburb which had only come into being in the previous six months. My block was close to a shopping centre with two magnificent superstores, of a kind which is only now beginning to make an appearance in England. The variety in these stores was immense, vegetables and fruit being outstanding, and prices generally compared favourably

with those in London. Everything to buy seemed to be king-size, reflecting the needs of the large families which comprise the population of Regina. The smallest pot of marmalade I could buy in December was still a quarter full when I came to leave in April.

I was given the use of an official car which added greatly to the pleasure of my stay. It was also essential, if waiting about in the intense cold for buses or taxis at the odd hours which a Clerk has to keep was to be avoided. However, a car in such conditions posed its own problems. Venturing out in the evening of the blizzard for a drinking fixture, I managed to move the car about 20 yards from its parking lot and spent the next half hour pushing it back again helped by neighbours who were better tempered than they might have been in the face of such folly. On another occasion—this time after a drinking fixture—my car went into a skid on an icy crossroad and made a complete circle, finishing up facing in the right direction. After a pause to stitch together my shredded nerves, I drove home at a snail's pace.

To keep the cars operating in the intense cold, each apartment in a block had a corresponding "plug-in" in the parking lot. After using the car, you plugged in a lead at the other end of which was an element fixed to the cylinder block (the same facilities were available in office parking lots). So your crank case oil was always warm and fluid, and when moving off you had only to wind the lead round a side mirror. Any attempt to invade your parking ground could be countered by throwing the switch in your apartment which controlled the flow of electricity to the "plug-in".

Arriving in the weeks before Christmas, it was not long before I was exposed to the famous hospitality of the prairies. Bev Koester returned to Regina for the Christmas holidays on the day after I arrived, so I had the comfort of his presence and constant guidance during the early stages. It would be hard to exaggerate what I owe to Bev Koester and his wife Carol: to say I was treated as their sixth child might be open to misconstruction, but certainly I was made to feel one of the family throughout a Christmas spent away from home. I count it one of the main blessings of this visit to have made two such friends.

Over the Christmas season, I seemed to meet most of Regina's 125,000 citizens. A catalogue of social events would be wearisome, but perhaps the method of saluting the New Year in Regina is worthy of special mention. Virtually every public authority in Regina—among them the Lieutenant Governor of Saskatchewan, the Mayor of Regina, the Superintendent of the Canadian Mounted Police, the Catholic Archbishop of Regina and Anglican Bishop of Qu'Appelle—makes it his business to give a party, which is open to anyone in the city who cares to attend. Proceedings begin at 8 a.m. at the Police Barracks and culminate at the City Hall in the early evening. For me the occasion was tailor-made, as I was able to meet many people

with whom I was to have dealings during the session. As a form of hospitality, it was cast in the heroic mould, making vast demands on the energy, stamina and capacities of hosts and guests alike. A surprising number stayed the full course.

* * *

Much of the first fortnight was spent in the Clerk's Office in the Legislative Building where Bev Koester initiated me into the secrets of his craft as practised in Regina. The Legislative Building comprises most of the Offices of the Executive as well as the Legislative Chamber. Built and opened just before the first World War, it is attractively located alongside a large, artificial lake in Wascana Park. This park is a common enterprise of Government, city and university. As a model of planning and layout it has achieved a fame far beyond the boundaries of Regina. As such it was closely studied by President Kennedy a few years ago, when the layout of the area around the White House in Washington was under review.

The most striking feature of the Legislative Building is a dome, beneath which is the Legislative Chamber. A little larger than the Commons Chamber at Westminster, its proportions are admirable. There is never an impression of a Chamber so large that the impact of a speech is lost. There is also plenty of space for the desks of its sixty members which are disposed to the right and left of the Speaker's Chair in three or four lines and in pairs with gangways between. The spaciousness and comfort for the Members of this Assembly would certainly be the envy of the Members at Westminster where seats are available for only about two-thirds of the total of 630 Members and, save so far as custom allows, there are individual seats for none except the Speaker himself.

The lot of the Clerk is less enviable. He sits in isolation at the Table which is several yards along the floor from the Speaker's Chair and not far from the centre of the Chamber. If he wishes to consult with the Speaker, a whispered aside is impossible. He has to leave the Table and after covering the intervening space, he has still to negotiate some stairs and circumnavigate a balustrade. He must remember to take the right book with him because the Standing Orders require the Speaker to state "the Standing Order or authority applicable to each case" when explaining a point of order or practice. All this physical movement takes time and calls for a high degree of anticipation from the Clerk if his advice is to be most advantageously deployed.

* * *

Like several other Western Provinces, Saskatchewan is enjoying boom times. Its prosperity is founded on a highly mechanised agriculture and on the exploitation of the world's largest reserves of potash which in recent years have been found to be just inside the Province's boundaries. Its population of just under one million—

or at least those eligible to vote—return 59 Members to the Provincial Assembly. Since 1964 the Liberals have had 32 seats, the C.C.F. or Socialist party 26 and the Progressive Conservatives 1. Before 1964 the Socialists had been in power for twenty years. During that time the Liberals had sought power with programmes which were a pale copy of their opponents'. Latterly, however, under the leadership of the Hon. Ross Thatcher, they had moved sharply to the right to achieve victory in 1964.

The existence for twenty years in Saskatchewan of the only Socialist government ever known to the North American continent on the one hand and strongly characterised version of Liberal Party policies on the other may account for the bitterness with which politics are fought in Saskatchewan. Few of the influences which tend to bring members of different parties together at Westminster are effective out there. There are few parliamentary delegations on which they can get to know each other personally; select committees on the Westminster pattern, which tend to develop the "consensus" view, are in their infancy; "pairing" is rare; Members sit by party in the cafeteria (there is no bar in the Legislative Building: politics in Saskatchewan are officially "dry"); and outside the building there appeared to be little fraternisation. In an Assembly with as few as sixty Members, moreover, the tendency to concentrate beneath the party banner is marked: the public expression of dissenting views within a party appears to be a luxury that an Assembly with a small membership cannot afford, at least when the majority between the two largest parties is so narrow.

The personalities of the two leaders were well contrasted. Premier Thatcher is a short, stocky figure with boundless energy and the ability to set his supporters aflame that marks the born political leader. A hardware merchant by trade, he had been a member of the Socialist party until the early 1950s, so that he brought the enthusiasm of a convert to his belief in free enterprise. Mr. Woodrow Lloyd, the Leader of the Opposition, had been Premier for the last three years of the Socialists' twenty-year spell. He is a large, quietly spoken, mild personality. A schoolmaster by profession, and an intellectual by temperament, he debated powerfully, but when moved tended to become more dispassionate, and so was the perfect foil for the heat-generating Premier. Leading the House was the Hon. David Steuart who was also Minister of Health and Deputy Premier. He had long since learnt the lesson that the speed at which government business can be dispatched is governed largely by the temper of the House; and his puckish sense of humour showed itself on many occasions capable of dissolving the most menacing situations. Assisting the Leader of the Opposition were some ten ex-Ministers, among whom were Mr. J. H. Brockelbank, the father of the Legislature, and Mr. Allan Blakeney, a former Rhodes scholar. On the other hand several of the Liberal Ministers had gained confi-

dence from a year in office and knew how to look after themselves. This confrontation gave rise to a succession of lively debates.

Presiding over these debates was Mr. Speaker Snedker, another personality with superabundant energy. He had done just about everything in business—sold insurance on the streets of Winnipeg as a young man (after an English education), raised bees in Alabama, played with various import-export lines on his return to Canada, and had finished up as a farmer with a close personal and constituency interest in Saskatchewan's new potash industry. With such a varied background he had a fund of good anecdotes and lively phrases—and in the many hours which I was privileged to spend with him, they were a source of constant amusement and pleasure. He had been a vigorous and outspoken Member of the Liberal Opposition. But since the turn-round in 1964 his formidable energies had been pressed into the service of the Chair; and his determination to do the job well had obviously impressed Members on all sides. Before 1964 Speaker's rulings had been often "appealed" (under the Assembly's standing orders rulings are subject to an appeal by any Member to the Assembly without debate). No appeal had been launched in the 1965 Session, partly because the Opposition had taken the view that they were prepared to give the new Speaker a fair run, and were unwilling to appeal unless the Speaker was being obviously unreasonable, but partly because the Speaker had in fact been consistently reasonable. This record was maintained during the 1966 Session (and in the 1967 Session), though the Opposition now considered that the Speaker had served his apprenticeship and did not require any special measure of forbearance on their part. I count it a great honour to have worked so closely with Mr. Speaker Snedker and most grateful to him for the spirit in which he entered into the Exchange Scheme.

* * *

The timing of the Saskatchewan Assembly's annual session is dictated largely by the needs of a farming community. There is a general reluctance to leave the Christmas hearth and begin the session before February, and a general insistence that it must be brought to a close before Easter Sunday, to ensure a punctual start to the spring sowing. Within this broad strategy, the Assembly's normal hours of sitting are from 2.30 p.m. to 5 p.m. and 7.30 p.m. to 10 p.m. on Mondays, Tuesdays and Thursdays, and 2.30 p.m. to 5.30 p.m. on Wednesdays and Fridays. As pressure increased, however, these working hours were gradually extended until the Assembly was sitting, for the last two weeks, from 10 a.m. to 10 p.m. on six days a week (including Saturday) with two-hour breaks at 12.30 p.m. and 5.30 p.m. It was a sign of the general determination to be home by Easter that these Draconian sittings Motions proposed by the Premier were seconded by the Leader of the Opposition.

A vast amount of work was done by the Assembly in the course of its forty-four sitting days. One hundred and four public Bills and twelve private Bills were passed, a remarkable achievement considering that the Chairman of Committees reads every Bill aloud word for word at the committee stage. Some of these Bills were only a few clauses, but others run to twenty or thirty pages so that the mere reading of the clauses took much time. Some fifteen to twenty periods of 2½ hours are given over to supply, each subhead of each department being put separately to the vote, many of them after a lengthy debate. Some twenty private members' Motions—on topics as wide as Vietnam, the Canadian constitution and every kind of economic problem touching the prosperity of the Prairies—were fully debated. Over 450 Questions were asked and some 100-odd Motions for returns moved (this last being a pretty alive procedure in Canada). This is an impressive output for a mere fifty-nine Members.

With all this business the Legislative Assembly Office, under the Clerk's direction, is primarily concerned. It carries out normal Clerk's duties in regard to Bills, Motions, Questions and Returns. It produces daily a Votes and Proceedings-cum-Notice Paper and an Order Paper. The Saskatchewan Votes are written in style lying somewhere between the Westminster Votes and the Westminster Journal and, indeed, might well provide a model, should Westminster ever decide to combine its two kinds of record. It seemed to be admirably informative, and the printing and presentation of both Votes and Order Paper is excellent. When the Session was under way, the Order Paper frequently came to ten to twelve pages, and the Votes several pages more. Writing these papers in a strange style took time. No verbatim report is published until some months after the Session, so that the Order Paper and the Votes were the only official records published daily. They were scrutinized minutely.

These are the basic duties of the Clerk, together with his overriding duty to attend the Assembly at the Table and give advice as required to the Speaker, the Chairman of Committees and Members. The Clerk's Office is also responsible for the distribution of papers, the remuneration of Members and the proceedings on Royal Assent (in which the Clerk reads out to the Assembly in the presence of the Lieutenant Governor the list of Bills for assent, and on a nod from His Honour, signifying approval (or otherwise) in varying formulas). Finally much of the organisation for the opening day of the session falls on the Clerk's Office. The invitation list comprising the " establishment " of the Province and wives—and for M.L.A.s unmarried daughters over 18—has to be drawn up and approved (by the Premier). This is a high social occasion and, competition for tickets being brisk, the number of invitations has somehow to be kept within the available number of seats. Later the ceremony itself has to be prepared, entailing a good deal of paper work lining up the order of events and preparing scripts for those taking part. Finally the prin-

cipals have to be thoroughly rehearsed. On this occasion, the Canadian Broadcasting Corporation expressed a wish at the eleventh hour to televise the show. Bev Koester's records provided a complete guide to all these matters except the last, as this was the first time the C.B.C. had made this request. The Lieutenant Governor granted the request, and it was agreed that the cameras should remain on until he had left the Chamber. After that it ceased to be his show, and to televise the remainder of the proceedings—or any other Assembly proceedings—would have needed a resolution of the Assembly. The Saskatchewan Legislature has authorised the radio broadcasting of some of its proceedings, but it has yet to consider televising them. On this occasion because of the telecast we doubled our rehearsals to ensure that the opening ceremony (modelled on Ottawa's and Westminster's, allowing for the substitution of a unicameral for a bicameral system) went smoothly.

For each Session the Clerk is responsible for taking on the necessary staff. He has only one permanent assistant, a girl who has to deal with all the routine administration of the Legislative Assembly Office and during the Session of doing much preparatory work on the Votes and the Notice Paper. Apart from this post the Clerk takes on for the Session an additional secretary-typist, a distributor of papers, a chief usher and six other ushers and four page boys (these last operate on the floor of the House and run errands for Mr. Speaker, Members and the Clerk). To prepare the verbatim report, the Clerk recruits an editor of debates, two operators for the electric panel which controls the Tannoy recording equipment, and a number of typists to transcribe the recorded speeches. A Serjeant-at-Arms (appointed by the Government) and the temporary Clerk Assistant (appointed by the House for the Session) complete the Assembly's staff.

To round off the picture of the work done by the Assembly during a session, I refer briefly to its system of committees. Apart from "Committees of the Whole" on Bills and on supply, a dozen "Select Standing Committees" are appointed sessionally. In practice only half this number are effective, and some of those sit only once a session. For example, the Committee on Radio Broadcasting of Proceedings meets once to allocate proportionately to each party the total amount of broadcasting time which the Government has agreed upon with the broadcasting authorities; and the Library Committee meets once to deal with a report from the Librarian on the Library and the archives. More elaborate inquiries are made by the committees dealing with public accounts, crown corporations and private bills. The first two are large committees (some thirty-odd members). They meet on three or four mornings a week from 10 a.m. until 12.30 p.m. and work systematically through the departmental accounts and then the accounts of the Crown Corporations. The responsible Minister (prompted in whispers by his advisers) is the chief witness, and, not surprisingly, virtually all the questions are asked by

members of the Opposition. These Committees' proceedings are a copy of the proceedings in Committee of Supply when it is dealing with the annual estimates of expenditure. The effects of transferring the party battle from the floor to a committee have now been appreciated, and as from February 1966 Saskatchewan Assembly is following the example of Ottawa and Westminster and appointing a public accounts committee whose inquiries will be based on the preliminary investigation of a comptroller general and directed to civil servants rather than ministers. Doubtless some such modification of the Crown Corporations Committee will eventually follow.

The Committee on Private Bills works like a private Bill committee at Westminster, in that the preamble is first expounded by a legal representative of the promoters and, if the committee approve it, they then go through the Clauses, and eventually reporting the Bill. In this committee as with the other committees, the Clerk's duties are similar to those of a committee Clerk at Westminster.

* * *

I was left in no doubt that the decision to allow a Clerk from Westminster to replace Bev Koester for a Session was much appreciated in Regina. On the opening day of the Session, in the course of the ceremonial proceedings the Speaker drew attention to my presence at the Table and referred in felicitous terms to the arrangements that had been made. During the Session Members constantly made welcoming references in their speeches to my presence at the Table; and on the last day the Speaker, the Premier, the Leader of the Opposition expressed their thanks for and endorsement of, the exchange operation. These sentiments were reiterated at several farewell functions, notably at a private dinner party given by the Leader of the Opposition and subsequently at an official luncheon given by the Premier attended by Ministers and Deputy Ministers. It is hard to find words to express adequately my gratitude to the Members of the Saskatchewan Legislature for the warmth of this reception, and the readiness with which they accorded their confidence to the stranger who was holding the Clerkship of their Assembly.

A Clerk coming from Westminster to the Canadian Provinces starts off with the advantage of a long professional training. In Canada only three Provinces—Ontario, Quebec and Saskatchewan—have a separate establishment for a Clerk; in the others the job is doubled with that of electoral officer, clerk of the executive council or some other government appointment. Moreover, a Clerk in the Provinces is on his own. If he is lucky, he will have overlapped for a year with his predecessor. After that, he proceeds by trial and error; he can absorb what his predecessors have written down, but he has no professional colleagues to consult in adapting that knowledge to day-to-day problems. In these situations a Clerk from Westminster is bol-

stered by his recollection of what he has been taught by operating for years within the Clerk's hierarchy.

It was reassuring, too, to find that the spirit and atmosphere of politics in the Saskatchewan Assembly were so similar in essentials to those at Westminster. It is not merely that the procedural link with Westminster is explicit, though this is of course important: the Standing Orders of the Saskatchewan Assembly provide in cases of doubt for references to the usages and customs of the House of Commons at Ottawa; and in the Standing Orders of that House, reference in similar circumstances is provided for to the House of Commons at Westminster. More important is that beneath the accepted codes of procedure and practice lay the same understanding of, and commitment to, a common parliamentary ideal, that a government founded on a majority elected by the people has a right to pass its business through its representative institutions, provided that the rights of an opposition and the expression of minority opinion are fully safeguarded. It is because these basic traditions are so firmly embedded in Saskatchewan that a Clerk from Westminster immediately feels as much at home as he does in the House of Commons.

I obtained many benefits from this part of the exchange. From a professional angle it was stimulating to spend several months applying whatever experience I had gained at Westminster to entirely fresh surroundings; to exercise for a space a separate command, and to see the whole picture of how an Assembly works, instead of working—as at Westminster—at one particular branch of parliamentary business. From a more personal angle, a tour which included an Easter holiday in the Canadian Rockies and a sea crossing of the Atlantic in both directions has provided a storehouse of pleasant memories. But above all it was fascinating to stay in a country long enough to gain some understanding of it and to make many life-long friends.

On every score, then, I strongly recommend the principle of secondment or exchange for Clerks. Inevitably one asks whether it could not be extended more widely. Exchanges involving Clerks at Westminster are naturally popular with the Clerks there. Several other kinds of regional or continental exchange also suggest themselves. Countries with similar constitutional structures could arrange fruitful exchanges. The Assemblies of the Canadian Provinces tend to meet in the first half of the calendar year, while those of the Australian States meet in the second half, so that at least the timing of an exchange of Clerks by those two countries would not seem to present insuperable difficulties. My own experience, for what it is worth, leads me to think that nothing but benefit to Assemblies and Clerks alike can flow from these exchanges; and my opinion is shared by Bev Koester who has lately made a return visit to the House of Commons at Westminster. His impressions will, it is hoped, form the subject of an article in the issue of THE TABLE for 1967.

V. BOMB EXPLOSION IN THE HOUSE OF COMMONS, CANADA

By J. Gordon Dubroy

Second Clerk-Assistant, House of Commons, Canada

On Wednesday, 18th May, 1966, the House met at 2.30 p.m. Some twenty-five minutes later, as the Minister of Labour was stating Government policy with respect to a Motion, the Chamber was rocked with an ear-splitting blast. The Minister paused, looked about for a few seconds, and then continued with his explanation.

Meanwhile, members of the Press Gallery and some of the Members of the House raced in the direction from which the sound of the blast had come. At that time, the galleries of the House were filled to capacity with several hundreds of school children.

As the protective staff were busily engaged in escorting children from the galleries, acrid fumes from the explosion entered the Chamber and, as most of the Members present were displaying signs of uneasiness, Mr. Speaker suspended the sitting at 3.05 p.m. until 4 p.m.

Entry to the galleries of the House of Commons of Canada always has been a simple matter and scarcely anybody is excluded when a seat is available. On this particular day, the person responsible for the blast entered a gallery where he remained for fifteen or twenty minutes. Having enquired of one of the guards about the location of the most convenient washroom, he proceeded to a washroom located at the south end of the building, about thirty feet from the door of the gallery in which he had been seated. The building-shaking blast followed.

A minute or so after the blast, when the Serjeant-at-Arms reached the washroom, the would-be bomber was dead. The room in which the unfortunate occurrence transpired is solidly constructed for the greater part in heavy marble. This fact, to a comforting extent, tended to soften the force of the explosion.

According to the data collected in the subsequent investigation, it would appear that the bomber intended to regain entrance through the public gallery door and then toss his bomb on to the floor of the Chamber.

Later, in the files of the Clerk of the House, a letter was uncovered in which the victim had requested permission to address Members of the House. The Clerk of the House, regretfully, informed the de-

ceased that only Members of Parliament were empowered to address the House of Commons.

When police searched the hotel room where the dead man had been staying, they found scraps of paper on which he had calculated that two-and-one-half minutes would be required from the time he set the fuse until the bomb exploded. Whether he miscalculated the length of the fuse, or whether he was unexpectedly delayed in some fashion, will never be known, but the margin of probable death or grave injuries for many appears to have rested on a two-and-one-half minute period.

A copy of a speech, rambling and often almost incoherent, which the dead man apparently wanted to deliver to the House of Commons, was found among his papers. In part, that speech read:

> "For all of one year I have *plan* this. Do you people know what I came to Ottawa for, was to drop a bomb and kill as many as possible for the rotten way you are running this country."

As a postscript, it should be added that Mr. Speaker immediately undertook a review of security procedures governing entry to the galleries and certain steps were then taken to prevent, if possible, a recurrence of a similar incident.

VI. GIFTS TO THE COUNCIL NEGRI OF SARAWAK AND TO THE LEGISLATIVE ASSEMBLY OF SABAH

By S. C. Hawtrey, C.B.
Clerk of the Journals, House of Commons

Sarawak and Sabah, the former British colonies in Northern Borneo, achieved independence as constituent States of the Federation of Malaysia on 16th September, 1963. In celebration of this event, the House of Commons on 28th February, 1966, agreed that Addresses should be presented to the Queen requesting that gifts should be made to the Parliaments of the two countries. Favourable answers were given on behalf of the Queen on 7th March; a Speaker's Chair was chosen for the Council Negri of Sarawak and a mace for the Legislative Assembly of Sabah.

Soon after this, Parliament was dissolved and a general election took place; it was not until some weeks had passed, therefore, that a delegation could be chosen to make the presentation, and the necessary arrangements completed. The new Parliament met on 19th April and on 19th May four members were given leave of absence to present the two gifts on behalf of the House; the Delegation was composed of Mr. Tom Driberg, Colonel Marcus Lipton, Mr. Ray Mawby and Mr. Anthony Royle. Mr. Driberg, the Leader of the Delegation, was Chairman of the Parliamentary Labour Party's Commonwealth Group and Mr. Royle was Vice-chairman of the Conservative Parliamentary Party's Foreign Affairs Committee and Chairman of the Asian Committee. The writer of the article was appointed Clerk to the Delegation.

The Delegation left London by air on 12th June and reached Kuala Lumpur, the capital of the Federation, on the following day. Here they spent a night as guests of the British High Commissioner, Sir Michael Walker, and were afforded the welcome opportunity of meeting a number of persons, both Malaysian and British, prominent in the life of Malaysia, and informing themselves about its affairs. On the following morning they attended the State opening of the Malaysian Parliament by the Yang di-Pertuan Agong—a splendid and impressive ceremony carried out with a dignity and precision not surpassed in Westminster. The reception which followed provided a further opportunity for meeting distinguished Malaysian personalities.

The Delegation visited the University of Malaya at Kuala Lumpur

before flying to Singapore, where the exigencies of the timetable required a night to be spent.

The next morning (15th June) the journey eastward was resumed at an early hour, and they arrived in mid-morning at Kuching. Here the Delegation were abruptly reminded on their way from the airport to the town, by the sight of an anti-aircraft gun post attended by gunners in battle order, that "confrontation" with Indonesia was not yet at an end.

The Delegation stayed in Kuching (as guests of the Deputy High Commissioner, Mr. F. W. Marten, M.C.) from 15th to 18th June. The presentation of the Speaker's Chair to the Council Negri took place on 16th June, at an informal meeting of the members, the Council having adjourned on the previous day. The procedure followed was, however, the same as it would have been at a formal meeting of the Council and the ceremony was a dignified and impressive one. The Delegation having entered and taken their seats in the gallery, a short speech of welcome was made by the Speaker, Dato Dr. M. Sockalingam, who announced that the Council Negri would celebrate its centenary in the following year. Mr. Driberg then spoke, introducing the other members of the Delegation and formally presented the Chair. In doing so he spoke of the great tradition, common to all forms of parliamentary democracy, of the impartiality of the Speaker, a principle of which the gift was an emblem. Mr. Mawby, who followed him, told his hearers that while he and Mr. Driberg were political foes at home, on this occasion they were present simply as representing the British Parliament as a whole. He spoke of the importance of the Speaker's functions who, he said, had the duty of making certain that the business of the Government could go on, but also must ensure that any minority, however small, would always have the opportunity freely to express its views; after which Mr. Driberg unveiled the Chair. The Chief Minister, Dato Stephen Kalong Ningkan, then replied, first quoting a Resolution already passed on 14th June by the Council Negri: "Be it resolved that this Council accepts with grateful thanks and appreciation the Gift of the handsome Speaker's Chair from the Commons House of Parliament of the United Kingdom of Great Britain and Northern Ireland to mark the independence of Sarawak within the Federation of Malaysia and to serve as a token of the friendship and goodwill of the British House of Commons and people towards the Council Negri and people of Sarawak." He spoke of the development of representative institutions in Sarawak and reminded his hearers of the fact that the Council already had a long and honourable history; and he asked the Delegation to convey to the British Parliament the Council's sincere thanks for a gift which they would treasure as a token of good will and understanding between the peoples of the two nations. A further speech of thanks was made by Mr. Ong Kee Hui, a member of the Opposition, who spoke of his people's pride in their

long tradition of democracy and its association with the practices of Westminster. At the conclusion of the ceremony the members came forward and examined the Chair, which is made of Burma teak and upholstered in red leather with the Sarawak coat of arms embossed in heraldic colours on the back.

During their stay in Kuching, the Delegation were entertained by the Governor of Sarawak and by the Speaker of the Council Negri, and met a number of persons prominent in the State. They also met the officers commanding the British forces and police in Sarawak and made a journey by helicopter to Tebedu where they visited British units engaged with Malaysian forces on the Indonesian border in opposing the "confrontation"—a phase of East Malaysian history now happily concluded.

On 18th June the Delegation continued their journey with a short stop at Brunei, to Jesselton, the capital of Sabah, where they spent four days as guests of various members of the staff of the British High Commissioner. The presentation of the mace took place at a special meeting of the members of the Legislative Assembly. The proceedings, though informal, were carried out with dignity and decorum.

Only two speeches were made, by the Speaker (Dato Haji Kassim bin Haji Hashim) and by Mr. Driberg, the Leader of the Delegation. The Speaker welcomed the Delegation and expressed the Assembly's thanks to the House of Commons for the gift of the mace, which, he said, was a magnificent symbol of the authority of the Speaker and of the House. The Assembly had adopted both the principles and the practice of parliamentary democracy, altered where necessary to suit local conditions. The bonds of friendship between Sabah and Britain would continue, in spite of Sabah's independence, as close and cordial as before. Mr. Driberg, in thanking his hosts for their hospitality, spoke of the Delegation's pleasure in presenting, as a gift from the House of Commons, a mace which, while it was modern in design and craftsmanship, was at the same time an ancient emblem of parliamentary authority. It thus symbolised the essential truth that applied to any parliamentary assembly in being both traditional and forward-looking, combining the best of what was old with new ideas and methods. The mace (the design of which was suggested in Sabah) is made of teak inlaid with silver bearing designs showing the various industries of the country. An urn-shaped bowl at the top is surmounted by a silver band carrying the Sabah motto, and a silver finial engraved with the Coat of Arms of Sabah. The mace is accompanied by a pair of silver brackets.

During their stay in Jesselton the Delegation enjoyed the hospitality of the Yang di-Pertua Negara (Governor) of Sabah, the Speaker of the Legislative Assembly and the Sabah branch of the Commonwealth Parliamentary Association: on these occasions they met members of the Sabah Government and of the Assembly and other leading members of the community. They also visited Kent

College, the Agricultural Research Station and the Wallace Training Centre for the Blind at Tuaran; an expedition which took them some miles into the countryside and enabled them to gain a glimpse of the rich tropical beauty of the Sabah landscape. Some of the Delegation also found time to enjoy an off-shore bathe among the limpid waters and coral reefs of the South China Sea. Finally on 21st June they took reluctant leave of their hosts and began their long journey back to Singapore and London.

The members of the Delegation thus travelled great distances to perform their mission on behalf of the House of Commons, and succeeded in seeing much, and meeting many people, in a short time. They retain a strong impression of a beautiful country with friendly peoples, who are showing great energy and spirit in tackling the problems that beset all newly independent nations in a competitive world.

VII. A PARLIAMENTARY DELEGATION TO SINGAPORE

By Alec Marples
Clerk of Committees, House of Commons

On 23rd February, 1966, the House of Commons resolved that a Humble Address be presented to Her Majesty praying Her Majesty to give directions that there be presented, on behalf of the House, a bookcase containing parliamentary and constitutional reference books to the Parliament of Singapore. Effect was given to this Address in an answer reported to the House by the Vice-Chamberlain of the Household on 7th March, and preliminary arrangements were made for a parliamentary delegation to leave for Singapore in June; but it was subsequently decided that, owing to the resignation of the Speaker of the Singapore Parliament and his appointment as High Commissioner in London, the visit could more conveniently take place later in the year. On 7th November, therefore, the House of Commons formally gave leave of absence to the Right Honourable Charles Pannell, as leader of the delegation, the Right Honourable William Deedes, Captain Walter Elliot, Mr. Samuel Silkin and Mr. James Davidson to travel to Singapore to present the gift. The Speaker asked me to accompany the delegation.

After a call on His Excellency Mr. A. P. Rajah at the Singapore High Commission Office and a farewell visit to the Speaker in his Library, when he gave the leader of the delegation a personal letter of greeting to the new Speaker of the Singapore Parliament, the main body of the delegation flew out of London Airport in the afternoon of Sunday, 13th November. Zurich, Beirut, Delhi (early next morning) were stops on the way. At Bangkok, reached soon after luncheon, Mr. Silkin who had travelled ahead joined us and the delegation arrived together at Singapore about six o'clock on the Monday evening, to be greeted by Members of the Singapore Parliament, and representatives of the Speaker's Office, the British High Commission Office and of course the Press. After a Press Conference we were driven to Istana, the official residence of the President of the Republic, where a large suite of rooms has been most comfortably equipped for the accommodation of guests of the Government. Here we were greeted by Captain Lau, the Resident Aide-de-Camp to the President, and members of the household staff, whose courtesy and attention made the stay at Istana so enjoyable. The fine old house, set in lovely gardens, proved a perfect headquarters for the visit.

Next morning, Tuesday, our first engagement was to call on Dr.

Toh Chin Chye, the Deputy Prime Minister, in his office where we were later joined by the Prime Minister himself, Mr. Lee Kuan Yew, for a most interesting discussion. The next call was on the Minister for Social Affairs, Inche Othman bin Wok, who with some of his officials talked to us about his department's work. Then we went on to Parliament House where we were received by the Speaker, Mr. Coomaraswamy and Mr. Lopez, the Acting Clerk of Parliament and members of his staff. As Parliament was not sitting, it had been arranged to hold the presentation ceremony in the Library of Parliament, where the bookcase had already been installed; and the ceremonial details, admirably devised for the occasion by the Speaker's Department, were duly rehearsed there. After a busy morning the delegation returned to Istana for luncheon. A tour of the Jurong Industrial Estate had been arranged for the afternoon but this had to be somewhat curtailed because of heavy rain—not, however, before members of the Economic Development Board had been able to give a general review of the project and we had been shown round a steel works. Members of the delegation then went shopping, armed with the good advice of the A.D.C., and returned to Istana for dinner.

The following day, Wednesday, began with the presentation ceremony. After a speech of welcome by the Speaker, the leader of the delegation and Mr. Deedes addressed the assembled Members of the Singapore Parliament and guests, who included the British High Commissioner and some of his staff. Then followed the handing over to the Speaker by Mr. Pannell of some books and a brief speech by the Speaker, who intimated that a motion of thanks would be moved when Parliament next met. This concluded the formal part of the ceremony and all adjourned to the Members' Room for a reception.

Our next engagement was to call on the Secretary-General of the National Trades Union Conference at the offices of the Congress in the new Singapore Conference Hall, where after a general discussion we were entertained to luncheon. The afternoon was spent with the Housing and Development Board. The Chairman, Mr. Howe Yoon Chong, gave us a most interesting account of the policy of the Board and of the progress that was being made. Officials of the Board then took the delegation on a tour of some new housing estates. More shopping after tea, dinner at Istana and a visit by some of us later in the evening to the Goodward Park Hotel completed another full day.

Most of the next day, Thursday, the delegation spent with the British Forces. An early visit to Tyersall Park, H.Q. Singapore Area, enabled them to meet Air Chief Marshal Sir John Grandy, Commander-in-Chief, Far East, who gave us a review of the local situation which was amplified by two senior officers of his staff. We were then flown by helicopter to Ulu Tiram where we were able to see something of the work of the Jungle Warfare School. From Ulu Tiram back by helicopter to R.A.F. Tengah, where the Station Commander, Group Captain Lageson and members of his staff talked to

us about the Air Force role in Singapore and showed us round. From Tengah to the Naval Base where Vice-Admiral Sir Frank Twiss and Lady Twiss kindly gave us luncheon. In the afternoon officers of his Staff gave us an account of the naval problems involved and took us for a brief tour. From the Base the delegation returned to Istana where we were received and entertained to tea by the President of the Republic, Enche Yusef bin Ishak. In the evening a reception, at the invitation of the Commonwealth Parliamentary Association (Singapore Branch) was held at the Speaker's residence. This was attended by the Prime Minister, the Deputy Prime Minister, other Members of the Government and of Parliament, by the British High Commissioner and some of his staff and many others. It was a delightful party, in beautiful surroundings and splendid weather, for which the delegation were most grateful.

Friday was the last day of a most happy and memorable visit. In the morning the delegation went to the Singapore Polytechnic where Mr. Edis, the Principal, and his staff talked to us about the educational problems and progress of Singapore. The British High Commissioner, Mr. Rob, then entertained the delegation to luncheon at Eden Hall and this concluded our formal engagements. The afternoon was free for last-minute shopping, personal calls, in the case of one member a game of golf, and in general for preparations for the long journey home. First to leave was Mr. Davidson who had arranged to spend a few days in Bangkok. The rest of us, after an early supper at Istana, arrived at the airport for the flight to London about 8 p.m. An hour's delay in departure, due to a minor electrical fault, was gradually made up. Colombo and Bombay in darkness, the first sight of dawn at Beirut, Rome on a bright, cold November morning, over the Alps in brilliant sunshine, down in rain at Frankfurt and so to London Airport about noon on the Saturday, less than six days after our departure.

On 20th December Mr. Pannell made his report to the House of Commons. Its terms, set out below, express the feelings of every member of the delegation.

" Mr. Speaker, on 7th November this House gave leave of absence to five of its Members to present, on its behalf, a bookcase containing parliamentary and constitutional reference books to the Parliament of Singapore. The delegation consisted of the right honourable Member for Ashford, the honourable Member for Carshalton, the honourable Member for Camberwell, Dulwich, the honourable Member for West Aberdeenshire and myself. We were accompanied by Mr. Marples, the Clerk of Committees of this House.

" It is my pleasant duty to report that our mission has been accomplished. The Singapore Parliament was not sitting at the time of our visit and the presentation took place at an informal but very well attended meeting of Members and guests in the Library at Parliament House where the gift had been installed. Since our return Parliament has met and a Resolution of thanks has been agreed to in the following terms:

" ' Gift from House of Commons—(Deputy Prime Minister and Leader of the House)—Motion made, and Question put—Resolved, " That this House

expresses its warm appreciation of the generous gift of a bookcase and books which it received on the 16th of November, 1966, from a delegation of the Commons House of Parliament of the United Kingdom of Great Britain and Northern Ireland as a token of friendship and goodwill on the part of the House of Commons and people of the United Kingdom towards the Parliament and people of Singapore to commemorate the attainment by Singapore of independence within the Commonwealth.'

" I hope, Mr. Speaker, that in accordance with precedent you will direct that this Resolution shall be entered in the Journals of this House.

" So much for the formal aspect of the duty entrusted to us. But I know that all my colleagues in the delegation will want me to tell the House how warmly we, their representatives, were welcomed in Singapore. Everywhere we went we were received with great kindness and hospitality. We had opportunities to meet the President, the Prime Minister, the Deputy Prime Minister and many other Members of the Government and of Parliament. We were able to appreciate the energy with which the problems of industrial development, housing and education are being tackled. We spent a most interesting day with our forces in Singapore. Despite the short time at our disposal we were able, by the use of helicopters, to see something of the work of all three Services and we were very impressed by what we saw. We are grateful to all who helped to make our stay in Singapore so enjoyable and especially to the Speaker who did so much for us.

" Mr. Speaker, the gift we presented on behalf of this House is a token of a very real friendship. To have been a member of the delegation was an unforgettable experience and we were left in no doubt about the close ties that exist between this country and Singapore and the value that is attached to the British presence there."

VIII. PRESENTATION OF A SPEAKER'S CHAIR TO THE NATIONAL ASSEMBLY OF MALAWI

By J. F. Sweetman

A Senior Clerk in the House of Commons

The Delegation of Members of the House of Commons, led by the Rt. Hon. George Strauss and formed of Mr. Andrew Faulds, Sir George Sinclair and the Rt. Hon. Sir John Vaughan-Morgan, flew out from London in the evening of Sunday, 3rd July, 1966, on an inaugural flight of the V.C. 10 aircraft to Blantyre. They landed the following morning in bright sunshine at Chileka airport to be met by several Members of the National Assembly, including the Deputy Speaker, Mr. H. T. Kaunda, and the Clerk of the Parliament, Mr. C. K. M. Mfune, and a crowd of several hundred people, whose enthusiastic welcome was clearly directed as much to the arrival of the V.C. 10 as to the passengers it carried. Pausing briefly to join in the toast to their arrival, the delegation were taken in charge by their respective hosts, Mr. and Mrs. Philip Howard and Mr. and Mrs. Jack Rhodes, whose hospitality they were to enjoy during the first half of their visit.

Luncheon as guests of the local branch of the Commonwealth Parliamentary Association was followed by a rehearsal of the ceremony to be followed in presenting the Speaker's Chair later in the week. The Speaker himself, Mr. I. K. Surtee, played an active part in the rehearsal, and it was largely due to his help and advice, combined with procedural flexibility, that both the rehearsal and the actual event were so successful.

The first of the republic celebrations on Tuesday, 5th July, was the opening by Dr. Kamuzu Banda, the President-Designate, of the Nkula Falls Hydro-electric Scheme. This was followed in the afternoon by the formal departure of the Governor-General and his wife, Sir Glyn and Lady Jones. It was a moving moment for all who were present; the Governor-General's feelings were so clearly a reflection of the emotions of the people he was leaving. Later that evening there was an eve of republic church service, conducted in a truly ecumenical spirit and characterised by robust renderings of familiar hymns. At midnight a salute of 21 guns began to sound and Malawi became a republic.

Practically the whole of the following day was filled with celebrations in the central stadium at Blantyre. From the early moment when the first team of traditional dancers entered the arena there was an atmosphere of excitement and gay festivity. The applause and

shouts of the crowd steadily grew as traditional dancing gave way to a rally of over two and a half thousand children, in which a colourful display of flagbearers mingled with the intricate callisthenics of the boys and girls. Four hundred instructors demonstrated the finer points of physical training, and the Malawi Young Pioneers showed how to build a bridge in record time. The four thousand participants in the arena then enacted a series of living slogans culminating in a gesture of loyalty and affection for their President, the word KAMUZU, stretching from one end of the stadium to the other in the red, green and black colours of Malawi. With hardly a pause there followed the ceremony of swearing-in the President, in which the Chief Justice administered the oath before the leaders of the several churches, and then the presentation of colours to the 1st Battalion Malawi Rifles. The confidence and verve with which the soldiers carried out the series of difficult parade movements were remarkable, and the whole ceremony of trooping, consecration and presentation of colours was memorable for its precision and dignity. That evening the delegation attended a State Banquet, at which Mrs. Judith Hart, M.P., Minister of State for Commonwealth Affairs, gave the toast to the President of the new Republic.

On the following day in the Parliament Chamber at Zomba the delegation from the House of Commons presented the Speaker's Chair to the National Assembly. An address of welcome was given by Mr. Speaker, to which Mr. Strauss and Sir John Vaughan-Morgan replied. A state address was given by the President, Dr. Banda, in which he reviewed the impressive progress made by both central and local government in the development of Malawi. After a comparatively quiet afternoon members of the delegation attended a Republic Ball. The gentle movements of ballroom dancing gradually gave way to the exciting beat of the high life and the revelry continued well into the early hours.

The last three days of the visit from Friday to Sunday were spent touring the northern and central regions of Malawi. From Blantyre the delegation flew to Mzuzu, whence in two parties they flew in a Piper Apache over the pulpwood forests of the Nyika and Vipya Plateaux. In so far as the pilot was tempted to chase at low level the occasional eland and zebra this was not a trip for tender stomachs. A dusty drive in the afternoon took the delegation to Nkhata Bay on the shores of Lake Malawi where they were greeted by a display of dancing and the presentation of fruitful gifts by the local population. A swim in the lake was the welcome aftermath.

An early rise on Saturday to make time for a cruise on the lake was followed by a flight south to Lilongwe and the site of the proposed new capital of Malawi. As is the case in some other countries the fortuitous historical events whereby the capital has become established are no longer the ideal criteria for siting the chief city and an attempt is being made to begin a new foundation on a more suitable site. After

spending a second night on the shores of the lake, at Salima, the delegation again flew south, skimming the tops of the waves in Monkey Bay, circling Fort Johnston and following the Shire River until near Blantyre.

Later that morning the delegation were granted the privilege of a private audience with the President. A last nostalgic evening was spent with their hosts at the Safari Club and on Monday the visit ended. It was hard to believe that it was only a week since leaving the United Kingdom, so much had happened; but many memories of a beautiful country and its friendly, ever cheerful people would long linger.

IX. INAUGURATION OF THE LEGISLATIVE COUNCIL OF NAURU AND PRESENTATION OF A PRESIDENTIAL CHAIR FROM THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

By A. G. Turner

Clerk of the House of Representatives, Australia

In accordance with a Trusteeship Agreement approved by the United Nations in 1947, the Governments of Australia, New Zealand, and the United Kingdom are designated as a joint Administrative Authority for the island of Nauru in the central Pacific, the powers of legislation, administration and jurisdiction being exercised by Australia.

Acting under an Agreement made by the three Governments in 1965, the Australian Parliament in that year passed a Nauru Act providing for the establishment of a Legislative Council of Nauru to consist of the Administrator as the President, nine elected Nauruan Members and five official Members. The inauguration of the Council took place on 31st January, 1966.

On this day each year the Nauruan people commemorate the return to Nauru in 1946 of the main part of its population from the island of Truk where they had been sent by the Japanese Occupying Forces.

To mark the occasion, the Australian Parliament presented to the Council a Presidential Chair of Australian design, materials and manufacture.

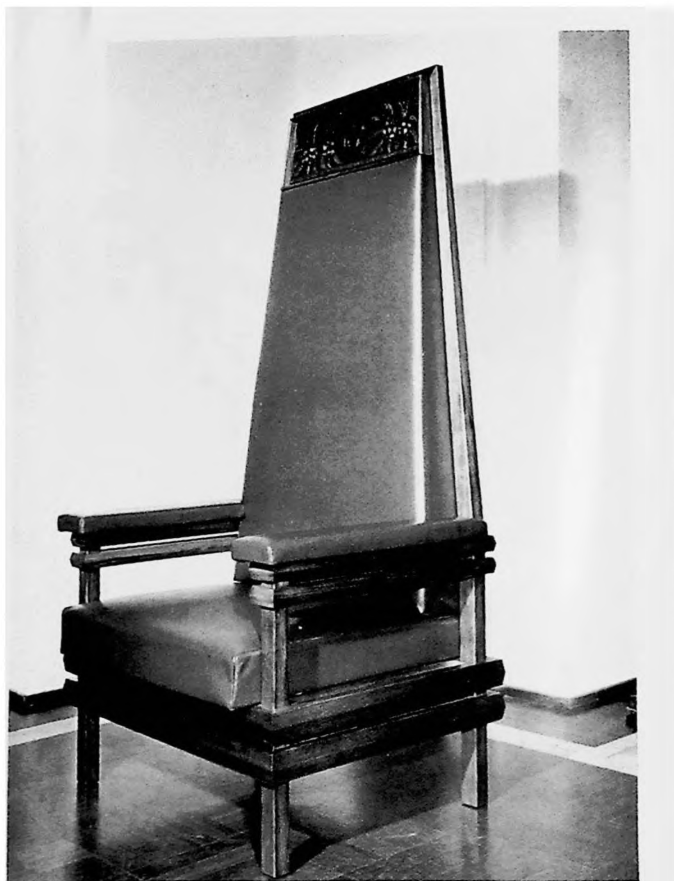
The Chair is framed in Australian blackwood with a natural timber finish and upholstered in Australian hide of deep red. The tall back of the Chair incorporates a panel of carved wood featuring Nauruan motifs of coconut, bamboo and fruit and a map of the island.

The Speaker of the House of Representatives, the Hon. Sir John McLeay, K.C.M.G., M.M., M.P., accompanied by Senator Justin O'Byrne, travelled to Nauru together with the representatives of the British and New Zealand Governments for the inauguration ceremony which was to be performed by the Australian Minister for Territories, the Hon. C. E. Barnes, M.P.

The opening day ceremonies commenced when the Members of the new Council took their seats and the President, Mr. R. S. Leydin, C.B.E., called on the Minister for Territories to take a seat on the floor of the Council and later, to deliver an inaugural address. He

Inauguration of Legislative Council of Nauru

Left to right: Hon. C. E. Barnes; Hon. Sir John Mcleay; Mr. R. Leydin. *Table*: L. C. Newton (Clerk); D. M Blake (Principal Parliamentary Officer, House of Representatives) and K. Francis (Clerk Assistant).



Presidential chair presented by the Australian Parliament for the Nauru Legislative Council

also announced the presence of Sir John McLeay and Senator O'Byrne and invited them to enter the Chamber and take seats on the floor of the Council.

A similar invitation was extended to the British and New Zealand representatives.

After a brief speech of welcome, the President called on the Minister to deliver his inaugural address to the Council.

The senior elected Member, Head Chief Hammer DeRoburt, O.B.E., replied to the address and was supported by the senior official Member, Mr. R. E. Vizard.

The Speaker of the House of Representatives, the Hon. Sir John McLeay, supported by Senator O'Byrne, then addressed the Council and presented the new Presidential Chair. At an appropriate point in his address, the cover was removed from the new Chair and, at the conclusion of the speeches, the President rose, attendants removed the temporary Chair and the new Chair was moved into position.

On behalf of the Council, the President accepted the gift and the following resolution of thanks to the Australian Parliament was agreed to:

"We, the Members of the Legislative Council for the Territory of Nauru in Council assembled, express our thanks to the Senate and the House of Representatives of the Parliament of the Commonwealth of Australia for the gift of a President's Chair which they have presented to this Council to mark the inauguration of this Legislature."

Presentations were also made by the British and New Zealand representatives of a silver ink stand and a gift of books, respectively.

The delegations then withdrew and the Council adjourned until the following week for its first business sitting.

X. THE SELECT COMMITTEE ON TELEVISING THE PROCEEDINGS OF THE HOUSE OF LORDS, 1965-67

By D. Dewar

A Senior Clerk in the House of Lords

Early in 1968 the proceedings of the House of Lords will be televised and radio broadcast on closed circuits, and this is likely to be the first occasion when television cameras and wireless equipment are used for the daily proceedings of either House of Parliament, although the ceremonial occasion of the opening of Parliament has been televised and indeed filmed from time to time in the past.

This article is not intended to provide more than a description of what has so far happened in the House of Lords towards the eventual public broadcasting of its proceedings; but it is hoped in a subsequent article, to be written after the closed-circuit experiments have taken place and the House has come to a final decision on public broadcasting, to describe not only the remaining stages but to attempt some evaluation of the considerations that weighed with the House and its Select Committees in reaching the final decision.

The question of televising the proceedings of the Lords was first raised in the House on 15th June, 1966, when Lord Egremont moved, "That this House would welcome the televising of some of its proceedings for an experimental period, as an additional means of demonstrating its usefulness in giving a lead to public opinion". In moving his Motion Lord Egremont referred to the quality of debates in the House of Lords, "This House has become . . . a debating Chamber of a quality and a detachment which is probably as good as any to be found in the world today. It is one of the greatest debating Chambers on earth. . . ." He went on to stress the need for interesting the public "in a more vivid and direct manner" in the debates of the House which "are on subjects of the very first importance to every family in this country".

The tone of Lord Egremont's argument was reflected by many of the speakers who followed in favour of the Motion, including the Leader of the House, speaking in a personal capacity, and the leaders of the Conservative and Liberal parties.

Nineteen peers participated in the debate, eight of them speaking against the Motion, the main tenor of their argument being that to introduce television cameras into the Chamber would destroy the particular atmosphere of debates in the Lords by lessening the intimacy of its proceedings. On a division, however, the Motion was

carried by 56 votes to 31, a majority of 25, or very nearly two to one.

It should perhaps be added here that the prevailing tone of the debate was almost one of self-satisfaction, most speakers appearing to take for granted, both the high standard of speaking in the Lords, and the public interest there was likely to be in the proceedings of the House. Stress was also laid on the way in which the House had, in recent years, become more progressive and in this respect was to be contrasted favourably with the House of Commons. In the event, the speakers who took this line were perhaps to be proved right in the light of the Commons vote of 24th November, 1966.

Following the acceptance by the House of Lord Egremont's Motion the Leader of the House (the Earl of Longford) on 19th July, 1967, moved the appointment of a Select Committee "to consider how the Resolution of the House of 15th June last, welcoming the televising of some of its proceedings for an experimental period, can best be carried into effect" following representations by the Marquis of Salisbury on the composition of the Committee, which he argued did not represent the minority against the Motion adequately, the leader withdrew his Motion and reintroduced it on 21st July with the addition of two peers to the proposed Committee who were known to be against televising the proceedings of the House. The adjusted balance satisfied the House, which agreed the Motion and then went on to consider the following Instruction to the Select Committee moved by Lord Saltoun: "That it be an instruction to the Select Committee on Televising the Proceedings of the House that they make no recommendation that is not in accord with the traditional dignity of the House"; after a short debate, in which some of those who had previously spoken against Lord Egremont's Motion spoke against Lord Saltoun's Instruction, the Motion was negatived.

Thus after a somewhat stormy start the Select Committee on Broadcasting the Proceedings of the House of Lords was finally appointed, and held its first meeting on 4th August, 1966; it was not until 28th February, 1967, that the Committee made its First Report to the House, which was subsequently published together with the Minutes of Evidence. Since this Report was brief it is set out below in full:

"First Report by the Committee appointed on 21st July, 1966, to consider how the Resolution of the House of 15th June, 1966, welcoming the televising of some of its proceedings for an experimental period could best be carried into effect.

ORDERED TO REPORT:

Introductory

1. The Committee have met on twelve occasions and have twice heard evidence from representatives of the British Broadcasting Corporation and Independent Television, who attended together; they have also received a number of memoranda from them which have greatly aided the Committee

in their work. The Committee are not, however, yet in a position to make a Final Report to the House.

2. In interpreting their terms of reference, the Committee have considered the debate on Lord Egremont's Motion, agreed to by the House on the 15th June last, welcoming 'the televising of some of its proceedings for an experimental period as an additional means of demonstrating its usefulness in giving a lead to public opinion'. The Committee have concluded that the experimental period there referred to means a period of public experiment and not a private or closed circuit experiment, the results of which would only be seen by the House.

3. The Committee are of opinion that, before any experimental period of public television broadcasting takes place, it is desirable that the broadcasting authorities should be permitted to carry out a closed circuit television experiment. Such an experiment will not only be valuable for the broadcasting authorities, but will also prove of assistance to the House as a whole, in reaching any decisions as to the form that any public experimental period of televising should take; assuming that after the closed circuit experiment the House confirms its decision to proceed with the public experiment.

4. Leave was given to the Committee to report from time to time and they have accordingly decided in this, their First Report, to confine themselves to the question of a closed circuit experiment and to a recommendation that their terms of reference should be widened to include sound broadcasting. Annexed to this Report are only such memoranda and evidence as are relevant.

5. Much of the Committee's earlier work took place on the assumption that it was likely that a closed circuit experiment would be held jointly with the House of Commons. The Commons, on the 24th November, 1966, negatived the Lord President's Motion for a joint House of Lords and House of Commons closed circuit experiment in televising the proceedings of Parliament. The Committee have accordingly since that date, had to work on the basis of a Lords' only closed circuit television experiment.

The proposed closed circuit experiment

6. The Committee received from the British Broadcasting Corporation and Independent Television a joint memorandum setting out proposals for a closed circuit experiment to be held either at the end of January or in early February, 1968. These proposals may be summarised as follows:

Saturday Sunday	Rigging and installation of equipment.
Monday	Exercises and rehearsals of British Broadcasting Corporation and Independent Television camera crews, etc. Although it is envisaged that the House would be sitting this day, the product of these exercises would not be subsequently shown to the House.
Tuesday Wednesday Thursday	On these days the proceedings of the House would be continuously recorded and would, at the same time, be visible to Peers on closed circuit monitors.

A series of 'dummy' programmes, including edited versions of debates, news items, etc., would be prepared from these continuous recordings and such programmes would be shown to the House at its convenience, probably in the subsequent week. Such programmes would be produced independently by the British Broadcasting Corporation and by Independent Television.

7. As pointed out in the joint memorandum the broadcasting authorities think that one day would in fact provide sufficient continuous recording for their purposes. The Committee have considered this matter in the light of the expense and also of the convenience to the House and are of opinion that a one

day experiment would fail to provide an adequately representative coverage of the proceedings of the House. A three day experiment, on the other hand, would provide wide coverage of the week's work in the Lords while only costing some £5,650 more than a one day experiment or some £2,825 more than a two day experiment [see paragraph 10 below]. The Committee accordingly recommend that the experiment should be of three days' duration.

8. The value of an experiment such as is described above, lies in the indication that it will give to the House, and to the broadcasting authorities, of how proceedings in the House would appear on television, and how they may be best edited for broadcasting. The experiment would not serve in any way as an indication of the physical conditions that might be expected to obtain in the Chamber of the House when public experimental broadcasting is carried out. This is because the miniaturised Plumbicon remote controlled cameras, which it is anticipated would be used for experimental public broadcasting, will not be available for the closed circuit experiment without the very considerable expense required to be incurred by the special manufacture of such cameras for this purpose. These small unmanned cameras can be placed in the Chamber in such a way as to be scarcely noticeable. They are extremely sensitive and would not require any considerable raising of the present level of light in the Chamber. For the experiment, however, it will be necessary to use conventional manned cameras and these will take up a certain amount of space; it will be necessary to raise the lighting level of the Chamber, although not to a degree in any way likely to inconvenience Peers. The level of lighting required for a closed circuit experiment will be considerably below that which obtained during the last opening of Parliament when colour film cameras were used as well as television cameras.

Future use of material resulting from the closed circuit experiment

9. The Committee are of opinion that it should be left for the House to decide whether any public viewing of the results of the closed circuit experiment should be permitted if the broadcasting authorities were to wish to arrange it. Such a decision would have to be reached very soon after the experiment had taken place if the material were to have any news value.

The cost of the experiment

10. The British Broadcasting Corporation and Independent Television have provided the Committee with the following estimates of the cost of a closed circuit experiment on the basis of one, two or three days; all these estimates, which include two days to prepare the Chamber and one day of rehearsals, are exclusive of any expenses which may have to be incurred by the Ministry of Public Building and Works in the installation of a commentary box and associated equipment:

One day	£11,000
Two days	£13,825
Three days	£16,650

Meeting the cost

11. When, on the 24th of November, 1966, the First Report from the Select Committee on Broadcasting the Proceedings of the House of Commons was debated in that House, the Lord President of the Council, Mr. Richard Crossman, indicated that for a joint experiment of Lords and Commons on closed circuit elevision, the Government was prepared to make available in 1968 the sum of £18,000 to the Lords [see Commons Hansard, Vol. 736, No. 103, cols. 1612-1613]. Despite the rejection by the Commons of Mr. Crossman's proposal for a closed circuit television experiment, the Committee have been informed, by the Leader of the House, that there is no reason to suppose that the Govern-

ment will alter their decision to allow the Lords £18,000 in the calendar year 1968 even though it would now be used for a Lords' only experiment. The decision to vote the money required for the experiment will rest with the House of Commons.

Organising the experiment

12. The Committee are of opinion that in making arrangements for the experiment, the work of co-operating with the broadcasting authorities should be entrusted to the present Select Committee and also, where appropriate, to the Administration Committee.

Sound Broadcasting

13. The Committee appreciate that their terms of reference do not include any reference to sound broadcasting. During their deliberations they have become increasingly aware of the difficulties that arise in attempting to consider television broadcasting without referring to sound broadcasting. The British Broadcasting Corporation have already indicated their interest in this subject; and the Committee consider that there are many circumstances when the sound track of the proceedings of the House might be used, as well for television as for sound broadcasts. On television the sound track might be used against a background of still photographs, and on the wireless the sound track could be incorporated into news bulletins and current affairs programmes. The Committee recommend, therefore, that their terms of reference should be widened to include consideration of sound broadcasting in order that they may report to the House their views on this subject.

Summary and conclusions

14. The Committee recommend that a three day closed circuit television experiment should be carried out early in 1968.

15. The Committee recommend that their terms of reference should be widened to cover sound broadcasting."

As stated in the second paragraph of the First Report the Committee took it that Lord Egremont's Motion referred to an experimental period of *public* broadcasting as opposed to any form of private or closed-circuit televising. They therefore began their work on a different assumption from the House of Commons Select Committee on Broadcasting, etc., of Proceedings in the House of Commons, namely that the House had already come to a decision in principal on the desirability of public television broadcasting of their proceedings even if only on an experimental basis. When the Committee began this work the Commons Committee had already reported, although that House still had not debated the Report, and as is made clear in paragraph 5 of the Lords Report the earlier work of the Committee took for granted that some sort of co-operation with the Commons would be possible. In the event, however, this did not prove to be the case and the Committee had to work on the basis of television for the Lords alone.

Paragraphs 6 to 12 of the First Report covered proposals for a closed circuit television experiment; while in paragraph 13 the Committee recommended that their terms of reference should be widened to include sound broadcasting, a proposal which would have

the effect of giving the Committee virtually the same terms of reference as the House of Commons Committee.

As the First Report shows the Lords Committee took from the start a much less ambitious view of the form that an experiment in television broadcasting should take than the Commons. Nor did they venture on the question of public broadcasting, even for an experimental period, beyond commenting, in paragraph 3, that a closed-circuit experiment should take place before any public televising.

The House considered the First Report on 16th March, 1967,* when, after a brief speech by the Chairman of Committees, the Report was welcomed by the Leader of the House, the Leader of the Opposition and by Lord Egremont, the originator of the Committee, who then said: "I have no misgivings, no reservations whatsoever about backing this television experiment as proposed in this Report." The House then agreed the Report, and in consequence widened the Committee's terms of reference to cover sound broadcasting. This was formally done, on Motion, on 20th March, 1967,† and authorised a closed-circuit television experiment early in 1968. The Committee resumed its work and made its Second Report on 27th July, 1967. Since this Report too was brief it is set out in full below:

"By the Committee appointed on 21st July, 1966, to consider how the Resolution of the House of 15th June, 1966, welcoming the televising of some of its proceedings for an experimental period could best be carried into effect; and to whom was referred on 20th March, 1967, the question of sound broadcasting the proceedings of the House.

ORDERED TO REPORT:

INTRODUCTORY

1. Since the Committee made their First Report to the House on the 28th February, 1967, they have held a further eight meetings and have heard evidence from the Lord Chancellor, the Clerk of the Parliaments, the Clerk of the Records and representatives of the British Broadcasting Corporation. The Committee have gathered much information concerning a public experiment in both sound and television broadcasting which can be submitted to the House in subsequent Reports.

2. On the 20th of March, 1967, the Committee's terms of reference were widened by the House, as recommended in their First Report, to cover the question of sound broadcasting.

3. In this, their Second Report, the Committee submit recommendations to the House for a closed circuit sound experiment to take place at the same time as the closed circuit television experiment. They also report on the matters of privilege and law which will need clarification if the House confirms its decision in favour of public broadcasting for an experimental period.

4. After the closed circuit experiments have taken place, and before the House comes to a final decision on public broadcasting, it will be of assistance to the House to have before it a report summarising the broadcasting authorities' reactions to the experiments and indicating some of the lessons that could be learnt from them.

* *Lords Hansard*, Vol. 281, No. 126, cols. 435-441.
† *Lords Hansard*, Vol. 281, No. 127, cols. 541-542.

5. As the present Committee will lapse with this session, the Committee consider that a Select Committee on Broadcasting should be appointed at the beginning of the next Session to continue the work of the present Committee, to supervise the closed circuit experiments, and to submit a Report to the House as soon as practicable after these experiments have taken place.

The Closed Circuit Television Experiment

6. The Committee have been given details of the progress that is being made with the technical arrangements for the closed circuit experiment. The Committee agree to these provisional arrangements and recommend them to the House. It will not be possible, however, for the House to be informed of the final arrangements until nearer the date of the closed circuit experiment. In their First Report the Committee pointed out that the closed circuit television experiment will not indicate the physical conditions that might be expected to obtain in the Chamber of the House if public television broadcasting takes place. In the event of public television the cameras used would be small, remotely controlled, and unobtrusive; the lighting would only be a little higher than the present level.

Sound Broadcasting

Introductory

7. Following the extension of their terms of reference on the 20th March, 1967, to cover sound broadcasting, the Committee have considered the desirability of a closed circuit experiment in sound broadcasting, analogous to the closed circuit television experiment to which the House has already agreed, being conducted at the same time as the television experiment.

8. The Committee accordingly invited written and oral evidence from representatives of the British Broadcasting Corporation about the possibility of conducting such an experiment.

A Closed Circuit Sound Broadcasting Experiment

9. The Committee are of opinion that it would be desirable for the House to have the opportunity of hearing how its proceedings might sound if publicly broadcast on the wireless. They recommend that the British Broadcasting Corporation should be asked, therefore, to conduct a closed circuit experiment early in 1968.

10. They have been informed that, at any rate for the purposes of the experiment the existing Tannoy sound system in the Chamber of the House will prove adequate for tape recordings to be made by the British Broadcasting Corporation of the proceedings of the House. The Committee have been presented with detailed proposals for the conduct of such an experiment. These proposals may be summarised as follows:

(*a*) sound only recordings would be made by the British Broadcasting Corporation of the whole of the proceedings of the House on two of the three days when the proceedings are to be televised;

(*b*) it would be possible for Peers to hear, in a committee room, the continuous sound signal as it was being recorded;

(*c*) on the basis of the material recorded, the British Broadcasting Corporation would prepare and edit various programmes incorporating a sound record of the proceedings of the House;

(*d*) these programmes would be played back on closed circuit loudspeakers in the same week as the results of the television experiment were made available.

The Cost of the Experiment

11. The Committee are informed that the cost of preparing such specimen sound programmes would be small and that the probable expenditure would be well contained within the £18,000 allocated for the television experiment.

Public Sound Broadcasting

12. After the experiment has taken place, and its results evaluated, the Committee would hope that detailed recommendations concerning public sound broadcasting could then be made to the House.

Broadcasting and Archives

Introductory

13. The Committee have considered a memorandum from the Clerk of the Records and have heard evidence from him.

14. Since this part of the Report is concerned only with the closed circuit experiments the Committee do not offer any suggestions as to the possible form a broadcasting archive might take in the event of public broadcasting of the proceedings of the House. They hope, however, that recommendations concerning a permanent broadcasting archive will be offered to the House at a later date.

Preserving a Record of the Closed Circuit Experiments

15. The Committee have considered the question of preserving on film the three day closed circuit experiment which the House has agreed should take place early next year. They are of opinion that a record of this experiment would be of historical importance if the House should decide not to proceed with public television broadcasting. If, however, public broadcasting does take place, the value of a record of the three day experiment will be considerably reduced. The Committee are therefore of opinion that the broadcasters should be asked to preserve a videotape record of the three day experiment until the House has come to a final decision on broadcasting after the three day experiment. According to the decision the House then takes, it will be possible to decide whether a full or partial film record of the experiment should be made from the videotape. The Committee recommend that the complete tape recordings of the two day sound experiment should be preserved until the House has come to a final decision.

Matters of Privilege and Law arising from Broadcasting the Proceedings of the House

General

16. The Committee have given careful consideration to the problems of privilege and law that are likely to arise from any public broadcasting of the proceedings of the House. The First Report from the Select Committee on Broadcasting, etc., the Proceedings of the House of Commons was referred to the Committee on the 25th October, 1966, and they have thus been able to consider both the recommendations contained in that Report and also the submissions made before that Committee in connection with this matter.

17. The Committee have received oral evidence from the Lord Chancellor and the Clerk of the Parliaments and have considered memoranda submitted by the Clerk of the Parliaments. The Committee have also received confirmation from the Attorney General that his memorandum submitted to the House of Commons Committee [see Commons' Report, page 166] applies equally to the House of Lords.

Sound Broadcasting

18. The Committee have been advised that sound broadcasting would raise the same problems of law and privilege as television broadcasting. The Committee fully concur in this view.

Privilege of Peers

19. The Committee take the view that members of the House would be protected by absolute Parliamentary privilege from any action arising from defamatory statements which they might make in the House and which were subsequently broadcast.

Legal Position of the Broadcasting Authorities

20. The position of the broadcasting authorities is, however, somewhat more vulnerable and from the evidence they have received the Committee are of opinion that some measure of statutory protection may be necessary for the broadcasting authorities. They are doubtful, however, whether legislation on the lines of the Australian Parliamentary Proceedings Broadcasting Act 1946, which was suggested in the Commons' Report would be appropriate. That Act was designed to protect continuous live sound reproduction of the proceedings of Parliament. But the programmes envisaged are of a different character, involving both comment and description, as well as highly selective and edited use of broadcast proceedings. The Australian model seems, therefore, to go too far by the absolute protection it confers in one respect, while in other respects not affording adequate protection to edited programmes.

A general review of the Law

21. The Committee are in agreement with the Lord Chancellor in his opinion that 'The whole form of the law needs tidying up'. The Committee consider that if some statutory protection is given to the broadcasting authorities, it would be essential to keep this in line with the protection afforded to the newspapers and, bearing this in mind, the Committee believe that any detailed examination of questions of privilege and law arising from broadcasting must extend to all other forms of reporting of Parliamentary proceedings.

22. The question is further complicated by the fact that at present there are, as the Lord Chancellor pointed out in his evidence, diverse elements involved, namely, Parliamentary privilege, legal privilege, case law and statute law. This means that the subject is one which will require wide examination into the question of the reporting of Parliamentary proceedings.

23. The Committee are of opinion that this is a subject which requires more detailed and expert consideration than they can give to it. Moreover, it is a question which must, if legislation is decided upon, be likely to concern the Commons as much as the Lords in so far as it would be most undesirable to offer any form of statutory protection for one House differing from that obtaining in the other. They therefore recommend that the whole matter should be referred to a joint committee of both Houses, with strong legal representation in its composition.

Reference to a Joint Committee

24. The Committee are of opinion that such a joint committee should give particular consideration to the need for 'tidying up' the law and also to the question of whether additional protection should be given to the broadcasters and if so, how far that protection should extend.

25. The Committee are of opinion that the matter should be treated as one of urgency. First, account must be taken of the possibility that public sound broadcasting could, for technical reasons, take place considerably earlier than public television broadcasting; secondly, if the Committee's recommendatio[n]

that a joint committee should be set up is agreed to, the deliberations of the joint committee may take some considerable time and, after they have reported, legislation will probably have to be introduced into Parliament.

Summary of Conclusions

A Closed Circuit Sound Experiment

26. The Committee recommend that a closed circuit sound experiment should take place on two of the three days of the closed circuit television experiment, and that specimen edited sound programmes as well as specimen edited television programmes should be made available to the House.

Archives

27. The Committee recommend that the broadcasting authorities should be asked to preserve a full television and sound record of the experiments, at least until the House has arrived at a final decision on public broadcasting.

Matters of Privilege and Law

28. The Committee recommend that the matters and questions of privilege and law which need to be clarified before a final decision on public broadcasting is reached should be referred to a joint committee of both Houses of Parliament.

Select Committee on Broadcasting the Proceedings of the House

29. The Committee recommend that a Select Committee on Broadcasting the Proceedings of the House be appointed next session."

Although longer than the First Report it will be noticed that the Second was scarcely more informative than the First about long-term broadcasting prospects, although in the light of the clear statement in the First Report about the prior need for a closed-circuit experiment this is perhaps not surprising. Acting within their extended terms of reference the Committee recommended (paragraphs 7-12) a closed-circuit sound broadcasting experiment to take place at the same time as the closed-circuit television experiment. They also indicated in the Introductory paragraphs of the Report that they had been unable to complete their work and consequently recommended that a similar Committee should be appointed in the Session 1967-1968.

Beyond providing further technical details in the Appendices to the Report the Committee did touch on two important matters that would arise in the event of public broadcasting, namely Broadcasting Archives and matters of Privilege and Law arising from broadcasting. As far as Archives were concerned the Committee refrained from going into any technical details about Archives and public broadcasting though they heard evidence of great interest concerning this matter from the Clerk of the Records, Mr. Maurice Bond. Mr. Bond's exhaustive Memorandum and his evidence before the Committee are printed in full with the Report; but it seems that the Committee were reluctant to express any long-term views on Archives until they were ready to report on public broadcasting.

In their consideration of matters of Privilege and Law the Com-

mittee received Memoranda from the Attorney General, the British Broadcasting Corporation, the Independent Television Authority and the Clerk of the Parliaments. They also heard evidence from the Lord Chancellor, Lord Gardiner, and from the Clerk of the Parliaments, Sir David Stephens. It seems then that after having considered this topic at some length the Committee found themselves unable to take as clear-cut a view of these matters as had the Commons Committee, and paragraphs 21 to 25 of the Second Report express their view (*a*) that the "whole form of the law needs tidying up", as the Lord Chancellor had said in evidence, and (*b*) that a Joint Committee of both Houses of Parliament should be appointed to consider both the "tidying up" process and also the extent to which the broadcasting authorities might need additional legal protection if the proceedings of Parliament were to be broadcast. The wide scope of such a Joint Committee, as envisaged by the Lords Committee, is indicated in paragraph 21 of the Second Report.

Despite the recommendation in paragraph 25 that the appointment of a Joint Committee should be treated with urgency no such Committee has been appointed at the moment of writing, and it remains to be seen what will be done to implement this part of the Report.

The Second Report was considered by the House on 18th July, 1967, when the Earl of Longford welcomed it on behalf of the Government. The short debate was enlivened by a speech by Lord Boothby, an experienced radio and television broadcaster, warning the House of the dangers of televising the proceedings of the House. None the less the Report was agreed to without a division.

At first sight, considering their terms of reference, it may appear that the Committee achieved very little that was concrete in a year's work. But when the outcome of the Commons Report is considered it becomes apparent that the more cautious approach adopted by the Lords Committee has had advantages. Despite the great amount of technical evidence that they had ready made for them in the form of the Commons Report, the Lords Committee seem to have refused to take anything for granted, and this in such matters as broadcasting and law and privilege has been shown to have been justified. Furthermore, the Lords Committee's refusal to look ahead to public sound or television broadcasting until they, the House and the broadcasters had had some closed-circuit experience would surely seem to be the right approach.

It is of course impossible to forecast what the new Committee will report to the House on an experimental period of public broadcasting, but it is reasonable to conjecture that the new Committee which was appointed on 1st November, 1967, with virtually the same composition as the old Committee must have already formulated some ideas as to an experimental period of public broadcasting which they will be able to report to the House fairly soon after the closed-circuit experiments have taken place.

XI. BROADCASTING THE PROCEEDINGS OF THE HOUSE OF COMMONS

By D. W. Limon

A Senior Clerk in the House of Commons

In the first Session after the General Election of 1964 the House of Commons, following the practice of over fifty years, appointed a Select Committee on Publications and Debates Reports. In recent years the activities of this small Committee had been confined to minor routine matters such as the choosing of the design of the House of Commons Christmas card and deciding upon the size of the official stationery to be used by Members. However, in the early summer of 1965 a small group of ingenious members of the Committee conceived the idea that the Select Committee's terms of reference could be interpreted in such a way as to allow the Committee to carry out a full-scale enquiry into the possibility of broadcasting the proceedings of the House—a subject which for some time had been canvassed in articles in the Press and had found a highly articulate supporter in the form of Mr. Robin Day, the well-known B.B.C. political commentator, who in 1963 had written a pamphlet entitled "The Case for Televising Parliament". The relevant words of the Select Committee's terms of reference were ". . . to assist Mr. Speaker in arrangements for the reporting . . . of Debates. . . ." The Members who had originally conceived the idea persuaded their fellow Members on the Committee that their interpretation of these words was correct and would indeed allow the Committee to carry out a full enquiry into the possibility of broadcasting the proceedings of the House. The Chairman thereupon wrote to Mr. Speaker informing him that the Committee had instituted such an enquiry.

Within a few days of the Committee reaching this decision Mr. T. L. Iremonger (Ilford North) was successful in the Ballot for Private Members' Motions and chose the subject of televising parliamentary proceedings. The debate took place on Friday, 28th May. Most of the speakers warmly supported the holding of an enquiry and the Leader of the House (Mr. Herbert Bowden) made it clear that the Government was looking to the Committee to produce a comprehensive Report on the subject, which "the Government would find time to be debated".

The Select Committee on Publications and Debates held ten meetings between the end of May and the beginning of August, but they had not completed their work when the Session ended. There then

befell the first of many accidents which have so far hindered progress in the advance towards parliamentary broadcasting. Under the new arrangements for the control of the Palace of Westminster, there was to be no Select Committee on Publications and Debates Reports. It was not thought right to burden the new Select Committee on House of Commons (Services) with the task of completing the enquiry, but after some delay the House agreed to appoint a Select Committee on Broadcasting the Proceedings of the House of Commons; this Committee had the same Chairman as its predecessor in the person of Mr. Tom Driberg (Barking). They held four meetings in February, 1966, but the work was again interrupted, this time by the dissolution of Parliament and the subsequent General Election. In the new House another Select Committee was appointed (again with Mr. Driberg as Chairman) and they eventually agreed to a Report, which was published on 10th August. Once again fate was not on the side of the reformers. The considerable publicity which the Report had been expected to attract in the Press and on radio and television, was all but obliterated by the announcement later on the day of its publication of large-scale and wholly unexpected changes in the composition of the Cabinet.

The First Report from the Select Committee on the Broadcasting, etc., of Proceedings in the House of Commons is a long, but highly readable Blue Book. Alongside the Committee's Report—which was agreed to unanimously by the Members of the Committee—is the evidence given by the official representatives of the B.B.C. and Independent Television, by many others with direct experience of broadcasting, and by the Chief Whips of the three parties in the House. There is also a selection of the written evidence which was submitted to the Committee, including technical reports from the broadcasting organisations and memoranda outlining procedures adopted in certain Commonwealth and foreign countries for broadcasting the proceedings of their legislatures.

The Committee came out strongly in favour of the general principle that parliamentary proceedings should be made available for broadcasting—indeed, they went so far as to say that there was really no fundamental principle involved, but merely the question of whether it would be right to supplement the printed record of the proceedings with the greater directness and intimacy of broadcasting. The Committee concluded that the technical difficulties would not be overwhelming, particularly by the time that remotely-controlled miniature cameras (which could be concealed in the panelling of the Chamber) were fully developed. One of the most important parts of the Report is that in which the Committee outlined the sort of administrative arrangements which they considered should be made, if broadcasting were to be allowed. They proposed that the actual making of the sound and visual transmission (which would include the crucial decision of which of the six pictures available would be

chosen for transmission) should be placed in the hands of a Broadcasting Unit under the control of the House. The task of the Unit would be to produce a full sound and television "feed" of all the proceedings of the House and of the more interesting Committee proceedings. This would then be made available to the broadcasting organisations and to any other users, all of whom would be able to make whatever use of it they wished. Although the editing of the picture itself would remain in the control of the House, the Committee proposed that the production of broadcasts which included parliamentary material would be entirely outside the control of the House, and (perhaps, even more important) outside the control of the Government. One of the main reasons which led the Committee to recommend this form of Parliamentary broadcasting was that, in the experience of other countries, a system of broadcasting live extracts of debates at intermittent intervals had led to widespread changes in parliamentary procedure and pressure from Governments and official Oppositions to ensure that the speeches of their spokesmen were "put on" at peak viewing and listening times. This would not be possible under the proposals outlined by the Committee.

The Committee anticipated that use would be made of the sound and television record not only for special parliamentary programmes, but also in news bulletins, current affairs programmes, regional round-ups and even in educational programmes. How much use would be made of the available material would again be a matter for the broadcasting organisations, although the Committee hoped they would not make the mistake of using too much too soon.

On the important issue of privilege, the Committee recommended that the Australian precedent should be followed; this would entail the passage of a Bill which would make it impossible for any action or proceeding, whether civil or criminal, to lie against any person for broadcasting or re-broadcasting any portion of the proceedings of Parliament. On the question of cost, the B.B.C. estimated that the capital cost of installing the equipment necessary to provide a simple unrecorded television and sound transmission of the proceedings of the House and some Standing Committees would be about £500,000, and the annual running costs about £175,000. It was proposed that these costs should be met out of public funds, but that the broadcasting organisations should be responsible for the costs of editing their own programmes in the ordinary way.

The Committee did not suggest that their scheme for broadcasting the proceedings of the House should be put into immediate operation. Instead, they recommended that the House itself should authorise the holding of a brief closed-circuit experiment on television and radio, so that Members could see and hear for themselves what parliamentary broadcasting would be like and satisfy themselves as to whether or not it would be safe to leave the editing of the programmes entirely in the hands of the broadcasting organisations. It was on the basis

of a motion proposing to accept the Committee's recommendation for a closed circuit experiment that the House itself debated the Committee's Report on 24th November, 1966.

The Committee had elicited some evidence which showed that a majority of the public would favour the introduction of a certain amount of parliamentary broadcasting. Between the date of publication of the Report and the holding of the Debate in the House this finding had been strengthened by the results of an opinion poll commissioned by the *Sunday Times*, which showed that a substantial majority of the public would welcome the opportunity to see and hear their M.P.s in action in the House. In addition to this, the Committee had themselves been assured by the three Chief Whips that opinion in the House was moving in favour of some form of broadcasting and that in their view most Members would favour the holding of an experiment. Although the Committee had all along realised that their recommendation for an experiment would probably not go through the House unopposed, they certainly were confident that it would be approved by a comfortable majority. This was also the opinion of one of the most articulate opponents of parliamentary broadcasting, Mr. William Deedes (the Member for Ashford), who immediately before the Debate had acknowledged in an article in the *Daily Telegraph* that the House would probably agree to the holding of the experiment.

The Debate was a lively one and cut clean across party lines. It was opened by the Leader of the House (by this time Mr. R. H. S. Crossman) who proposed the motion for the acceptance of the idea of holding a closed circuit experiment. Despite this, many of the more enthusiastic supporters of the Committee's scheme were disappointed by parts of his speech, which seemed to suggest that the Government was far from convinced that the permanent arrangements for broadcasting suggested by the Committee were the right ones. Twelve other speeches were made in favour of the motion and one Member confessed that, even as he spoke, he had not made up his mind how he would vote. The outstanding feature of the Debate, however, was the nine speeches against the motion—all of them delivered with rare passion and conviction. Many of the speeches came from senior Members of the House, including three Privy Counsellors and none was more effective than a brief but impassioned contribution from Mr. Quintin Hogg, who feared that the introduction of broadcasting facilities would fundamentally impair the effectiveness of the House of Commons, which he described as " one of the great institutions on this planet, of the human race ". As the hour of ten o'clock approached the feeling began to spread that the result of the vote might be close. In the event well under half of the total membership of the House went through the division Lobbies, and the Motion approving the experiment was defeated by 131 votes to 130 among scenes of considerable excitement. Only two members of the Cabinet had

voted—the Leader of the House in favour of his own Motion and his colleague, the Minister of Agriculture, against it.

After the debate the advocates of parliamentary broadcasting tried to comfort themselves with the thought that the result of the vote was in some sense an accident, since many who favoured the Committee's scheme were so confident of success that they were sure that their own individual absence from the House would not greatly affect the final result. If this be so, those who stayed away may perhaps have learnt an age-old parliamentary lesson—namely, that it is as important to carry your convictions into the Lobby if you are in favour of something as it is if you have strong feelings against it; the opponents will not be those who stay away.

The decision of the House on 24th November, 1966, prevented all possibility of further progress being made in the matter of broadcasting the proceedings of the House of Commons during that Session. At the time of writing, it is far from clear what the next step will be, but it is difficult to believe that the House of Commons will stand idly by if the Lords decide that their closed-circuit experiment has successfully paved the way to their making permanent arrangements of their own for broadcasting their proceedings, whether on television or radio (or both). It may be that those Members, who believe that this is a reform which must eventually come about, will decide to approach the whole question in a more gradual way, perhaps by proposing the holding of a closed-circuit experiment on radio only. However slowly the House moves in the direction of accepting the presence of the television cameras (and it is difficult to believe that they will not find their way into the Chamber in the course of time), this is purely a House of Commons matter and it is devoutly to be hoped that any administrative arrangements made will ensure, as would those proposed by the Select Committee, that editorial and other controls will remain completely independent of the executive Government.

XII. BROADCASTING OF PARLIAMENTARY PROCEEDINGS IN AUSTRALIA

By A. R. Browning
Serjeant-at-Arms and Clerk of Committees

Introductory

The introduction in Australia of the broadcasting of Parliament was carefully planned. As a first step the Parliamentary Standing Committee on Broadcasting was requested by the Postmaster-General to consider and report to Parliament (*a*) whether the broadcasting of parliamentary debates is desirable, and (*b*) if so, to what extent and in what manner should such broadcasts be undertaken. The Committee consulted the Presiding Officers, the Party leaders in both Houses, officers of the Australian Broadcasting Commission and the Postmaster-General's Department, and representatives from New Zealand which, at that time, had nine years' experience of broadcasting parliamentary debates. In a report which is a complete statement of the problems involved in such a venture its conclusion was that "the weight of evidence in favour of broadcasting the proceedings of the Commonwealth Parliament has convinced us that the innovation should be introduced in this country as soon as circumstances permit".

The Parliamentary Proceedings Broadcasting Bill "to provide for the Broadcasting of the Proceedings of the Houses of the Parliament, and for other purposes" was introduced in the Senate on 19th June, 1946, and after amendment in the House of Representatives received Royal Assent on 5th July, 1946.[2] The Act directs the Australian Broadcasting Commission, which operates the national broadcasting service, to broadcast the proceedings of the Senate or the House of Representatives from seven medium-wave national stations (located in the six State capitals, plus Newcastle) and from such other national stations, including short-wave, as are prescribed. A medium-wave station in Canberra and a short-wave station have been so prescribed. The Joint Committee on the Broadcasting of Parliamentary Proceedings was created and given extensive powers over the whole programme.

Joint Committee on the Broadcasting of Parliamentary Proceedings

The Joint Committee, with a membership of nine, is appointed at the commencement of the first session of every Parliament and consists of the President of the Senate, the Speaker of the House of

Representatives and two Senators and five Members of the House of Representatives appointed by the respective Houses.

Members of the Committee hold office as a Joint Committee until the House of Representatives for the time being expires by dissolution or effluxion of time. Any member, other than the President and Speaker, may resign his seat on the Committee by writing addressed to the President, or the Speaker, as the case may be.

Vacancies in the Committee must be filled by the House concerned within fifteen sitting days after the happening of the vacancy if that House is then sitting, or, if not, then within fifteen sitting days after the next meeting of that House.

The Chairman and Vice-Chairman are elected by members of the Committee at their first meeting or as soon as practicable thereafter. With the exception of one Parliament, the Speaker has been elected Chairman and the President Vice-Chairman.

The quorum of the Committee is five members and as there is no stipulation in the Act as to the necessity of the presence of a Senator in the make-up of the quorum, the quorum can consist exclusively of Members of the House of Representatives.

All questions arising in the Committee are decided by a majority of the votes of the members present with the Chairman, or other member presiding, having a deliberative vote and, in the event of an equality of votes, a casting vote also.

The Committee has power to sit during any adjournment or recess as well as during the session, and may sit at such times (including times while either House of the Parliament is actually sitting) and in such places, and conduct their proceedings in such manner as they deem proper.

General Principles and Standing Determinations

Before the first broadcast on 10th July, 1946, the Committee in accordance with its functions under the Act, specified in a report to each House, the general principles upon which the broadcast of parliamentary proceedings should be inaugurated. The Committee's report was adopted by both Houses, and the Committee has subsequently exercised control over the broadcasts in accordance with the principles ratified by Parliament and the determinations the Committee has made in conformity with these principles.

The general principles, as amended, are as follows:

CONSOLIDATION OF GENERAL PRINCIPLES SPECIFIED IN THE COMMITTEE'S FIRST, SECOND, THIRD, SIXTH AND SEVENTH REPORTS[3] ADOPTED BY BOTH HOUSES ON 5TH JULY, 17TH JULY, 15TH NOVEMBER 1946, 30TH JUNE 1949, 12TH APRIL 1954, AND 7TH APRIL 1960, RESPECTIVELY.

(1) *Days upon which proceedings shall be broadcast*

The proceedings of Parliament shall be broadcast on each day on which either House is sitting.

(2) *Periods during which proceedings shall be broadcast*

The broadcast shall commence on each sitting day at the time fixed for the meeting of the House whose opening proceedings are to be broadcast on that day, as determined by the Joint Committee on the Broadcasting of Parliamentary Proceedings, in accordance with section 12 (2) of the Parliamentary Proceedings Broadcasting Act 1946, and shall cease when the adjournment is moved in the House which is being broadcast at that time, or at 11.30 p.m., whichever is the earlier.

(3) *Allocation of broadcasting time between the Senate and the House of Representatives*

The allocation of broadcasting time between the Senate and the House of Representatives shall be in accordance with the views of the Joint Committee on the Broadcasting of Parliamentary Proceedings, or its Sub-Committee, on the importance of the impending debate and the public interest attaching thereto. The Committee recognises that, in practice, more time will be allotted to the House of Representatives than to the Senate.

(4) *Rebroadcast of Governor-General's Speech*

On the first sitting day of each session of the Parliament the Australian Broadcasting Commission shall rebroadcast at 7.15 p.m. the Speech of the Governor-General.

(5) *Rebroadcast of questions and answers*

(*a*) Within the limits of time available, the following parliamentary proceedings shall be rebroadcast by the Australian Broadcasting Commission between 7.15 p.m. and 8 p.m. on each sitting day after the first sitting day of each session:

Senate proceedings:	Questions without notice and on notice and answers thereto;
House of Representatives proceedings:	Questions without notice and answers thereto.

(*b*) When a Member makes a personal explanation in rebuttal of misrepresentation contained in a question asked that day or an answer thereto, the question and answer shall, subject to the next succeeding sub-paragraph, be excluded from the rebroadcast.

(*c*) The Presiding Officer may, in his discretion, refer any case to the Joint Committee for decision as to whether such question and answer shall be excluded from the rebroadcast.

(6) *Broadcast and rebroadcast through national stations*

No broadcast or rebroadcast of the proceedings of either House shall be made except through national broadcasting stations unless the Joint Committee otherwise determines.

(7) The general principles specified in the First Report of the Joint Committee on the Broadcasting of Parliamentary Proceedings adopted by both Houses on 5th July, 1946, shall be observed generally by the Joint Committee in making determinations in accordance with the Parliamentary Proceedings Broadcasting Act 1946, but nothing in those general principles shall be taken to prevent the Joint Committee from departing from those general principles in order to meet any unusual or special circumstances.

Determinations made by the Committee, in accordance with the General Principles, are as follows:

Standing Determinations

Transfer of Broadcast from one House to another

(Determinations of 20th March, 1947)

(1) When both Houses are meeting on the one day and the House whose proceedings are being broadcast adjourns for the day prior to a normal meal suspension, the broadcast shall be transferred to the other House as from the time when this other House resumes its sitting after the meal suspension.

(2) When on any day on which the broadcast has been allotted to the Senate and, as a result of a Want of Confidence Motion having been moved in the House of Representatives, the Senate adjourns for the day, the broadcast shall be transferred immediately to the House of Representatives.

(Determination of 8th May, 1947)

(3) On any day when both Houses are meeting and on which the House to which the broadcast for the day has *not* been allocated meets in the forenoon and the House to which the broadcast for the day has been allocated meets in the afternoon, the proceedings of the House first mentioned shall be broadcast from the time of its meeting in the forenoon until its suspension for lunch:

Provided the broadcast of proceedings of the House which meets in the forenoon shall not be continued past the time fixed for the meeting of the other House.

Rebroadcast of questions and answers—allocation of time between Houses

(Determination of 26th November, 1947)

(4) On each sitting day, the rebroadcast by the Australian Broadcasting Commission at 7.15 p.m. of questions and answers as specified in General Principle No. 5 shall commence with the questions and answers of the House to which the broadcast for the day has *not* been allocated. This determination is to have effect irrespective of any broadcast, pursuant to the Committee's determination of 8th May, 1947, of the morning proceedings of the House to which the broadcast for the day has *not* been allocated.

Allocation of broadcast

(Determination of 21st June, 1951)

(5) That, unless otherwise ordered, the broadcast be allocated as follows:

Tuesday sittings:	House of Representatives
Wednesday sittings:	Senate
Thursday sittings:	House of Representatives
Friday sittings:	Senate

Saturday sittings

(Determination of 25th March 1953)

(6) That, in the event of either House sitting on Saturday, the proceedings of that House shall not be broadcast.

Rebroadcast of questions and answers

(Determination of 30th September, 1953)

(7) When points of order or other extraneous matter are eliminated from the rebroadcast of questions and answers, this should be indicated by an appropriate announcement.

Announcements from control booth

(8) The following general principles apply to announcements made from the control booths:

(*a*) Announcements to be confined to a straight description of procedure, and business before the House;

(*b*) Political views or forecasts are not to be included;

(*c*) The announcement of each Senator or Member receiving the Call includes the following particulars:

(i) Name
(ii) Parliamentary office or portfolio
(iii) Political party
(iv) Electorate or State

Comment on the presence or absence of Senators and Members (including Ministers) is not to be made except that announcers may refer during Divisions to the way in which specific Members vote. It is to be understood this reference may be made only in such cases as when a Member is voting away from his usual Party alignment or to show on which side an independent Member is voting.

Names of Members intending to speak during the day or evening may be announced from the Control Booth provided that the announcement is of a provisional nature.

To meet situations when it may be necessary for prompt decisions to be given in regard to parliamentary broadcasts, the Committee has authority to delegate to a Sub-Committee consisting of two Senators and two Members, its power to determine the days on which and the periods during which the proceedings of either House shall be broadcast. Because of the possibility that only one House may be sitting, the Act provides that two members of the Sub-Committee shall be sufficient to form a quorum.

The Committee met frequently during the period when it was framing the general principles and allocating broadcasting time between the two Houses on the basis of the importance of their business. However, since 1951, when a regular assignment was made of Tuesday and Thursday to the House of Representatives and Wednesday and Friday to the Senate (it is rare for either House to sit on a Friday), the Committee has met at irregular intervals when some change was required. From time to time, the Committee issues notifications of the broadcasting arrangements for a particular week or period which are numbered serially and signed by the Clerk to the Committee.

Extent of Broadcasting

As stated in the General Principles and Standing Determinations the proceedings are broadcast while either House is sitting, from the commencement of proceedings until the adjournment is moved or 11.30 p.m. whichever is the earlier.

Also the Committee has power, under the Act, to determine the conditions under which a rebroadcast may be made of any portion of

the proceedings of either House and no rebroadcast may be made otherwise than in accordance with the conditions so determined. As any rebroadcast is ordinarily of relatively short duration, the Committee is conscious that a rebroadcast of parliamentary debates would generally involve a partisan or partial presentation. Accordingly, rebroadcasting is strictly curbed, except when between 7.15 p.m. and 8 p.m (during the dinner adjournment) a recording of Question Time is broadcast. The Question Time to be broadcast is, in general, that of the House not broadcast during the day and its duration is approximately 42 minutes. When the rebroadcast is from the House of Representatives only questions without notice are included, but in the case of the Senate both questions without notice and on notice are included. The principles governing the rebroadcast of Question Time require that all business not being questions and answers as defined in the appropriate General Principle shall be excluded. It is the practice to delete points of order, questions ruled out of order, unanswered questions, etc., from the record. These deletions are made in a most efficient manner and the result is such that a misleading impression could be conveyed to the listener that the record is a full and complete version of the particular portion of the proceedings concerned. It is felt by the Committee that this would be improper and therefore an appropriate announcement must precede the rebroadcast if it is edited or altered in any way.

The only other rebroadcast permitted by the Committee is that of the Governor-General's Speech at the opening of each Session of the Parliament.

Technical Arrangements

There is no special technical problem associated with the broadcasting of parliamentary proceedings because one of the two existing Australian Broadcasting Commission radio networks is used for this purpose, the programme being fed into the network at Canberra. However, it is established policy that the Parliament shall not be broadcast in areas where there is no alternative national station and therefore many country or regional areas would not receive the parliamentary broadcast except over the short-wave station which has been prescribed. As the bulk of Australia's population is in the capital cities it has been estimated that an adequate broadcast of Parliament over the nine transmitters can be received by about 90 per cent. of the population.

Although there is no problem in transmitting broadcasts, there is a problem in picking up the proceedings so that they will be easily intelligible to listeners when transmitted. Both Chambers are large in size and microphones must be placed so that no Member is too far away from one for his speech to be picked up clearly. Conversely, it is essential for control purposes that the number of microphones be kept to a minimum and in the House of Representatives there are

eighteen on the back benches, four on the Table and one each for the Speaker and the Chairman of Committees. Small, unobtrusive, re-directional microphones are used and they have been specially treated and mounted in shock mounts to reduce pick-up of acoustical shock.

A glass-fronted sound-proof control booth slightly raised from floor level for use by an operator and announcer has been constructed in each Chamber at the end facing the Presiding Officer. The occupants have an unobstructed view of the whole Chamber. Within the booth the microphone switches are located on a panel shaped exactly to the floor plan of the Chamber with each switch located to correspond with the location of its microphone. This panel not only facilitates the selection of the appropriate switch to the desired microphone, but any errors of judgment in doubtful cases results in near misses—that is, the microphone selected will still be in the area of the Member speaking and will give reasonably intelligible speech until the proper microphone is selected. Normally the operator "livens" only the microphone in front of the Chair and that nearest the Member speaking but additional microphones are brought in to cover relevant interjections.

Announcements from Control Booth

The few minutes before the House meets or resumes after a meal adjournment is spent by the announcer in giving the programme of business for the day or an objective summary of proceedings broadcast earlier in the day. As expressed in the Standing Determinations each Member rising is announced by his name, parliamentary office or portfolio, electorate or State, and the political party to which he belongs. The subject of new business is also announced and, as with the name of the Member speaking, is repeated at regular intervals throughout the debate. An announcer is forbidden to include his own views or forecasts and may not comment on absences.

Legal Aspects

Legal problems that emerge from the broadcasting of parliamentary proceedings are of some interest.

In 1945 the Solicitor-General advised that if the whole of the proceedings, not small selected portions, were broadcast, a qualified privilege would apply. This qualified privilege could only be upset by proof of malice, and it would be difficult to establish malice if the whole of the proceedings were broadcast. As Parliament had provided for the absolute protection of *Hansard* reports, he thought it would be wise to introduce legislation to provide for absolute privilege to broadcasts of the proceedings.

Accordingly it is provided in the Act that:

> "No action or proceeding, civil or criminal, shall lie against any person for broadcasting or rebroadcasting any portion of the proceedings of either House of the Parliament."

This protection, of course, applies only to persons authorised to broadcast or rebroadcast.

The privilege of freedom of speech is declared in the Ninth Article of the Bill of Rights, 1688, to be:

> "That the freedom of speech, and debate or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament."

Section 49 of the Constitution provides that the powers, privileges and immunities of the Senate and House of Representatives shall be those of the House of Commons until otherwise declared and it is the view of the Attorney-General's Department that the privilege of freedom of speech enjoyed by Members extends to them in regard to speeches made in the House which may be broadcast.

Effect of Broadcasting on Parliament

The Parliamentary Standing Committee on Broadcasting expressed the opinion that "the result would be to raise the standard of debates, enhance the prestige of Parliament, and contribute to a better-informed judgment throughout the community on matters affecting the common good and the public interest, nationally and internationally".

The broadcast has had no effect on the formal procedures of Parliament although Senators voluntarily restrict their speeches to a maximum of 30 minutes while their proceedings are being broadcast.

However, it has had some effect on the management of debates and the way Members approach them. The programme of business is often arranged so that important matters are considered on the days that each House is on the air and Party leaders make use of the peak listening periods from 8 p.m. to 10 p.m. to introduce the more important legislation and to make their major policy statements. Thus the Budget, which, before broadcasting, was introduced in the afternoon, is now invariably introduced at 8 p.m. Likewise the Leader of the Opposition will reply a week later at the same time and should the Prime Minister enter the debate the programme will be managed to enable him to speak at 8 p.m. This introduces an element of inflexibility and perhaps a lack of continuity into the proceedings which would not exist to the same degree if there was no broadcast. It tends to make the management of the House more difficult and may increase the period in which it is merely marking time. Despite the fact that what are generally considered to be the best broadcasting times are frequently monopolised by Party leaders there is still a considerable period available for private Members and there is no doubt that it is highly prized. There is considerable competition to speak on broadcasting days and the Whips of all Parties have found it necessary in keeping their records to list speeches made when the House is being broadcast separately from those made when

there is no broadcast in order to ensure that all Members are treated equitably. It is of interest that many private Members from the eastern States seek to speak between 5 p.m. and 6 p.m. when it is understood that a large number of motorists have their car radios tuned to the parliamentary broadcast.

There is little doubt that speeches have been affected in a number of ways. They tend to be better prepared but because some of them are directed to the invisible radio audience rather than to the House itself, they may tend to be a series of independent statements on the subject of the debate rather than a contribution to the course of the debate. Furthermore, there is a tendency for Members of the House of Representatives to take the full time allotted them under the standing orders.

Broadcasting has had an important impact on the production of *Hansard* which has resulted in the report now being more complete and a less polished literary effort than before. A Member can have no second thoughts and wrong information has to be corrected by personal explanation. Lighthearted or irreverent references to persons or institutions may no longer be omitted and angry exchanges which were once treated as asides are now included, as are repetitions in a Member's speech.

Parliament and the Public

Listeners' reactions vary greatly in accordance with their general and political outlook, and in many cases, where the Parliament has been regarded as a mysterious body which meets with awful solemnity and whose Members never fall below sublime perfection in their thoughts, their actions and their words, there is undoubtedly profound disillusionment. If the broadcast has done nothing more than destroy this entirely false impression and show that Parliament is, as it should be, a cross-section of the Australian people, it has been worth while.

Successive Gallup polls have shown a small minority in favour of discontinuing broadcasting and generally the reason given is that the proceedings are "disgraceful" and that Members behave like a "pack of schoolboys" or "hooligans". No doubt in the minds of these people Parliament has declined in prestige.

It should be remembered, however, that Canberra is remote from the main centres of population and although some 600,000 tourists visit the national capital each year only a small percentage of the population have the opportunity of being present at debates. Thus for most their image of Parliament prior to broadcasting was created almost exclusively by the press. Although some Australian newspapers cover debates fairly fully, the majority do not. Their interest in Parliament has been in the sensational and dramatic, precisely the things found so disgraceful by those questioned in the Gallup poll.

Broadcasting has provided the public with an alternative picture and the public has been able to discover that such incidents are rare, and that, for the most part, the proceedings in Parliament are orderly, and participated in seriously and conscientiously by the majority of its Members. It is felt that broadcasting has loosened the grip of the press on the formation of public opinion in Australia but there is no evidence that it has led to a greater sense of responsibility on the part of the newspapers.

An accurate survey of the number of listeners to Parliament and the time spent in listening is an impossible task but a recent survey undertaken by commercial interests in the four largest State capitals indicates that, during the evening, of the total radio sets in use, up to 8 per cent. are tuned to the parliamentary broadcast at any one time. This figure falls to as low as 2·3 per cent. during some afternoons. In terms of numbers, the survey reveals that, in the four cities, an average of 18,200 radio sets are tuned to the parliamentary broadcast on a Tuesday night.

Shortly after parliamentary broadcasting was introduced certain persons outside Parliament claimed they had been attacked during the course of a debate which had been broadcast and sought the right of reply through a government-controlled radio channel. Considerable press publicity was given to the matter which was also the subject of questions in Parliament. The proposal was briefly considered by the Committee which ascertained that no situation had arisen in New Zealand which had made the matter an issue, and that no special provision had been made for means of reply by persons alleging that they had been attacked in Parliament. No action was taken by the Committee and the question has not been raised again.

Historical Records

In 1960 an amendment to the Parliamentary Proceedings Broadcasting Act 1946 was passed by the Parliament[4] which places on the Australian Broadcasting Commission an obligation to retain, when so directed, a record of notable occurrences in the proceedings of Parliament. Having regard to timing difficulties, the Australian Broadcasting Commission has been given the initiative of choosing which parliamentary occasion to record, although it will make an appropriate recording when directed to do so. The directions in this regard and the oversight of the procedure involved is in the hands of the Committee. The Committee makes the decisions as to those items which will be put into safe keeping and also makes the appropriate safe keeping arrangements.

A recording of a typical day's proceedings in both the Senate and the House of Representatives has been placed with the British Institute of Recorded Sound and various archival authorities in Australia.

Conclusion

In a letter to the Parliamentary Standing Committee on Broadcasting the former Prime Minister, Sir Robert Menzies, who was then Leader of the Opposition, in supporting the proposal, wrote:

"I think it is desirable that the public should have the fullest access to Parliamentary discussions. There are still some newspapers which give a very extensive report of Parliamentary debates, but there are others which give little account of what is actually said in Parliament. The case for broadcasting is therefore a strong one. It is desirable that the electors should be in a position to know what were the actual words spoken by a Member of Parliament. It is equally important that they should be in a position, by actually hearing, to assess the personality and significance of the speaker. In one sense, the ideal Parliament would be one in which all debates were carried on in the presence of all the people."

It is this concept of a Parliament which provides the overriding justification for the broadcasting of parliamentary proceedings and it is submitted that those countries like Australia which have introduced broadcasts have come closer to that ideal by its introduction.

[1] Eighth Report of the Parliamentary Standing Committee on Broadcasting relating to the Broadcasting of Parliamentary Debates. Parliamentary Paper No. 31 of 1945-46.
[2] Parliamentary Proceedings Broadcasting Act 1946. Act No. 20 of 1946.
[3] Fifth Report not adopted by House of Representatives.
[4] Parliamentary Proceedings Broadcasting Act 1960. Act No. 35 of 1960.

XIII. PARLIAMENTARY BROADCASTING IN NEW ZEALAND

By H. N. Dollimore, LL.B.
Clerk of the House of Representatives

The New Zealand Parliament was the first Commonwealth Parliament to broadcast its proceedings. Thirty years ago, on 24th March, 1936, when the Members of the House of Representatives returned at the 1935 general election met to take the Oath and elect their Speaker, they found their Chamber equipped with microphones and wired in readiness for broadcasting. The decision to commence parliamentary broadcasts had been taken by the Labour Cabinet prior to the assembly of the new Parliament. The Labour Party—which had been returned with a large majority—had frequently advocated the desirability of such broadcasts while in opposition. It was claimed that the speeches made by Labour Members in Parliament were either suppressed or given scant coverage in the newspapers which were owned or controlled by supporters of the former Coalition Government. During the election campaign, the new Prime Minister had told his listeners that, if returned to power, his Government would ensure that the speeches of the representatives of the people would be brought to them over the national radio stations. The press attacked the Government for its high-handed action and asked what right it had to monopolise the radio stations with parliamentary debates. Dire consequences were forecast; no one would listen to politicians on the air; New Zealand listeners would either turn off their radios or switch to Australian stations for their entertainment; licences would not be renewed. The actual results, however, were quite different. Broadcasts of debates were an immediate success and aroused tremendous public interest.

An Australian listener, who by mistake had turned the dial to 2YA Wellington and had followed the parliamentary broadcast for three hours, said, "The experience convinced me, contrary to any speculation I might otherwise have made, that a parliamentary sitting makes first-class broadcasting. Actually the standard of the debate was poor. Had any of the speakers been giving a talk over the air they would have been intolerable . . . they rambled and stumbled and stammered through tortuous sentences in which the meaning was implied but rarely expressed, but the pleasure in the broadcast arose from the fact that it was natural, spontaneous and convincing. You saw Parliament itself as it was—warts and all . . .

the interjections and the comebacks were entertaining—not because they were witty or quotable, which they were not—but just because they were natural and unrehearsed and had a spontaneity which has gradually disappeared from broadcasting since it ceased to be an adventure and became institutional and organised. The quality of the discussion was about the same as that at a club or a pub or in a railway carriage. It needed gesture to be completely comprehensible, but the broadcast gave an interesting picture of members as they really were, the party publicity man having no chance to sew a silk purse on the sow's ear. Excellent for democracy, I should think."

The early broadcasts were limited to selected debates. The time usually chosen was 7.30 p.m. and the broadcast continued until the House rose at 10.30 p.m. The selection of special debates for broadcast produced problems for the Broadcasting Service as it was not always possible to give sufficiently adequate notice of the intention to broadcast a particular debate and the scheduled and advertised programme had to be interrupted and rearranged. To solve these problems and to meet public demand it was decided to broadcast the whole of the proceedings from the commencement of the sitting at 2.30 p.m. until the closing time of 10.30 p.m. on Tuesdays, Wednesdays, and Thursdays, and on Fridays from 10.30 a.m. until 5.30 p.m. (the House now sits on Friday from 10 a.m. to 4 p.m.).

When the first parliamentary broadcasts were made, four microphones were suspended from wires in a line down the centre of the Chamber. The operator and the announcer had a desk at the far end of the Chamber facing Mr. Speaker. The announcer had a fifth microphone which he used to interpolate the names of the Members addressing the House and the subject matter of the debate. Only the microphones in the vicinity of the Member speaking was live, the others being faded out. In the first few years many technical difficulties had to be overcome. With the limited number of microphones it was necessary on occasion to increase the volume of the speeches of backbenchers or Members whose voices did not carry well. This magnified the sotto voce conversations in the vicinity of the speaker and picked up the rustling of papers, the movement within the Chamber and the odd sneeze and cough. Listeners complained of these background noises and Members were at pains to explain to their constituents that Parliament was not the bear garden they imagined it to be and that Members within the Chamber were not conscious of the noises of which they complained. Telephones rang continuously and requests were frequently made to "Tell Mr. Speaker to stop that dreadful Mr. —— from continually interjecting; I am quite unable to hear what Mr. —— is saying." Listeners were unable to appreciate that Parliament was not a sound-proofed studio but a forum in which keen and robust debate was in progress. These technical problems were solved in the course of time. The number of microphones was greatly increased as was the power of the National

station over which the broadcasts were made. In those areas where daytime reception was not of a high standard, direct land-lines were employed. Today the operator and the announcer are no longer strangers on the floor of the House. They are housed in a special compartment erected in one of the corridors outside the far end of the Chamber from which a commanding view of the Members is obtained through a glass panel inserted in the Chamber wall. The equipment used is very efficient and the reception is excellent. Red lights above the AYES and NOES lobby doors indicate when the House is on the air. During the second world war there was another red light immediately above Mr. Speaker's Chair and this came on whenever that officer felt some Member was about to make a statement which might be of value to the enemy. This was an intolerable burden to impose on Mr. Speaker, but somehow he managed to operate the cut-off switch with reasonable fairness and efficiency.

Another problem associated with a continuous broadcast arose when a division was in progress. It was decided that while the bells were being rung for the prescribed three minutes, a record would be played from the broadcasting booth to retain the interest of listeners. The record would cease when the Speaker or Chairman was about to state the Question before directing Members to retire to the lobbies to be counted. Music would again be played while the counting was in progress and would cease with the return to the Chamber of the tellers with their division lists. This arrangement prevented the light-hearted banter and conversation which is common on such occasions as Members leave their seats to enter the lobbies from being picked up by the microphones and broadcast.

From 1936 to 1961 the Broadcasting Service was under ministerial control with the administration of the service in the hands of a Director of Broadcasting. So far as parliamentary broadcasts were concerned. the ultimate control was in the hands of the Prime Minister as Leader of the House and it was he alone who determined whether the broadcast should continue beyond 10.30 p.m. on those occasions when the sitting had been extended and it was felt desirable to conclude a debate or to enable a Minister to reply while the House was on the air. This arrangement sometimes produced bitter feelings. In later years the broadcast was continued for a few minutes beyond the time fixed for the conclusion of the sitting to include the exchanges between the Prime Minister and the Leader of the Opposition regarding the future business of the House, but today the lights usually fade away at the time fixed by the Standing Orders for the adjournment whether the House is sitting beyond that hour or not.

For many years it was recognised that there were peak listening periods, *e.g.* from 7.30 p.m. till 9 p.m., and there was some jockeying for position with the allegation frequently made that this period was reserved for Ministers or for senior Members on either side of the House. There is no question but that the Whips were alive to the

situation and that many important ministerial statements were either made shortly after the commencement of proceedings at 2.30 p.m. or at 7.30 p.m. On the other hand, a Member making his maiden speech is invariably given the evening air as are those from distant electorates where the daytime reception is not always reliable. There is, of course, no doubt that each Member is fully conscious of the fact that he is addressing a wider audience than may be present in the Chamber.

Although the commencement of parliamentary broadcasting was the result of an administrative decision and the position was accepted by the House, it was not until 1951 that any reference was made in the Standing Orders to this development. In that year S.O. 409 was amended to provide that "the broadcasting of proceedings shall cease during the period for which strangers may have been excluded by the House or by the Committee of the Whole House". In 1962, however, the existing situation was more formally recognised when S.O. 46 was introduced to provide that "Proceedings of Parliament shall be broadcast during all hours of sitting prescribed by these Standing Orders and during such other periods as may be determined by the Leader of the House". An attempt at that time to amend this Standing Order and vest control in Mr. Speaker was defeated by a division on party lines.

From time to time, following the introduction of parliamentary broadcasting, Members of the nominated Upper House (Legislative Council) suggested that some of its debates be broadcast, but these pleadings fell on deaf ears. The Government was adamant that it was the views of the elected representatives only that should be broadcast to the nation. When the Legislative Council was abolished at the end of 1950, some Members claimed that the failure of the Government to provide for the broadcasting of debates from that Chamber had helped to diminish its influence.

In 1948 the question was raised as to whether the privilege of Members was affected by the broadcasting of parliamentary proceedings and also whether it was necessary to give statutory protection to any person who broadcast such proceedings. The view finally taken was that as New Zealand had, by its Parliamentary Privileges Act of 1865 (now Sec. 242 of the Legislature Act 1908), taken unto itself all the powers, privileges, and immunities possessed by the House of Commons as at 1st January, 1865, the protection of the Member in respect of words spoken by him in Parliament was absolute and no further statutory protection was necessary. It was felt that although Article 9 of the Bill of Rights contemplated speech within the four walls of the House of Commons Chamber and not the vast extension of the range of the Member's voice through radio broadcasting, the protection of the Member was nevertheless absolute. The challenges made from time to time to Members to shed their parliamentary privilege and repeat their statements outside Parliament would

seem to confirm that this is also the publicly accepted view of the situation.

The New Zealand Broadcasting Corporation's view is that its broadcast of the proceedings of the House of Representatives is merely an extension from the public galleries of that Chamber and that as that broadcast is continuous throughout normal sitting hours, it constitutes a fair and accurate report of the proceedings of that House or of any Committee thereof as mentioned in the first schedule to the Defamation Act 1954 under the heading of "Qualified Privilege—Statements Privileged without Explanation or Contradiction". The Corporation does not keep any records of its parliamentary broadcasts nor does it make any subsequent rebroadcasts of those proceedings.

It was in 1962 that the Broadcasting Corporation was established to take over and operate the service. While the Minister ceased to have any responsibility for matters of day-to-day administration, the Act required the Corporation to comply with the general policy of the Government with respect to broadcasting and with any general or special directions given in writing by the Minister pursuant to the policy of the Government.

In 1946 the Saskatchewan Provincial Legislature and the Australian Commonwealth Parliament commenced parliamentary broadcasts. The latter, which had to provide for a broadcast coverage from two elected Chambers, established a Joint Committee to lay down the guide lines and to determine, among other things, the allocation of time as between the two Houses. In both cases, special statutory protection was provided for the Member and for the broadcasting authority.

Writing in the *Sunday Times* in 1949 following a visit to New Zealand and Australia, the late Sir Gilbert Campion said: "If one considers only the popular reaction, the experiment of broadcasting debates would seem to have justified itself. People have learned much more about the purposes and proceedings of Parliament. Some are shocked to find that the tone of the democratic assembly is not that of an Areopagus or a Roman Senate, but many have developed a live interest in the debates and both parties agree that discontinuance is unthinkable." The former Clerk of the House of Commons concluded his article with the following comment made to him by an Australian admirer of English methods: "Leave it to time. Twenty years ago nobody would have looked at it here. Twenty years hence you will be wondering what the objection was. And then it will be television."

This article would be incomplete without some reference to the more demanding medium—that of television. The formal opening of the New Zealand Parliament, which takes place in the former Legislative Council Chamber, has been televised for many years. Ventilator grilles were removed from the walls of the Chamber to permit

the entry of cameras, special lighting (whose heat was intense) was introduced, while the corridors surrounding the Chamber were cluttered up with cables and paraphernalia and took on the character of a movie studio. Until the present year only local viewers obtained a direct telecast of these proceedings, while viewers in other parts of the country had to await the arrival of video tapes to receive a delayed screening of the event. This year, however, it was found possible to arrange for a simultaneous transmission over the four New Zealand T.V. stations and to provide a complete coverage.

Pressure is developing to extend television to the Chamber of the House of Representatives. Its present intrusion is limited to the televising—at the formal opening of Parliament—of the arrival of Black Rod at the door of the House of Representatives' Chamber, his entry and withdrawal, and the departure of Mr. Speaker, the Clerk, and Members on their way to the Council Chamber. If the cameraman is to be believed, Black Rod's role on these occasions is one of the highlights, from the viewer's angle, of the opening of Parliament and, indeed, as if to emphasise that point, he was required to alter his customary approach to the Lower House Chamber to enable viewers to see him to better advantage, and in particular to see him in the act of knocking with his ebony and gilded silver rod on the locked doors. The Clerk is also sometimes asked to request Members to look at the wheeled and retreating camera as they leave their Chamber on their way to hear the Speech from the Throne.

If the role of television is to be extended in Parliament, let us hope it may be confined to Committee rooms and to the proceedings of Select Committees and be kept out of the debating Chamber. In the former case a single camera might well give a reasonable coverage of all the members of the Committee as well as the witness under examination, and the need to rehearse the roles to be played by those involved might not arise and a tolerable live telecast might result. With the larger forum it would be much more difficult to give an impartial coverage of both sides, and any telecast from the Chamber of the House of Representatives might well have to be a delayed and edited telecast. Whether Members would be willing to have their dignified Chamber converted to a studio and flooded with intense lighting and cluttered up with all the other trappings of this medium remains to be seen.

But what of the future of parliamentary radio broadcasting. No one now complains unduly when for five or six months of the year while Parliament is in session 2YA, the most powerful national station, transfers its scheduled programme to a subsidiary station to enable it "to extend the democratic process" and bring the proceedings of that assembly into the homes of the people or into the offices and factories where people work. While it is true that few New Zealand homes are without a radio and that many thousands listen intently to Parliament, it is also true that six out of ten homes now have

a television receiver and that the impact of television has been tremendous. While television was confined to the evening hours Members felt that parliamentary broadcasts attracted a larger audience during the Friday sittings from 10 a.m. to 4 p.m. and on other days from 2.30 p.m. to 5.30 p.m., but now that a nation-wide television coverage is available from 2 p.m. each day the number of people listening to Parliament must surely have declined. Who, therefore, it may be asked, now listens in to Parliament? An answer cannot readily be given. Younger people, unless attracted by some special development, would rarely tune in to Parliament, while employees in shops, offices, and factories obviously prefer popular music and the fare provided by the commercial or advertising stations. Patients in public hospitals can make their choice by throwing a switch. Present-day listeners include a large number of elderly or superannuated people and, of course, those who are interested in politics, parliamentary personalities, or the issues of the day. On special occasions like the presentation of the Budget or the opening of the Address-in-Reply, a national broadcasting hook-up is arranged and listeners so inclined have to search for an alternative programme. It is still the belief of Members that Parliament retains a wide audience and they are often surprised on returning to their electorates at the week-end to be questioned by their constituents about statements they have made in Parliament during the week.

In view of the opportunity that these broadcasts provide for the public to keep abreast of parliamentary proceedings and because of the beneficial effect of radio in uplifting the standard of parliamentary debate, it would, I think, be a retrograde step if live broadcasting were to be discontinued.

XIV. BROADCASTING OF PARLIAMENTARY PROCEEDINGS

Answers to Questionnaire

The questionnaire for Volume XXXV asked the following questions:

"1. Are proceedings broadcast to the public
 (*a*) in the House?
 (*b*) in Committee?

2. If so are they broadcast
 (*a*) on television?
 (*b*) on the wireless?
 (*c*) 'live' or edited?

3. If proceedings are not broadcast are there any plans for some form of broadcasting in the near future? Please indicate any such proposals.

4. If proceedings are broadcast are any records kept in the form of film or tape?

5. Is any special legal protection given
 (*a*) to Members?
 (*b*) to broadcasting authorities?

6. Please provide any other information you may consider necessary."

Lengthy articles have been received from three countries in answer to these questions and they will be found earlier in the Volume. They cover the proposals of the Select Committees on Broadcasting of both Houses in the United Kingdom Parliament, as well as the valuable experience of legislatures in Australia and New Zealand, which have broadcast their proceedings for a considerable period of time.

Of the other replies received the majority indicated that there were no plans for parliamentary broadcasting of the sort described in the above articles. Many legislatures, however, do allow ceremonial occasions to be broadcast live either on television or the radio. In addition, replies showed that the proceedings of a number of legislatures are broadcast in an edited form after the conclusion of the day's debate.

Replies are not grouped in categories because there is no sure means of doing so. And since practice in the State legislatures varies

considerably it was thought best that the replies should be seen in a national context.

Jersey

There are no plans to introduce broadcasting of the proceedings of the States.

Canada: House of Commons

The televising of proceedings is under consideration at the present time.

British Columbia

The Opening proceedings alone are broadcast, and these on television.

Prince Edward Island

Proceedings are not broadcast in the House or in Committee. Each evening on the days the House is sitting a reporter gives a short résumé of the day's proceedings on television from the local station.

Proceedings of the House are taped, but not for broadcasting. During the period between Sessions the tapes of the Speeches on the Draft Address and the Budget are transcribed, edited, and printed in book form.

No special legal protection is given to Members or to broadcasting authorities.

Saskatchewan: Legislative Assembly

Proceedings of the Legislative Assembly of Saskatchewan are broadcast live on radio for about twenty days of a session. These broadcasts cover the two major debates of the Assembly, the Address in Reply and the Budget, as well as a certain number of Private Members' resolutions. The broadcasts begin fifteen minutes after the commencement of a sitting, and last for one and one quarter hours. In addition, for the past two years the opening of the Assembly has been broadcast live on television up to the moment when the Lieutenant Governor leaves the Chamber after reading the Speech from the Throne and the Assembly enters upon the transaction of business.

No records of the broadcasts are kept by the Legislative Assembly either on film or tape except those taped records, prepared independently of the broadcasts, from which the *Official Report* is prepared.

Members whose speeches are broadcast are given special protection under section 34 of *The Legislative Assembly Act*, Chapter 3, Revised Statutes of Saskatchewan, 1965, which reads as follows:

34 (1) No member of the Assembly shall be liable to any civil action or prosecution, arrest, imprisonment or damages by reason of any matter or thing brought by him by petition, bill, resolution, motion or otherwise or by reason of anything said by him before the Assembly.

(2) The immunity provided by subsection (1) applies notwithstanding that words spoken by a member before the Assembly are broadcast, provided that the broadcasting takes place while the words are being so spoken.

Brief references to the broadcasting of debates in the Saskatchewan Legislature are to be found in THE TABLE, Vol. XV, p. 67, and Vol. XVIII, p. 67.

New South Wales: Legislative Council

At Openings of a Session by the Governor, a television camera team is given space in the Legislative Council Gallery inside the Chamber, to record the proceedings and the Governor's Speech. Television cameramen also record the Ceremonial in Macquarie Street and the Governor's procession across the Parliamentary Courtyard and also the procession of the Legislative Assembly led by their Speaker. By arrangement the television station recording the proceedings inside the Chamber supplies copies of the film to other television stations on request and the film is shown on the newsreels in the evening of Opening Day.

New South Wales: Legislative Assembly

On 24th March, 1925, the proceedings of the Legislative Assembly of New South Wales were broadcast, the first of such broadcasts in Australia, and claimed by the broadcasting station 2 FC (then a commercial station but now a station of the Australian Broadcasting Commission) to be the first in the world. This arrangement was permitted by Mr. Speaker Levy, with the concurrence of the Government. The broadcast was reported by the studio as an "unqualified success".

In 1932 the proceedings were again broadcast, this time on a daily basis for a total of eighteen days. The arrangements provided for two commercial stations to undertake the broadcasts on alternate days. The authorities at the stations proposed to broadcast the proceedings only at such times as anything of more than ordinary interest was proceeding.

Many comments were forthcoming on the arrangements made. Some Members complained about the positions of the microphones, whilst others complained that a monopoly had been given of the right to broadcast parliamentary proceedings. As against this, other broadcasting interests declared that if they had been offered the opportunity to share in the broadcast of parliamentary proceedings, they would have readily availed themselves of such opportunities. Some Members complained of special opportunities being "arranged" by certain Members of the House for their speeches to be broadcast while the speeches of other Members could not be heard without interruption. Objection was also taken to the practice of the announcers making comments to listeners upon the speeches made by Members.

Later on, towards the end of 1932, the Government gave further consideration to the question of broadcasting the proceedings of Parliament and appointed a special committee to consider the proposal from all angles. While this committee expressed the opinion that occasional broadcasting might be arranged, such as on the occasion of the opening of Parliament when an Opening Speech is read by the Governor, or consideration of Budget proposals, it expressed the view that for many reasons there was doubt as to the desirability of broadcasting the proceedings. The main objections were:

(1) Broadcasting stations would require a timetable to be observed;
(2) The need for arranging special speakers and prepared speeches would destroy parliamentary debate;
(3) Stations wanted broadcasts " stage managed ".

As a result of the committee's report, which the Government adopted, it was decided that broadcasting the proceedings was neither desirable nor practicable.

Since those days the subject has been raised on many occasions. Questions have been asked in the House, the matter has been raised in debate and as late as 1965 the question was still under consideration by the Government, but as yet no conclusion has been reached. However, it is most unlikely that the difficulties of 1932 would be insurmountable today with the experience gained from the broadcasting of proceedings of the Federal Parliament.

Queensland

There are no proposals for introducing broadcasts.

South Australia: Legislative Council

The only occasion when proceedings are broadcast is on Opening Day when the Ceremonial portion is televised.

Tasmania

There are no proposals to broadcast proceedings in the future.

Northern Territory

Proceedings are not broadcast, but protection would be given to Members, if by chance they were, by Section 24 of the Legislative Council (Powers and Privileges) Ordinance which states:

" No broadcast or re-broadcast of any portion of the debates or proceedings of the Council or of a committee shall be made except by the authority of the Council and in accordance with such conditions as may be determined by the Council."

Section 5 of the same ordinance is also relevant:

"(1) There shall be freedom of speech, debates and proceedings in the Council and that freedom shall not be impeached or questioned in any court or place outside the Council.

(2) Neither a member nor any other person is liable in any action, suit or other legal proceeding (whether civil or criminal), for or in respect of any statement made or act done in the course of the conduct of the business of the Council during a meeting of the Council or by or on behalf of or with the authority of the Council or in the course of the conduct of the business of a committee during a meeting of that committee or by or on behalf of or with the authority of a committee."

Papua and New Guinea

On 29th November, 1965, the Assembly adopted a Report from its House and Standing Orders Committees in the following terms:

"1. On 31st August, 1965, Mr. Speaker read to the House a letter received from the Australian Broadcasting Commission requesting permission to broadcast daily reports on the proceedings in the House involving tape recorded speeches from which items would be selected.

2. Mr. Speaker drew attention to Section 17 of the Parliamentary Powers and Privileges Ordinance 1964 which states:

> 'No broadcast or re-broadcast of any portion of the debates or proceedings of the House or of the Committee shall be made except by the authority of the House and in accordance with such conditions as are determined by the House.'

3. On 2nd September, 1965, Mr. Guise moved:

> 'That the request received by Mr. Speaker from the Australian Broadcasting Commission in relation to the broadcasting of proceedings in the House be referred to the House Committee and the Standing Orders Committee sitting together, and that the report of the combined committees be made to this House not later than the next meeting of the House.'

This motion was agreed to by the House.

4. Pursuant to the motion the House Committee and the Standing Orders Committee came together in joint meeting at 3 p.m. on 25th November, 1965, with Mr. Speaker as Chairman.

5. Messrs. L. Newby and P. Cochrane of the Department of Information and Extension Services appeared before the committees by invitation.

6. The Committees discussed fully the application made by the Australian Broadcasting Commission and decided to recommend to the House:

> 'That having regard to policy in Australia in relation to broadcasting the proceedings of Parliament and considering the wide difference in political comprehension among the peoples of Papua and New Guinea that the House grant permission for broadcasting of proceedings only on the following conditions:
>
> A direct broadcast by the Australian Broadcasting Commission without comment or editing, the only dubbing to be the insertion of the name and electorate of a speaker. Relay through stations operated by the Department of Information and Extension Services as arranged by that Department with the Australian Broadcasting Commission but subject to the same restrictions as apply to the original broadcast.'

7. Messrs. Newby and Cochrane presented a submission regarding interviews of elected members to give summaries of and views on House proceedings.

8. This matter was considered fully by the committees and those committees unanimously recommend to the House:

'That the very full cover of the proceedings of the House offered to the public by the Department of Information and Extension Services is appreciated but it is considered essential that such cover should be restricted to a factual reporting of proceedings by that Department's staff and should not include interviews of members. However in exceptional circumstances the House Committee or Mr. Speaker be empowered to grant permission for the interview of a member for a specific topic.' "

But later during the same sitting in which the Report was agreed to, Dr. Gunther (Assistant Administrator (Services) and the senior official Member) sought leave to raise an objection to paragraph 8 of the Report.

Dr. GUNTHER said: " Mr. Speaker, I regret that I did not have time to understand fully what was set out in the eighth paragraph of the report when the House debated it. I believe that the proposal contained therein is beyond the rights of the Committee. It gives a direction to the Department of Information and Extension Services, and I do not think that this House can give such a direction. The functions of the Department are clearly laid down by the Minister on the advice of the Administrator and the Public Service Commissioner. This House, of course, can ask the Administrator to ask the Department of Extension Services not to do certain things. The paragraph then goes on to say that a member should not be interviewed by the Department. I think if all of the members of this House resolve that they will not be interviewed, this is all right, but I do not think that we can give a direction to the Department not to interview members when it is their right to decide whether they want to be interviewed or not. This report takes away one of their rights —freedom of speech.

" It has been said that the Department has specially chosen certain members to speak over radio stations and others have wittingly, or unwittingly, been excluded. I think that the House can well draw the attention of the Department to this fact (if it is a fact) and ask that all members be given equal time. What has happened, of course, is that where there are stations the local member is a focal figure in the district and he is asked to make comments. It is natural. Some members have been selected here in the precincts of the House itself, or away from the House, in the studios of the Department of Information and Extension Services stations, and these interviews have been sent on in advance of the member to his local station.

"I would suggest, Sir, that you and this House can well direct that the Department of Information and Extension Services shall not interview members within the precincts of the House. This is well within the House's rights. But I do not think it can direct the Department or the individual away from the House to do certain things unless all members agree that they will not give interviews and that they are prepared to be disciplined by this House if they do. I do not think they would be prepared to do that and suggest, therefore, that this clause should be reworded. I have no particular rewording to propose. Perhaps somebody would like to move that the resolution be rescinded and that debate be adjourned."

As a result Mr. Barrett (Chairman of the Committees) moved that the resolution of the House adopting the Report be rescinded and that the debate be resumed at the next Meeting.

Mr. BARRETT said: " Mr. Speaker, I am sorry that Dr. Gunther did not have more time to study the report and has found it necessary to seek rescission of the resolution. It was the unanimous view that the Committee's report should be worded in this way. However, since Dr. Gunther has drawn attention to a particular matter, I think it would be unwise to go into this hastily and feel

that the matter should be adjourned for further consideration. I can see some of the points that have been raised by Dr. Gunther, but there have been some quite serious doubts in the minds of some members regarding the activities (if I may call them that) of the Department of Information and Extension Services in relation to the elected Members of this House. Dr. Gunther mentioned that some people had been selected for interview and others had not, which could be politically dangerous. It could spell the end of a politician's career, or a member present in this House (a person perhaps not very popular) could be built up into popularity, and so on. I do not think I need elaborate further on this point. It is quite obvious."

The Report was in due course referred back to the Committees for further consideration.

India: Lok Sabha

The proceedings of the Lok Sabha are not usually broadcast but on a few occasions in previous years, at the request of the All-India Radio, the Speaker has allowed proceedings to be tape-recorded by them and subsequently broadcast on the wireless.

India: Rajha Sabha

The proceedings of the Rajha Sabha are not broadcast and there are no plans for future broadcasting.

Madras: Legislative Council

The All-India Radio, Madras Division, has been given a press gallery pass, as is provided to the representatives of newspapers, to cover the proceedings of the Madras Legislative Council. The All-India Radio through its own agencies covers the proceedings and broadcasts a gist of the business transacted in the Council during a meeting. This Secretariat is, however, officially not responsible for the accuracy of the news broadcast.

Madras: Legislative Assembly

The proceedings of neither the Legislative Assembly nor those of its Committees are at present broadcast to the public. However, during the days of sitting of the Legislature, salient points of the proceedings of the House are broadcast to the public in the regional news bulletin daily along with other regional news. There is also a weekly review of the proceedings of the Legislative Assembly every Sunday.

Madhya Pradesh: Vidhan Sabha

There is no arrangement at present for broadcasting the proceedings of the Vidhan Sabha in the House or in Committee nor is there any plan for making such arrangements in the near future.

Maharashtra

There are no plans to introduce broadcasting of parliamentary proceedings.

Punjab

There are no proposals for the future broadcasting of proceedings of the Assembly, but these are already covered by local radio stations.

Rajasthan

The Assembly Secretariat has no arrangements of its own for the broadcasting of proceedings. A bulletin, giving a brief account of each day's proceedings is, however, issued after the day's sitting is over. The representative of All-India Radio, who attends the Assembly Session takes down notes of the proceedings of the House, and the All-India Radio broadcasts them from its Jaipur station.

West Bengal

Parliamentary proceedings are not broadcast.

West Pakistan

Proceedings of the Provincial Assembly are not broadcast and nor are there any plans to do so in the future. However, the television authorities are allowed to take pictures of the House while in Session on important occasions and they can televise the same as a news items.

Sarawak

There is no future plan for broadcasting the proceedings of the Council Negri.

Trinidad and Tobago

The Speech from the Throne is broadcast live by radio, and other proceedings are edited. From 1962 tape recordings of debates have been kept.

Kenya

Proceedings are broadcast to the public through the Voice of Kenya, a Department of the Government Ministry of Information and Broadcasting which is charged with the task of ensuring that the public are kept informed of National Assembly Proceedings and the outcome of debates. The V.O.K. therefore conducts a special programme on the National Radio Service known as "Today in Parliament" in which National Assembly proceedings are summarised each day that the Assembly meets. However, ceremonial proceedings are reported live.

Bermuda

There are no plans to broadcast the proceedings of the House of Assembly.

British Solomon Islands Protectorate

A summary of proceedings of the House is broadcast to the public by radio the same evening. The proceedings are edited.

Malta, G.C.

The proceedings of the House are not broadcast to the public and there are no plans for broadcasting them in the future.

British Honduras

Broadcasting of the proceedings to the public is only done on special occasions for the House of Representatives, *i.e.* an official opening of a New Session of the Assembly. This is done live and direct to the public.

No plans are being made for the broadcasting of ordinary or regular everyday meetings. Except for the usual police attendance at meetings, no special legal protection is provided for Members or to the broadcasting authorities.

XV. APPLICATIONS OF PRIVILEGE, 1966

AT WESTMINSTER

Committee proceedings.—When the Select Committee on Procedure met for its first meeting on Thursday, 19th May, 1966, there were, at the appointed hour, only Opposition Members present. They proceeded to call one of their number to the Chair and thereafter to adjourn the Committee till a later day before any Government supporters arrived.

On the next day, in the House, a Government supporter, Mr. English said:

I seek your guidance on a matter concerning the privileges of this House, Mr. Speaker. I would like, first, to make it plain that I do not seek to bring to the Floor of the House a matter which has occurred in a Committee which has not yet reported to the House. I understand that to do so would be against the rules of order.

What I do complain of, however, and seek your guidance upon, is that those proceedings which occurred yesterday in a Select Committee of the House have, in fact, been published orally to other persons and, indeed, are the common gossip of the Palace of Westminster. It is impossible, of course, to publish them in print, because to do so would be a breach of Privilege by members of the Press, but they are well known to the Press and I therefore seek your guidance on the situation that has now arisen. As I understand it, a breach of convention, although not of procedure, occurred in a Select Committee of the House yesterday.

Mr. Speaker: Order. The hon. Member cannot refer in any way to what happened in a Select Committee of the House until that Committee has reported to the House.

Mr. English: Very well, Mr. Speaker. I seek your guidance because I understand that such proceedings have been referred to and I therefore submit that it is the common knowledge of the Palace that a breach of Privilege has been committed. I would appreciate your Ruling on the situation that has arisen.

Mr. Speaker: I am grateful to the hon. Member for having given me prior notice that he would raise a question of Privilege. I am not, however, aware of all the circumstances to which he was referring, and these I must inquire into. It is open to any hon. Member to make a complaint of breach of Privilege of the House, but, in the circumstances to which the hon. Member refers, I detect a danger of intervening in the affairs of the Select Committee.

Generally speaking, a matter alleged to have arisen in a Committee, but not yet reported by the Committee, may not be brought to the attention of the House as a question of Privilege. But having said that, I ask the House to give me the customary time in which to consider whether a *prima facie* case has been made out by the hon. Member, and I will let the House know my decision on Monday. (*Com. Hans.*, Vol. 728, col. 1742.)

On the Monday, Mr. Speaker ruled:

I have inquired into these circumstances so far as I have been able to do so. As I indicated to the House on Friday, however, I could not make full inquiries without endangering the rule of the House that there must be no intervention in the affairs of a Select Committee unless that Committee itself asks the House in a formal report to do so. This rule binds Mr. Speaker as well as all other Members.

The House will appreciate that my function in ruling on a claim of breach of privilege is limited to deciding the formal question, whether the case conforms to the conditions which alone entitle it to take precedence over Orders of the Day. My duty does not extend to deciding the question of substance whether a breach of privilege has, in fact, been committed. That is a question which can be decided only by the House itself. I have, however, considered the facts put forward by the hon. Member with great care. My conclusion must be that the matter is not so clearly a contempt of the House as to justify me in finding that it constitutes *prima facie* a breach of privilege.

Mr. Thorpe: On a point of order. Without asking you in any way to disclose any evidence or any inquiries which you may have received or sought, Mr. Speaker, if I heard your Ruling aright, you said that you would be unable to rule on this matter unless and until the Committee had disclosed the relevant information and thereby made it public. May I respectfully ask you whether, in coming to that decision—which, of course, we all accept—you had been fully furnished with all the requisite information by that Committee?

Mr. Speaker: I think that the simple answer to the hon. Member is that he has not understood the Ruling which I made. I did not rule that I could not decide whether this was a question of privilege until I had information from the Committee. I ruled that on the information which I have it is in my opinion not *prima facie* a case of privilege. Whether it is a breach of privilege or not is always a matter for the House. All that Mr. Speaker has to rule is, on the information which is supplied to him, whether it is *prima facie* a case which would involve lifting it over the ordinary business of the House and giving it immediate precedence.

Mr. Thorpe: Further to that point of order. If I heard the hon. Member for Nottingham, West (Mr. English) aright, or read the record aright, he did not feel able publicly to make full disclosure of the facts because the facts of that Committee had not been publicly disclosed by that Committee. If I am right in that, he was not therefore in a position to furnish you with all the relevant information as he would have wished to do.

Mr. Speaker: Order. We cannot now discuss the issue which the hon. Member seeks to raise. If he reads the question of privilege as raised by the hon. Member for Nottingham, West he will see that it has nothing to do with what has happened in the Committee. That is a matter that we cannot discuss until the Committee has reported to the House.

Mr. English: When you made your ruling, Sir, which, of course, I entirely accept, was it drawn to your attention that the facts which we may not disclose under your statement of Friday, were published on every notice board in the House, including public places? Was the fact also drawn to your attention that on B.B.C. television on Friday the statement was made in public that the commentator could give the whole of the facts were it not a breach of privilege?

Could you, Sir, for general elucidation, inform us whether the effect of your Ruling would now be to enable people to publish the facts without putting themselves in contempt of the House?

Mr. Speaker: The hon. Gentleman must not seek now, having had a Ruling on a question of privilege, to bring other hypothetical cases before me. The simple answer to him is that if he turns up the precedents he will find that it is and has always been a breach of privilege to publish events that took place in or the transactions of a Select Committee before they have been brought before the House. This is just the classic example. (*Com. Hans.*, Vol. 729, cols. 44-6.)

At its next meeting, the Committee moved a supporter of the Government into the Chair in place of the member chosen at the first meeting.

Contractual Relationship limiting Member's freedom of action.—On 11th July, 1966, Mr. Lubbock, Member for Orpington, raised a matter of privilege in the following terms:

I beg leave to raise a question of privilege of which I have given you notice, Mr. Speaker, namely, the instructions which have been issued by the National Executive of the Transport and General Workers' Union to the right hon. Member for Nuneaton (Mr. Cousins), the existence of a contractual relationship between him and the union which controls or limits his complete freedom of action in Parliament and, in particular, which seeks to dictate the timing of his resignation as a Member of this House, and the connivance of the Nuneaton constituency Labour Party in this constitutional arrangement.

In raising this matter, I intend no reflection whatever on the right hon. Member for Nuneaton's personal integrity and honour. I have the highest regard for him, but I believe that he has committed a serious error of judgment in this case.

The matter of instructions has a long history going back at least as far as Edmund Burke. In Burke's speech to the electors of Bristol in 1774, he repudiated the proposition, advanced by his opponent, that a Member could accept what he called

> ". . . the coersive authority of such instructions . . ."

from his constituency.

Burke said that the wishes of his constituents ought to have great weight with a Member and that he should give his unremitted attention to their business. He added:

> " But his unbiassed opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you, to any man, or to any set of men living. These he does not derive from your pleasure; no, nor from the law and the constitution. They are a trust from Providence, for the abuse of which he is deeply answerable. Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion."

If Burke's doctrine is true with regard to his constituents, how much greater force does it have with regard to any outside body or sectional interest?

Erskine May, in Chapter IV, page 52, shows that the duty of Members to maintain the privilege of freedom of speech must prevent them from entering into any contractual agreement which purports to limit their absolute right to exercise their unfettered judgment in the House of Commons. The rule in this matter is explicitly given in a Resolution of the House passed on 15th July, 1947, when it was declared

> " That . . . it is inconsistent with the dignity of the House, with the duty of a Member to his constituents, and with the maintenance of the privilege of freedom of speech, for any Member of this House to enter into any contractual agreement with an outside body, controlling or limiting the Member's complete independence and freedom of action in Parliament or stipulating that he shall act in any way as the representative of such outside body in regard to any matters to be transacted in Parliament; the duty of a Member being to his constituents and to the country as a whole, rather than to any particular section thereof."—[OFFICIAL REPORT, 15th July, 1947; Vol. 440, c. 365.]

This Resolution arose out of a complaint by the late Mr. W. J. Brown, who was then Member of Parliament for Rugby, against attempts to influence him by the Civil Service Clerical Association, and it was my predecessor as Liberal Whip, now Lord Byers, who raised the complaint on Mr. Brown's behalf.

In its Report on this complaint the Committee of Privileges had this to say —and it seems to me that its statement is equally relevant to the case I am now raising:

> " The relationship between a Member and an outside body with which he is in contractual relationship and from which he receives financial payment is, however, one of great difficulty and delicacy in which there must often be a danger that the rules of privilege may be infringed. Thus, it would certainly be improper for a Member to enter into any arrangement fettering his complete independence as a Member of Parliament by undertaking to press some particular point of view on behalf of an outside interest, whether for reward or not."

In the present case, there is a contractual relationship between the right hon. Member for Nuneaton and the Transport and General Workers' Union under which the right hon. Gentleman has agreed that, following his resignation as Minister of Technology, he will resume his duties as actual General Secretary of the union instead of being the titular holder of the office as he was during his period in the Ministry, and the payment of his salary of £3,750 by the union and the refunding by the right hon. Gentleman of an agreed proportion of his Parliamentary salary to the union are only important as evidence of the nature of the contract into which the parties have entered.

The National Executive of the Transport and General Workers' Union, at its meeting last Wednesday evening, rightly said that it

> " . . . holds the view that it is not physically possible for the General Secretary to undertake the responsibility and duties of the General Secretaryship and at the same time remain a Member of Parliament ".

The executive apparently did not consider the ethical aspects, but felt that the physical considerations alone meant that the right hon. Gentleman should resign

> " . . . at the earliest possible moment ".

Yet the resolution passed went on to say that the executive

> " . . . would expect the General Secretary to play a major part in the opposition to the Bill in the House of Commons . . ."

and that it was agreed that, for the time he remained a Member, he would refund an agreed amount from his Parliamentary salary.

This was open to the interpretation that the right hon. Gentleman should at least remain in the House until the Prices and Incomes Bill had passed through all its stages, but since the right hon. Gentleman announced that he would be seeing the management committee of the Nuneaton constituency Labour Party on Saturday

> " . . . to see how we can give effect to the view of the Union's Executive . . ."

as he put it, one might have expected that the meeting would call on him to resign forthwith, bearing in mind that he no longer intended to represent the people of Nuneaton, but the union's executive.

It is ironic to reflect that the right hon. Gentleman who replaced him as Minister of Technology fought a hard battle for his constituents' rights,* which

* Mr. Wedgwood Benn, see Vol. XXX, pp. 23-56.

many of us supported, while in Nuneaton those rights are being given away to a body that is not represented in Parliament at all, by a small minority of the electorate in that constituency.

Contrary to the view of the National Executive of the Transport and General Workers' Union, the constituency Labour Party decided on Saturday that there was no incompatibility between the right hon. Gentleman's resumption of his duties as General Secretary of the union and his continued membership of Parliament. Far from calling on him to resign forthwith, it appears to have asked him to remain indefinitely as its Member of Parliament. I claim that the matter could not have been raised until Nuneaton Labour Party had had this opportunity of considering it, because of the ambiguity of the executive's resolution regarding the right hon. Gentleman's continued services as a Member of Parliament and that this is, therefore, the first opportunity which I have had.

I ask you, therefore, Mr. Speaker, whether you would be good enough to give your Ruling on whether the contractual agreement entered into between the Transport and General Workers' Union and the right hon. Gentleman and the endorsement of that agreement by the Nuneaton constituency Labour Party constitute *prima facie* a breach of privilege.

Mr. Speaker replied: I am grateful to the hon. Member for Orpington (Mr. Lubbock) for letting me know in advance of his intention to refer to this matter. The whole House will appreciate his opening words, for in this place any quarrels which we have are political and not personal.

The House will appreciate that in what I am about to say I am concerned only with the procedure aspect of the hon. Gentleman's submission and not with its merits. Any Motion taken at the time for raising a matter of privilege has to be given precedence over the prearranged programme of public business, but before the Chair can submit such a Motion to the House two conditions have to be satisfied. Of these two the one condition with which I am concerned this afternoon is whether the matter has been raised at the earliest opportunity.

The right of an hon. Member to raise a matter of privilege and the duty of Mr. Speaker to give it precedence are bound by two distinct sets of rules. It is a strict rule that to secure precedence an issue of privilege must be brought before the House at the earliest opportunity. In particular, it has been held that in the case of a matter covered by London newspapers of daily circulation, it must be produced to the House on the day of issue, or at the first sitting of the House after the day of issue.

As my predecessor reminded the House on 10th December, 1953, this is a very important rule of our procedure and the exception which was made on that date affected a paper which, though printed in London, had a very limited circulation and was, in any case, brought to the Table on the day of issue.

The matter to which the hon. Member for Orpington has referred today was fully reported in the *Daily Express* on Friday, 8th July. That was the appropriate day on which the hon. Gentleman should have sought to raise the matter. It is now out of time and, although he is fully entitled to take such other opportunities as the procedure of the House offers him, I cannot allow the matter precedence over the business of the House.

This is not merely my own Ruling. A Resolution of the House passed as recently as 2nd November, 1960—col. 317 of the OFFICIAL REPORT—prescribed as a condition of the hearing of complaints of breach of privilege that Mr. Speaker must be satisfied that notice had been given at the earliest opportunity. (*Com. Hans.*, Vol. 731, cols. 976-80.)

No further action was taken by the House.

Newspaper Advertisement, use of Member's name in.—Sir Charles Taylor, Member for Eastbourne, complained, on 11th July, 1966, that:

On 29th June, on the Motion for the Adjournment of the House, I raised the issue of a book which, as you know, Mr. Speaker, I have consistently refused to name. As you may know, on that occasion I tried to spy strangers, but the House decided against my request.

Yesterday, my attention was drawn to an advertisement in the *Sunday Times* which I propose to read. It mentions at the top of the name of a book, the author, the publishers and the price. It goes on to say:

> " Sir Charles Taylor, M.P., described it as: ' Filthy, disgusting, degrading.' But ' One of the most important novels to come out of America,' says the *Daily Telegraph* "—

I need not bore you further, Mr. Speaker, with the rest of the Press quotations.

The advertisement adds:

> " What are they talking about? You can only find out by ordering a copy right now from: Better Books, 94 Charing Cross Road, London, W.C.2 (Telephone Temple Bar 2544.)"

I have made only one speech about a book when, as you will be aware, Sir, I did not mention the name. Subsequently I placed a copy in the Library for the confidential and private information of hon. Members. I regret very deeply that certain hon. Members broke that confidence by making public the name of the book.

I submit that it is outrageous and monstrous that my name should have been used in an advertisement for the sale of this book and I ask your protection against the newspaper concerned, which accepted the advertisement, and the advertisers. This is a matter which has caused me personally, my friends and my constituents, considerable distress.

Mr. Speaker: Will the hon. Member for Eastbourne (Sir C. Taylor) bring the newspaper cutting of which he complains to the Table?

Copy of newspaper handed in.

Again, my comments must be precedural and not on the merits of what the hon. Gentleman has said. In accordance with usual practice, I will consider the complaint raised by the hon. Member for Eastbourne and I will give my Ruling on it tomorrow. (*Com. Hans.*, Vol. 731, cols. 981-2.)

Mr. Speaker gave his ruling the next day:

May I begin by making an observation? I believe that privilege is something precious and something which I would hope the House would never invoke lightly, nor hesitate to apply if necessary.

Yesterday, the hon. Member for Eastbourne drew attention to an advertisement in the *Sunday Times* of 10th July and complained that the terms of the advertisement purported to quote from a speech which he had made in the House and that, taking his words out of context, it linked them with a certain book, named in the advertisement but which the hon. Gentleman did not name.

I sympathise with the hon. Gentleman. I appreciate his distress, to which he made reference in the House yesterday. The right to ensure that speeches made in Parliament are not misrepresnted outside Parliament is an essential part of the privilege of freedom of speech. The House has always enjoyed the right to prohibit altogether any publication of its debates and proceedings, and, although this right is now continually waived in practice, action by the House may still be taken against persons who have been alleged to have misrepresented its proceedings.

In the present instance, however, the advertisement complained of does not state that the expressions which it attributes to the hon. Gentleman were taken from a speech in the House. In the Adjournment debate of Tuesday, 28th

June, in which the hon. Gentleman drew attention to the existence of what he holds to be an obscene book, he did not name the book which is now advertised, nor did he at any time, in the course of his speech, use the word " degrading ".

It is difficult, therefore, to uphold the contention that the words complained of constitute either publication or misrepresentation of debates in Parliament. In these circumstances, I cannot find that a *prima facie* case of privilege arises which would enable me to give the matter priority over the Orders of the Day.

My Ruling this afternoon does not, of course, prevent the hon. Gentleman from taking such other courses as may seem to him to be appropriate. (*Com. Hans.*, Vol. 731, cols. 1222-4.)

Northern Ireland

Contributed by the Committee Clerk

Telegram to a Member.—On the evening of Monday, 6th June, 1966, minor street disturbances occurred in the City of Belfast. These were mentioned in Debate in the Northern Ireland Commons on 7th and 8th June. Mr. N. Minford, Member for Antrim, took part in both these Debates and criticised the Rev. Ian Paisley and his followers. On 9th June Mr. Minford received the following anonymous telegram:

> Mr. N. Minford, House of Commons, Stormont, Belfast, 4. Officers and Members 1st Shankill Div. U.V.F. will not tolerate your lies and duplicity against loyalists no longer. 100 per cent. behind Rev. Paisley.

In the House on 9th June Mr. Minford raised this matter as a question of privilege (*Hansard*, Vol. 64, col. 173). The telegram was delivered in and later the same day Mr. Speaker ruled that it constituted a *prima facie* breach of privilege (*Hansard*, Vol. 64, col. 205). Whereupon, on the Motion of the Prime Minister, the complaint was referred to the Committee of Privileges.

The Committee met on five occasions, calling several witnesses and reported to the House on 23rd June, 1966 (*H.C.* 1726). The telegram received by Mr. Minford was unsigned, but on the back of the original, which was produced before the Committee by a Post Office witness, the address of the sender was given. The resident at that address, a Mrs. Wilhelmina Browne, admitted in evidence before the Committee that she had sent the telegram.

The Report of the Committee contained, *inter alia*, the following conclusions:

> Your Committee are satisfied that the telegram to Mr. Minford related to proceedings in Parliament, that the wording of the telegram contained a threat to Mr. Minford, that it was sent to Mr. Minford with the object of improperly influencing his views in Parliament in relation to the activities of the Rev. Ian Paisley and his supporters and that the sending of the telegram was therefore a breach of privilege.
>
> Your Committee found Mrs. Browne to be both evasive and untruthful in her evidence. Nevertheless, having regard to her obviously limited understanding of what the consequences of sending the telegram involved, your Committee recommend that the House of Commons would best consult its own dignity by taking no further notice of the matter.

On 30th June, 1966, the House debated and agreed to the Committee's Report.

INDIA: RAJYA SABHA

Contributed by the Secretary of the Rajya Sabha

Aina Case.—On 23rd August, 1966, three Members gave notice to raise a question involving a breach of privilege against "Aina" an Urdu weekly. The Members' complaint related to some observations in the editorial, the original of which was in Urdu. Translated into English the impugned passage ran thus:

> "Our new generation cannot remain ignorant like some of the members of our Parliament and every effort aimed at making ignorance the touchstone of nationalism should be frustrated."

The Members who gave notice submitted that the impugned observations were a grave insult to Parliament and therefore constituted a breach of privilege of the House.

The Committee of Privileges examined the said editorial as a whole and came to the conclusion that there was no breach of privilege or contempt of the House involved in the matter.

The report of the Committee was adopted by the House on 5th September, 1966.

Case of Ram Gopal Gupta.—On 6th September, 1966, Mr. Arjun Arora, a Member, gave notice to raise a question involving breach of privilege and contempt of the Members of the Rajya Sabha and the Rajya Sabha itself, arising out of certain statements contained in a letter dated 1st September, 1966, written by one Mr. Ram Gopal Gupta. The letter of Mr. Gupta was a printed letter and copies thereof had been received by several Members of the Rajya Sabha.

On a Motion moved by the Leader of the House, the complaint of Mr. Arora was referred to the Committee of Privileges on 9th September, 1966.

The letter of Mr. Gupta contained the following statements, and it was to these statements that Mr. Arora drew particular attention in his notice:

> "It is to be regretted that for some time past calculated, false and malicious propaganda is being carried on on account of political and personal animosity and rivalry against my brother Shri Ram Rattan Gupta, by some persons using the floor of the House for such purposes against my family, business concerns and companies. During the last session of the Parliament, some questions were put firstly in the Rajya Sabha and later on in the Lok Sabha about the alleged write off of the income-tax demand against my firm to the tune of Rs.30 lacs. It would be seen from the questions themselves that though they were couched in general terms but they were aimed and directed towards us and the general form was only a subterfuge.
>
> In the present session again questions have been tabled by the same member and with same purpose. . . . Put in the correct perspective, the whole matter will have a different look and it will be evident that these tactics are being

employed by interested persons to pressurise the administration to harass us. It is well known that a close friend of these interested persons is being prosecuted at our instance for misappropriation of money and falsification of accounts and statutory Books of a Company in which we hold substantial interest."

Mr. Gupta was given an opportunity by the Committee of Privileges to state in writing whether he had to say anything in the matter and whether he would like to be heard in person. In his reply dated 4th November, 1966, Mr. Gupta expatiated at length on the need for codification of the law of privilege and used language which, according to the Committee, was highly objectionable and aggravated the offence. Posing the question "what remedies, if any, are available to an average citizen who finds himself defamed on account of any utterance made against him in the Houses of Parliament", Mr. Gupta observed:

"If these utterances are repeated outside the House there is the law of defamation to which recourse can be had to seek redress. In this particular case, sufficient provocations and temptations were offered to certain Members to carry the courage of their conviction outside the precincts of the House and to face the consequences thereof. Unfortunately I am driven to the conclusion that discretion proved to be the better part of their valour and they decided not to repeat their allegations in the public. This obviously has afforded them the protection of Art 105 (2)."

The Committee was of the view that Mr. Gupta, who himself was an ex-Member of the Rajya Sabha, had chosen to make an assertion, which showed an utter lack of understanding of the true concept of the privilege of freedom of speech in Parliament.

After giving full consideration to the matter, the Committee came to the conclusion that in his letter dated 1st September, 1966, Mr. Gupta clearly attributed motives to Members in putting questions concerning his brother Ram Rattan Gupta and his firm and made serious imputations casting reflections concerning the conduct of Members in their capacity as such Members. The Committee further took the view that Mr. Gupta's allegation that "these tactics are being employed by interested persons to pressurise the administration to harass us" was a direct reflection on the character and conduct of Members.

In the circumstances, the Committee held that the letter of Mr. Gupta dated 1st September, 1966, *per se* constituted a gross breach of privilege and contempt of the Members of the House and the House itself and that the breach of privilege was aggravated by the explanation given in his letter to the Committee. In the view the Committee took of the nature of the offence, it was decided by them to recommend to the House that Mr. Gupta be summoned to appear before the bar of the House and be reprimanded.

After the Committee came to the above conclusion, another letter dated 22nd November, 1966, was received by the Chairman of the

Committee from Mr. Gupta wherein he tendered an unconditional and unqualified apology for circulating to Members of the Rajya Sabha his letter of 1st September, 1966, and also expressed deep regrets for his letter of explanation dated 4th November, 1966, to the Committee. He added:

"I wrote the two letters only with a view to placing before the Members a sense of what I felt to be a legitimate grievance of mine, but I had no intention at any time to cast reflections on, or attribute motives to Members in the discharge of their Parliamentary duties. I now realise that my letters may have outstepped the limits imposed by law and that I should not therefore have written them."

In view of the above submission of Mr. Gupta and in view of his unconditional and unqualified apology, the Committee came to the conclusion, in modification of its earlier decision, that the House would best consult its own dignity by taking no further notice of the matter. The Committee accordingly recommended that no further action be taken by the House in the matter.

The report of the Committee was adopted by the House on 10th December, 1966.

"M. D. Thackersey" Case.—At the sitting of the Rajya Sabha held on 1st May, 1963, a complaint of breach of privilege arising out of certain statements contained in an affidavit filed by Mr. Krishnaraj M. D. Thackersey in Suit No. 319 of 1960 in the High Court of Judicature at Bombay was referred to the Committee of Privileges. The Committee presented to the House on 16th December, 1963, a preliminary report on this complaint. In that report, the Committee had recommended that a decision on the complaint should be kept pending till the final disposal of the contempt application by the Bombay High Court in relation to which the affidavit of Mr. Thackersey had been filed. The House accepted this recommendation of the Committee and extended the time for the presentation of the final report until the High Court had disposed of the said application.

At its meeting held on 5th November, 1966, the Committee was informed that while an appeal was pending before the Bombay High Court from the judgment in the main suit relating to this case, it was understood that by consent no order was made on the contempt application so that the said application stood disposed of. In view of this position, the Committee decided that the matter need not be kept pending any longer and should be disposed of.

The impugned paragraphs of the affidavit of Mr. Thackersey were as follows:

"12 (b) The 1st and the 4th defendant obviously managed to circulate the said pamphlet amongst the Members of Parliament with a pre-arranged conspiracy to have speeches made and questions put to the Ministers of the Government on the basis of the pamphlet, so that thereafter the speeches and questions so put and answers thereto given in Parliament may be got published with impunity in the newspapers as being part of the Parliamentary proceedings, throughout the length and breadth of the country under the guise of

the same being privileged publications. Accordingly, they caused some of the Members of the Rajya Sabha, particularly those belonging to the Communist Party, to fire at the Government question after question based on the said pamphlet. These questions were duly answered by the Ministers concerned and the authoritative answers given by the Ministers show how false and unfounded the allegations in the said pamphlet were. These questions were put and answered in the Rajya Sabha on the 25th February, 4th of March, and the 12th of March, 1963.

13. I say and submit that the applications (sic) made in the said issues of the *Blitz* dated the 9th and 16th March, 1963, under the guise of being reports of Parliamentary proceedings have been deliberately and maliciously made by the 1st and 2nd Defendants, in conspiracy and co-operation with the 4th Defendant, against myself and the members of my family and the concerns in which we are interested with a view to lower and prejudice us in the estimation of the Indian public and to cause harm and damage to our reputation and credit. I further say that the said Defendants deliberately engendered and instigated the proceedings in the Parliament by supplying false and unfounded information and materials to some of the Members of the Parliament against us, as has been amply proved by the authoritative answers given by the Ministers and Deputy Ministers concerned to the questions put to them by the Members, and that the sole object of the said Defendants in causing the said questions to be put was to indirectly re-publish the same false and defamatory allegations and insinuations which had been made against us in the said issue of the *Blitz* dated 24th September, 1960. They knew full well that under the said Order dated the 14th February, 1961, the said allegations and insinuations could not be directly or indirectly published by them in any manner whatsoever and that the publication thereof would be wrongful and a contempt of this Hon'ble Court and yet they wrongfully resorted to the above device of having the matter debated in the Parliament and then pretending to publish the Report of such Debate in the said issues of the *Blitz* as purporting to be fair and accurate reports of Parliamentary proceedings. I say that in the first instance the report of the Parliamentary proceedings as published in the said two issues of the *Blitz* are not fair and in one respect not even accurate; that the reports are coloured and embellished with sensational, misleading and defamatory headings and comments and that the publications are actuated by the malice and grudge which the said Defendants entertain towards me and the members of my family and our concerns. I accordingly submit that the said publications are not at all entitled to any immunity or privilege as being fair and accurate reports of any Parliamentary proceedings."

After careful consideration the Committee came to the conclusion that it was not possible to hold that the impugned paragraphs in the affidavit contained any direct or explicit insinuation against any Member of the Rajya Sabha. In any case, the statements contained therein were not free from ambiguity. The Committee accordingly recommended to the House that the matter need not be pursued further.

The House adopted the report of the Committee on 10th December, 1966.

India: Lok Sabha

Casting reflections upon the Speaker and members of a Parliamentary Committee.—On 4th March, 1966, the Speaker informed the House that he had received notice of a question of privilege from

Sarvashri N. G. Ranga, Kapur Singh, Yashpal Singh and other Members in respect of certain passage occurring in a brochure titled "Punjab at Cross-Roads", written and published by one Shri H. L. Sally of Chandigarh, wherein Shri Sally had cast reflections on the Speaker and members of the Parliamentary Committee on the Demand for Punjabi Suba. The passage to which objection was taken was as follows:

"A PARTISAN CHAIRMAN

The Central leaders raked up the settled question of the so-called Punjabi Suba to appease the Sikhs in a weak moment when they did not want to annoy anybody in view of Pakistani aggression. They made a further mistake in leaving appointment of members of the Parliamentary Committee to a confirmed Akali who was to preside over their deliberations. He may have acquitted himself well in dealing with different parties in the Indian Parliament. It was too much to expect that his natural pro-Akali bias would change. A High Court Judge can dispose of thousands of cases in a most impartial spirit but he will refuse to preside over a case in which his personal feelings are involved or regarding which he has recorded his personal opinion at an earlier stage. But Sardar Hukam Singh belied his exalted position as Speaker of the Parliament by accepting this offer. He was probably happy to get this opportunity to serve his community. Naturally enough he selected such men for membership on whom he could depend for support. The first proof of his natural inclinations getting the better of him can be seen in his going beyond the terms of reference. According to his appointment order he was to submit his recommendations to the Cabinet Sub-Committee. But he wants to get his recommendations confirmed and backed by the Parliament over which he himself presides. In this way he seeks to make his recommendations mandatory on the Cabinet. The Government should have nominated some neutral members on the Parliamentary Committee and permitted them to elect their Chairman. By acting as they did, they have only added to their difficulties."

The House referred the matter to the Committee of Privileges, which after considering Shri Sally's written statement and examining him in person, reported *inter alia* as follows:

"(i) It is well-established that speeches or writings reflecting upon the character of the Speaker and accusations of partiality in the discharge of his duty or casting reflections upon any member of the House for or relating to his service therein or concerning the character or conduct of the member in that capacity, constitute a breach of privilege and contempt of the House on the principle that such acts tend to obstruct the House and its members in the performance of their functions and duties by diminishing the respect due to them and by bringing them into odium, contempt and ridicule.

(ii) The Committee are of the opinion that the impugned passage . . . constitutes a breach of privilege and contempt of the House as it casts reflections on the character and conduct of the Speaker in the discharge of his duty and also upon the members of the Parliamentary Committee on the Demand for Punjabi Suba.

(iii) The Committee are, therefore, of the view that Shri H. L. Sally has committed a breach of privilege and contempt of the House.

(iv) Shri H. L. Sally, however, in his letter dated the 6th April, 1966, has tendered full and unqualified apology to the Speaker, the Members of the Parliamentary Committee on the Demand for Punjabi Suba and the House, in the following terms:

'In my statement on the subject submitted on 30-3-1966, I had expressed genuine regrets over certain observations made by me. Further, I, hereby, tender full and unqualified apology both to the Speaker and the members of the Parliamentary Committee on the Demand for Punjabi Suba [and the House (Lok Sabha)].'

(v) Shri H. L. Sally, in the course of his oral evidence given before the Committee, admitted that he had not realised before that the Speaker was functioning as the Chairman of the Parliamentary Committee on the Demand for Punjabi Suba in his capacity as Speaker and that his action in criticising the Speaker and members of the said Committee was not correct. He submitted that he bowed to the judgment of the Committee and apologised for his action.

(vi) The Committee are satisfied that the apology tendered by Shri H. L. Sally is full and unqualified.

(vii) The Committee recommend that in view of the full and unqualified apology tendered by Shri H. L. Sally, no further action be taken by the House in the matter."

Sardar Kapur Singh, a member of the Committee, in his separate Note disagreed with the recommendations of the Committee and suggested that Shri Sally should be severely reprimanded at the Bar of the House for the breach of privilege and contempt of the House committed by him.

The Committee also appended their Note on Sardar Kapur Singh's Note. On 17th May, 1966, the House agreed to the Report of the Committee.

Taking part in the proceedings of "Maha Moorakh Mandal" by a Member.—On 9th March, 1966, Sardar Kapur Singh, a Member, sought to raise a question of privilege against another Member that by taking part in the proceedings of the *Maha Moorakh Mandal* held during Holi Festival, that Member had, by implication, lowered the dignity of other Members of the House. Some Members observed that during Holi Festival, it was customary for people to indulge in fun and frolic and that the matter should not have been allowed to be brought before the House.

Disallowing the question of privilege, the Speaker ruled:

"It is very unfortunate that the hon. Member should have insisted that he must speak.

I had disallowed it. Perhaps now hon. Members would appreciate the necessity of my exercising discretion in my chamber before anything is brought inside the House. I allowed it simply to demonstrate what things can be brought here and why I should decide what should be brought or not. I seek the co-operation of the hon. Members that the discretion must be exercised by me and if the Members have any objection to my decision they might bring it to my notice so that I could explain to them. By this illustration it has become clear and I should be more strict and should not allow such things to be brought before the House."

Question whether a Member released on parole can attend the House.—On 1st March, 1966, the Speaker informed the House of the release on parole of Shri R. Umanath, Member, who was a detainee under the Defence of India Rules. Shri H. V. Kamath sought a clari-

fication whether a Member released on parole could attend the House. The Minister of Law (Shri G. S. Pathak) promised to make a statement the next day.

The Minister of Law (Shri G. S. Pathak) informed the House that Shri Umanath had been released on parole in order to be able to attend to his ailing wife on the following conditions *inter alia* that:

(i) Shri Umanath will report daily before the concerned police authorities; and
(ii) he will not during the period of parole take part in any political, labour or kisan activities or any subversive activities either directly or through intermediaries or address any public meetings.

He explained the position that under the conditions of parole, the Member could not claim the right to attend Parliament. When further doubts were raised by some Members, the Leader of the House stated that Government would study the position further, examine the implications of the matter and make a further statement later on. In the meantime, Shri Umanath was served with another notice by the Government of Madras on 2nd March, 1966, that he should not go to Delhi under the conditions of his parole. On 9th March, 1966, the Minister of Home Affairs (Shri G. L. Nanda) explained that all the conditions (of parole) specified by the Government of Madras were accepted by Shri Umanath and he had given a written undertaking to report daily before the Police in Tiruchirapalli.

Shri Kamath then raised a question of privilege that a contempt of the House had been committed inasmuch as a new condition had been imposed on Shri Umanath, by service of a fresh order by the Government of Madras, preventing him from attending the House when the House was already seized of the matter and was considering the earlier order.

Shri Nanda, however, stated that no fresh order had been issued and it was only an elucidation of the old order and no fresh conditions were imposed and that Shri Umanath had himself agreed to his release on the express conditions including *inter alia* the daily reporting to the local police station which implicitly meant continued stay at his residence.

After some discussion, the Speaker reserved his ruling until 14th March, 1966. The Speaker ruled *inter alia*:

" The administration of Defence of India Rules is in the sphere of the State Government. The imposition of any conditions on Shri Umanath for release on parole is the exclusive jurisdiction of the Madras State and it was for Shri Umanath to agree to those conditions and secure his release on parole or not. The Central Government has no responsibility and this House cannot interfere, even if the conditions were such as prevented Shri Umanath from attending the House while on parole. There would be no contempt committed in such a case.

But the service of the order dated the 2nd March, 1966, has introduced a curious element. If the new order was only elucidatory, it was unnecessary; if

it imposes a new condition, it is improper to do so, as it came into force while the House was seized of the matter.

Now, let us examine the new order dated the 2nd March, 1966. This prohibits Shri Umanath from coming to Delhi and thus is expressly intended to preclude him from attending the House. This was the only question that was pending for consideration by this House, and the State Government or the officer responsible has created a situation under which Shri Umanath cannot attend the House even if the House had come to the contrary conclusion.

Attendance in the House and participation in the debates can never be considered as indulging in objectionable activities.

If under the original restrictions Shri Umanath had reached the House by some plane service, taken part in the debates and returned by the plane the same day to report his presence to the police station, he would not have committed any breach of the original conditions; but if he does the same thing now, this would be a clear breach. I am not competent to interpret the old conditions in the strict legal sense as that would be for the courts to decide. It may be that courts might hold that even under their original conditions the detenu could not attend the House. If then Shri Umanath had contravened any conditions, he would have done that on his own responsibility. My limited purpose now is to point out that the alleged elucidation has brought about a change in the original restrictions.

This would be more evident by a little further examination. The latest order does not prohibit Shri Umanath from visiting nearby towns or even going to Madras or other places if he can return the same day to register his presence in the evening. If the original order had laid down that the detenu would confine his movements to his village or town, this could have been understood. I can go further. Even if the later order dated the 2nd March had conveyed that the original order was intended to restrict his movements within the boundaries of the local police station and Shri Umanath could not move out of those limits, it could possibly be argued that this was an unnecessary elucidation. But in the present circumstances I have no option but to hold that this was a fresh condition specifically served to make sure that he does not go to Delhi to attend this House.

At page 109 of May's *Parliamentary Practice* it is stated that 'any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, which obstructs or impedes any Member in the discharge of his duty, or which has a tendency directly or indirectly to produce such results, may be treated as a contempt, even though there is no precedent of the offence'.

It is significant that the Central Government, which is answerable to this House took no action to apprise the State Government of Madras of the discussion in the House on the 2nd March and of its undertaking to make a further statement after examining the position; and subsequently, when it came to its notice that a fresh elucidatory order had been issued on Shri Umanath, it did not advise the State Government to cancel or hold in abeyance the said order pending a decision by this House.

It is strange that while the Home Minister stated in the House that Shri Umanath could attend the House if the conditions of parole permitted it otherwise, the State Government of Madras had already neutralised the effects of its interpretation of the parole order. In the circumstances of this case, it is possible that the House may after fuller investigation of the case come to the conclusion that the service of the order dated 2-3-1966 prohibiting Shri Umanath from going to Delhi specifically, where the Houses of Parliament sit, during the period, when this House was seized of this very matter, may amount to contempt of the House.

My function at this stage is to consider whether I should give consent to the Motion of Privilege being made. As I have stated above, there is enough material before me to give such consent. But I would urge the House to con-

sider that as this is the first case of its kind and possibly the order has been issued in ignorance of its implications, the House would be better advised to express its displeasure at the impropriety and let the matter rest there.

I may reiterate I am not called upon to give any opinion as to whether Shri Umanath can attend this House under the restrictions laid down by the State Government and agreed to by him. That is a legal question to be adjudicated upon by courts. This House has no objection, but if he comes and attends, he has himself to face the consequences."

After the Speaker's ruling, the Leader of the House, expressing his regret over the incident, stated that it had been done unwittingly and there was no desire on the part of the Government to challenge the supremacy of the House or of Parliament. He assured that such things would not happen in future.

Alleged obstruction of a Member's taxi by a police constable in the precincts of the House.—On 16th March, 1966, Shri Ram Sewak Yadav, a Member, sought to raise a question of privilege that while Dr. Ram Manohar Lohia, another Member, was going out of Parliament House, his taxi was stopped by the police constable on duty to allow the Prime Minister's car to pass by and thus the Member was obstructed from proceeding in normal course. The Deputy-Speaker (Shri S. V. Krishnamoorthy Rao), who was in the Chair, observed that he would enquire into the matter if a notice was given in writing.

On 17th March, 1966, the Deputy-Speaker ruled *inter alia*:

"I have made enquiries into the matter and have been told by the Watch and Ward Officer, Lok Sabha, that the constable on duty while regulating traffic in the normal course had to give a stop signal to the taxi of Dr. Lohia as he had already given pass signal to the traffic coming from the other side. The driver of Dr. Lohia's taxi stopped the taxi. Dr. Lohia came out of the taxi towards the constable on duty and in the meantime the Prime Minister's car coming from the other side (Gate No. 5, Parliament House) passed by. There was thus no intention on the part of the police constable on duty to obstruct the hon. Member's taxi from proceeding in the normal course. All that had to be done to avoid any accident and regulate free flow of traffic. There is, therefore, no question of privilege involved."

Some members argued that the Prime Minister or other Ministers had no special privileges in the matter of traffic, particularly within the precincts of Parliament House, and that all Members should be treated alike.

The Prime Minister (Shrimati Indira Gandhi) stated *inter alia*:

"As far as I am concerned, I am the least bothered about pomp, ceremony or any kind of special provisions as an individual. I do feel, however, that the position of the Prime Minister of India should be regarded as something special. It is not a question of one individual as Prime Minister; it applies to all Prime Ministers.

It is true that in some countries nothing special is done, but in the majority of countries, there are very special traffic regulations, escort, pilot, cars and so on. . . .

One thing more. You might perhaps have heard that this rule of stopping the traffic for the Prime Minister's car to pass applies only when the car comes into view; the traffic is not stopped beforehand. And it does not apply to other Ministers. It is only for the Prime Minister."

The Deputy Speaker then added:

"I have heard the Members. I have heard Dr. Lohia. All the three principles enunciated by him are accepted. All Members of Parliament are equal. The roads are free in India, but the traffic police have got a duty to perform, they have to prevent accidents. The Statement says that he had already given clear to the other side. The Prime Minister of India should be given some consideration. So, there is no question of privilege. I uphold my earlier decision."

Attributing mala fides to the Speaker in a Writ Petition filed before High Court by a Member.—Shri Madhu Limaye, a Member, filed a Writ Petition before the Circuit Bench of the Punjab High Court at New Delhi challenging the decision of the Speaker, Lok Sabha disallowing certain Cut Motions. In para. 10 of his Writ Petition, Shri Madhu Limaye, had *inter alia* stated:

"That the day the petitioner received the above reply, there was an uproarious scene in the Lok Sabha and the petitioner was suspended from the service of Lok Sabha for two weeks on the Motion moved by the Minister for Parliamentary Affairs, Mr. Satya Narain Sinha, supported by the Leader of the House, Mr. Lal Bahadur Shastri. The action of the Speaker in naming the petitioner and of Mr. Satya Narain Sinha in moving the aforesaid motion for his suspension was not only against the Rules but *mala fide*, as he was punished for raising the question of discussing the Secretariat Demands and for his having moved Cut Motions in that connection."

On 11th May, 1965, the Speaker informed the House that he had received notices of a question of privilege from Shri V. C. Shukla, Sardar Amar Singh Saigal and others in respect of the allegations made by Shri Madhu Limaye, against the Speaker, in the Writ Petition filed by him before the Circuit Bench of the Punjab High Court at New Delhi. The Speaker, however, observed that he would keep the matter pending till the High Court's order on the Writ Petition.

On 18th August, 1965 (the Punjab High Court had dismissed Shri Madhu Limaye's Writ Petition by an order dated 14th May, 1965), when Shri V. C. Shukla sought to raise the matter again, Shri Madhu Limaye stated that he intended to file an application for special leave against the order of the Punjab High Court. He added that the matter might be kept pending till the final disposal of his proposed application by the Supreme Court. The Speaker agreed and kept the matter pending. The Supreme Court having dismissed on 25th November, 1965, Shri Madhu Limaye's application for special leave to appeal against the order of the Punjab High Court, Shri V. C. Shukla raised the question of privilege against Shri Madhu Limaye in the House on 29th November, 1965. While raising the question of privilege, Shri V. C. Shukla stated *inter alia*:

". . . In the Writ Petition filed by the hon. Member he affirmed by a court affidavit on oath of personal knowledge that the disciplinary action taken

against him by the Speaker was really out of malice and, therefore, *mala fide*, and he was actually punished for raising this question of discussion of the Lok Sabha Secretariat Demands and for having moved Cut Motions in that connection."

After some discussion, the House referred the matter to the Committee of Privileges, which after considering written statement submitted by Shri Madhu Limaye and after examining him in person, in their Fourth Report presented to the House on 30th March, 1966, reported *inter alia* as follows:

" (i) Shri Madhu Limaye in his written statement submitted to the Committee had contended that there was no precedent in the House of Commons where a 'statement or an affidavit made in the course of a proper legal proceeding before a Court of Law' had been considered a contempt of the House. He had, therefore, stated that the statement made by him in the Writ Petition did not constitute a contempt of the House.

(ii) The gravamen of the charge against Shri Madhu Limaye is that he 'committed a contempt of the House or a breach of privilege by alleging *mala fides* against the Speaker of the Lok Sabha.'

(iii) 'Reflections on the character of the Speaker and accusations of partiality in the discharge of his duty' is clearly a breach of privilege or contempt of the House. As stated by May:

> 'As examples of speeches and writings which have been held to constitute breaches of privilege or contempts may be mentioned:
>
> Reflections on the character of the Speaker and accusations of partiality in the discharge of his duty. . . .' [May, 17th ed., pp. 124-25.]

(iv) Although no case is available in the Lok Sabha or the House of Commons, U.K., where action for contempt of the House was taken for a statement or an affidavit filed in a court of law, there are many cases in which persons have been punished for contempt of Court on account of allegations made by them against Judges and Magistrates in their applications or affidavits filed before Courts of Law. Two such examples are given below:

(1) A person in his appeal against the decision of an Assistant Registrar of Co-operative Societies (deemed to be court for certain purposes) objected to the order of the Assistant Registrar as *mala fide*. The Patna High Court convicted him for contempt of Court and observed *inter alia*:

> '. . . I have already held that the opposite party committed contempt of Court by attributing *mala fides* to the Assistant Registrar in his memorandum of appeal so much so that the Assistant Registrar was made a respondent in the appeal and cost was sought to be recovered personally against him. In this court he claimed to justify and insisted on justifying big use of *mala fide* against the Assistant Registrar in his memorandum of appeal. Thus the contempt is a calculated one and serious notice must be taken of such a calculated contempt. . . .' :[A.I.R. 1965 Patna 227 at page 238.]

(2) A person in his application under section 528 Cr. P. C., for transfer of a case from one court to another, made allegations against the Magistrates that he had joined in a conspiracy to implicate the accused in a false case of theft and that the

Magistrate had taken a bribe of Rs. 500. When the matter came up before the Supreme Court, it observed *inter alia*:

'. . . We must make it clear here that at this stage we are expressing no opinion on merits, nor on the correctness or otherwise of the aspersions made. All that we are saying is that the aspersions taken at their face value amounted to what is called scandalising the court itself in such an attack on the Magistrate as tended to create distrust in the popular mind and impair the confidence of the people in the courts. We are aware that confidence in courts cannot be created by stifling criticism, but there are criticisms and criticisms. Code.' [A.I.R. 1959, S.C. 102 at page 106.]

" The path of criticism ", said Lord Atkin in *Ambard* v. *Attorney-General for Trinidad and Tobago*, 1936 AC 322, at p. 335: (A.I.R. 1936 PC 141 at pp. 145-146), " is a public way: The wrong-headed are permitted to err therein: provided that members of the public abstain from imputing improper motives to those taking part in the administration of justice, and are genuinely exercising a right of criticism, and not acting in malice or attempting to impair the administration of justice, they are immune."

If, therefore, the respondent had merely criticised the Magistrate, no notice need have been taken of such criticism as contempt of court whatever action it might have been open to the Magistrate to take as an aggrieved individual; but if the respondent acted in malice and attempted to impair the administration of justice, the offence committed would be something more than an offence under S. 228, Indian Penal Code.' [A.I.R. 1959, S.C. 102 at page 106.]

(v) The offence of contempt of the House is analogous to the offence of contempt of Court.

(vi) It may also be mentioned that statements made in Courts are not immune from action for defamation by the persons affected as will be seen from the following observations of the Allahabad High Court and the Supreme Court in the cases of *Gir Raj* vs. *Sulla and another* and *Basir-ul-Haq and others* vs. *The State of West Bengal* respectively:

(1) ' In this case Gir Raj was examined as a witness and he made certain statements which are the subject matter of a complaint against him filed by the opposite party under S. 500 I.P.C. (Defamation).

Learned counsel for the applicant . . . has argued that as the impugned statement was made by the applicant before a Court of law, the only offence which can be charged against him on its basis, if at all, was covered by S. 193 or 195 of the Indian Penal Code, cognizance of which was barred under S. 195 of the Code of Criminal Procedure on the basis of a private complaint. The second point raised by the learned counsel is that the applicant was protected under the proviso to S. 132 of the Evidence Act for having made that statement in Court. I do not find, however, any substance in these arguments. . . .

Even if the statement made by the applicant before the Court of the Sessions Judge comes under the purview of S. 193 or 195, I.P.C., but if it also discloses an offence under S. 500 I.P.C., there is no legal bar for the aggrieved person to seek his remedy in a Court of law against the applicant.' [A.I.R. 1965 Allahabad, 597.]

(2) '. . . The allegations made in a complaint may have a double

aspect, that is, on the one hand these may constitute an offence against the authority of the public servant or public justice, and on the other hand, they may also constitute the offence of defamation or some other distinct offence. The section does not *per se* bar the cognizance by the magistrate of this offence, even if no action is taken by the public servant to whom the false report has been made. . . .

As regards the charge under S. 500, Penal Code, it seems fairly clear both on principle and authority that where the allegations made in a false report disclose two distinct offences, one against the public servant and the other against a private individual, that other is not debarred by the provisions of S. 195 from seeking redress for the offence committed against him. . . .' [A.I.R. 1953 S.C., 293.]

(vii) Thus, when statements made in Courts or in writ petitions or affidavits filed in Courts are not immune from action for contempt of Court or even for defamation by private persons, there appears no reason why such statements should be immune from action for breach of privilege or contempt of the House.

(viii) It may be stated that the power possessed by the House to punish for contempt or breach of privilege is in its nature discretionary. Absence of precedent will not prevent an act from being treated as a breach of privilege or contempt of the House (Parliamentary Dictionary by L. A. Abraham, page 40). As stated by May:

'It may be generally stated that any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results may be treated as a contempt even though there is no precedent of the offence.' [May, 17th ed., p. 109.]

(ix) The Committee are of the opinion that Shri Madhu Limaye has committed a breach of privilege and contempt of the House by attributing *mala fides* to the Speaker, Lok Sabha, in the discharge of his duty in the House, in the Writ Petition filed by him before the Circuit Bench of the Punjab High Court at New Delhi.

(x) Shri Madhu Limaye, however, made the following statement before the Committee expressing regrets for the impugned statements made by him in his Writ Petition filed before the Circuit Bench of the Punjab High Court:

'I have explained at great length that my object in moving the Punjab High Court was to seek its authoritative interpretation of the Constitutional position embodied in Article 113 of the Constitution, read with Rules 208-11 of the Lok Sabha Procedure, and not to commit contempt of the House or the Speaker. But since my statements in the Court have caused pain to the Speaker and my other colleagues in the House, I hereby express regrets as an index of my honourable intentions in the matter.

(xi) The Committee recommend that in view of the regret expressed by Shri Madhu Limaye, in his statement before the Committee, no further action be taken by the House in the matter."

Sardar Kapur Singh, Member of the Committee of Privileges, who did not agree with the findings of the Committee, appended a note of dissent to the Report from which two paragraphs were omitted by the Chairman of the Committee.

On 14th April, 1966, Dr. Ram Manohar Lohia, a Member, sought to raise a question in the House regarding omission of two paragraphs from the Note of Sardar Kapur Singh appended to the Fourth Report of the Committee of Privileges. During the proceedings in the House, a suggestion was made that the matter might be discussed by the Speaker at a meeting of the Leaders of various Groups in Lok Sabha. The suggestion was accepted by the Speaker.

A meeting of the Speaker with the Leaders of the various Groups in Lok Sabha was accordingly held on the same day, *viz.* 14th April, 1966, which *inter alia* decided that the questions regarding the inclusion of the written statement submitted by Shri Madhu Limaye and the oral evidence given by him before the Committee in the Fourth Report of the Committee of Privileges presented to the House on 30th March, 1966, be referred back to the Committee of Privileges to consider this and also the omission of passages from the Minute of Sardar Kapur Singh appended to the Report.

It was also decided that the Leader of the House should make a motion in the House on 15th April, 1966, referring the Fourth Report of the Committee of Privileges back to the Committee. The House adopted the following Motion moved by the Leader of the House:

> " That the Fourth Report of Committee of Privileges presented to the House on the 30th March, 1966, be referred back to the Committee."

The Committee of Privileges in their Seventh Report presented to the House on 16th May, reported as follows:

" (i) The question whether the evidence, oral or written, given before the Committee should be appended to the Report of the Committee, is decided by the Committee in pursuance of the provisions of Rule 275 (1) of the Rules of Procedure and Conduct of Business in Lok Sabha (5th ed.) read with Direction 70(2) of the Directions by the Speaker. In the past also the Committee of Privileges have decided not to append to their Reports the evidence, oral or written, given before the Committee (for example: (i) Eighth Report (2nd Lok Sabha) Minutes dt. 18.2.1959, page 12, para. 3; (ii) Eleventh Report (2nd Lok Sabha) Minutes dt. 17-11-1960, page 6, para. 5).

(ii) In Shri Madhu Limaye's case (Fourth Report) the Committee, in view of the subsequent statement made by Shri Madhu Limaye, M.P., when he appeared before the Committee on the 18th March, 1966, expressing regrets for the impugned statements made by him in his Writ Petition filed before the Circuit Bench of the Punjab High Court, did not consider it necessary to append his earlier lengthy written statement and the oral evidence given by him before the Committee, to their Report on that case. Since Shri Madhu Limaye and some other Members have requested that the said written statement and the oral evidence of Shri Madhu Limaye should be made available to the House, the Committee have no objection to the same being reproduced in the Appendix to this Report and this may be deemed to be a part of the Fourth Report of the Committee presented to the House on the 30th March, 1966.

(iii) As regards the omission of certain passages from the Note of Sardar Kapur Singh appended to the Fourth Report of the Committee, it may be stated that the Chairman of a Committee can omit or expunge words, phrases or expressions which in his opinion are unparliamentary, irrelevant or otherwise inappropriate, from the Note given by a member for being appended to the Report of the Committee (*vide* Direction 91 of the Directions by the Speaker).

(iv) The Committee have carefully perused the two impugned paragraphs Nos. 7 and 9 which had been omitted by the Chairman from the Note of Sardar Kapur Singh appended to the Fourth Report. The Committee, after considering the tone, tenor, and content of the said paragraphs, are of the opinion that the decision of the Chairman to omit the said paragraphs from the Note of Sardar Kapur Singh was justified and in conformity with the rules and practice of the House. The Committee, therefore, feel that no further action in respect thereof is necessary."

On 17th August, 1966, the House agreed to the Committee's Report.

Alleged intimidation of Members of Parliament by an outsider.—On 4th April, 1966, Shri H. C. Heda, a Member, raised a question of privilege regarding the following two telegrams received by (1) Sarvashri H. C. Heda and Narendrasingh Mahida, Members, and (2) the Speaker, respectively from Shri George Fernandes, General Secretary, Hind Mazdoor Panchayat, Bombay:

(1)

"People's wrath will be upon you if you persist in attacking SSP Members who are the conscience of the nation (Stop) Bastar murders by D. P. Misra's Government most dastardly act which will be avenged sooner or later (Stop) Why should you identify yourselves with worst dregs of society like Misra and his gangsters (Stop) Dignity of Lok Sabha would have been raised by open discussion of Bastar murders which violate dignity of human life."

(2)

"Congressmen Heda, Basappa and Mahida's suggestion to have secret session of Lok Sabha to consider the question of maintaining the dignity and decorum of the House exposes the mental degeneration of these so-called representatives of the people (Stop) Parliament must learn to defend the dignity of human life (Stop) Bastar murders are further proof that under Congress rule human beings are shot down as though they were stray dogs (Stop) Urge you as Speaker to defend the Socialist members who are fighting in defence of people's dignity (Stop) Tell Congressmen that dignity and decorum of the House can be raised higher by discussion of Bastar murders by Congress Government of Madhya Pradesh."

Shri Heda contended that the telegrams amounted to interference in the normal working of Members of Parliament and, therefore, constituted a breach of privilege of the House. After a brief discussion, the House referred the matter to the Committee of Privileges, which, after examining Shri George Fernandes in person and his written statement, reported *inter alia* as follows:

" (i) It is well established and recognised that any attempt by improper means, e.g., intimidation, threats or coercion, to influence Members of Parliament in their Parliamentary conduct is a breach of privilege and contempt of the House. No person has any right to seek improper means to influence a Member's activities in Parliament. It is the duty of Parliament to protect Members from threats which are calculated to affect the Members' course of action in Parliament so that they may discharge their duties as such independently and without fear of punishment or hope of reward.

(ii) Shri George Fernandes, in oral evidence before the Committee, submitted that it was not his intention, in sending the impugned telegrams, to make any threat or to intimidate or coerce any Members of Parliament in relation to his Parliamentary conduct. He stated that what he wanted to convey by the use of the words 'People's wrath will be upon you' in his telegrams was that the people would not take very kindly to the position which certain Congress Members of Parliament (to whom he had sent the telegrams after reading their names in the Bombay papers of that day) had taken regarding the conduct of the S.S.P. Members in Lok Sabha in the context of Bastar incidents and that their party (Congress) would be defeated in the forthcoming general elections.

(iii) The Committee are of the opinion that, in view of the explanation given by Shri George Fernandes before the Committee, in which he had disclaimed any intention to threaten, intimidate or coerce any Member of Parliament in his telegrams sent to the Speaker and Sarvashri H. C. Heda and Narendrasingh Mahida, M.P.s, no breach of privilege or contempt of the House is involved in the matter.

(iv) The Committee, however, feel that the wording of the impugned telegrams was improper. But this appears to have been done in the heat of the moment and political controversy aroused in the country in the wake of the Bastar incidents. The Committee are mindful that in the ardour of political contest and in the heat of the moment, strong and undesirable words are sometimes used which a person thinking more coolly, would not say.

In this connection, the Committee might quote the following observations made by the Committee of Privileges of the House of Commons, U.K., in the *Daily Mail* case (1948):

'Whilst recognising that it is the duty of Parliament to intervene in the case of attacks which may tend to undermine public confidence in and support of the institution of Parliament itself, your Committee think it important that, on the one hand, the law of Parliamentary privilege should not be administered in a way which would fetter or discourage the free expression of opinion or criticism, however prejudiced or exaggerated such opinions or criticisms may be, and that, on the other hand, the process of Parliamentary investigation should not be used in a way which would give importance to irresponsible statements.' [H.C. 112 (1948), p. iv.]

(v) In this context, the Committee noted that the Committee of Privileges of Second Lok Sabha, in their Eleventh Report on Bhowmick's case, even while holding that a breach of privilege and contempt of the House had been committed by Shri Bhowmick in casting aspersions on the Speaker and the House and using strong and objectionable language, recommended that the House would best consult its own dignity by taking no further notice of the matter.

(vi) The Committee recommend that no further action be taken by the House in the matter."

Alleged misleading statement made in the House by the Prime Minister.—On 18th April, 1966, Shri Hem Barua, a Member, sought to raise a question of privilege on the ground that on 7th April the Prime Minister informed the House that the Soviet Union had sent somebody to Rawalpindi to apprise the Pakistani authorities of the violation of the Tashkent Declaration by Pakistan but she said on 18th April that no emissary had actually gone.

The Member complained that the Prime Minister had, by her earlier statement, misled the House and thereby committed a breach of privilege.

The Prime Minister (Shrimati Indira Gandhi) explained *inter alia*:

"Soon after the Tashkent Declaration—I do not like the word 'violation'—anyhow things have happened on the Pakistani side which we have felt have not been fully in the spirit of the Tashkent Declaration. Now we have been bringing these things to the attention of the Soviet Government throughout and they have been taking up these matters—at least they have so told us with the Pakistani authorities. . . .

It was in this connection, it was in this context, that the Soviet Prime Minister said, 'we do take this up and we will continue to take it up'. In regard to the question of sending a person, he said that some one would be sent. It was not made clear, as I said earlier, as to who it would be, whether it would be a special emissary or whether it would be just an Ambassador—the Ambassador to Pakistan was at that time in Moscow. . . .

It was about what they had done in the past, that they had been taking up these issues with the Pakistan Government; about what they would do, if I spoke, it was a future action, and I said that somebody would be sent; whether that person was an Ambassador or who else, of course, I did not clarify. So, because of that, both these things come up, you could say. That tense perhaps created that confusion. There were two separate things in my mind, at least it was that way, and I can assure the House that I did not wish to mislead it in any way."

Disallowing the question of privilege, the Speaker ruled:

"I agree with Shri Mukerjee that when any Minister, including the Prime Minister, makes a statement and comes to know that there has been some inaccuracy, then of his or her own accord the Minister should come up and correct himself or herself. . . .

If there is any discrepancy, or a statement is not correct, there is no question of any privilege motion unless it is proved that a wrong statement has been made deliberately, knowing the true position. It is wrong to presume that she knew the true position and deliberately made a wrong statement. We cannot make that presumption. . . .

After listening to all, I feel that the Prime Minister did not try to mislead the House deliberately and, therefore, there is no question of privilege."

Alleged incorrect reporting of a Member's speech by a newspaper.—On 6th May, 1966, the Speaker informed the House that on 3rd May, 1966, Sardar Kapur Singh, a Member, had given notice of a question of privilege regarding publication of an alleged factually incorrect report and comment on his speech in the House on 27th April, 1966, by the *Statesman*, and the matter was referred under his directions, to the Editor of the *Statesman*, New Delhi, for stating what he had to say in the matter.

The Speaker then read out the following reply received from the Editor of the *Statesman*:

" Mr. Kapur Singh's letter correcting our story appeared in the Calcutta edition of the *Statesman* on May 3 and in the Delhi edition on May 4.

We hope that Mr. Kapur Singh will be satisfied with the fact that his letter was published without any avoidable delay, considering that he posted it on the 28th and it had to be sent to Calcutta also. But it remains for me to assure the hon. Speaker that no disrespect was intended either towards the House or Mr. Kapur Singh.

What our news story attempted to bring out was that Members' interest in the Home Minister's statement was less pronounced during the debate than while Mr. Nanda was speaking.

Mr. Kapur Singh confirms in his letter that he used only one sentence at the start of his speech, with reference to Mr. Nanda's statement. The use of the word ' altogether ' by us was factually incorrect and is regretted. But it will be seen that the sense of Mr. Kapur Singh's speech or any other Member's has not been misrepresented in any way."

The House agreed to the suggestion made by the Speaker that in view of the explanation received from the Editor, the matter be treated as closed.

Alleged contempt of the House by a newspaper.—On 7th May, 1966, Shri N. Sreekantan Nair, a Member, gave a notice of a question of privilege against the *Manorma* (a Malayalam language newspaper) in respect of an editorial article published in its issue, dated 19th April, 1966, regarding Statutory Resolution on the Kerala University (Amendment) Act, 1966. The article read as follows:

" It is a matter of great regret that in the set-up and in the administrative scheme of the Kerala University, some unfortunate procedures are being created. If, in the conduct of an exalted and ideal institution like the University, steps which appear to be childish are adopted, it would sully not only the reputation of the University, but also the good name of the State. These procedures are such as to make competent persons hesitate to take up the Vice-Chancellorship of the University.

The amendment moved by the Opposition, to the effect that the three-year term of the present Vice-Chancellor, Prof. Samuel Mathai, be reduced to one year, was accepted by the Education Minister, Shri Chagla, and by the ruling party. The acceptance of the amendment has to be viewed as an extraordinary experience from the side of the Government. We cannot congratulate the Government and the ruling party on this issue, as if it were the adoption of a properly ripe and just attitude.

It was an extraordinary situation that the Amendment Act of 1966 had to be passed. The existing course of action in the University is to appoint a three-man Committee, to nominate the new Vice-Chancellor, before the expiry of the term of office of the Vice-Chancellor. On that basis, the three-man Committee could not agree to submit an agreed name to the Governor, who is the Chancellor, nor could they submit a panel of three names from which the Governor could select one. It was when the urgent need to appoint another person in place of Prof. Mathai, whose term had come to a close, arose that the Governor, Shri Jain, used his Emergency Powers and took steps to extend the period of service of Shri Mathai.

This appointment was confirmed only after the University Amendment Act, 1966, was passed. It can only be said to be unfortunate that the self-same Parliament, which passed the enactment, should accept an amendment, tabled by the Opposition, which would bring discredit to a respectable person, who has been appointed to an exalted position.

After passing an enactment and making an appointment on that basis, if Parliament wants, on reasonable grounds, to amend it, we can understand such a correction to affect future appointments being made. But that is not what has happened here. To cancel an appointment made on the basis of an enactment is a step of doing injustice to the respectable person who accepted that post. The doubt arises as to whether it is in keeping with the high responsibilities of the Parliament to create highly objectionable precedents of this nature. What has been achieved by the amendment is to establish that no one can believe in the Government and accept a post of responsibility.

Mr. Sreekantan Nair, who moved the Amendment in Parliament, stated that the Kerala University has become the seat of nepotism and corruption. This is a very serious allegation. If Shri Samuel Mathai has any responsibility for this degeneration, it is wrong for him to continue for one year, even for one month. It has not been heard that the good name which Shri Mathai has earned as Professor and as Secretary of the University Grants Commission, has been lost during the three years of his office as Vice-Chancellor. That his term was extended for three years more, should be considered the evidence of the trust the Government had in him. If, three months after the new appointment, the restraining hand should be applied to the term of his office, the reasons that justify that action, must be proved.

Anyhow, Government and Parliament have adopted this unusual course of action on the basis of unspecified reasons. Parliament has the right and the power to amend any law. It is also the duty of the Parliament to see that, while doing so, individuals do not suffer injustice. The question is not whether Shri Samuel Mathai, should or should not continue as Vice-Chancellor. What disturbs us is that it did not come to the notice of the Parliament, that such actions create much anxiety among the people."

In this notice, Shri Sreekantan Nair also complained about the contents of a letter, dated 2nd May, 1966, received by him from the Managing Editor of the *Manorma*, in reply to his letter in which he had asked the Editor to publish a detailed statement prominently in order to remove misunderstanding created among the public by the Editorial.

On 18th May, 1966, the Speaker referred the matter to the Committee of Privileges, which reported *inter alia* as follows:

" The Committee have carefully gone through the translation of the impugned editorial article furnished by Shri N. Sreekantan Nair, his statement as set forth in his notice of question of privilege to the Speaker and the letter of the Editor of the *Manorma* to Shri N. Sreekantan Nair.

The Committee are of the opinion that no breach of privilege is involved in the matter.

The Committee recommend that no further action be taken by the House in the matter."

Reported seeking of agreement by a Minister from World Bank authorities about a statement he was to make in the House.—On 11th May, 1966, Shrimati Renu Chakravartty, Sarvashri S. M. Banerjee

and Madhu Limaye, Members, sought to raise a question of privilege against Shri Asoka Mehta, Minister of Planning, regarding a news report circulated by the Press Trust of India about the talks of Minister of Planning with the President of the World Bank in Washington. The P.T.I. news report, as stated to have been broadcast by the All-India Radio, reads as below:

> "The PTI report from Washington says that the Minister of Planning Mr. Ashoka Mehta has been given assurances of support by the World Bank and the U.S. in India's development. Before leaving Washington for home, Mr. Mehta had a final meeting with the World Bank President, Mr. Woods. They are reported to have agreed on the statement which Mr. Mehta will make in Parliament on the Bank's share of assistance to India."

The members contended that seeking agreement from the World Bank authorities about a statement going to be made in Parliament by the Planning Minister lowered the dignity of Parliament and thus the Minister had committed breach of privilege.

The Speaker then observed that he would give his ruling after hearing the Minister on the next day. On 12th May, 1966, the Minister of Planning (Shri Ashoka Mehta) denied that the statement he proposed to make next day had been agreed upon with the President of the World Bank or that he was waiting to get clearance to the statement from Washington. He explained that owing to the important nature of those discussions, it was necessary to seek confirmation from them for that part of the record of the discussions which represented the views and the statements made by the World Bank President and the U.S. authorities. Therefore it was necessary to do so in order that there should be no misunderstanding later as to the precise indications given to him by the World Bank President and the U.S. authorities.

Disallowing the question of privilege, the Speaker ruled *inter alia*:

> "The Minister has explained that because the talks had been going on, therefore, he had to get this much just approved in regard to whatever impressions he had gathered about the talks that they had and about what had been said by the other side, whether he had got the correct impressions in his mind about what had been conveyed by the World Bank President or by the President of the USA. That is ordinary courtesy.
>
> When two statesmen have a conversation or have some discussion, and they have to arrive at a decision, then it is customary to find out from the other party before releasing what impression one has carried, saying 'This is what I am carrying in my brain or in my mind about the talks that we two have had. Have you any objection to it? Or have you anything to say about it? Or is this the correct impression that I have gathered? Or is there anything that you want to object to? That is always done.
>
> It is no wonder, therefore, that the Planning Minister just wanted to make sure that whatever impressions he had gathered about the talks, that he had with two dignitaries must be confirmed and approved of by them, so that those impressions are the correct ones. Therefore, no breach of privilege arises on the matter."

Alleged misreporting about the activities of Minister of Planning in Washington by P.T.I.—On 13th May, 1966, Shri H. V. Kamath, a Member, sought to raise a question of privilege against P.T.I. for circulating an allegedly incorrect news report about the Minister of Planning that he had sought an agreement of the President of the World Bank about his statement to be made in Parliament. Shri Kamath cited the cases of the *Indian Nation* and the *Statesman* where publication of certain reports therein had been taken notice of by the House.

The Speaker observed that he would ask the P.T.I., in the first instance, to state what they had to say in the matter.

On 26th July, 1966, the Speaker informed the House that he had received a reply, dated 18th May, 1966, from the General Manager of the P.T.I., which *inter alia* was as follows:

" Mr. Kamath's motion apparently arose from certain portions of two despatches sent to us from Washington by our correspondent covering Mr. Mehta's visit to the U.S.A. and Canada. . . . The relevant portions are reproduced below:

(1) In a despatch dated May 5, our correspondent said:

' Before Mr. Mehta leaves for India he and Mr. Woods are scheduled to meet again tomorrow when they are expected to decide upon what exactly could be said by both the Bank and by Mr. Mehta when he returns to India and reports to Parliament. In order to avoid further misunderstandings perhaps this will also have to be cleared with President Johnson who is now in Texas and will return to Washington only on Tuesday next.'

(2) In his second despatch dated May 6, our correspondent said:

' Before he left for New York today Mr. Mehta again met Mr. Woods when the two agreed upon the formulation of their understanding and what exactly Mr. Mehta could say when he makes his statement in Parliament about the Bank's position regarding its assistance to India.

Before Mr. Mehta makes his statement in Parliament next week he should have clearance from the White House about what he could say on the American position.'

I wish to draw your particular attention to the phrases ' about the Bank's position ' and the ' American position ' in quotation No. 2 above.

You may recall that when the question of privilege was first raised in the House on May 12, Mr. Mehta in a clarificatory statement had explained the position in regard to his last-minute consultations in Washington in the following words:

' As the members are aware the purpose of my visit was to hold discussions with Mr. Woods, the President of the World Bank, and the President and senior officials of the United States Government. The object of my discussions was to ascertain the nature of support that could be expected for the fourth Five-Year Plan from the countries of the Aid India Consortium. Owing to the important nature of these discussions it was incumbent on me to share with them that part of the record of our discussions which represented the views and the statements made by the World Bank President and the U.S. authorities.

It is necessary to do so in order that there could be no misunderstanding later as to the precise indications given to me by the World Bank President

and the U.S. authorities. This will naturally form part of the statement that I propose to make tomorrow in the House. All that I sought to do, before leaving Washington, was to ensure that in my statement to the House I faithfully report, both in letter and spirit, the nature of indications given to me by the World Bank President and the U.S. authorities.'

The P.T.I. only reported briefly what Mr. Mehta himself said five or six days afterwards. I hope, therefore, that the finding in our case will be that there has been no breach of privilege on our part in circulating the two despatches."

Disallowing the question of privilege, the Speaker ruled *inter alia*:

"A breach of privilege or contempt of the House arises if there is a misreporting or misrepresentation of the proceedings of the House or of the speech of a Member in the House. Thus, in order to be a breach of privilege or contempt of the House the alleged misreporting or misrepresentation of a Member must relate to his speech or conduct in the House.

The cases of publication of certain reports in the *Statesman* and the *Indian Nation*, referred to by Shri Kamath while raising the matter in the House, are not applicable in the present case as these cases related to alleged misreporting of the proceedings of the House and attributing a statement to the Minister of Home Affairs containing adverse comments on the Report of a Parliamentary Committee, namely, the Report of the Public Accounts Committee on the Bharat Sewak Samaj.

I, therefore, feel that no question of breach of privilege or contempt of the House, arises against the P.T.I. in the present case.

The matter may, therefore, be treated as closed."

Ignoring the name of a Member while reporting the proceedings of the House by a newspaper.—On 17th May, 1966, Sardar Kapur Singh, a Member, complained that while reporting the debate on Orissa famine held in the House on 11th May, 1966, the *Indian Express* had mentioned the names of all the Members who participated in that debate but it had completely excluded the name of Shri H. N. Mukerjee, another Member, in its news report. The Member contended that the newspaper had deliberately created a false impression about the proceedings held in Parliament and it amounted to breach of privilege of the House.

The Speaker then informed the House that the Editor of the *Indian Express*, who was asked to state what he had to say in the matter, had stated in his letter, dated 14th May, 1966, as follows:

"On going through the news report in the *Indian Express* referred to by Sardar Kapur Singh, I really would not describe it either as a false report or a report which creates a deliberately false impression about the proceedings in the Lok Sabha on May 11. However, it is true that the report was incomplete because of the omission of a reference to what Mr. Hiren Mukerjee had said.

This is what actually happened: Our Parliamentary Correspondent did refer in his report to what Mr. Mukerjee had said. Unfortunately, the Subeditor who processed the copy at the news desk cut out that portion and several other portions to reduce the length of the story for reasons of space. It was perhaps an error of judgment on his part but I assure you that it was done in good faith. On behalf of the *Indian Express*, I would like to express my sincere regret for this. Kindly convey our regrets to the Speaker and to the others concerned."

In view of the explanation and the expression of regret made by the Editor, the matter was closed.

Disclosure of substance of Government's comments on recommendations of Public Accounts Committee by a Minister before they were considered by that Committee.—On 2nd August, 1966, Shri Madhu Limaye, a Member, complained that although Shri Sachindra Chaudhuri, the Minister of Finance, was aware of the convention that Government's comments on the recommendations of the Public Accounts Committee were required to be submitted to that Committee and should not be disclosed in public before the Committee had reported on them, he had in his statement in Rajya Sabha on 27th July, 1966, disclosed the nature of Government's reply on the observations of the Public Accounts Committee in their 50th Report and thus "raised unfounded expectations in the House that the Public Accounts Committee was going to consider the question of clearing Shri Boothalingam, Steel Secretary, when, in fact, no such request for such consideration had been made by Government to the Committee and that the Committee had not taken such a decision" to consider the issue. Shri Limaye contended that the Minister of Finance had not only committed a breach of the well-established convention but, by giving a good chit to Shri Boothalingam, had also indirectly tried to show that the Public Accounts Committee was wrong and had thereby committed a breach of privilege and contempt of the House. In support of his contention, Shri Limaye cited the case of Dr. P. S. Deshmukh, when the latter was not allowed to make a personal explanation in regard to certain observations of the Public Accounts Committee in their Eighth Report on the Bharat Sewak Samaj until that Committee had considered his explanation.

The Speaker observed that he would give his ruling after hearing the Minister of Finance.

On 5th August, 1966, the Minister of Finance, while quoting extensively from the replies given by him in the House on 27th July, 1966, in response to a calling-attention notice on the "Reported decision of Government to appoint Shri Boothalingam to EEC at Brussels", stated *inter alia*:

> "My submission is that the whole privilege motion is based on an incorrect understanding of what happened in this House. I have given *in extenso* what I had said in the House and my only submission is that there cannot be any question of anybody reading into it that I was trying to mislead the House, telling that there was a request made by Government to the PAC that there should be an inquiry into the conduct of Mr. Boothalingam and a report made to the Government on the basis of that. That is perfectly clear."

The Speaker reserved his ruling. On 12th August, 1966, the Speaker, while disallowing the question of privilege, ruled *inter alia*:

> "I have gone through the proceedings of the House on the calling-attention notice on 27th July, and the replies given by the Chairman, PAC in the House

on 28th July, 1966, in response to certain questions asked of him. The Minister of Finance had then said as follows:

> 'The Government has sent its reply to the Public Accounts Committee. The Public Accounts Committee has not yet made its comments on that and, therefore, there is no question of any posting being made until that report is laid before the House. . . .'

The Chairman, PAC, stated in answer to the question that the PAC had received the comments of the Government on their 50th Report and that a letter from the Ministry of Iron and Steel requesting an early consideration of the comments of the Government had been received on 26th July, 1966, and that the letter would be considered by the Committee in the normal course.

I do not find any contradiction in the two statements. Further, Government cannot instruct the Committee. The Committee do not consult the Government as to when and how they should report. It is left to the Committee to conduct their work as they like and to take their own time. The Committee are answerable only to the House and the Speaker and their directions alone are binding on them. I do not, therefore, see how the Minister of Finance deliberately raised unfounded expectations in the House that the PAC was soon going to make a special report on the Boothalingam affair. Therefore, the formal notice of privilege given by Shri Madhu Limaye is not founded on facts and I do not give my consent to this question being raised.

As regards the other points regarding the conventions or practices to be observed with regard to the recommendations of the Public Accounts Committee. . . . I have to say that while any departure from these practices may be regarded as a serious breach of conventions and may even provoke a motion of censure against the Government, it is not, strictly speaking, a breach of privilege as defined in Article 105 of the Constitution. While deciding a question of privilege, one has to examine the law of privilege as established in the United Kingdom prior to the coming into force of our Constitution, and no new privileges can be created. Breaches of rules, conventions and practices have to be distinguished from breaches of privilege.

I have examined the practice that has hitherto been followed in the matter of implementation of the recommendations of the Public Accounts Committee by the Government. In consonance with the well-established parliamentary practice which has been in vogue in India for over 35 years, in all cases where Government are not in a position to agree or implement a recommendation made by the Public Accounts Committee or have reasons to disagree with the recommendations of the Committee, the Ministry concerned should place their views before the Committee which may, if it thinks fit, present a further report to the House after considering the views of Government in the matter. In this connection, I would quote the following from para. 4 of the Finance Department Resolution No. D/1200-B dated 13th June, 1930, which for the first time clearly enunciated the procedure to be followed in this behalf of Government:

> 'If any case should occur in regard to which there is a material difference of opinion between the executive Government and the Committee, a full memorandum on the subject will be drawn up and placed before the Committee at a subsequent session and the Assembly will have an opportunity of discussing the subject later under the procedure contemplated in para. 30 of the Report (*refers to the Report of the Public Accounts Committee on the accounts of* 1927-28).'

There have, however, been one or two instances where a deviation had been made from this procedure. In the case relating to the 'Import and Sale of Japanese cloth' dealt with in the Fourth Report of the Public Accounts Committee (1952-53), the then Commerce Minister laid a statement in connection

with that case on the Table of the House without, in the first instance, placing Government's views before the Committee. The then Public Accounts Committee considered the various implications arising from the departure made by the Minister from the well-established procedure in not having given an opportunity to the Committee to consider the statement in question and to give their opinion thereon before it was laid on the Table of the House. The Committee came to the conclusions that since this was a matter which related to the functioning of the Public Accounts Committee and the procedure to be observed by them, the matter should be placed before the Speaker for his guidance. Speaker Mavalankar upheld the convention and directed that a circular letter should be sent to all Ministries of the Government of India laying down that in cases where Government were not in a position to implement a recommendation made by a Financial Committee of Parliament, viz.: the Public Accounts Committee or the Estimates Committee, and Government had reasons to disagree with the recommendation of the Committee, the Ministry concerned should, in consonance with the well-established procedure, place their views before the Committee who may, if they think fit, present a further report to the House after considering the views of Government in the matter. A circular was accordingly issued to all Ministries of the Government of India on 4th December, 1953.

I also find that our convention is based on a similar convention which was established in the UK 80 years ago. In this connection, I would quote from a Government reply referred to in para. 53 of the Report of the UK PAC (1885) which *inter alia* stated as below:

> 'The opinion of the Committee of Public Accounts on points of financial order ought on every occasion to receive the most respectful attention from the Departments concerned. Upon points which my Lords admit to be doubtful, they as a rule defer to the opinion of the Committee. If a question of importance arises upon which they are unable to agree with the Committee, they think it their duty to suspend decision until they have had an opportunity of laying before the Committee the reasons which lead them to differ from the Committee's opinion. If the Committee should still adhere to their "original opinion" my Lords in ordinary cases yield, but if they held the point of difference to be sufficiently important, they would endeavour to bring the question before the House of Commons in a form that will place before the House unreservedly the argument on both sides; the ultimate decision then rests with Parliament.'

I should like that this established practice should be invariably followed by Government in the case of all reports of the Parliamentary Committees.

So far as the statements made by the Minister of Finance in Rajya Sabha on 19th May and 27th July, 1966, in which he is alleged to have disclosed the nature or substance of the Government's comments or replies to the observations of the Public Accounts Committee in their Fiftieth Report are concerned, it must be pointed out that although those statements were made by the Minister of Finance in response to the demands made by Members in that House, and not *suo motu* the best tradition would have been maintained if the Minister had stuck to the earlier position taken by him on 19th May that he could not say anything until the PAC had examined the reply of the Government and made a report thereon.

I may state in passing that when a Presiding Officer admits a notice of a question, calling attention or any other notice, he is not aware of what is happening in the Committee or at what stage the matter is. Either the Minister should represent to the Presiding Officer that the matter is under the consideration of a Parliamentary Committee or simply state this fact in answer to a notice if admitted. In a parliamentary system of government, a

Parliamentary Committee is an ally of Government and both should proceed on mutual trust and respect. Therefore, the twin conventions, that normally a recommendation of the Committee should be accepted by the Government and in case of disagreement, points of difference should be resolved by discussion between the Government and the Committee. It is only in the event of an unresolved difference that the matter comes before the House ultimately in the shape of a report from the Committee when both the points of view are before the House at the same time. I trust that these traditions which have been built over the years shall be scrupulously followed in future.

I have looked up the precedents. I have not come across any case where a breach of these conventions has been regarded as a breach of privilege either in our House or in the U.K. I, therefore, do not give my consent to raise this matter as a question of breach of privilege."

Circulation of a pamphlet purported to be a petition to Lok Sabha before its presentation to the House.—On 2nd August, 1966, Shri Madhu Limaye, a Member, raised a question of privilege in the House against one Shri Jit Paul (a partner of the firm " Amin Chand Pyarelal ") *inter alia* on the ground that he had got printed and circulated a pamphlet purporting to be a petition to Lok Sabha before its presentation to the House. While raising the question of privilege, Shri Madhu Limaye stated:

" Now, I believe it is a grave breach of privilege and contempt of the House to print a petition and circulate it before it has been formally presented to the Lok Sabha.

This petition, I find, has not been presented to the House.

The contempt of the House becomes all the more serious because the petition is no ordinary petition ventilating a certain grievance; it traverses the finding of the Fiftieth Report of the Public Accounts Committee and seeks to prejudice Members adversely against the Public Accounts Committee by bringing undue influence on Members who do not have any of the materials that led the Public Accounts Committee to make the report.

Assuming that the said petition had been presented to the House with the Speaker's consent, even so, it would be a breach of privilege because I think the petition cannot be circulated without the sanction of the Committee on Petitions.

Further, this printed matter bears no printer's line and so whoever printed it has also committed breach of privilege and should be hauled up."

The Speaker observed that every citizen had a right to submit a petition to Parliament through a Member of Parliament and for that purpose he could approach several Members, one after another, to try to get his petition countersigned and have it presented to the House by a Member. He could not be prevented from having his petition printed before its presentation to the House. But so far as the allegation made against Shri Jit Paul circulating his petition before presentation to the House was concerned, that could be enquired into and action taken by the House. As regards the complaint that Shri Jit Paul's pamphlet did not bear the printer's line, the Speaker observed that the matter would be brought to the notice of the Minister of Home Affairs whose function it was to take necessary action in the matter.

On 23rd August, 1966, the Speaker made the following announcement in the House.

"On 2nd August, 1966, Shri Madhu Limaye sought to raise a question of privilege against one Shri Jit Paul of M/s. Amin Chand Pyarelal for having printed and circulated a pamphlet which purported to be a petition to Lok Sabha before its presentation to the House. I had said that I would enquire whether copies thereof had been circulated. I called for an explanation of the person concerned. I have now received the following reply dated 18th August, 1966, from Shri Jit Paul:

'I or my Representative have never circulated any copy of our Petition to any Member of Parliament or to anybody else. I, however, met the following Members of Parliament to seek their advice as to how to proceed about the matter. I also handed over to them a copy of this Petition explaining my position:

Shri Rajeshwar Patel
Shri Madhu Limaye
Shri Gaure Murahari

This copy was merely of the 1st part of the Petition and not of the 2nd part which contains the various schedules. I have not circulated any copy to anyone by post. I might state that at none of these meetings I had the feeling that I was taking a wrong step nor had I any indication from any one of the honourable Members mentioned above whom I met that I was doing a wrong thing. I did not have any intention to influence the opinion of these Members of Parliament nor did I have a possible expectation of exercising any such influence. I have the highest respect for the Parliament and the Public Accounts Committee. I hold the Honourable Speaker, the Members of Parliament and of the Public Accounts Committee in the highest esteem and respect. It is far from my thought or intention to do anything which would even remotely savour of disrespect to Parliament or to the Public Accounts Committee and their Rules and Regulations. If, however, by any chance, there is any semblance of disrespect having been shown by me I humbly request the Honourable Speaker to accept my humble and unconditional apology to him and to all the Members of Parliament and of the Public Accounts Committee.

This Petition was printed by the Statesman Ltd., Statesman House, 4, Chowringhee Sq., Calcutta, in their commercial printing Department.'

On 2nd August, 1966, Shri Bhagwat Jha Azad had also mentioned that this had been published in the *Current* weekly of Bombay. Although I had not asked for any explanation of the Editor of the *Current*, he has, of his own accord, sent to me the following letter dated 5th August, 1966:

'I understand from our correspondence in Delhi that our weekly was mentioned in the House in connection with a privilege issue that was discussed concerning a partner in the firm of Messrs. Amin Chand Pyarelal and the Public Accounts Committee.

Although we have not yet heard anything officially in this connection, I feel I should mention to you, Sir, beforehand that should we inadvertently have committed any breach of privilege of your Honourable House, we would be unhesitating in our expression of regret for any error on our part and if there is any way in which we can put this matter right, we would consider it our duty to do so.' "

The Speaker thereafter asked Shri Madhu Limaye if he wanted to say anything further on the matter. Shri Madhu Limaye replied that he wanted time to study the matter.

The Speaker, thereupon, observed that he was referring the matter to the Committee of Privileges for consideration and report.

The Committee of Privileges, after examining Sarvashri Jit Paul, J. M. Sehgal, Manager of M/s. Amin Chand Pyarelal, Ram Mohan Dube, a journalist and Madhu Limaye in person, in their Twelfth Report presented to the House on 1st December, 1966, reported as follows:

" (i) The question of privilege referred to the Committee in the present case is based on the allegation made by Shri Madhu Limaye, M.P., in the House on 2nd August, 1966, that Shri Jit Paul had circulated the pamphlet which he intended to be presented to the Lok Sabha as a petition. This was quite clearly stated by the Speaker in the House on 2nd August, 1966.

(ii) The Committee, therefore, decided to find out whether there was any evidence in support of the allegation and that Shri Jit Paul had circulated the said pamphlet which he had intended to present to the Lok Sabha as a petition. With this end in view, the Committee first examined Shri Jit Paul in person on oath.

Shri Jit Paul, in his evidence before the Committee on 4th October, 1966, denied that he had circulated any copy of the said pamphlet to any Member of Parliament or to anybody else either by post or personally by himself. He, however, said that he had approached three members of Parliament, namely, Sarvashri Madhu Limaye, Gaure Murahari and Rajeshwar Patel, 'in order to seek their advice and, if possible, get their agreement for signing it because I was told by my solicitor that some Members of Parliament has to sign these petitions'. He said that even to those Members of Parliament he had given copies of the purported petition without the schedules. He also stated that what had appeared in the *Current* dated 25th June, 1966, was different from the said pamphlet which had been drafted by his solicitors much later in the middle or the third week of July and was printed about the end of July. He added that 10,000 copies of the said pamphlet had been printed and except one or two copies, the balance was lying.

(iii) The Committee then examined on oath Shri J. M. Sehgal, Manager, M/s. Amin Chand Pyarelal, New Delhi, and Shri Ram Mohan Dube, a journalist, who had accompanied Shri Jit Paul to Shri Madhu Limaye, M.P. Shri Sehgal deposed that when they went to see Shri Madhu Limaye, M.P., they had only one copy of the pamphlet with them which was given to Shri Madhu Limaye, M.P., only when he said that it might be left with him so that he could study it before discussing the matter with them. Shri Sehgal further said that they had not circulated copies of the pamphlet either personally or by post.

Shri Ram Mohan Dube, however, deposed that they had two copies of the said pamphlet when they went to see Shri Madhu Limaye, M.P. He added that a copy was left with Shri Madhu Limaye, when he asked for it for studying and thereafter fixing up some other time for discussion. According to him, another copy was left with Shri Gaure Murahari, M.P., also for the same purpose. He said that they had not gone to any other Member of Parliament thereafter on that day.

(iv) The Committee, thereafter, examined Shri Madhu Limaye, M.P., to find out whether he had any evidence in support of his allegation that Shri Jit Paul had circulated copies of the said pamphlet which he had intended to be presented to Lok Sabha. Shri Madhu Limaye

said that Shri Jit Paul had left a copy of the printed pamphlet with him on his own and that there was no question of entering into any discussions with him or asking him to give him any paper or Shri Jit Paul's asking him to sponsor his petition. He, however, said that he had no knowledge whether the pamphlet had been circulated to others, except that Shri Rajeshwar Patel, M.P., had told him that he had been given a copy of the petition. He added that it was a presumption and an inference that the pamphlet had been circulated as he was given to understand by some dignitary of the Public Accounts Committee that 3,000 copies of the *Current* dated 25th June, 1966, had been purchased by Shri Jit Paul.

(v) After careful consideration of the evidence placed before them the Committee have come to the conclusion that there is no evidence in support of the allegation made by Shri Madhu Limaye, M.P., in the House that the purported petition had been published and circulated by Shri Jit Paul, except to the three Members of Parliament whom, as he stated, he had approached in connection with the presentation of the purported petition to Parliament.

(vi) The Committee, however, consider that the circumstances of the case are very suspicious, particularly in view of the fact that the name of printing press is not published on the pamphlet in question; but in the absence of any proof of actual distribution and also in view of the apology tendered by Shri Jit Paul, no further action need be taken in the matter.

(vii) The Committee recommend that no further action be taken by the House in the matter."

Referring to Members of Opposition as "rowdies" and "goondas" by a newspaper.—On 5th August, 1966, the Speaker informed the House that on 29th July, 1966, he had received notice of a question of privilege from Shri R. Umanath, M.P., against the *Navasakthi*, a Tamil daily of Madras, for having referred to the members of Opposition Parties of Lok Sabha as "rowdies" and "goondas" while reporting the opening day proceedings in its issue, dated 26th July, 1966.

The Speaker added that he called for the explanation of the Editor of the newspaper and the Editor in his letter, dated 2nd August, 1966, had replied as follows:

"We wish to state that the unruly scenes that were witnessed on the opening day of the Lok Sabha and Rajya Sabha were described as 'rowdy scenes' by the PTI. A copy of the PTI report is herewith enclosed for your reference. What we have published is translation of the PTI report. But, we find that our staff have committed some mistakes in the translation of the English news into Tamil.

We sincerely regret the same.

As a National Daily we assure you that we have the utmost respect and regard for our Parliament and it was never our intention to show any discourtesy to any Member of the august body."

The Speaker observed that in view of the regret expressed by the Editor, the matter might be treated as closed.

Shri Umanath thereupon stated that he had gone through the whole of P.T.I. report but there was no portion therein where there

was a reference to the Members of Opposition behaving as "rowdies" or reference to "Goondaism" and therefore the explanation of the Editor that it was just a mistake in translation on the part of the staff was not correct.

The House then agreed to close the matter if the Editor published the apology on the front of the newspaper in its three successive issues.

On 23rd August, 1966, the Speaker informed the House that the Editor of *Navasakthi* had published his explanation and regret on the front page of three successive issues of the newspaper dated 10th, 11th and 12th August, 1966.

The matter was then closed.

Alleged contempt of the House and of a Parliamentary Committee by certain statements made by a Minister in the House and before the Committee.—On 16th August, 1966, Sarvashri Madhu Limaye and Homi F. Daji, Members, sought to raise a question of privilege against Shri C. Subramaniam, the Minister of Food and Agriculture, on the ground that he had suppressed the truth and misled the Public Accounts Committee, when he appeared before them, by stating that a certain order issued by him was a "draft" order when in fact it was a final one and also that, while commenting on the observations of the Public Accounts Committee in his personal statement in the House on 18th May, 1966, he had cast reflections on the Committee by stating that:

> "It is rather surprising that an observation should have been made suggesting that I had reconsidered certain order without adequate reason."

On 17th August, 1966, the Speaker (S. Hukam Singh) ruled *inter alia*:

> "So far as this privilege is concerned, it is of the utmost importance that the notice must be given immediately, at the very first opportunity; a delay of one day or two days has been held to be fatal to the entertainment of any notice of breach of privilege. Many things that have been said here arose out of the observations made by the Public Accounts Committee in their 50th Report which was presented to the House in May, so far as I remember. Then there were the statements of the Minister on 17th and 18th May.
>
> Incorrect statements made by a Minister cannot make any basis for a breach of privilege. It is only a deliberate lie, if it can be substantiated, that would certainly bring the offence within the meaning of a breach of privilege. Other lapses, other mistakes do not come under this category, because every day we find that Ministers make their statements in which they make mistakes and which they correct afterwards. . . . I have said about the incorrect statement; that was contradicted on 18th May and an apology was also offered. So far as abusing the right to make personal explanations is concerned, there is nothing to show that the right had been abused or that facts have been suppressed. There was no question of misleading the Committee, so far as that is concerned—that is the statement on the 18th. It was said that he cast reflections on the PAC by saying 'it is rather surprising'. I agree that it was unfortunate that such words, 'that it was surprising' should have been used. I also agree that there is force in that. But does it constitute a

breach of privilege? I have not come to that conclusion that it does. Therefore I have not been able to hold that, though I do say that no Member, when the PAC or any other committee of the House has given a report, should say such words. It might cast reflections on their decisions. These reports are to be accepted as they are. Then alone we can proceed with satisfaction. . . . The other serious thing . . . about what he called the draft order while the order was absolute, precise and had to be carried out. He tried to explain what he had meant by that. . . . I am not very much convinced with the explanation, though he might have just laboured hard to 'explain that away'. That was a mistake that was committed, and he ought to have admitted it frankly there and then that it was a mistake, because that was an order that was to be carried out and left nothing further to be stated, unless of course the Minister himself feels otherwise. Therefore, that was an order. But there could be difference of opinion. He calls it a draft order. He has admitted his mistake in the House as well as before the Committee and has also said that the conclusions of the Committee under the circumstances were justified. He has gone to that extent, and I do not hold that this also constitutes a breach of privilege.

I, therefore, do not give my consent."

Casting reflections on the Speaker by an outsider.—On 18th August, 1966, Shri Madhu Limaye, a Member, raised a question of privilege against one person styling himself as Colonel Amrik Singh alias Shri K. S. Sahi with regard to a letter, dated 4th August, 1966, written by him to the Speaker, Lok Sabha, which mentioned a document alleged to have been signed by Shri Jit Paul, partner of the firm "Amin Chand Pyarelal", showing an entry of payment of a sum of forty thousand rupees against the name of Sardar Hukam Singh, Speaker, Lok Sabha. In his letter addressed to the Speaker, Col. Amrik Singh *inter alia* stated:

* * * * * *

"A vital document submitted on record with statements u/s 164 Cr. P.C., shows details of bribe money paid to several persons, signed by the said Shri Paul, and a sum of Rs. 40,000 is shown against your name. The existence of these documents has been admitted by the Government before the High Court in proceedings relating to the connected cases (Cr. Writ No. 18-D/65).

* * * * * *

. . . in order to confirm what I have stated you have only to see and read the documents admitted by Government in Cr. Writ 18-D/1965 before His Lordship Mr. Justice S. K. Kapur of the Punjab High Court."

While raising the matter, Shri Limaye urged that Col. Amrik Singh should be asked to produce evidence in support of his allegation about the existence of the document pertaining to Shri Jit Paul, and in case of his failure to do so, he should be severely punished. But, if it was proved that such a document existed, then Jit Paul should be punished for making such a serious allegation against the Speaker.

After some discussion, the matter was referred to the Committee of Privileges, which, after examining Col. Amrik Singh in person, reported *inter alia* as follows:

"(i) Colonel Amrik Singh, in his letter dated 4th August, 1966, addressed to the Speaker, Lok Sabha, had stated that the existence of the document signed by Shri Jit Paul and showing a sum of Rs. 40,000 against the name of the Speaker, Lok Sabha, had been admitted by the Government before Mr. Justice S. K. Kapur of the Punjab High Court in Cr. Writ Petition No. 18-D/1965.

(ii) The Committee, therefore, deputed Sarvashri Frank Anthony and V. C. Parashar, Advocates and members of the Committee, to go personally to the Circuit Bench of the Punjab High Court at New Delhi and inspect the records of the Cr. Writ Petition No. 18-D/1965 and all other documents connected therewith, so as to find out whether the relevant document mentioned by Col. Amrik Singh in his letter dated 4th August, 1966, addressed to the Speaker, Lok Sabha, existed. Sarvashri Frank Anthony and V. C. Parashar, accordingly, went to the Circuit Bench of the Punjab High Court at New Delhi on 22nd August, 1966, and examine the records of the Cr. Writ Petition No. 18-D/1965. Thereafter, certified copies of the relevant records in that case (*viz.* copy of Index, Memorandum of Parties, Writ Petition, Affidavit of Petitioner, Annexure, Government's reply dated 25th February, 1965, and order of Mr. Justice S. K. Kapur dated 26th July, 1965) were also obtained by the Committee from the Registrar of the Circuit Bench of the Punjab High Court at New Delhi.

(iii) The Committee, however, could not find any mention of the document in question either in the Government's reply dated 26th February, 1965, to Col. Amrik Singh's Cr. Writ Petition No. 18-D/1965 or in the order of Mr. Justice S. K. Kapur dated 26th July, 1965, on the said Petition.

(iv) The Committee find that the statement made by Col. Amrik Singh in his letter dated 4th August, 1966, addressed to the Speaker, Lok Sabha, that the existence of the document in question had been admitted by the Government before Mr. Justice S. K. Kapur of the Punjab High Court in Cr. Writ Petition No. 18-D/1965, is not correct. No such document is even mentioned either in the Government's reply or in Mr. Justice S. K. Kapur's order.

(v) Since the document in question was not mentioned in the records of the Cr. Writ Petition No. 18-D/1965 as stated by Col. Amrik Singh in person about the existence of the document the Committee, accordingly, called and examined Col. Amrik Singh, twice, on 1st September and 4th October, 1965.

(vi) On 1st September, 1966, when the Committee questionel Col. Amrik Singh about the existence of the document in question, he deposed that he had filed the document in question along with some othei documents in some Court at Ambala in a case against him. He said that he had already filed applications in Courts at Ambala and Delhi applying for the return or recovery of the documents, that the District Magistrate at Ambala had returned his application stating that the documents were not traceable.

The Committee, thereupon, directed Col. Amrik Singh to furnish by 20th September, 1965, the document in question or a certified copy thereof, certified copies of the applications made by him to the Courts for the return or recovery of the documents and the orders of the Courts concerned on his applications, certified copy of the petition or application made by him when the document in question was filed by him in the Court and a certified copy of the Order Sheet or the original thereof in that case (Case No. 3/43 State vs. Amrik Singh, as given by Col. Amrik Singh). He was also directed to appear again before the Committee on 4th October, 1966.

(vii) None of the above-mentioned documents were, however, produced by Col. Amrik Singh in spite of the clear directions of the Committee.

When Col. Amrik Singh again appeared before the Committee on 4th October, 1966, he alleged that the District and Sessions Judge, Delhi. had given a finding to the effect that the records in Col. Amrik Singh's case (including the alleged document signed by Shri Jit Paul containing an entry of payment of Rs. 40,000 against the name of Sardar Hukam Singh, Speaker, Lok Sabha) ' have been tampered with and certain vital documents have been removed '.

The Committee, thereupon, directed Col. Amrik Singh to submit the documents, asked for by the Committee earlier, together with a certified copy of the alleged findings of the concerned District and Sessions Judge, Delhi, by 31st October, 1966, at the latest.

(viii) Col. Amrik Singh, however, did not produce any document asked by the Committee. On 31st October, 1966, he simply sent an ' affidavit ' regarding the applications which, he stated, he had filed in certain Courts for certified copies of some documents.

(ix) The Committee observe that Col. Amrik Singh has, in spite of the ample opportunity given to him by the Committee, failed to furnish either the alleged document (stated to be signed by Shri Jit Paul) or a certified copy thereof. He has also failed to produce any of the other documents asked for by the Committee on 1st September and 4th October, 1966.

(x) The Committee consider that it is futile to pursue the matter any further with Col. Amrik Singh for the production of the document in question or a certified copy thereof. He has not submitted even certified copies of the applications which he stated he had made to the Courts from time to time for the return of the documents and the orders of the Courts thereon.

(xi) The Committee have, therefore, reached the conclusion that Col. Amrik Singh is unable to substantiate his allegation that the relevant document referred to in his letter dated 4th August, 1966, stated to be signed by Shri Jit Paul and containing an alleged entry to payment of the sum of Rs. 40,000 against the name of Sardar Hukam Singh, Speaker, Lok Sabha, was in existence or the same was even filed in the Courts.

(xii) The Committee are of the opinion that the conduct of Col. Amrik Singh in writing a letter to the Speaker, Lok Sabha, alleging the existence of a document of this nature, which he is unable to substantiate, is very reprehensible and is a grave affront against the honour and dignity of the office of the Speaker and amounts to a gross breach of privilege and contempt of the House. This has been further aggravated by him approaching a Member of Parliament, Shri Madhu Limaye, and handing over to him a copy of his letter, addressed to the Speaker, Lok Sabha. The aforesaid conduct of Col. Amrik Singh *alias* K. S. Sahi is most condemnable and deserves severest reprimand.

(xiii) The Committee are, however, of the view that the process of Parliamentary investigation should not be used in a way which would give importance to irresponsible or reckless statements or to persons of no consequence making such statements. The Committee feel that it would be inconsistent with the dignity of the House to give undue importance to a person of the antecedents of Col. Amrik Singh by pursuing the matter any further."

The Committee recommended that:

(i) "The Committee are of the opinion that the House would best consult its own dignity by taking no further notice of the matter. The Committee accordingly recommend that no further action be taken by the House in the matter.

(ii) The Committee, however, feel that Members of Parliament should be very discreet in entertaining and raising such matters in the House and unless they are genuinely satisfied about the authenticity of the information as well as the antecedents of the person giving that information, they should not seek to raise those matters in the House based on such reckless allegations."

The House adopted the report of the Committee on 2nd December, 1966.

Alleged misleading of the House by a Minister regarding alleged opinion given by the Attorney-General to the Prime Minister.—On 19th August, 1966, Shri Homi F. Daji, a Member, sought to raise a question of privilege against Shri Satya Narayan Sinha, the Leader of the House, on the ground that when on 16th August, 1966, some Members had raised the question of press reports regarding the alleged opinion given by the Attorney-General to the Prime Minister on certain actions of the Minister of Food and Agriculture (Shri C. Subramaniam), Shri Satya Narayan Sinha had admitted a leakage had taken place and thereby confirmed that the Attorney-General had sent an opinion to the Prime Minister giving a clean chit to Shri Subramaniam, despite the findings of the P.A.C., but later on the Attorney-General, in a letter published in the *Indian Express*, dated 17th August, 1966, had contradicted this by stating that "no reference was made to me to assess the propriety or impropriety of Mr. Subramaniam's actions". The Member contended that Shri Satya Narayan Sinha deliberately gave a false impression that the news appearing in the Press was correct and thus had misled the House.

Shri Satya Narayan Sinha explained that what he had said in the House on 16th August was that the story which had appeared in the Press was not given by the Government. Shri Sinha maintained that the Prime Minister did seek the Attorney-General's advice on an informal and confidential basis but added that the reference to the Attorney-General was not to obtain any kind of clearance of the Minister concerned but to enable the Prime Minister to give further consideration to the matter. Denying the charge of misleading the House, Shri Sinha stated that according to the *Indian Express* of 17th August, the Attorney-General had stated the same point, namely, that no reference was made to him to assess the propriety or impropriety of Shri Subramaniam's actions, and that no question could, therefore, arise of his clearing him or not clearing him. The Attorney-General had not said that no reference was made to him.

Disallowing the question of privilege, the Speaker ruled that in view of the explanation by Shri Sinha, he did not find any inconsistency or lie in the statement and there was therefore no question of privilege.

Alleged incorrect statement made by a Minister in the House regarding figures of area of India.—On 22nd August, 1966, Dr. Ram Manohar Lohia, a Member, sought to raise a question of privilege against Shri M. C. Chagla, the Minister of Education, on the ground that he had concealed the facts and misled the House in his statement about discrepancy in an area of India in the information given to U.N.O. in 1961 and the figures about the area given by the Prime Minister in reply to a question in the House on 16th May, 1965.

Shri Chagla denied that there was any discrepancy about the area figures in the information supplied to U.N.O. in 1961 and the statement made by the Prime Minister. Shri Chagla explained that the figures supplied to the United Nations were for a specific purpose, *i.e.*, for demographic purposes, and as all the Census figures were not available then, the figures of population of those areas as were then available were supplied to U.N.O. in 1961 and a suitable footnote in the publication explained this fact. The Prime Minister's statement also included the information about those areas which was received subsequently from the Census authorities.

Disallowing the question of privilege, the Speaker ruled *inter alia*:

"If a Minister or any Member makes a statement himself knowing it to be false, then alone the question of breach of privilege arises. Otherwise, mistakes might creep in, some errors might be made, even some lapses might be committed, but they do not constitute in any case a breach of privilege. I have already ruled this and I repeat it now. There is no question of breach of privilege in this case and I rule it out."

Alleged incorrect statement made by a Minister in the House.—On 24th August, 1966, Shri Madhu Limaye, a Member, sought to raise a question of Privilege against Shri G. L. Nanda, Minister of Home Affairs, on the ground that on 11th August, 1966, Shri Nanda, in his statement regarding a news item published in the *Statesman*, dated 10th August, 1966, about the alleged activities of Left Communist Party of India, had denied that the source of that information, as alleged in news report, was the Ministry of Home Affairs. But the newspaper, after denial by the Minister, maintained its position that the source of information was the Ministry of Home Affairs. The Member contended that Shri Nanda was aware of the position when he made that statement in the House and thereby made an untruthful statement.

Shri Nanda stated that what he had said earlier was correct to the best of his knowledge. Shri Nanda added that he had made his earlier statement after inquiring from everybody concerned in the Ministry, including junior Ministers.

Disallowing the question of privilege, the Speaker ruled *inter alia*:

"I have to confine myself to this question alone whether a breach of privilege has been committed and whether I should give my consent to it. I have made it clear and I repeat that it was to be proved that not only the

information leaked out from the Ministry or from any of the Ministers but that at the time of making the statement the Home Minister knew that this information had passed from the Home Ministry and then having that knowledge, with that knowledge, he made the statement different from it. That has not been proved and, therefore, I cannot give my consent."

Alleged reflections on a Member by a newspaper.—The *Statesman* in its issue dated 10th August, 1966, published a news report under the heading "Sabotage Plans by C.P.I. Claimed" from its Political Correspondent, who attributed his source of information to the Union Home Ministry. The news report in question had alleged that, "The Union Home Ministry seems convinced that the Left Communist Party had formulated plans for country-wide sabotage both on agricultural and industrial fronts".

On 11th August, 1966, the Minister of Home Affairs (Shri G. L. Nanda) in his statement in the Lok Sabha, denied that the source of information of the said news report was the Ministry of Home Affairs.

On 24th August, 1966, Shri Madhu Limaye, M.P., and others sought to raise a question of privilege in the House against the Minister of Home Affairs on the ground that he had made a misleading and untruthful statement in the House on 11th August, 1966, in denying that the relevant news report had been based on the information passed on by the Ministry of Home Affairs. The Member alleged that the Ministry of Home Affairs had asked the Editor, *Statesman*, to issue a contradiction to the news report but the Editor had agreed to publish the contradiction on the condition that below the letter of the Ministry, the *Statesman* would publish its own statement also to the effect that in spite of that contradiction, the Special Correspondent maintained his position. Thereupon, the Minister of Home Affairs gave up his insistence on publication of the contradiction. Shri Madhu Limaye also referred to the news item published in the Hindi *Dinman*, dated 19th August, 1966, that according to the informed sources the news report of the *Statesman* was conveyed to the Press by a Minister in the Ministry of Home Affairs.

Shri G. L. Nanda, Minister of Home Affairs, then stated *inter alia* as follows:

"I find now that this question of privilege is raised on the assumption that what I said here was not correct and that I knew that it was not true when I made the statement. I can say with all the emphasis at my command and the deepest earnestness and sincerity before this august House that when I made that statement, on that occasion I knew it was correct, and I made it without any kind of reservation in my mind that it was not correct; it was true, to my knowledge. I further maintain now that I am prepared to reiterate it here. I stand by it. What I said was correct then, it is correct now, to the best of my knowledge and I have no reason to disbelieve whatever I had said then. . . .

When I made that statement, I will just add, I had shown it to everybody concerned in my Ministry, including Shri Shukla, Shri Hathi and everybody. Then, again, I questioned everybody closely. Therefore, I was quite satisfied that what I was saying was correct."

The Speaker thereupon disallowed the question of privilege against the Minister of Home Affairs on the ground that it had not been proved that at the time of making the statement, the Home Minister knew that the information had been passed from the Ministry of Home Affairs or having that knowledge, the Minister had made the statement different from it.

On 31st August, 1966, Sarvashri Madhu Limaye and H. V. Kamath raised a question of privilege in the House against the Editor of the *Statesman*, in respect of an editorial captioned "Home Truth", published in its issue dated 26th August, 1966. The Editor in his editorial had stated *inter alia* as follows:

> "We presume Mr. Nanda is fully aware of the source from which the story came to us and of the circumstances in which his Ministry agreed that the contradiction it had earlier sent to us need not be published."

While raising the question of privilege, Shri Madhu Limaye said that the Editor of the *Statesman* had committed "the grave offence of not only editorially reiterating the charge but saying that Shri Nanda (the Minister of Home Affairs) was 'fully aware' of the source and was therefore lying, and further suggesting that it is not the *Statesman* which needed to 'vindicate its position' but the other party, *i.e.*, the Home Minister." Shri Kamath contended that in view of the clear denial by the Home Minister about the source of the news report, the *Statesman* in its issue of August 26 had insinuated that the Home Minister had wilfully and deliberately suppressed the source of news report which appeared earlier in that paper and thereby held to be an untruth, and misled the House. Shri Kamath urged that the matter be referred to the Committee of Privileges.

The House, thereafter, referred the matter to the Committee of Privileges.

The Committee of Privileges, after considering the written statement submitted by the Acting Editor of the *Statesman* and after examining the Acting Editor and the Political Correspondent of the *Statesman* in person, in their Thirteenth Report presented to the House on 1st December, 1966, reported as under:

> "(i) The Acting Editor of the *Statesman*, in his written statement, has stated that the insinuation attributed to the *Statesman*, is not justified and is not borne out by the facts. He has contended that the editorial published in the *Statesman*, dated 26th August, 1966, 'does not in any way attribute *mala fide* to Shri Nanda, nor is its language even remotely excessive or unparliamentary'. In this connection, the Acting Editor of the *Statesman* has stated:
>
> 'We submit that in moving his motion of privilege on August 31, Shri Kamath read more into the divergence between Shri Nanda and ourselves than is warranted by the facts or the language of our editorial.
>
> * * * * * *

Still more unjustified and further removed from facts is the nature of the insinuation attributed to us by Shri Kamath, that " the Home Minister has wilfully and deliberately suppressed the source of the news report which appeared earlier in that paper (The *Statesman*), and thereby held on untruth to, and misled, the House. . . ." Shri Nanda could be said to have misled the House deliberately if he had held back what he believed to be true. We have nowhere alleged or implied that he did so. We made him aware that our source was the Home Ministry. But he is under no obligation to believe us, just as we are free to believe him or not. If a person gives out some information but denies this fact to his superior, the latter is free to decide whether to believe his subordinate or the newspaper. But his purely personal predilections in this matter cannot be made the basis of an issue of breach of his privileges as a Member of Parliament, such as has been alleged by Shri Kamath:

* * * * * *

We were correct in presuming, on the basis of what we had told him, that we had made him aware of our source—though we did not assume, nor did we have the right to, that we had necessarily carried conviction with him.

* * * * * *

At no stage, by assertion or insinuation, have we attributed *mala fide*, to Shri Nanda or even suspected him of it. . . .

* * * * * *

On the basis of assurances received from his staff, Mr. Nanda may sincerely hold the impression that our description of the source is wrong. We have not in any way questioned his sincerity—though his impression is erroneous—and for this reason some of the expressions used by Shri Kamath are entirely unjustified. It is in no way a breach of a Member's privileges if a newspaper, relying upon its own sources believed its own version of certain events and declines to endorse the version upon which a Minister, relying upon his sources, insists.

* * * * * *

In spite of what Shri Kamath suggested, the essence of the divergence between the Home Minister and the *Statesman* is that each has received information which is in conflict with the other's and each insists in all sincerity that its own is more correct.'

After considering the matter carefully, the Committee are of the opinion that the impugned editorial published in the *Statesman*, dated 26th August, 1966, does not cast any reflection or attribute any *mala fides* to Shri G. L. Nanda in his conduct as a Member of Parliament. In the opinion of the Committee, the said editorial did not imply that Shri Nanda was ' lying ' or that he had ' wilfully and deliberately suppressed the source of the news report '. The presumption made in the editorial that ' Mr. Nanda is fully aware of the source from which the story came to us and of the circumstances in which his Ministry agreed that the contradiction it had earlier sent to us need not be published ' was based, according to the Acting Editor's written statement on the following ' facts ':

(i) 'It was correct for us to presume that the Information Officer of the Home Ministry had conveyed to Mr. Nanda the purport of his exchanges over the telephone and in writing with the Resident Editor of the *Statesman*, New Delhi, in the course of which it was agreed that the Ministry's letter of denial need not be published.'

(ii) 'Similarly, it was known to us at the time, and to Parliament subsequently, that our Political Correspondent . . . had met the Home Minister in response to a telephone call from the latter, the two had gone into the question of the source of our story and our Political Correspondent had assured Mr. Nanda that the source was within the Home Ministry.'

(iii) The Acting Editor has, however, stated that in making the above presumptions, *viz.*, that 'Mr. Nanda is fully aware of the source', the *Statesman* had 'in no way questioned his sincerity' and that 'on the basis of assurances received from his staff Mr. Nanda may sincerely hold the impression that our description of the source is wrong.'

(iv) The Committee are of the view that both Shri G. L. Nanda as well as the *Statesman* were entitled to believe and state their respective versions of the facts, and the divergence between the two versions need not lead one to the conclusion that one or the other party must be lying.

(v) The Committee have reached the conclusion that no breach of privilege or contempt of the House is involved in the publication of the editorial captioned 'Home Truth', in the *Statesman* of 26th August, 1966.

(vi) The Committee recommend that no further action be taken by the House in the matter."

Casting reflections on the Speaker by a Member.—On 24th August, 1966, after the Speaker had withheld his consent to the raising of a question of privilege against the Minister of Home Affairs (Shri G. L. Nanda) for an alleged misleading statement made by him in the House denying a news report published in the *Statesman*, dated 10th August, 1966, regarding the activities of the Left Communist Party, Shri Madhu Limaye, a Member, made the following remarks:

"For this reason, Mr. Speaker, I ask you today to resign from the membership of the Congress Party. So long as you do not leave the Congress Party, the dignity and decorum of this House cannot be maintained."

The Speaker, thereupon, observed:

"These are reflections against the Speaker. I will refer this matter to the Committee of Privileges that they might consider it. That is a clear breach of Privilege. There is a reflection against the Speaker."

When some Members raised a point of order regarding the reference of the matter to the Committee of Privileges, the Speaker said that he would consider it.

On 25th August, 1966, the Speaker referred to the remarks made by Shri Madhu Limaye in the House on 24th August, 1966, and observed that Shri Madhu Limaye had made those remarks after he

(Speaker) had given a ruling which meant that the ruling given by him was partial and that he would not do justice as long as he was a member of the Congress Party. The Speaker added that although he was not a member of the Congress Party, the fact whether he was a member of the Congress Party or not was not relevant, as the remarks of Shri Limaye attributed partiality to the Speaker and thus cast reflections on the Speaker.

Shri Madhu Limaye then said that if the Speaker was not a member of the Congress Party, he would withdraw his remarks.

After some discussion the Speaker observed:

> "Now comes the question which was raised by Mr. Kapur Singh and then again by Mr. Limaye that he withdraw what he said. I do not know what that would mean. It was only a reflection on the House and, therefore, if the House deems it, sufficient. I have no objection, I have no particular malice.
>
> But there is one advice that I would give; if he, in specific terms, says that he regrets it, then it might be excused."

Shri Madhu Limaye, however, said that he had no regrets but that he had withdrawn his remarks unconditionally.

The Speaker, thereupon, ruled that in that case the matter stood referred to the Committee of Privileges as he had already ruled.

The Committee of Privileges, after examining Shri Madhu Limaye in person and after considering his written statement, in their Tenth Report presented to the House on 2nd November, 1966, reported as follows:

> "(i) On 6th September, 1966, Shri Madhu Limaye made the following statement before the Committee explaining that he had no intention of casting any reflection on the Speaker or attributing partiality to him in his rulings:
>
> 'In raising the demand that I did that day, I had no intention of casting any reflection or aspersion on the Speaker. I also did not question his *bona fides*; nor did I intend to convey that any of his rulings were tainted by partiality. I was merely raising a theoretical issue and I would like to state that I had been agitating this for a pretty long time and it had nothing to do with the discussions or ruling given that day. If it has caused any misunderstanding, I would like to clear it. I would also like the Committee to convey to the Hon. Speaker my highest regards for him and his office.'
>
> (ii) The Committee are of the opinion that in view of the above statement of Shri Madhu Limaye, no further action be taken in the matter.
>
> (iii) The Committee recommend that no further action be taken by the House in the matter."

Alleged casting of aspersions on Lok Sabha, its Members and the Speaker by a newspaper.—On 25th August, 1966, Shri Prakash Vir Shastri, a Member, raised a question of privilege against the Editor, Printer and Publisher of *Aina*, an Urdu newspaper of Srinagar, for publishing an editorial article under the caption "*Yeh Naheen*

Hoga ", in its issue dated 15th August, 1966, allegedly casting aspersions on the Lok Sabha, its Members and the Speaker. Shri Prakash Vir Shastri took objection to the following passages of the impugned article:

". . . not only the Parliament but also the most honoured citizens of the country, Sardar Hukam Singh (Speaker) gave his ruling that in any case he was of the opinion that inclusion of such documents in the curriculum has adverse effect on the minds of children. . . .

We have great regard for the hon. Members of Parliament and also appreciate their sensitiveness for the Integrity, sovereignty and prestige of the country. But we are not at all prepared to give them this right that they should misuse their rights and try to deprive others of their rights. Many of the Members before giving vent to their pent up feelings, might not have even once gone through the text of '*Naya Kashmir*'. We may tell those Members who have demonstrated their anguish and wrath after reading this book, that not to speak of one Parliament but thousands of such Parliaments cannot be successful in distorting history. . . . We want to make it clear to those who, intoxicated with power and position, consider Kashmir as their own estate, that they are striking at the very roots of identical ideology which form the basis of relations between India and Kashmir. Every step that they take is misdirected. They are committing an unpardonable crime of creating a gulf between India and Kashmir. Shri Kashi Ram Gupta, Sardar Hukam Singh, Prakash Vir Shastri and Bhagwat Jha are hardly aware of what does '*Naya Kashmir*' mean. . . . If today Shri Nanda declares it to be an obsolete historical document and ignores it, then there remains no common link between India and Kashmir. We fully understand that the commotion in Parliament is a feverish outburst of the narrowminded and trouble-mongering nationalism which has eaten into the very vitals of the country. . . . Sardar Hukam Singh, Shri Prakash Vir Shastri, Shri Hem Barua and Shri Kashi Ram Gupta can tolerate all this but cannot tolerate the mention of the freedom struggle and the feelings of the local people in the text books of Kashmir. . . . Our new generation cannot remain ignoramus like some Members of Parliament. . . .

Thus, the revolution in 'Red China' is the most important, unforgettable and historic event of this century. How is it possible that in order to avenge the injustices of the Chinese rulers, we should keep our new generation ignorant about this important revolution. By doing so we would be taking revenge not from the Chinese leaders but from our own young men. . . ."

The matter was referred to the Committee of Privileges, which after examining Shri Prakash Vir Shastri in person and after considering the written statements submitted by the Editor, Printer and Publisher of *Aina*, in their Fourteenth Report, presented to the House on 2nd December, 1966, reported as follows:

"The Committee are of the opinion that the impugned article read as a whole does not constitute a breach of privilege and contempt of the House, though certain portions of it are couched in a rather strong, undesirable and irresponsible language which is unbecoming of a responsible newspaper. The matter does not, however, deserve any further notice.

The Committee recommend that no further action be taken by the House in the matter."

Alleged incorrect statements made by a Member in the House.—On 3rd September, 1966, Shrimati Renu Chakravartty and Shri Madhu Limaye, Members, sought to raise a question of privilege against Shri Atulya Ghosh, another Member, for making certain alleged incorrect statements in the House on 18th August, 1966, during his personal explanation with regard to the allegations made in the previous day's half-an-hour discussion on Pakistani spies concerning the activities of two alleged Pakistani spies, namely, Shri Sunil Das, an employee of the All-India Congress Committee, and Shri Mohit Choudhuri. It was alleged that those persons were known to Shri Atulya Ghosh and he had tried to put pressure to hush up the case against them. Shri Atulya Ghosh in his personal explanation on 18th August, 1966, had stated *inter alia*:

"Yesterday my name was freely mentioned in relation to a case concerning Shri Sunil Das, an employee of the All-India Congress Committee. He is one of the 105 employees there and I am office bearer of All-India Congress Committee, and so it is natural that I knew him and he used to come to my house. . . . I want to state categorically that the allegation that I have tried to exert influence to hush up the case is absolutely wrong. I never discussed these matters with any of the ministers either in the Centre or in the State of any of the officers. I also want to say that I never knew this Mohit Choudhuri and I have never seen him in my life. . . . About Sunil Das, he belongs to the A.I.C.C. . . . He was an employee of the A.I.C.C. and I am an office-bearer and he used to come to me as several other office bearers, officers and members of the staff came to me. . . . When Sunil's house was searched, as the staff of the A.I.C.C. he came and reported to me and I told him to take the help of a lawyer. The law of the land is to prevail. I again categorically say that this is nothing else but that some friends have tried to malign me personally and the Congress organisation collectively. . . . I categorically state that I have no association with these people and I completely deny that I ever tried to put any pressure to hush up the case."

While raising the question of privilege against Shri Atulya Ghosh, the Members made the following five points:

First, that the statement of Shri Atulya Ghosh that he did not know Shri Mohit Choudhuri and had never seen him in his life was false. Secondly, Shri Atulya Ghosh, by stating that Shri Sunil Das was only one among 105 employees, had given the impression that Shri Sunil Das was an ordinary man and not an important member; that there was a proposal to appoint him as office secretary and therefore, what was alleged, was not true. Thirdly, the denial of Shri Atulya Ghosh that he exerted any influence in transfer of the case was false. Fourthly, in his earlier statement Shri Atulya Ghosh had said that when Sunil Das's house was searched, Shri Sunil Das came and reported to him that his house was searched but later on Shri Ghosh corrected his statement that when Sunil Das was interrogated by the Police in his house, he came and reported to him (Shri Ghosh) that in his house he was interrogated. Fifthly, that it was reported in the newspapers that during the search jewellery, gold and ornaments

were found but Shri Atulya Ghosh asked the Police not to seize that.

The Speaker reserved his ruling.

On 5th September, 1966, the Speaker, while disallowing the question of privilege, ruled *inter alia*:

> "All those points have no substance either. The only point is whether the hon. Member uttered a deliberate lie before this House or misled the House and whether that also is deliberate. The point is in regard to the two statements. One is that he never knew Mr. Mohit Choudhuri; the second is that Shri Sunil Das came to him and he advised him to consult the lawyers and that the law shall have its course. These are the only two statements. In the first statement he said that Sunil Das came after the search had been made though he says that he realises the mistake and that he tried to correct it. But then, the only relevant portion is whether Shri Sunil Das came to him and he only said that he might consult the lawyer or did anything to just help him or to get him out of the clutches of the police. That is the only thing that is there. No proof has been brought before me. . . . I have been told that I should get the confessional statement of Mr. Mohit Choudhuri before the police. Be it before the police or before the court, it does not matter. The veracity of a Member's statement is not to be tested by the statement of an accused person, be it before the police or before the magistrate. I will have to rely on the statement of the Member first. Only this that the accused might have said something—which I do not know—before the police bringing in others also is not enough here, for the breach of privilege, to substantiate that the Member has said something wrong deliberately. Therefore, on both these things I have no material before me to hold that Mr. Atulya Ghosh has told a deliberate lie or misled the House. Therefore, I close it there."

Wrong briefing of a Minister by an official about a statement to be made in the House.—On 7th September, 1966, Shri H. N. Mukerjee and several other Members sought to raise a question of privilege against the Chief Minister/Home Minister/certain Government officials of West Bengal on the ground that on 6th September, 1966, while correcting an error in his statement of 17th August, 1966, Shri Jaisukh Lal Hathi, Minister of State in the Ministry of Home Affairs, had stated that the error occurred not because he deliberately wanted to mislead the House, but because he was so briefed by a Senior Police Officer, specially called to brief him from West Bengal. The Members stated that although Shri Hathi was not guilty of deliberately misleading the House, it was clear that the concerned Police official briefed the Minister with misleading and erroneous information. The Members contended that as the statement was to be made in the House the officer ought to have taken care to brief the Minister with correct facts and therefore the Chief Minister/Home Minister/Home Secretary of the West Bengal Government, who were responsible for sending and briefing the official concerned, and the official who briefed Shri Hathi, were guilty of gross contempt of the House for misleading it and seeking to give false information to the House.

Disallowing the question of privilege, the Deputy Speaker (Shri S. V. Krishnamoorthy Rao) ruled *inter alia*:

"I have heard the hon. Members who have tabled breach of privilege motions. All these arise out of the statement made by Mr. Hathi. He had stated clearly that an officer of the West Bengal Government gave that information. The officer of the Government is responsible only to the Minister. It is the Minister who is responsible to this House. The Minister has made a statement that he was misled by the officer and he expressed regret. So far as that matter is concerned that is over.

Now, as to whether this House can go into the question of breach of privilege committed by an officer who gave the information to the Minister, I think, it is purely an administrative matter. He is an officer of the West Bengal Government. Yesterday, both the Prime Minister and the Home Minister stated that an inquiry is being made and that the guilty would be brought to book and that they are not there to shield anybody. It is a purely administrative matter and there is no question of breach of privilege. So, all these breach of privilege motions are ruled out."

Announcement of a Minister's resignation and statement by the resigning Minister outside the House.—On 10th November, 1966, Sarvashri S. M. Banerjee and U. M. Trivedi, Members, sought to raise a question of privilege on the ground that the resignation of Shri G. L. Nanda as Minister of Home Affairs was announced outside the House when the House was in session and also that he had released the statement about his resignation to the Press before it was made in the House. Shri Trivedi contended that a Minister who resigned from the office of a Minister was entitled to make a statement only inside the House and not outside.

Disallowing the question of privilege, the Speaker ruled that no reference to Lok Sabha regarding resignation of a Minister was needed and there was no question of any breach of privilege. As regards the resigning Minister's statement outside the House, the Speaker observed:

"It is a special privilege given to the Minister that he can make a statement here, inside the House. By that his other rights are not restricted. Whether it is proper for him to make a statement outside or not, it is for him to decide. Therefore, there is no breach of privilege."

Publication by a newspaper of Proceedings of the House expunged by the Speaker.—On 10th November, 1966, Shri K. D. Malaviya, a Member, raised a question of privilege against the Editor and Publisher of *The Hindustan Times* for having published in its issue, dated 9th November, 1966, certain remarks which had been expunged by the Speaker on the previous day.

The Speaker then informed the House that the Editor of the newspaper had come to him in the morning and had expressed his regret but he (the Speaker) had told him that that was not enough and that he should write a letter which could be read to the House.

On 22nd November, 1966, the Speaker informed the House that he had received the following letter, dated 10th November, 1966, from the Editor of *The Hindustan Times*:

"The report of the Lok Sabha proceedings in *The Hindustan Times* dated November 9, 1966, contains a sentence which you had ordered to be expunged from the records. On inquiry, I am told by the Special Correspondent who covered the proceedings that he missed hearing your decision on the point owing to the uproar which was prevailing in the House. The publication of the expunged remarks, I assure you, was a genuine mistake which I sincerely regret."

The House then agreed to the suggestion made by Shri Malaviya that since the expunged remarks so published referred to him specifically and were printed on the front page of the newspaper, the apology by the newspaper should also be printed on its front page making a specific reference to Shri Malaviya.

Accordingly, *The Hindustan Times* in its issue dated 23rd November, 1966, published the following apology on its front page:

"In *The Hindustan Times* dated November 9, 1966, the report of the Lok Sabha proceeding inadvertently included a remark about Mr. K. D. Malaviya (Cong.) which was ordered to be expunged by the Speaker. The error is regretted."

MADHYA PRADESH: VIDHAN SABHA

Contributed by the Secretary of the Vidhan Sabha

Creating Disorder in the Visitors' Gallery.—On 15th September, 1966, while the House was seeking elucidation on certain points emanating from the statement made by the Government in regard to the New Bhopal Mills on a Calling Attention notice raised by Shri Shakir Ali Khan, one Shri Kundanlal raised slogans and dropped leaflets from the Visitors' Gallery in the Chamber for about five minutes. The Speaker who was in the Chair immediately ordered the arrest of the demonstrator who was detained by the Security Officer within the premises of the Vidhan Sabha. Immediately thereafter the matter was referred to the Committee of Privileges on the adoption of a motion in this behalf moved by the Leader of the House. The Committee was directed to submit their report by 4 p.m. the same day.

The Committee accordingly met at once, settled the procedure and examined the offender Kundanlal who admitted that he had raised slogans in the Visitors' Gallery when all constitutional means, hunger-strikes, etc., had failed to redress the grievances. He was not prepared to express regret as long as his grievances were not redressed.

After examining the whole matter the Committee came to the conclusion that Shri Kundanlal was guilty of contempt of the House and that his act was premeditated and wilful. The Committee especially brought to the notice of the House the fact that this very Kundanlal had on a previous occasion, on 19th March, 1964, committed a similar contempt of the House for which he was committed to prison till the prorogation of the House.

The Committee, therefore, recommended that Shri Kundanlal be committed to prison till the prorogation of the House in view of the gross contempt deliberately committed by him for the second time.

The Report was adopted by the House that very day.

Distortion of a Member's Speech by Newspapers.—Shri L. N. Nayak, Shri J. S. Tomar and Shri Y. P. Shastri, Members of the Vidhan Sabha, complained to the House on 24th March, 1965, that the Editors of the daily *Kishan Panchayat* had published, simultaneously from Sidhi and Rewa in its issue of 9th March, 1965, a report of Shri C. P. Tiwari's speech in the House in a distorted manner incorporating untrue statements in place of the ones said in the House; and that they had done so with a *mala fide* intention of maligning the Member and with a view to deter him in the fearless discharge of his duties as a Member. They had thereby committed a breach of privilege of the Member and the contempt of the House. The matter was referred to the Privileges Committee for investigation and report that very day.

The Committee went through the impugned article and found that the allegations therein related to the individual conduct of Shri Tiwari as distinct from his conduct in the discharge of his duties as a Member. The Committee also scrutinised Shri Tiwari's speech of 2nd March, 1965, made in the House and came to the conclusion that not a single word of that speech was reported in the impugned article of the Kisan Panchayat. If the impugned article were a report of Shri Tiwari's speech in the House, the Committee would have seen what distortions were made and untrue facts were introduced in the article. In the view of the Committee, the language used in certain parts of the article did not accord with the healthy and clean tradition of journalism but the matter at issue did not fall within the purview of a breach of privilege. The Committee noted that the article criticised the personality and conduct of Shri Chandra Pratap Tiwari as distinct from that as a Member of the Legislature in the discharge of his duties.

The Committee, on the basis of rulings given by the Speakers of Lok Sabha and House of Commons in allied cases held the view that in the present case no breach of privilege was involved. Therefore, the Committee recommended that no action need be taken in the matter.

The Report of the Committee was presented to the House on 28th September, 1966.

Reflections on the Estimates Committees.—On 28th March, 1966, the Speaker read out in the House a notice of breach of privilege given by Shri R. P. Malhotra, M.L.A., against Shri J. M. Kochar, a retired I.A.S., for publishing and distributing an "Open letter addressed to Madhya Pradesh Vidhan Sabha Members" reflecting on

the conduct of the Estimates Committee, Shri G. C. Tamot, a Member and the Legislature Secretariat. The Printer, Nutan Press, Gwalior, by printing the Open Letter was also charged to have been guilty of breach of privilege.

Shri Kochar's reflection in the Open Letter and his written Statement to the effect that paragraphs 257 to 259 and 287 to 309 of the Committee on Estimates 1959-60 Seventh Report (Second Vidhan Sabha)—Madhya Bharat Roadways and Central Provinces Transport Services, presented to the House on 10th March, 1960, were based on wrong complaints and false accusations leading to improper criticism and irregular conclusions against him (Shri Kochar) was considered by the Privileges Committee. The Committee came to the conclusion that by reflecting on the procedure, conduct and report of the Estimates Committee Shri Kochar committed a flagrant breach of privilege of that Committee.

The Committee was of the view that it was not competent to enquire afresh into the action taken and the conclusions drawn by the Estimates Committee or to make any criticism thereon.

The Committee noted the insinuation in the Open Letter and reiterated by Shri Kochar in his written statement that the Finance Officer and his colleagues badly misled the Honourable Member Shri G. C. Tamot into making a harrowing speech against him on the privileged floor of the House on 12th July, 1962, full of false allegations and distorted facts. The Committee was of the view that such a criticism of the Member's speech in the House had a tendency of deterring a Member from the discharge of his duties as such Member fearlessly.

The Committee, therefore, came to the conclusion that by making grave reflections on the speech of the Member delivered in the House Shri Kochar had committed contempt of the House and the Member.

As Ministers are not summoned before the Committee on Estimates to give evidence, allegations made by Shri Kochar against them do not come within the purview of a breach of privilege.

In his Open Letter and the written explanation Shri Kochar bitterly criticised the evidence of the witnesses who gave evidence before the Estimates Committee. The Committee was of the opinion that undue criticism of the evidence of the witnesses before the House or its Committees, as has been done by Shri Kochar, would tend indirectly to deter witnesses from giving true and fearless evidence thereat, and amounts to a breach of privilege, *vide* page 130 of the May's *Parliamentary Practice* (16th ed., 1957).

The Committee was of the view that reflections on the staff of the Legislature Secretariat made by Shri Kochar in his written explanation, being objectionable and reprehensible, come within the purview of a breach of privilege.

In view of the apology tendered by the Printer no further action was recommended by the Committee against him. The Committee

came to the conclusion that Shri Kochar had committed contempt of the House and its privileges. It, therefore, recommended that Shri Kochar be summoned before the House and reprimanded.

The Ninth Report of the Committee of Privileges on the subject was presented to the House on 26th September, 1966. No further Motion was made in the House, which was later dissolved.

MADRAS: LEGISLATIVE COUNCIL

Contributed by the Secretary of the Legislative Council

Refusal of a Minister to furnish a Member with a document.—With reference to a matter of privilege raised on 2nd August, 1966, by Dr. H. V. Hande, M.L.C., arising out of the refusal of the Education and Public Health Department to furnish to him a copy of G.O.Ms. No. 1950 dated 6th August, 1963, on the ground that it was a confidential document, the Chairman gave a ruling on 8th August, 1966, withholding his consent to raise the matter. The Chairman, in the course of his ruling, stated that the action referred to by the Member did not obstruct or impede the House in the performance of its functions, or obstruct or impede any Member or officer of the House in the discharge of his duty. A confidential Government Order could not be considered to be a " Publication " and the power of the House to enforce the production of papers was, according to May, subject to a condition that " a sufficient cause must be shown for the exercise of that power; and if considerations of public policy can be urged against a motion for papers, it is either withdrawn, or otherwise dealt with according to the judgment of the House ". The Chairman also stated that it should not be concluded that Government departments could withhold supply of papers, claiming them to be confidential, without sufficient reason.

The Chairman, therefore, held in this particular case that the Government were within their rights to refuse to supply copies of Government Orders, which they treated as confidential and whose disclosure would be against the public interest, and that sufficient material had not been placed before the House to show that the matter sought to be raised involved any question of privilege of the House, or of its Members, since the Government Order referred to was claimed to be confidential. (*Madras Legislative Council Debates*, Official Report, Vol. LXVIII, No. 2, pp. 14-15, No. 6, pp. 228-231.)

MADRAS: LEGISLATIVE ASSEMBLY

Contributed by the Secretary to the Legislative Assembly

Publication of Words Ordered to be Expunged.—On 7th March, 1966, Hon. Speaker brought to the notice of the House a matter of

privilege given by a Member which stated that on 4th March, 1966, when the temporary Chairman was in the Chair, certain words used by a lady Member were ordered to be expunged, and that in spite of that specific direction by the Chair the newspaper *Navasakthi* in its issue dated 5th March, 1966, had repeated all the relevant remarks made in the House and had finally concluded with the observation "that the temporary Chairman had ordered the expunction of these proceedings".

The Hon. Speaker administered a warning to the journal that the expunged portion should not be published and held that no further action was necessary. (*M.L.A. Debates*, Vol. XXXV, No. 1, p. 17.)

Prosecution of a Member.—On 10th March, 1966, a Member raised a matter of privilege in regard to the prosecution of another Member for forwarding to the Chief Minister a petition containing allegedly false accusations against police officials. He claimed that the presentation of a petition to a Minister in the House "formed part of the proceedings of the House" and in the present case, the Member concerned did not write the letter himself, but had only forwarded it with his endorsement. Such threats of prosecution in the discharge of their duties as legislators jeopardised their rights and privileges and constituted a breach of privilege of the Member.

The Speaker reserved his ruling with the observation that, only if a Member referred to a petition in the course of his speech and wanted the Government to investigate the matter, could it be considered to be part of the proceedings of the House, and not otherwise.

On 21st March, 1966, the Chair, in holding there was no *prima facie* case for referring the matter to the Committee of Privileges, observed that:

> "Though the Members enjoyed absolute privilege in certain respects, they were not to exercise it in an unguided fashion or in an uncontrolled manner.
>
> If absolute privilege was created for letters and petitions written and forwarded by the Members containing allegations and accusations against others outside the House and, if these were not genuine, the persons accused might be seriously affected and in such cases, it was not fair to restrict or deny their rights to go before a court of law.
>
> Though the specific case need not go before the Committee of Privileges, it could consider this question in a general manner; or a Committee of eminent politicians, or the Commonwealth Parliamentary Association, or the Presiding Officers might consider this question in greater detail and evolve a healthy parliamentary tradition."

(*M.L.A. Debates*, Vol. XXXV, No. 4, pp. 347-362; Vol. XXXVII, No. 3, pp. 239-243.)

Minister misleading the House.—On 15th March, 1966, a Member raised a matter of privilege in regard to the statement made by the Chief Minister on 9th March, 1966, in answer to the notice under

Rule 41 by a Member, and contended that the Chief Minister had expressed facts which were not true, and had thereby deliberately misled the House which was a gross breach of privilege and contempt of the House.

The facts of the case were that on 9th March, 1966, a Member raised a matter under Rule 41 of the Assembly Rules on the reports which appeared in newspapers that day regarding a Motion of contempt against the Madras Government in the Lok Sabha. The Chief Minister in the course of his statement said that no fresh order was issued by the Government of Madras and that no such order was served by any Sub-Inspector of Police on a Member of Parliament who was a detainee on parole. Subsequently, when it was ascertained that the Sub-Inspector of Police, Woriyur, had served an order on the Member of Parliament on 22nd March informing him that he should not go to Delhi under the present conditions of parole on the basis of a wireless message from the Deputy Secretary, Public Department, Madras, the Chief Minister explained that the communication was not an order of the Government or of any competent authority, but only a clarification of the existing conditions of parole. He also stated that at the time he replied to the notice of a Member on 9th March, 1966, he was not aware of the clarification served by the Sub-Inspector or the message of the Deputy Secretary. He, therefore, maintained that there was no ground for a Motion for breach of privilege.

On 17th March, 1966, the Speaker, after careful consideration of the facts and circumstances of the case, observed that there was no cause to believe that the Chief Minister was in possession of the facts of the clarification of the order served on the Member of Parliament on the 9th, and that he had wilfully suppressed the same before the House.

He, therefore, ruled that there was no *prima facie* case of breach of privilege. (*M.L.A. Debates*, Vol. XXXVI, No. 3, pp. 241-257; Vol. XXXVI, No. 5, pp. 489-491.)

Interference with the work and duties of a Member.—On 24th March, 1966, a Member raised a matter of privilege in regard to the dismissal of a temple servant of Meenakshisundareswarar Devasthanam, Madurai.

The facts of the case were that a full-time employee of Shri Meenakshisundareswarar Devasthanam had presented a petition containing some allegations against the administration of the temple to a Member of the Assembly who in turn presented the petition to the Chief Minister and also made his representation. Subsequently a charge was framed against the said employee and one of the items of the charges was that he approached the Member, who was a political leader, for getting redress of his grievances against the order of his superiors in the Department. The Member had raised the point

that the action of the Executive Officer amounted to an unwanted interference with the work and reflected on his action as a Member of the House. Therefore, he had stated that there was a breach of privilege which had to be referred to the Committee of Privileges.

The Chief Minister contended that Government servants and also those on a par with them, should conform to rules and regulations in their conduct and service. They should not think of bringing political influence in the affairs of the administration. In the present case, the charge was only against the servant who violated the rules and there was no breach of privilege in the matter.

On consideration of a similar case raised by Mr. Geoffrey Cooper in England in 1951 and another in this House in 1955 by the same Member, the Speaker on 25th March, 1966, ruled that there was no *prima facie* case to refer the matter to the Committee of Privileges. (*M.L.A. Debates*, Vol. XXXVII, No. 5, pp. 513-522; Vol. XXXVIII, No. 1, pp. 28-29.)

Notification of the date of summoning the Legislature.—On 2nd August, 1966, a Member raised a matter of privilege regarding the propriety of announcing the date of summoning of Legislature by the Chief Minister before the publication of notification by the Governor. The Member contended that it was the privilege of Members of the House to be informed first of the date of the meeting of the Legislature.

On 3rd August, 1966, the Speaker ruled that it was not a matter on which information should be given to the Members or to the House in the first instance as in the case of important business which was brought before the House for transaction such as the Budget, No-confidence Motions or any policy of Government, and as such no question of privilege arose. The Speaker further observed that it would be always better to leave all conventions to be carried out through respective machineries according to normal procedure. (*M.L.A. Debates*, Vol. XXXIX, No. 2, pp. 116-118; Vol. XXXIX, No. 3, pp. 236-238.)

Failure to inform the Speaker of the arrest of a Member.—On 2nd August, 1966, a Member raised a matter of privilege regarding the alleged failure of the authorities to inform the Speaker about his arrest on 3rd July, 1966.

On 3rd July, 1966, the Member was secured under Section 151 of the Criminal Procedure Code, as he had a design to commit cognizable offences. But this matter was reported to the Speaker by a communication, dated 16th July, 1966, by the Superintendent of Police. As there was a long delay in intimating the arrest, the Speaker on 3rd August, 1966, administered a warning to the officers concerned and impressed on the Government the need to give neces-

sary instructions to their officers not to repeat such violations of rules. He then ruled that it was not necessary to refer the matter to the Committee of Privileges. (*M.L.A. Debates*, Vol. XXXIX, No. 2, pp. 119-124; Vol. XXXIX, No. 3, pp. 235-236.)

Maharashtra

Contributed by the Secretary of the Maharashtra Legislative Secretariat

Giving of incorrect information to the House does not amount to breach of privilege.—On 28th March, 1966, a Member of the Maharashtra Legislative Council gave notice of a breach of privilege alleging that the Minister for Rural Development had given certain incorrect information to the Legislative Council on 22nd March while replying to the debate on an Adjournment Motion pertaining to the alleged suicide committed by a primary teacher. In support of his contention, the Member had enclosed copies of certain letters and other relevant papers.

The Chairman held that the matter did not come within the purview of privilege. At its worst it could be treated as a matter of misconduct for which the Minister could be censured.

His consent to raise the matter in the House was, therefore, refused.

Disclosure of certain information to the Press before disclosing it to the House, when it was in session.—On 11th April, 1966, a Member of the Maharashtra Legislative Council gave notice of breach of privilege, contending that the State Government had made an announcement to the effect that prices of rice and wheat would be increased by 5 Paise with effect from 10th April, 1966, and that Government should not have made such an announcement without first taking the House, which was in session, into its confidence. The Member had, therefore, contended that this action of Government constituted a breach of privilege of the House.

The Chairman held that the announcement made by the Government related to its day-to-day administration and did not amount to an announcement of any policy decision by the Government. His consent to raise the matter in the House was, therefore, refused.

Action of the Minister for Home Affairs, contrary to a statement made by him in the House.—On 12th April, 1966, a Member of the Legislative Assembly gave notice of a breach of privilege arising out of the following facts: A breach of the peace had taken place at a township called Ulhasnagar near Bombay. An adjournment Motion was moved in the House on 11th April, 1966, to discuss the matter. While speaking on the Adjournment Motion certain Members of the Opposition had suggested that a delegation consisting of Members of the Assembly should be sent to Ulhasnagar to collect information about the causes of the disturbances. This suggestion was turned

down by the Minister for Home Affairs in the House. A news item was published in a local newspaper to the effect that three Members of the Legislative Assembly had visited Ulhasnagar after the disturbances. The aforesaid Member therefore gave notice of breach of privilege alleging that the Home Minister had sent a delegation of three M.L.A.s to Ulhasnagar when actually a suggestion to send such a delegation was turned down by him in the House on 11th April, 1966, and that this action of the Home Minister constituted a breach of privilege.

The Speaker, however, gave a ruling in the House on 13th April, 1966, that the subject matter of the notice did not involve any breach of privilege. He further stated that the Home Minister had made it clear in the House on 13th April, 1966, that the three Members had gone to Ulhasnagar on their own, and not with his knowledge or consent. His consent to raise the matter in the House was therefore refused.

Influencing Members to act in contravention of Resolutions passed by the House.—On 28th August, 1966, two Members of the Legislative Council gave a joint notice against the Union Defence Minister alleging that the Defence Minister, while addressing Members of the Congress Party, had tried to influence the Members of the Legislature to act in contravention of two Resolutions passed by the Legislative Council on 11th March, 1960, and 5th April, 1966, and that he had thereby committed a breach of privilege of the House.

While refusing to give his consent to the raising of the matter in the House, the Chairman observed that this could hardly be a matter of a breach of privilege of the House, since a Minister is quite entitled to say what he likes on such a question, and that the two resolutions of the House could in no sense be interpreted as binding on him. To say that the Defence Minister directly influenced the Members of the House to act in opposition to two resolutions in question, was rather far-fetched.

Public declaration by some Members to the effect that they would disrupt the proceedings of the House.—On 29th August, 1966, a Member of the Legislative Assembly gave notice of breach of privilege arising out of the reported declaration by two of the Members of the Opposition that they would disrupt the proceedings of the House.

The Speaker, while refusing to give his consent to the raising of the matter in the House, observed that:

"It seems that these statements were made quite some time ago. If these statements were really so made, as reported, they would no doubt involve a breach of privilege and also contempt of the House in as much as they would have the effect of thwarting the established procedure of the House and lowering it in the estimation of the people. But rule 246(2) of the Assembly Rules says that, 'the question (of privilege) shall be restricted to a specific

matter of a recent occurrence'. As these cannot be held to be a matter of recent occurrence, as laid down by a series of rulings on the point, the notice has to be disallowed on this technical point."

Reflections on the activities of the Estimates Committee and attributing motives to it.—In the editorial appearing in *Maratha* (a local vernacular daily), dated 19th November, 1966, certain comment was made regarding the activities of the Estimates Committee and ulterior motives were also attributed to it.

Comment made regarding the activities of the Committee particularly attributing motives to it was considered to give rise to a breach of privilege.

The matter was therefore brought to the notice of the Editor of the newspaper who promised to issue the necessary clarification in one of its next issues. This he did on 30th November, 1966. The Committee, in view of this, decided to close the matter.

Alleged Breach of Privilege by the Chairman of the Legislative Council against the Assembly.—On 8th September, 1966, a Member of the Legislative Assembly gave notice of breach of privilege against the Chairman, Legislative Council and others who were responsible for referring a question of breach of privilege to the Privileges Committee (Council) in a certain matter against a Member of the Legislative Council, before the Assembly had adopted part of the Report of its Privileges Committee. The issue of breach of privilege in that matter had arisen in the Legislative Assembly out of an Adjournment Motion passed by the Bombay Municipal Corporation and the debate which took place on the occasion on 3rd August, 1964, following discussion on the subject of the collapse of Bhabha Hospital.

The notice of breach of privilege against the Bombay Municipal Corporation and some of its Councillors in the aforesaid matter was tabled in the Legislative Assembly on 4th August, 1964, and it was referred to the Privileges Committee (Assembly). The Privileges Committee (Assembly) considered the matter and made its report to the Assembly holding the Corporation and certain Councillors of the Corporation including a councillor who had since become a Member of the Legislative Council guilty of breach of privilege and contempt of the House. The Committee had therefore recommended that in so far as this Member of the Council was concerned the Legislative Council should be apprised of the position and be requested to take further action by way of punishment in the matter. The matter was placed before the Chairman, Legislative Council, since the Council was not then in Session, and he under rule 243 of the Maharashtra Legislative Council Rules directed that it may be referred to the Privileges Committee (Council). The Speaker refused his consent to the Motion of breach of privileges and ruled that the Chairman, Legislative Council, was competent under Rule 243 of the Legisla-

tive Council Rules to act as he did and as such the notice was misconceived.

PUNJAB: VIDHAN PARISHAD

Misreporting of a Member's speech.—On 20th February, 1964, Shri Chander Bhan Gupta, M.L.C., gave notice of a privilege motion alleging that the daily *Pardeep* had misreported his speech delivered on the 18th February, 1964, in its issue dated 20th February, 1964.

The then Chairman of the Punjab Vidhan Parishad afforded an opportunity to the Press reporter concerned to explain his position. But he appears to have evaded to do so and the matter was eventually referred to the Privileges Committee on 15th April, 1964, for it to be examined from the point of view of the privileges of the House and its Members, and to suggest action, if so desired.

The matter was examined and pursued by the Committee in detail. Eventually the Editor of the daily *Pardeep* appeared before the Committee on 2nd February, 1966, and expressed his regrets about the mis-reporting of the speech made by Shri Chander Bhan Gupta, M.L.C., in the House on 18th February, 1964. As undertaken by the Editor before the Committee, the apology was published in the *Pardeep* dated 9th February, 1966.

The Committee of Privileges eventually recommended that in view of the apology tendered by the Editor of *Pardeep*, no further action was required and that the matter should be treated as closed.

The Report of the Committee was presented to the Punjab Vidhan Parishad on 21st March, 1966. It was considered by the House on 28th March, 1966. The House agreed with the recommendations contained therein, on that day. (*Punjab Vidhan Parishad Debates*, Vol. XXIII, No. 17, p. 1221.)

Contempt of the House by the Government.—Shri Krishan Lal, M.L.C., gave notice on 3rd December, 1965 (when the House was not in session) of a Motion of privilege to be moved at the first sitting of the House in the Budget Session, 1966, regarding " amendments which the Punjab Government conceded to make in the Punjab General Sales Tax Act 1948, with the representatives of the Beopar Mandal of Punjab when they met the Finance Minister and Excise and Sales Tax authorities at the Governor's House on 2nd December, 1965 ". He pleaded that some of those amendments, since conceded by the Government in the Act, had been refused during discussion on the relevant Bill in the Legislature, and that it was strange that before the Bill was assented to by the Governor or the President, the Government which rejected amendments in the Legislature, should accept the same when pressed by the representatives of Beoparis.

This Motion was referred to in the Punjab Vidhan Parishad on 16th February, 1966. The Chairman held that no question of breach

of privilege was involved in it and he ruled it out of order. He, however, directed the Government to make a statement to clarify its position. (*Punjab Vidhan Parishad Debates*, Vol. XXIII, No. 2, p. 59.)

Laying a Report on the Table.—At the sitting of the House on 22nd March, 1966, the Chairman referred to notice of privilege Motion given by Master Hari Singh, M.L.C., regarding different statements made by the Education Minister in the two Houses of the State Legislature on the point of laying the Report of the Administrative Reforms Commission on the Table of the House. The Chairman observed that he would check the relevant statement made on the subject in the Punjab Vidhan Sabha and then bring the matter to the notice of the Chief Minister, if need be.

A copy of the relevant extract from the proceedings of the Lower House was obtained from the Punjab Vidhan Sabha Secretariat. On a perusal of the reply received from the Punjab Vidhan Sabha Secretariat the Chairman, Punjab Vidhan Parishad observed that from the statement made by the Minister in the Lower House it could not be concluded that the Government promised in the Lower House that the said Report would be actually laid on the Table of the House whether the consideration thereon had taken place or not. Therefore, he ruled the question of privilege sought to be raised by Master Hari Singh, M.L.C., out of order. (*Punjab Vidhan Parishad Debates*, Vol. XXIII, No. 16, pp. 1109-10; Vol. XXIII, No. 19, p 1357.)

Ministerial remarks derogatory to dignity of House.—At the sitting of the House held on 30th March, 1966, Ch. Kartar Singh, M.L.C., referred to notice of privilege Motion given by him regarding use of remarks by the Education Minister which were derogatory to the dignity and prestige of the Member and the House. In the absence of the Education Minister the Chief Minister made the position clear; but some Members persisted that the Education Minister should be called and asked to make amends personally.

At a later stage, the Education Minister came to the House and explained that he did not say that the Hon. Members sell the Budget Books to the *kabaris*, but added that he had said that such books were found with some *kabaris*. He added further that he did not mean any insult.

The Chairman, Punjab Vidhan Parishad thereupon enquired from the mover whether in view of the explanation given by the Minister, he was satisfied. Eventually the matter was dropped. (*Punjab Vidhan Parishad Debates*, Vol. XXIII, No. 19, p. 1357.)

Alleged inaccurate statement by a Minister.—At the sitting of the House held on 8th December, 1966, Shri Krishan Lal, M.L.C.,

referred to the privilege Motion given by him regarding the alleged wrong and inaccurate statement made by the Finance Minister, Punjab, while replying to the debate on Food Policy in the Punjab Vidhan Parishad on 5th December, 1966, in respect of the principle of " no profit and no loss " basis in the matter of purchase and sale of food grains.

The Minister of Finance was asked to make his comments on the points raised therein. He offered his detailed comments in that behalf. The Chairman considered those comments and observed that the Minister seemed to have taken every possible precaution to obtain correct figures and have them verified even by a Deputy Minister. The Chairman observed further that in any case the discussion in the House related to the then prevalent food position in the State, and not to what it was four or five years back.

The motion was accordingly disallowed. (*Punjab Vidhan Parishad Debates*, Vol. XXIV, No. 4, p. 174; Vol. XXIV, No. 5, p. 214.)

India: Uttar Pradesh

Contributed by the Clerk to the Legislative Council

Preventing Members entering the House.—On 12th May, 1966, Sri Vidya Sagar Dixit, M.L.C., under Rule 223 of the Rules of Procedure and Conduct of Business of the Uttar Pradesh Legislative Council, raised a question of breach of privilege in the following form:

> " On 11th May, 1966, at the time of commencement of the business of the House, Sarasri Prabhu Narain Singh and Tej Bahadur Singh, M.L.C.s along with their colleagues obstructed me and other Members from entering into the House by picketing on the gate of the Secretariat Building.
>
> Therefore, a question of breach of privilege against them is raised."

In his complaint of breach of privilege Sri Vidya Sagar Dixit alleged that while coming to attend the meetings of the Council on 11th May, 1966, Sarvasri Prabhu Narain Singh and Tej Bahadur Singh along with their colleagues had obstructed him from entering the Secretariat building. On that day the Socialist and Communist Parties had been carrying on the " Ghero Dalo Andolan ", surrounding the State Secretariat and Legislature buildings so that no one might enter them. Sarvasri Prabhu Narain Singh and Tej Bahadur Singh belonged to the Socialist and Communist parties respectively and as such they had taken an active part in the movement. As a *prima facie* case of breach of privilege, the matter was referred to the Committee of Privileges for investigation.

The Committee of Privileges took evidence from Sarvasri Vidya Sagar Dixit, Prabhu Narain Singh and Tej Bahadur Singh. After thorough investigation into the case, the Committee recommended as follows:

"Although Sri Prabhu Narain Singh and Sri Tej Bahadur Singh have committed a breach of the privileges of the Council by obstructing Sri Vidya Sagar Dixit from attending the meeting of the House yet they should be pardoned as this was the first incident of its kind before the House and the two hon'ble Members had done so under the impression that in doing so they were doing nothing against the privileges of the Council."

WEST PAKISTAN

Contributed by the Secretary to the Provincial Assembly

Molestation of a Member.—Breach of privilege of a Member and that of the House occurred during the year 1966, when an officer of Government tried to molest a Member in the Assembly premises during the Session. The Committee on Law and Parliamentary Affairs, to whom the matter was referred, held that a gross contempt of the House had been committed and recommended the dismissal of the officer concerned. The Assembly accepted the Committee's recommendation and passed a resolution accordingly.

XVI. MISCELLANEOUS NOTES

1. Constitution

House of Lords (Irish Peers).—During the session the Committee for Privileges considered a petition of the Irish peers. In the Act of Union of 1800 provision was made for the election by the peers of Ireland of twenty-eight of their number to sit as representatives in the House of Lords of the United Kingdom. Elections were accordingly held until their discontinuance at the time of the creation of the Irish Free State in 1922, although the peers elected before that date remained members of the House until their deaths, the last dying in 1961.

The petitioners contended that the provisions relating to the elections had never been repealed and that the right to representation had, since 1922, been improperly frustrated by the disappearance of the necessary administrative machinery.

After hearing Counsel on behalf of the petitioners and also the Solicitor General, the Committee were of the opinion that the relevant provisions of the Act of Union ceased to be effective on the passing of the Irish Free State Agreement Act 1922 and that the right to elect Irish Representative Peers no longer existed. The Committee's Report was agreed to by the House on 24th November, 1966.

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

Jersey (Constitutional).—A law codifying, with sundry amendments, the law regarding the constitution, procedure and Committees of the States of Jersey, and declaring and defining the powers, privileges and immunities of the States, came into force at the beginning of this year.

Discussions are being held at the moment with a view to altering the electoral system so as to make it easier for a person to become entitled to vote.

(*Contributed by the Greffier of the States.*)

Australia (Senate Elections Act 1966).—The purpose of this Act was to provide separate legislation for the filling of casual vacancies in the Senate at a general election of Members of the House of Representatives. The existing legislation, *viz.* The Senate Elections Act 1903-1948, applied only to the filling of casual vacancies when such

vacancies are being filled at a normal election of Senators to fill periodical vacancies.

The need for separate legislation arose from the following factors:

(*a*) Section 15 of the Constitution, paragraph 2, relating to the filling of casual vacancies:

> "At the next general election of Members of the House of Representatives, or at the next election of Senators for the State, whichever first happens, a successor shall, if the term has not then expired, be chosen to hold the place from the date of his election until the expiration of the term."

(*b*) The approach of a separate House of Representatives election at the end of 1966.

(*c*) The need to fill several Senate casual vacancies at that election.

Since federation in 1901, elections for the two Houses have, when possible, been held at the same time—the normal three-year term for Members of the House of Representatives and the six-year term for Senators, with half the number of Senators retiring every three years, making this desirable when practicable. Should the House of Representatives be dissolved early, however, this synchronisation of elections could be disrupted.

In 1929, 1954 and 1963 there had been separate elections for the House of Representatives only, but these separate elections did not involve complications so far as election of Senators to casual vacancies were concerned. In the 1929 and 1954 elections there were no Senate vacancies to be filled, and in 1963 there was one vacancy only, for the State of Queensland. This one vacancy caused no difficulties, as in any election for one Senator under the proportional representation system of voting (which applies in Senate elections) the counting of votes is the same as under the preferential system (which applies for elections for Members of the House of Representatives).

By way of explanation, it might be stated that the separate election of 1963 for the House of Representatives and the election at the end of 1966 were the result of an early dissolution of the House of Representatives in 1963. Separate elections for the two Houses will continue until political or constitutional circumstances again bring the elections together. After the separate election for the House of Representatives in 1954, although the House might have continued until August 1957, it was dissolved on 4th November, 1955, to enable the elections to be synchronised again; the dual election was held on 10th December, 1955, when half the Senate (to serve from 1st July, 1956) and a new House of Representatives were elected.

As already stated, the need to fill several Senate vacancies at the 1966 elections, and, in particular, the need to fill two such vacancies in one State, precipitated the new legislation. By the time the elections were held, it was necessary to fill two vacancies in each of

two States, and vacancies in two other States, making six vacancies in all.

The Senate Elections Act 1966 provided that, where there are two or more casual vacancies to be filled at a House of Representatives election, the election to fill those vacancies shall be conducted at one election. It also provided that, where there are two or more casual vacancies in a State for periods terminating on different dates, each vacancy for a period terminating on the later date shall be filled before any vacancy for a period terminating on the earlier date. This ensures that the longer term shall be allocated to the candidate, or candidates, first elected.

Australia: Papua and New Guinea Act 1966.—This Act effected changes in the composition of the Papua and New Guinea House of Assembly and the judicial system of the Territory.

The changes in the composition of the House of Assembly followed upon acceptance of a recommendation of the Select Committee of the House of Assembly on Constitutional Development that the size of the House be increased substantially. The Act increased the number of Members of the House of Assembly from 64 to 94 by increasing the number of ordinary seats from 44 to 69, by abolishing the 10 seats previously reserved for non-indigenous residents and providing 15 seats of a new kind described as regional seats, which are open to candidates possessing a minimum educational qualification, and by retaining the number of official Members at 10. The increase meant that there would be one Member for approximately 15,000 electors or 30,000 residents.

As indicated, changes were also effected in the judicial system. Under the previous legislation the Supreme Court of the Territory was established as the superior court of the Territory, and an appeal lay to the High Court of Australia by leave. In order to provide for an appeal within the Territory from a decision of the Supreme Court, the Act constituted a Full Court of the Supreme Court to hear and determine appeals from or cases stated by single judges of that Court; it also provided for the High Court of Australia to have jurisdiction to hear and determine appeals from all decisions of the Full Court with leave of the High Court. The effect of these new provisions is that there will be no appeal directly to the High Court from the judgment of a single judge of the Territory; appeal will lie only after an appeal has been heard and determined by the Full Court. The underlying principle of this legislation is that the judicial system should be appropriate to the emerging status of the Territory and should, as far as practicable, be self contained.

(See *Senate Hansard*, 27th Oct., 1966, pp. 1576 *et seq.*)

Australia: Statute Law Revision (Decimal Currency) Act 1966.—This Act substantially completed the revision of the Statute law of

the Commonwealth made necessary as a consequence of the adoption by Australia of the system of decimal currency. The *Currency Act* 1965, which came into operation on 14th February, 1966, required references in Acts to amounts of money in £ s. d. currency to be read as references to the equivalent amounts in decimal currency.

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

Australia: Capital Territory Representation Act 1966.—The Member of the House of Representatives for the Australian Capital Territory was granted full voting rights in the House by the Australian Capital Territory Representation Act (Act No. 3 of 1966).*

This Act repealed Section 6 of the Australian Capital Territory Representation Act 1948-1959 which prevented the Member for the Australian Capital Territory from: (*a*) voting on any question arising in the House unless, broadly speaking, the matter related solely to the Territory, and (*b*) being counted for the purposes of a quorum, etc., or standing for office as Speaker or Chairman of Committees.

The measure took effect on 21st February, 1967, the first sitting day of the 26th Parliament following the House of Representatives elections in November 1966.

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

India (Constitution (Nineteenth Amendment) Act, 1966).—Under clause (1) of article 324 of the Constitution, the Election Commission was vested with the power of appointing election tribunals for the decision of doubts and disputes arising out of or in connection with elections to Parliament and to the Legislatures of States.

One of the important recommendations made by the Election Commission in its Report on the Third General Elections in India, and accepted by the Government of India, related to the abolition of election tribunals and trial of election petitions by High Courts. Before Parliament could give legislative approval to this recommendation by passing the Representation of the People (Amendment) Act, 1966, an amendment was necessary in clause (1) of Article 324 of the Constitution for the purpose of deleting therefrom the words "including the appointment of election tribunals for the decision of doubts and disputes arising out of or in connection with elections to Parliament and to the Legislatures of States". This Act deleted the aforesaid words in clause (1) of Article 324.

Punjab Reorganisation Act, 1966.—This Act made provision for the reorganisation of the existing State of Punjab by reconstituting it with effect from 1st November, 1966, as two separate States of Punjab and Haryana and a new Union Territory by the name of

* *Hans.* H. of R. 9th March, 1966, pp. 71-2. *Hans.* Sen. 16th March, 1966, pp. 62-3.

Chandigarh and by transferring certain areas of the existing State of Punjab to the existing Union Territory of Himachal Pradesh.

Sections 3 and 6 of the Act provided for the formation of the States of Haryana and Punjab respectively and Section 4 for the Union Territory of Chandigarh. Section 5 provided for the transfer of some territories from the existing State of Punjab to the Union Territory of Himachal Pradesh.

Section 7 made consequential amendments in the First Schedule to the Constitution (containing the names and territories of the States and Union Territories).

Section 9 amended the Fourth Schedule to the Constitution (Allocation of Seats in the Council of States) providing for allocation of 5 seats in the Council of States for Haryana, 7 seats for Punjab and 3 seats for the Union Territory of Himachal Pradesh, making a total of 15 for the two States and the Union Territory of Himachal Pradesh, as against 11 seats originally allotted to the existing State of Punjab and 2 to Himachal Pradesh. There was thus an increase of 2 seats in the Council of States, the total number now becoming 240.

Sections 10 and 11, read with the Fourth Schedule, provided for the allocation of the sitting Members to the Council of States representing the existing State of Punjab among the States of Haryana and Punjab and the Union Territory of Himachal Pradesh. On the basis of population, the State of Haryana was allotted 5 seats and Punjab 7 seats. Provision was also made for allotting 1 more seat to Himachal Pradesh. The manner in which the existing 11 sitting Members were proposed to be allocated to fill these seats was indicated in the Fourth Schedule. On this basis, 3 of these Members would fill the seats allotted to Haryana, 7 would fill the seats allotted to Punjab and 1 Member would fill the extra seat allotted to the Union Territory of Himachal Pradesh. Section 11 made provision for holding by-elections to fill the two vacancies in the seats allotted to the State of Haryana and for the fixing of the term of office of Members elected to fill these seats.

Section 12 provided that so far as the existing House of the People was concerned, the sitting Members representing the constituencies in the areas comprised in the existing State of Punjab would continue to represent those constituencies.

Section 23 provided for the allocation of seats in Haryana, Punjab and Himachal Pradesh in the House of the People after the next general election. According to the allocation made in this Section, the State of Haryana would have 9 seats, Punjab 13 seats and Himachal Pradesh 6 seats, against 22 seats allotted to the existing State of Punjab and 4 seats to Himachal Pradesh. Provision was made for allotting 1 seat to the Union Territory of Chandigarh and for reservation of seats for Scheduled Castes in Haryana, Punjab and Himachal Pradesh.

The Act also made provision in respect of the Legislatures of the

two States of Punjab and Haryana, the State of Punjab having a Legislative Assembly as well as a Legislative Council and the State of Haryana having only a Legislative Assembly.

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

Mysore (Transfer of Territory).—Article 3 of the Constitution of India provides that a Bill for increasing or diminishing the area of a State can be introduced in the Union Parliament only with the recommendation of the President. Further, such a Bill should be referred by the President to the Legislature of the States concerned for expressing its views thereon.

A Bill named the Andhra Pradesh and Mysore (Transfer of Territory) Bill 1966, for the transfer of an area of 5 acres and 3 guntas from the State of Mysore to the State of Andhra Pradesh was referred by the President to Mysore Legislature. The Bill was approved by the Legislative Assembly on 5th April, 1966, and by the Legislative Council on 12th August, 1966.

Kenya (Constitutional changes).—Since Kenya attained her Independence in December, 1963, there have been a number of amending Acts to the Independence Order in Council. The most important is the Constitution of Kenya (Amendment) (No. 4) Act which was passed in the Senate on 20th December, 1966, by the House of Representatives on 22nd December, 1966, and received His Excellency the President's Assent on 3rd January, 1967. The purpose of the Act was to amalgamate the Senate with the House of Representatives. In effect it introduced a one-chamber National Assembly. The occasion of this major Constitutional change, assuming its parliamentary approval, had also been chosen to prolong the life of the present Parliament by two years, so that the next General Election would be in 1970 instead of 1968. Section 10(1) of the Constitution of Kenya (Amendment) Act 1965 dealing with the subject provided that "subject to the provisions of Section 65(4) of the Constitution, Parliament shall, unless sooner dissolved, stand dissolved on 7th June, 1968".

The Act provided for a single House of 158 elected and 12 specially-elected representatives and that all seats were to be occupied by the Members who were already sitting in the National Assembly. The Act gave effect to an order of the Electoral Commission which had divided Kenya into 158 Constituencies many of which by the time of enactment of this law had been renamed. The Speaker was to be elected when the House met for the first time after prorogation and he, and the Attorney-General, had to be Ex-officio Members of the new House. The provisions of the Act affected several provisions of the Constitution which were originally considered to be entrenched.

It is noteworthy that the Attorney-General gave the Senate the courtesy of being the first of the two Houses to be informed of the

intention. The Senators indeed were the most intimately affected of the elected representatives. The Senators had been returned for periods expiring in successive years up to 1971—under this system one third of the Senators were required to retire after the expiry of two years. The procedure and method of ensuring that that happened democratically has been explained in our previous contribution to THE TABLE.

Prior to the enactment of the Amalgamation Act, two Acts dealing with creation of more constituencies to facilitate the accommodation of forty-one Senators in a new one-chamber National Assembly were passed. They were the Parliamentary Constituencies (Preparating Review) Acts. The main purpose of the original Act was to require the Electoral Commission to create a larger number of Constituencies (160-175) than the 117 then in existence as a necessary preparation for the reform of the National Assembly that might be decided upon and enacted by amendment to the Constitution. The new Constituencies which the Commission would define under the Act would not take effect unless, and until, Parliament in due course passed a further Act amending Section 49 of the Constitution which provided for 110-139 Constituencies. It was anticipated that the details of reform and transitional arrangements would be worked out while the Electoral Commission was engaged in the essential preliminary task of creating the required number of new Constituencies. The Parliamentary Constituencies (Preparatory Review) (No. 2) Act, however, repealed the Parliamentary Constituencies (Preparatory Review) Act and required the Electoral Commission to create 158 new Constituencies by creating one new Constituency in each District (including the Nairobi Area). The Electoral Commission applied the usual principles in determining the Constituencies as if it were conducting a review under the Constitution and the Electoral Commission published an order which could not come into effect until it was brought into effect by an Act of Parliament for the reform of the National Assembly.

There were no changes made in 1966 in the law concerning the Electoral System and Officials. The Constitution of Kenya (Amendment) (No. 4) Act 1966 amended Section 47 of the Constitution by providing for "Clerk of the National Assembly".

Kenya: Law concerning Members.—The Constitution of Kenya (Amendment) (No. 2) Act 1966 under Section 3, dealing with the vacation of a seat in National Assembly upon resignation from Party, established a rule in Parliament that any Member who resigns from the political party which supported him at his election, or who resigns from the party with which the whole of his former party has subsequently merged, shall vacate his seat at the end of the Session then in being, or next following, and seek a fresh mandate from the electors.

The rule will not extend to the case where a whole political party ceases to exist as a party by reason of an amalgamation, coalition or dissolution. For the purpose of that section any question as to whether a political party is, or is not, at any time a parliamentary party in the National Assembly, or as to whether a specially elected Member stood at his election with the support of a political party, shall be determined by the Speaker and a certificate under the hands of the Speaker shall be conclusive.

The Constitution of Kenya (Amendment) (No. 2) Act 1966 affected thirty Members of Parliament. Among Members who resigned from the ruling (K.A.N.U.) Party to form the Opposition K.P.U. Party was the Hon. A. Oginga-Odinga, M.P. (former Vice-President) and now Leader of the Opposition Party. They were forced to return to the electorate to seek a fresh mandate in what was popularly known in Kenya as "The little General Election". This followed prorogation of the National Assembly by proclamation in the *Kenya Gazette* by His Excellency the President the Hon. Mzee Jomo Kenyatta, M.P. Kenya African National Union returned twenty Members and K.P.U. Party only nine. That left K.A.N.U. with a plurality of 161 to K.P.U.'s 9 in the National Assembly.

Kenya: Law concerning Privilege

(i) *Absence of Members without Mr. Speaker's permission*

The first Schedule of the Constitution of Kenya (Amendment) Act 1966 (No. 16 of 1966) amended Section 42 of the Constitution by providing that a new subsection be inserted immediately after subsection (1) as specified:

> "(1A) A Member of (either House) the National Assembly shall vacate his seat therein if, without having obtained the permission of the Speaker (of that House), he fails to attend that House on eight consecutive days in the Session.
> Provided that the President may in any case if he thinks fit direct that a Member shall not be required to vacate his seat by reason of his failure to attend (a House of) this National Assembly as aforesaid."

(ii) *Members serving terms of imprisonment to vacate seats*

The first Schedule of the Constitution of Kenya (Amendment) Act 1966 amended Section 41 of the Constitution by providing a substitute disqualification for election to membership of the National Assembly. The relevant subsection (1)(b) as amended reads "(b) is under sentence of death imposed on him by any court in Kenya; or under sentence of imprisonment (by whatever name called) exceeding six months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court". The amendment further provided that two or more sentences of imprisonment to be served consecutively shall be regarded as separate sentences if none of those sentences exceeds six months,

and if any one of those sentences exceeds that term they shall be regarded as one term.

No account shall be taken of a sentence of imprisonment imposed as an alternative to or in default of the payment of fines. Kenya Parliament during its present life has seen few cases of offences resulting in conviction and imprisonment of its Members.

(iii) *Committee of Privileges and code of conduct for Members*

The National Assembly (Powers and Privileges) (Amendment) Act 1966 was an important law passed during 1966 because it established a Committee to be known as the Committee of Privileges and empowered the Speaker to issue directions in the form of code of conduct, regulating the conduct of Members of both Houses whilst within the precincts of the Assembly other than Chamber of the House.

New Section 7B of the National Assembly (Power and Privileges) Act dealing with Committee of Privilege provides:

> " 7B (1) There shall be established a Committee to be known as the Committee of Privileges, consisting of the Speaker and five other Members, under the Chairmanship of the Speaker of the Senate, with the Speaker of the House of Representatives as Deputy Chairman.
>
> (2) The Members of the Committee of Privileges, other than the Speaker shall be nominated by the Sessional Committees of the respective Houses.
>
> (3) The quorum of the Committee of Privileges established under subsection (1) of this section, shall be six including either the Chairman or the Deputy Chairman but otherwise subject to the provision of this Act, the said Committee shall regulate its own meetings and its own procedure.
>
> (4) The Committee of Privileges shall, either of its own Motion or as a result of complaint made by any person, inquire into any alleged breach by any Member of either House of the Code of Conduct issued under the provisions of section 7A of this Act, or into any conduct of any Member of either House within the precincts of the Assembly (other than the Chamber of the Senate or the Chamber of the House of Representatives which is alleged to have been intended or likely to reflect adversely on the dignity or integrity of the Assembly or either House or the Member thereof.
>
> (5) The Committee of Privileges shall, after such inquiry as is referred to in subsection (4) of this section, report its finding to the House of which the concerned in the inquiry is or was a Member, together with such recommendations as it thinks appropriate.
>
> (6) The House to which the Committee of Privileges reports in accordance with the provisions of subsection (5) of this section shall, in accordance with such rules made by that House (which rules need not be published in the Gazette), consider the report and the recommendations thereon and must take such disciplinary action against the Member concerned as may be provided by such rules.
>
> (7) Any disciplinary action such as is referred to in subsection (6) of this section may include suspension from the service of the House concerned."

New Section 7C further provides:

Suspended Member deemed to be a stranger

"7C Where any Member of either House is, in accordance with the Standing Orders of that House, or in accordance with the provisions of Section 7B of this Act, suspended from the service of that House, he shall, during the period of such suspension and for the purpose of this Act, be deemed to be a stranger, and in addition he shall not enter the precincts of the Assembly without the written consent of a Speaker."

(*Contributed by the Secretary to the National Assembly.*)

Sarawak (Constitutional).—On 14th December, 1966, His Majesty the Yang di-Pertuan Agong proclaimed a state of emergency throughout Sarawak. Consequent upon this Proclamation of Emergency, the Federal Parliament passed the Emergency (Federal Constitution and Constitution of Sarawak) Act, 1966.

This Act will cease to have effect six months after the date on which the Proclamation of Emergency ceases to be in force.

(*Contributed by the Clerk to the Council Negri.*)

Lesotho (Constitutional).—The Lesotho Independence Order 1966 was signed in London on 20th September, 1966, between the Rt. Hon. Fred Lee, M.P., then Secretary of State for the Colonies, and a Lesotho delegation headed by the Rt. Hon. Chief L. Jonathan, the Prime Minister of Lesotho, granting full independence to Lesotho and providing for a full ministerial system of Government.

The new Constitution came into effect on 4th October, 1966, and it abolished the office of British Government Representative whose functions were assumed by the Cabinet. The composition of both Houses remains the same and the electoral system has also undergone no serious material changes.

(*Contributed by the Clerk to the Senate.*)

2. General Parliamentary Usage

House of Commons (Errors in Order Paper).—On 10th February, 1966, Mr. William Yates, Member for The Wrekin, complained that an Amendment which he had put down to an early day Motion had appeared on the Order Paper not in his name, but in the name of Mr. Victor Yates, Member for Birmingham, Ladywood and further contained an error in the text.

Mr. Speaker replied:

I am grateful to the hon. Member for raising this point of order. I understood indirectly that it was to be raised. I must apologise to him and to the hon. Member for Birmingham, Ladywood (Mr. Victor Yates) for the inconvenience and embarrassment which must have been caused to both of them by the confusion of their names.

I hope that the hon. Member for The Wrekin (Mr. William Yates) will allow me to say, however, that, when I looked at the manuscript of his Amendment I found very great difficulty in deciphering the text, while I utterly failed to

decipher the signature. Hon. Members can assist by either signing Motions legibly, or by printing their names after any ambiguous hieroglyphics.

Perhaps the House will allow me to use this opportunity to emphasise the printing difficulties which the current spate of early-day Motions is causing. In a memorandum submitted to the Publications and Reports Committee, and printed as a special Report last Session, it was pointed out that the volume of early-day Motions had doubled as compared with the previous Session. Since then it has almost doubled again. We now have four times the quantity that existed in 1964.

If Motions continue to increase on the present scale, the House will run into worse difficulties. I am sure that I speak for the whole House when I express my appreciation of the way in which both the Table and the printers carry out each day what is a formidable task and of the fact that so singularly few errors occur.

* * * *

No speech from the Chair must be taken as wishing to tamper with the rights of hon. Members to place on the Order Paper the Motions they think worthy of placing there. I have spoken of the physical difficulties and the need for better calligraphy. (*Com. Hans.*, Vol. 724, cols. 652-4.)

House of Commons (Supply of Parliamentary Papers).—On 21st February, 1966, Mr. Speaker made the following announcement, regarding the provision in the Vote Office of older papers required in connection with debates. This amended an early Speaker's statement of 12th December, 1961 (*Com. Hans.*, Vol. 651, cols. 221-3).

The procedure in force since 1961 has been that in advance of a debate the Ministry concerned is under obligation to supply to the Vote Office adequate supplies of all papers—Statutes, Regulations, etc.—which it considers relevant to the debate in question. But it has been found that Departments, in order to avoid any risk of failing to fulfil this obligation, have tended to supply such an extensive variety of documents and in such quantities that the normal functions of the Vote Office are being seriously interfered with.

I have decided, therefore, to accept the recommendation of the House of Commons (Services) Committee that in future a Department should supply to the Library in advance a list of all those older papers which appear to it to be relevant to a forthcoming debate. Members will be able to consult this list in the Library and to order from the Vote Office such papers as they require, besides, of course, any other papers which they may wish to have. If an order is received at the Vote Office before 4.15 p.m., the paper will generally be available in the Vote Office within two hours; any order received after that hour will be executed as soon as possible, but it may not be until the following morning.

In future, the Vote Office should hold stocks of all Parliamentary papers published during the last two sessions, and not, as at present, one Session.

I believe that these changes will result, on balance, in a better service being available to Members, and I should like to thank the Services Committee for considering this matter and tendering me the advice I have given to the House. (*Com. Hans.*, Vol. 725, col. 34.)

Queensland (Free Vote in the Parliament).—On 14th March, 1967, the Premier (Hon. G. F. R. Nicklin, M.L.A., Country Party) in moving his motion in Committee of the Whole House:

"That a Bill be introduced to provide for registration of Chiropractors, the practice of chiropractic and for incidental and other purposes."

announced that as there were differences of opinion on the necessity for the legislation, and because it was a Bill with no great political significance, Members of the Government parties were perfectly free to speak and vote on the measure as they wished. (*Hansard*, pp. 2638, 2641.)

In the Queensland Parliament we have a Coalition Government comprising 27 Country Party Members (7 Ministers) and 20 Liberal Party Members (6 Ministers); and in Opposition there are 26 Australian Labour Party Members; 1 Queensland Labour Party Member; and 4 Independent Members, a total of 78 Members.

When the debate on the introduction of the Bill was resumed on 15th March (*Hansard*, pp. 2647-2720), Mr. J. W. Houston, M.L.A. (Australian Labour Party) as Leader of the Opposition, in his speech, informed the Committee that it was the unanimous decision of his Party to vote against the Bill.

The fifteen Members, excluding the Premier, who spoke in support of the Bill were: 1 Queensland Labour; 1 Independent; 5 Liberals which included one Minister; and 8 Country Party which included one Minister.

Thirteen Members who spoke against the Bill were: 2 Australian Labour, excluding the Leader; 1 Independent; 1 Country Party; and 9 Liberals which included two Ministers, namely the Treasurer as Leader of the Liberal Party, and the Minister for Health.

When the division was taken the voting was as follows:

Ayes 32—Government Members 28:

Country Party 23, which included the Premier, Speaker and 6 Ministers; Liberal Party 5, which included 1 Minister.

Opposition Members 4:

Queensland Labour Party 1; Independents 3.

Noes 38—Government Members 11:

Country Party 1; Liberal Party 10, which included 3 Ministers.

Opposition Members 27:

Australian Labour Party 26; Independent 1.

If the Resolution had been agreed to and the Bill passed through all its stages the Act would have been administered by the Minister for Health (Liberal Party) who had spoken and voted against the introduction of the Bill. In his speech (*Hansard*, p. 2651) he quoted the following statement which he had issued to the Press:

"It is necessary to correct a number of misunderstandings in regard to the proposed Bill for the registration of chiropractors, and to refute certain mischievous suggestions.

This proposal is not a matter of Government policy. It was never mentioned in any policy speech and, as far as Government members are concerned,

there will be complete freedom to speak and vote according to individual judgment.

I intend to exercise this freedom, and for reasons I shall state in Parliament, to speak and vote against the Bill. In these circumstances it would be ludicrous for me to introduce the proposals; and when the Government parties decided to submit the matter to the unfettered judgment of the House I asked to be relieved of that duty. The Premier at once recognised my difficulty and agreed that, in this unusual situation, it was a task I should not be expected to undertake.

When Parliament in its wisdom has decided the matter, it will be the duty of all concerned, irrespective of their views, to accept that decision and, if required, carry it into effect."

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

3. Procedure

House of Commons (Hybrid Bills).—When the order for second reading of the Iron and Steel Bill, which was framed to nationalise certain large steel companies, was read on 25th July, 1966, Sir John Hobson, an Opposition Member, rose on a point of order and submitted:

". . . that there are strong arguments for holding that the Bill ought to be treated as a Hybrid Bill and that therefore, in accordance with Standing Order No. 36, it should be referred to the Examiners in order that they may report to the House whether any or certain Standing Orders relating to the Bill are applicable or not—in other words, the Examiners should decide whether this is or is not a Hybrid Bill.

You have, yourself, recently stated that the question of whether a Public Bill should be treated as a Hybrid Bill is one of the most difficult and complex points of procedure of the House. But it is not a point which you need yourself to decide today. In my submission, all I have to do is to satisfy you that there is a case for the Examiners to consider and that you need only ask yourself whether or not the Bill could possibly be a Hybrid Bill. If there is the possibility that it might be a Hybrid Bill, then the Examiners should have the right to consider it, for the House has entrusted to them the task of considering and reporting their views on this question to the House.

Of course, the Bill is a Public Bill and is presented by the Government, and it deals with questions of public policy. Unless it did so, no question of its hybridity could arise, and it is only when one has a Bill of that nature that the further point arises as to whether it is not something more—namely, whether it specially picks out particular private interests for special treatment. In my submission, that is exactly what this Bill does.

You will no doubt remember the definition given in Erskine May, adopted from your predecessor, as to what a Hybrid Bill is, namely:

> ' . . . a public bill which affects a particular interest in a manner different from the private interests of other persons or bodies of the same category or class.'

While this is a procedural matter, it is one of considerable importance for those who are affected; I believe it was Professor Maitland who said that:

> ' Justice is secreted in the interstices of procedure.'

I hope that the House of Commons, the High Court of Parliament, will be acute to see that justice is properly done in accordance with these rules, for the

principle of our rules is clear. If one is applying a general rule to the whole of a category or class, then the representatives of the people assembled in this House alone need discuss the Measure and decide upon it. But if there is a discrimination between members of a category or class, then, for 500 years, this House has allowed those discriminated against to have the right to make a separate defence of themselves and their interests.

The Bill proposes to nationalise 14 companies set out in the Schedule to the Bill. These are all large and substantial steel companies which, either themselves or through their subsidiaries, are concerned with the production of steel in Great Britain. It is common knowledge that it is not proposed to nationalise many other large and substantial companies which, either by themselves or through their subsidiaries, are also concerned with the production of steel. I give the names of only seven of those which are not to be nationalised: Guest Keen and Nettlefolds, Tube Investments, Vickers, Duport, Cammell Laird, Thomas Firth, John Brown and Hadfields.

On this occasion, I am all in favour of the abolition of the death penalty for all steel companies, but if some are to be condemned to death and others not, I submit that those to be condemned should upon the first occasion have the opportunity of defending themselves because they are being treated differently. I submit that it is quite plain that the Government have picked 14 companies and no others and that the Bill will therefore affect, to quote the definition, 'the particular interests' of the scheduled companies

> '. . . in a manner different from the . . . interests of . . .'

the non-scheduled companies, which are of the same category or class, and that therefore there is every reason for you to find that this bill is a hybrid and that it should be considered by the Examiners.

The Government have plainly recognised that there is a difficult problem and, in the Bill, one can see the method by which they have endeavoured to avoid it, for they have put in Clause 7(3). If you look at the substance and pith of this matter, however, as one should on a constitutional question, that subsection is nothing but an ingenious device to try to prevent the companies which the Government have picked on from having the right to defend themselves, while wholly failing to create a category or class all of whose members are being treated the same. I say that for two reasons.

First, Clause 7(3) has no legislative effect at all, and it matters not whether one is or is not within the description included in it. All that matters is whether one is in the Schedule. Secondly, the subsection does not create a category or class at all but is no more than a descriptive formula designed to cover the desires of the Government to take over 14 particular companies. Thirdly, there is plain discrimination between large holding companies, two only of which are to be nationalised and three of which are not to be nationalised, and the distinctions in the Bill relating to the holding companies are wholly unreal and irrelevant and create a discrimination which could not possibly be justified as dividing the big holding companies into different categories or classes. May I say something on each of these points.

First, the Bill, and Clause 7(3) in particular, does not deal, nor purport to deal, with a class or category other than the 14 scheduled companies. It has no legislative effect in creating a class or category of companies which are to be nationalised or in excluding any company from nationalisation. I say that because the securities of these 14 companies are to be vested in the Corporation by the effect of Clause 1, which, together with the Schedule, simply takes over their securities.

Even if any of these 14 companies could show that they were not within the definition laid down in Clause 7(3), they would still have all their securities taken over, while any company not listed in the Schedule but within the definition in Clause 7(3) would not be taken over because the sole operation of the Bill is based upon Clause 1 and the Schedule and nothing else.

This is a matter of some importance, and you will remember, Mr. Speaker, that your predecessor ruled upon this matter when the Iron and Steel Act, 1949, first came before the House. It is obligatory upon me to point out the reasons why I say that you should rule differently on this occasion from the ruling given then.

There are, I submit, two major differences between this Bill and the 1948 Bill. In 1948, Mr. Speaker, your predecessor based his decision on the fact that the purpose of that Bill was to bring under public ownership all important companies producing iron ore and certain basic iron and steel products, and dealt with private interests only generally as respects a particular class. That Bill contained 107 companies and very low limits of production indeed which excluded from nationalisation. Here 14 only out of the numerous companies concerned with steel have been picked out.

But there is this further distinction. Under Clause 11(3) of the 1948 Bill it was provided that the companies which were specified were those which in the Minister's opinion fulfilled the conditions set out in one or other of following paragraphs. Therefore, it was possible on that occasion for a company to show on the facts to a Minister that it ought not to be within the Bill and it would not then have been nationalised. But there is no means by which any company specified in this Bill can say, 'I am not within the classes or category and I ought, therefore, to be out'. This, I submit, shows plainly that all this Bill is doing is nationalising 14 named companies.

Secondly, Clause 7(3) does not create a category or class at all. It is simply a descriptive device to pin on these 14 companies the terms of Clause 7(3). The formula that has been adopted is one that relates to the relevant annual period and the amount of the production. Of the 28 month-ends between December 1963 and March 1966 which might have been selected, there are only three which can be selected when all the scheduled companies are above the level and no other company is above that level. One of these three month-ends is, of course, in the Bill.

The figure of 475,000 tons which is selected is only just above the level of one of the great producing companies which is not in the Bill. Indeed, one of the companies which is not in the Bill has only 97·5 per cent. qualifying production, and if anybody moved an Amendment to the Bill to reduce the level by 5 per cent. it would bring an extra company within the definition. It would not nationalise that industry because it would not be in the Schedule of the Bill. To this extent it shows that the formula is no more than a device.

Thirdly, in relation to dealing with holding companies, the effect of subsections (*b*) and (*c*) of Clause 7(3) is to differentiate between the way in which holding companies are dealt with by importing the test of whether or not they have 50 subsidiaries. Of the large steel holding companies—two are to be nationalised entirely, not only for their subsidiaries which are steel, but all their subsidiaries, and three are not to be nationalised at all.

If one looks at the Government's White Paper of March, 1965, it plainly shows that in April of 1965 the Government had decided to pick out two companies and leave out three. There is no mention in that White Paper that the decision was taken that this test of 50 subsidiary companies should be used at all. The question of the 50 subsidiary companies bears no relation to whether the subsidiary companies are steel or non-steel or related to steel or related to non-steel. They do not even exclude dormant companies. One of the holding companies that is excluded is excluded only because it has, luckily, among its more than 50 subsidiaries 14 dormant companies, and if one did not count these it would be one which ought to be nationalised. How one can say that one is creating properly a class or category by counting up the number of dormant companies that an organisation has, I find it difficult to understand.

By way of illustration, let me suppose that it was proposed to cut the salaries of some but not all Members of Parliament. It could hardly be said that a category or class had been created if the reduction was applied to all

Members of Parliament who had up to today been Members continuously for not more or less than 16 years and had during that period represented two adjacent constituencies. Mr. Speaker, you would be the only person who would be within that class or category, and you would know that it had been devised solely, as it has been, to pick you out and not anybody else. This, I submit, is precisely what is being done in the formulas which the ingenious draftsman has devised in Clause 7(3).

I submit that these 14 companies are being separately and individually and specially treated with, that they are not members of any special category or class, and that the Bill does not create any such category or class, and that, therefore, it would be in accordance with the Standing Orders of the House if you were to refer the arguments which I have advanced, Mr. Speaker, for consideration by the Examiners upon whom the House has placed the responsibility of deciding this matter and reporting on it."

Mr. Speaker replied:

"I am grateful to the right hon. and learned Member for Warwick and Leamington (Sir J. Hobson) for giving me notice of his intention to make a submission. I would like to assure him first that he has not in any way prejudiced his case, by raising it now, after the Order of the Day has been read for Second Reading of this Bill. The Ruling I have to give is one which will affect the interests of many outside this House. I must rule on the matter in a quasi-judicial capacity and, like my predecessors, I take no account in what I have to say of the convenience or otherwise for the Government programme. As the House is aware, Standing Order No. 38 requires that if:

> 'It appears that the Standing Orders relating to Private Business may be applicable to a Bill the examiners of Petitions for Private Bills shall be ordered to examine the Bill with respect to the applicability thereto of the said Standing Orders.'

Since this is a matter of carrying out a Standing Order, it falls to me advised by the officers of the House, to decide whether in fact Standing Order No. 38 is in fact applicable to the Iron and Steel Bill, and I need hardly say that ever since its publication this question has received the earnest attention of myself and my advisers.

Let me say at the outset that I readily accept the first point in the right hon. and learned Gentleman's submission. The Standing Order is quite clear: if 'the Standing Orders relating to Private Business may be applicable', then the Bill is to be examined by the examiners, whose duty it is to decide conclusively whether they are applicable. In other words, as the right hon. and learned Gentleman has said, I have to decide only whether there is a *prima facie* case for referring the Bill to the Examiners, and if there is any doubt in my mind, then it is my duty to rule that the Bill should be so referred.

The Private Business Standing Orders in question are those numbered 4-68, but there is nothing in these Orders themselves, which, of course, were drafted to regulate Private Bills, that offers any clue as to their applicability to a Public Bill. I have therefore to rely on the Rulings of my predecessors and, in particular, on that of my immediate precessor quoted at the foot of page 871 of Erskine May. Mr. Speaker Hylton-Foster said:

> 'I think that a Hybrid Bill can be defined as a Public Bill which affects a particular interest in a manner different from the private interests of other person or bodies of the same category or class.'

This is the test, therefore, which I have to apply to the present Bill.

Clause 7 provides that the companies named in Schedule 1 shall vest in the National Steel Corporation and subsection (3) states that these companies satisfy one or other of the conditions set out in paragraph (*a*), (*b*) or (*c*).

Paragraph (*a*) includes every company which is not a subsidiary and itself produced the prescribed amount of steel in the prescribed period. Paragraph (*b*) includes every holding company with not more than fifty subsidiaries of which one or more together produced the prescribed amount of steel in the prescribed period.

Paragraph (*c*) includes every subsidiary company in a holding company of more than fifty subsidiaries which produced the prescribed amount of steel in the prescribed period.

The right hon. and learned Gentleman's principal contention, as I understand it, is that the companies which fall within each of the three groups determined by these criteria do not form genuine classes, and he has alleged that the criteria were chosen so as to include certain companies and exclude others. Fortunately, it is not for me to consider the reasons why these particular criteria are chosen.

All that I have to consider is whether the criteria chosen are germane to the subject matter which they are required to distinguish. Essentially the criteria are based on one consideration: output during a particular period. Having in mind the vast complexity of the steel manufacturing industry, I find it difficult to conceive a more appropriate kind of consideration on which to base the criteria. The fact that the criteria, as drawn, leave certain companies on one side of the line and certain companies on the other is something which I do not have to consider. In whatever manner the criteria had been defined, the result would have been to produce what are bound to appear anomalies in the eyes of one person or another. I conclude therefore that the three classes which result from the definitions contained in subsection (3) of Clause 7 are genuine classes and that they do not justify me in ruling that the Bill should be referred to the Examiners.

The right hon. and learned Gentleman makes a further submission. He suggests that the operative words in the Bill are the list of companies in the Schedule rather than the criteria laid down in Clause 7. I do not accept that view, and in so ruling I am fortified by the Ruling given by Mr. Speaker Clifton Brown in regard to the Iron and Steel Bill of 1948-49, of which the legal structure was similar in this respect. Nor do I consider that the omission of the words ' in the Minister's opinion ' in any way undermine the precedent. On the contrary, their omission removes one of the arguments which was used on that occasion to support the reference of the Bill to the Examiners.

I therefore rule that it does not appear that the Standing Orders relating to Private Business may be applicable to this Bill and that therefore Standing Order No. 38 does not require it to be sent to the Examiners." (*Com. Hans.*, Vol. 732, cols. 1215-23.)

House of Commons (Alteration in Official Report).—Mr. Macleod, Member for Enfield West, on 27th June, 1966, rose to a point of order, and the following exchanges took place:

I wish to raise a point of order of which I have given you, Mr. Speaker, and the Chancellor of the Exchequer, notice.

Winding up last Thursday's debate on Second Reading of the Selective Employment Payments Bill the Chancellor of the Exchequer quoted an illustration of a farmer whose turnover was £60,000, and, he said, for him the tax would cost £700 a quarter, and then, according to *Hansard*, he went on with these words:

> " Many people spend as much as that on an afternoon at Ascot."—[*Official Report*, 23rd June, 1966; Vol. 730, c. 1044.]

The recollection of the Press, of the B.B.C. and of this House is that he said something very different indeed. There are many examples of this in the

Press. Perhaps I could quote from the *Daily Express* of Saturday. [HON. MEMBERS: "Oh."] This is headed:

> "Ascot Row. Farmers Demand Callaghan Apology."

The Chancellor knows that he received a telegram from the President of the National Farmers' Union, protesting.

The discrepancy is quite easily explained. The *Hansard* official note was altered by a Treasury official. [HON. MEMBERS: "Shame."] That note read:

> "Many people of this kind",

That will be within the recollection of the House, and those words are similar to those which appeared in many reports in the Press. The Chancellor's official struck out the words "of this kind" and, therefore, turned it into a general gibe and not one directed at the farmers, as the House heard from the Chancellor last Thursday.

It then goes further than that—and again I quote:

> "A Treasury spokesman tried to protect the Chancellor and claimed in a statement on Friday night that reports of Mr. Callaghan's speech on Thursday were inaccurate."

He quoted a sentence from *Hansard*, a sentence which was altered by the official from the Treasury, and went on to say:

> "I can see no implication at all that he is referring to farmers."

Nor, indeed, could I, if that had been what the Chancellor said. I should like to ask the Chancellor of the Exchequer about this Treasury spokesman who tried to protect him. The alteration of the *Official Report* is a serious matter, and it has always been treated as such. Naturally, the Chancellor will understand that the Press who report our proceedings naturally resent what has happened, because the implication would be that their reports, which are, in fact, now known to be accurate, were incompetent.

The farmers, as the Chancellor knows, were bitterly angry at what they thought he said, and they now know that, in fact, he did say.

So, having made it quite clear that the *Official Report* was altered in a material particular, and that the alteration should not have been asked for by a responsible Minister of the Crown, I ask that an appropriate correction should be made and I invite the Chancellor to apologise to the House.

The Chancellor of the Exchequer (Mr. James Callaghan): Further to the point of order which the right hon. Gentleman has raised. *Hansard* quotes my sentence as being:

> "Many people spend as much as that on an afternoon at Ascot."—[*Official Report*, 23rd June, 1966; Vol. 730, c. 1044.]

That sentence is incomplete. This has nothing to do with a Treasury official. The correction was made on my instructions—[HON. MEMBERS: "Oh."]—and I resent very much the right hon. Gentleman bringing a Treasury official into this. This is my responsibility and no one else's.—[HON. MEMBERS: "Resign."] In reply to that, I would use the old Biblical aphorism, "Let him who is without sin cast the first stone."

As far as I can make out there are at least three versions of what I said on that afternoon, in the middle of a very hot debate. The *Daily Telegraph* has one, the *Daily Express* has another, and the B.B.C. has a third, I understand; but the facts are that I said, as *Hansard* itself originally reported:

> "Many people of this kind spend as much as that on an afternoon at Ascot."

I cut out the words "of this kind" because it seemed to me a slur on the

farmers—[HON. MEMBERS: "Yes."]—and having made it in the heat of that debate I did not wish to immortalise it in the prose of *Hansard*.

However, the right hon. Gentleman has got his way: the words will now appear; the slur on the farmers will be there—[HON. MEMBERS: "Whose fault?"]—because I may not take them back. I readily accept that I made the alteration. It will be within the judgment of the House whether they think that is a serious matter or not—[HON. MEMBERS: "It is."] Of course, it is wrong to alter *Hansard*. We all know this. We all know it is never done —[*Laughter*.]—and I only say, if it has given deep offence to the party opposite, that I deeply regret that I struck those words out of *Hansard*, and that I hope they get as much satisfaction as they can out of it.

Mr. Iain Macleod: Does the Chancellor realise he has made this matter much more serious by the statement he has made? He has admitted, first of all—this was my first point—that this was a slur. It has gone to say that he himself asked that these words, spoken within the hearing of the Press and of the *Official Report*, should be struck out. It is not within the competence of any Minister or any Member of this House to do such a thing—[*Interruption*.] No. It is not. *Hansard* may not be altered in a material particular. This has been established for a very long time indeed, and the right hon. Gentleman now admits that he did this himself—instead of what I thought was the much more likely explanation, that an official, correcting the speech, had altered it—that he himself had given instructions to strike out what he admits to be a slur on the farming industry. That is a matter which we on this side of the House will have to consider very seriously indeed.

Mr. Speaker: Order. I would like to go further and deal with the general point of order which the right hon. Member for Enfield, West (Mr. Iain Macleod) has raised. I would remind the House—speaking of this like Agag, walking delicately, because I sinned myself once—that *Hansard* is a full report in the first person which, though not strictly verbatim, is substantially a verbatim report, with repetitions and redundancies omitted and with obvious mistakes corrected, but which, on the other hand, leaves out nothing that adds to the meaning of a speech or illustrates an argument.

I am obliged to the right hon. Gentleman for doing me the courtesy of giving me notice this morning that he intended to raise this point. That has enabled me to make inquiries. I have examined the original transcript, and it is quite clear that the passage, as reported, read:

> "Many people of this kind spend as much as that on an afternoon at Ascot."

As the House has observed, the Chancellor of the Exchequer has made exactly the same statement as to what was originally in the text. I understand that an alteration was suggested, leaving out the words "of this kind". That was accepted by the reporters, but, after discussion with the Editor of the *Official Report*, both he and I are satisfied that it ought not to have been accepted by the reporters; and the passage, in its original purity, will appear in its original form in the bound volume. (*Com. Hans.*, Vol. 730, cols. 1240-4.)

House of Commons (Chairman of Ways and Means (Conduct)).—The 1966 Budget introduced a Selective Employment Tax and in the Finance Bill the imposition of this tax was provided for in Clause 42.

A number of Amendments were put down designed to exclude from the tax various categories of persons. The Chairman of Ways and Means, Sir Eric Fletcher, selected one of these Amendments and intimated that sixteen of the other amendments could be discussed with it.

Mr. Macleod, Member for Enfield West, who was leading for the Opposition, at once rose a point of order:

You have called Amendment No. 34, Sir Eric, which I will shortly present to the Committee, but you have also said that 15, and now 16, other Amendments are to be discussed with it. The usual phrase is "for the convenience of the Committee". I would like to make it clear, Sir Eric, that it is most inconvenient, certainly to this side of the Committee, to discuss these Amendments in this way. There are Amendments for the blind, the deaf and the disabled, which certainly in our view should be separately discussed. Perhaps you would make it clear, Sir Eric, that this is a matter of selection by the Chair in which you have overruled the protests that have been put to you. (*Com. Hans.*, Vol. 730, col. 1824.)

The Chairman of Ways and Means assured the Committee that he would consider, when they were reached, which of these various Amendments could be separately voted upon, and added:

It is not only Members of the Opposition who are concerned with these Amendments. A large number of Amendments have been put down by back bench hon. Members on the other side of the Committee, too . . . I still think that it will be for the convenience of all Members of the Committee, regardless of where they sit and to which party they belong and whether they sit on a Front Bench or a back bench, that there should be a general debate on these Amendments which have been grouped and which have a great deal in common, and then for separate Divisions to take place as hon. Members may respectively wish. (*Ibid.*, col. 1829.)

This did not satisfy the Opposition. Mr. St. John-Stevas, Member for Chelmsford, pointed out:

. . . that we shall be discussing at once the disabled, the blind, theatres, education, old people's homes, part-time workers, science, literature and the arts, and hotels, and my fear is—and this is the point on which I should like your guidance—that we shall move from point to point with different Members getting up and speaking on one subject or another so that the momentum of the debate will be dissipated. That will not be cured by a Division. (*Ibid.*, col. 1830.)

The Chairman held to his selection.

After a debate lasting seven-and-a-half hours the Chairman accepted a Closure Motion moved by the Government chief whip. Immediately the closure proceedings had been completed the following exchanges took place:

Mr. Iain Macleod: I beg to move,

That the Chairman do report Progress and ask leave to sit again.

I move this Motion with only one purpose in mind and I will be very brief. The way in which we should look at the last debate is not that it went on 7½ hours, but for about 25 minutes for each of the Amendments that the Committee was discussing. Perhaps I may mention one particular instance. My hon. Friend the Member for Farnham (Mr. Maurice Macmillan), who is a former Treasury Minister, put his name to one of the Amendments which we have been discussing. He sat here for seven hours, but was unable, unhappily, to catch your eye, Sir Eric.

There are other matters I would wish to bring before the Committee. We feel not only that we have been shabbily treated, but that what has happened is not in accordance with the conventions or understandings of the House of Commons. I must, therefore, make clear to you that we on this side of the

Committee have no confidence in you as Chairman of Ways and Means and that——

The Chairman: Order. I cannot allow the right hon. Gentleman or any other hon. Member of the Committee to criticise the conduct of the Chair in Committee. The right hon. Gentleman is perfectly well aware that if he wishes to do so he must put down a Motion on the Order Paper. I must ask him to withdraw anything that he has said by way of criticism of the Chair.

Mr. Macleod: I did not complete my sentence, Sir Eric. A formal Motion will be placed on the Order Paper which will put that matter right.

The Chairman: I am waiting for the right hon. Gentleman to withdraw.

Mr. Macleod: Sir Eric, I know the rules of the House as well as you do. [HON. MEMBERS: "Name him."] It is in order to criticise the Chair only on a formal Motion, and I have given notice correctly of that Motion.

The Chairman: The right hon. Gentleman said that he had no confidence in the present occupant of the Chair. That is a criticism of the Chair made in Committee, and the right hon. Gentleman must withdraw that remark or leave the Chamber.

Mr. Macleod: Sir Eric, if you interpret the rules of the House in that way, of course I bow to you and withdraw. [*Interruption.*] Of course I do. I have been a Member of the House long enough. I was under the impression that the right and correct thing to do—and I think, with respect, that I am right, but that is immaterial—was to warn you courteously of the Motion of censure.

The Chairman: I cannot allow the right hon. Gentleman to argue with the Chair. The right hon. Gentleman is wrong. He is entitled to put down any Motion that he likes, but he must withdraw criticism of the Chair made in Committee.

Mr. Macleod: I have done that, Sir Eric. (*Ibid.*, cols. 1973-4.)

A Motion of censure was duly put down in the names of the official Opposition in these terms:

That this House regrets that the Chairman of Ways and Means, having selected for simultaneous discussion 16 Amendments numbered 34, 147, 29, 30, 31, 32, 33, 35, 37, 39, 40, 161, 175, 220, 361, and 73, of Clause 42 of the Finance Bill, failed to ensure adequate discussion of this Clause, which raises £1,100 million of taxation, by accepting a Motion for the Closure of Debate when a large number of Members still wished to speak during the sitting on Wednesday, 29th June, thus infringing the rights of minorities.

and was debated on 6th July.

In opening for the Opposition, Mr. Macleod reminded the House that recent precedents for the motion had also centred on the acceptance of the Closure, the most recent being in February, 1961.* He cited from the Standing Order, Closure of Debate, the first paragraph which states that a Member may claim to move:

"That the question be now put," and, unless it shall appear to the chair that such Motion is an abuse of the rules of the House, or an infringement of the rights of the minority, the question, 'That the question be now put,' shall be put forthwith and decided without amendment or debate."

and added:

It is, of course, on the words about the abuse of the rights of the minority that this Motion, and virtually all previous Motions, has been linked.

You, Sir, as Speaker, or the Chairman of Ways and Means, are normally the

* See THE TABLE, Vol. XXX, pp. 137-42.

last court of appeal in these matters, subject, of course, to the final voice of the House itself. Naturally, the Closure is an essential part of our procedure, otherwise the power of the Opposition to obstruct business would be far too formidable. There are occasions when the Closure comes as a welcome conclusion—especially sometimes to Government supporters—of a debate, but it is always an infringement, even if a necessary one, of the rights of Members of this House and, therefore, the House, through the Standing Order which I have quoted, guards jealously its use.

He went on to say that the root cause of the matter was the overloading of Government business, already a month behind because of the recent election and now encumbered with what was in effect two Finance Bills in one.

One of these " Finance Bills " was the Selective Employment Tax. By the clause relating to it £1,133 million pounds was to be raised by deeply controversial measures. When the Committee came to Amendment 34, which had led to the present debate sixteen other amendments, very few of them consequential, were selected for a joint debate.

They were all on different points and I protested privately and on the Floor of the Committee, as reported in the *Official Report* in col. 1824, about this grouping. The usual phrase was omitted—not surprisingly perhaps, on this occasion—" It may be for the convenience of the Committee ". It clearly was not for the convenience of the Committee and a number of my hon. Friends joined in this protest. We were overruled and the debate opened.

The actual debate lasted seven hours and eight minutes—or about 20 minutes an amendment.

There were 28 speeches made, 13 from these benches, 13 from the Socialist benches, and two from the Liberal benches, this being the only occasion when —obviously it is entirely in their rights—hon. Members on the Government benches spoke in force on this matter. Normally, of course, the pattern of debate is something of a dialogue between the Opposition and the Treasury Bench with occasional interventions from some of our hon. Friends or the hon. Member for Manchester, Cheetham (Mr. Harold Lever) and others; but the pattern of dialogue remains unaltered.

On this occasion—as I said, this is absolutely beyond criticism—hon. Members on the Government side spoke until we came to the Motion for the Closure, one for one, with this side of the Committee. We say that that is something which should have been taken into account by the Chief Whip when he moved the Closure, and even more so by the Chairman, who is our guardian in these matters, when he considered whether to accept the Closure or not. The Financial Secretary spoke for 50 minutes. The three longest speeches came from the Labour benches. I ask the House to remember the wording of the Standing Order. The opposition had no more than nine minutes per Amendment.

Mr. Macleod claimed that another two hours of debate would have sufficed without employing the closure. He then gave an entertaining account of the visible preparations for moving the closure:

One of the difficulties of a Closure Motion, as the Chief Whip, whom I very sincerely congratulate on his new appointment, will know, is that the gallows is always knocked together in sight of the condemned men, who know that there is no possibility of a reprieve. One sees the P.P.S. moving backwards

and forwards along the bench. One sees—I have done it in my time—[*Laughter.*] Of course. One has the various consultations. Then the moment comes when the Chief Whip strolls casually into the Chamber and finally, when the Chairman slips into his seat, the Closure is moved. One knows that the Closure is about to take place.

He asserted that "right up to the end of the debate, entirely new points were being raised" and instanced one ex-Minister who had been in the Chamber for seven hours, hoping, in vain, to be called to speak on one of the Amendments.

Finally he would not propose to divide the House. That would be a notice to quit to the Chairman, after which he probably could not survive. Sir Gordon Touche in 1961 had not long survived the vote on his Motion of censure. While he and his friends felt that they had been unjustly treated, they felt that it stemmed from bad judgment and not from malice.

In the debate which followed, various Government supporters deplored the attempt "to use the Chairman of Ways and Means as a sort of battering ram against the Government". Nobody liked the closure to be used against them, but after a debate of seven-and-a-half hours it would have been strange if the Chairman had refused to accept a closure Motion.

Mr. Bowden, Leader of the House, replying to the debate, adopted words spoken by a predecessor, in a previous censure debate in 1951:

"We have entrusted this power of selection to the Chairman. It is quite clear that, if from time to time his method of selection is to be brought before the House, it must make the position of the Chairman intolerable . . ."—[*Official Report*, 21st June, 1951: Vol. 489, c. 736.]

and continued

The position has not changed during the last 15 years.

The House has placed the Chairman of Ways and Means in charge of its proceedings in Committee. The House has given him the discretion to accept or to refuse the Closure. It has given him discretion, equally, to select Amendments for debate. Obviously, the exercise of this discretion must be a very difficult task for him or anyone else entrusted with it. It equally will give rise to disappointment, frustration, and hard-feelings when hon Members are deprived of the opportunity of making speeches, many of which have been prepared some time in advance.

However, no better way has been devised—either in this country or in any other—for mediating between the rights of the majority and those of the minority in Parliament. Rejecting the authority of the Chairman, or denying him discretion, would only lead, could only possibly lead, to worse evils. If we get ourselves into the position of thinking that every speech must be made, every Amendment called, every speaker called who has his name to a particular Amendment, we shall simply put an end to Parliament as we know it. We shall not serve democratic government: we could go some way towards destroying it.

He could find no precedent for a Closure Motion being refused by the Chair after a debate which had lasted as long as seven-and-a-half

hours. On the clause as a whole 33 hours and 6 minutes were spent —the equivalent of a week's debate. He invited the Opposition to withdraw the Motion.

The Motion was withdrawn. (*Com. Hans.*, Vol. 731, cols. 441-492.)

New South Wales: Legislative Assembly (Parliamentary expressions).—In February, 1966, Mr. Speaker Ellis (elected 26th May, 1965) ruled:

> " The simple position is that according to parliamentary practice, words and expressions making improper accusations or imputations or which are abusive or offensive in their nature are unparliamentary and the Speaker can order that they be withdrawn. However, I must be satisfied, surely, that the words complained of must be fairly and reasonably capable of giving offence. If they are not so capable, I should be interfering with the freedom of speech of the honourable Member who makes the statement. . . . I am reminded of this statement made to Mr. Nixon by President Truman: ' If you cannot stand the heat you should keep out of the kitchen'."

4. Ceremonial

Isle of Man: Centenary Celebrations.—Although Tynwald is the oldest continuous Parliament in the Commonwealth, the Isle of Man Legislature in both its Houses, namely the Legislative Council and the House of Keys, is still not completely elected by universal suffrage. However, in 1966 the House of Keys, the lower House, celebrated its Centenary as a popularly elected assembly. To mark the occasion the unique and well-known Tynwald Ceremony on 5th July welcomed as its guest the Speaker of the House of Commons, Dr. Horace King. The other "offshore" islands of Britain were not forgotten in the invitations and the Bailiff of Jersey was among the distinguished visitors to the ancient open-air meeting which fortunately was blessed with the splendid weather for which the Isle of Man as a holiday resort is well known. Another distinguished guest was the Speaker of the Althing of Iceland.

One of the most notable features of the gathering, however, was the attendance of six Clerks of Parliaments. In addition to the Clerk of Tynwald and Secretary of the House of Keys, there were present the Clerk of the House of Commons, the Clerk of the House of Commons of Northern Ireland, the Greffiers of the States of Jersey and Guernsey and the Clerk of the Icelandic Parliament. The guests from the Althing represented, as the name implies, the link with the Viking folk-meets of a thousand years ago from which the Icelandic and Isle of Man Parliaments originated, and, of course, the presence of the Speaker and Clerk of the Commons House of Parliament underlined the historic relationship between Tynwald and Westminster which has subsisted for seven centuries.

(*Contributed by the Clerk of Tynwald.*)

5. ELECTORAL

Australia: Commonwealth Electoral Act 1966.—This Act* amended Section 39A of the *Commonwealth Electoral Act* 1918-65 by extending the franchise to persons under 21 years of age who are or who have been, on special service outside Australia as members of the Defence Force. The Act provided that this extension of the franchise would be retained by qualified persons under 21 years of age when they had ceased to be members of the Defence Force.

As persons deemed to be electors by virtue of this Act would not be enrolled, special provision was made to exclude them from the compulsory voting provision of the Commonwealth Electoral Law.

Australia: Defence (Parliamentary Candidates) Act 1966.—The Defence (Parliamentary Candidates) Act (Act No. 87 of 1966)† gave effect to the Government's intention to permit National Servicemen, other than Officers, to be discharged to stand as candidates at Federal Parliamentary Elections. The Act provided that National Service Officers would transfer to the Regular Army Reserve instead of being discharged.

Section 44 (iv) of the Constitution which disqualifies a person who holds any office of profit under the Crown from being chosen as a Member of either House of the Parliament, is deemed to apply to servicemen serving on a full-time basis.

Existing legislation permits members of the Permanent Forces to seek discharge from the Service to contest elections; however, this provision does not apply to National Servicemen who are specifically excluded by the National Service Act.

The Act also provides that a National Serviceman who was discharged or a National Service Officer who was transferred to the Reserve as already described, may be called upon, under the provisions of the National Service Act, to complete his original period of service, if he (*a*) fails to nominate; (*b*) is defeated at the elections; or (*c*) having been elected as a Senator or as a Member of the House of Representatives, subsequently ceases to be a Senator or a Member.

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

Canada: Prince Edward Island.—A new Election Act was proclaimed which did away with the Property Vote for Councillor Members and gave equal voting privileges to everyone over 21 years of age. It also provided for a Chief Electoral Officer for the Province.

In May 1966 an Election was held in the Province under a new

* *Hans.*, H. of R., 10th May, 1966, p. 1625; *Hans.*, Sen., 13th May, 1966, pp. 1966, p. 1293.

† *Hans.*, H. of R., 13th October, 1966, pp. 1703-4; *Hans.*, Senate, 20th October, 1150-2.

Election Act which provided for the election of thirty-two Members instead of the previous thirty Members. Five days before the Election one of the candidates died suddenly. This required a deferred election in that District. On Election night the Liberal Party and the Progressive Party Conservative each had fifteen Members elected. This meant the party that could carry the deferred Election would have the Government. A vigorous campaign was waged by both parties. In the deferred Election two Liberal Members were elected and this gave the Government to the Liberal Party under their new leader Alexander B. Campbell who, at the age of 32, then became the youngest Premier of any Province of Canada.

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

India: Representation of the People (Amendment) Act 1966.—The Election Commission made a number of recommendations for the amendment of the election law and procedure in its Report on the Third General Elections in India in 1962 and subsequently. The Representation of the People (Amendment) Act 1966 was passed by Parliament to give effect to such of those recommendations which were approved by it. The amending Act of 1966 made amendments in the Representation of the People Act 1950 and the Representation of the People Act 1951 and some of the important changes made by the amending Act in the two parent Acts are set below:

(i) *Amendments in the Representation of the People Act 1950*

Two new sections were substituted for existing Sections 3 and 4. The new Section 3 would show not only the total number of Members allocated to each State, Union territory or area but it would also show the seats reserved for the Scheduled Castes or the Scheduled Tribes which would make for convenience of reference. The First Schedule to the Act was accordingly amended. The new Section 4, apart from providing for filling of seats in the House of the People, provided also for several matters relating to Constituencies for the purpose of elections to the House of the People. The new Section 4 *inter-alia* provided that the seats to the House of the People from the State of Jammu and Kashmir would be filled by direct election and not by nomination by the President as had been the position so far.

A new Section 7 was also substituted on the same lines as the new Section 4 for allocation of seats in State Legislative Assemblies, other than the Jammu and Kashmir Legislative Assembly and the Second Schedule was accordingly amended.

The new Section 8 provided for the consolidation of all the delimitation orders in respect of parliamentary and assembly constituencies throughout the whole of India to be known as the Delimitation of Parliamentary and Assembly Constituencies Order 1966 and the new Section 9 empowered the Election Commission to maintain the consolidated delimitation order up to date and correct printing mistakes and other mistakes out of any inadvertent slip or omission.

A new Section 13AA was inserted for the creation of a new officer to be known as the district election officer in the electoral machinery of the country. In the absence of an intermediate officer of sufficiently high status between the Chief Electoral Officer of the State and the returning officer for the Constituency, a good deal of avoidable inconvenience in connection with the preparation and revision of electoral rolls and the conduct of election was felt. Thus by providing for a district election officer who would be an officer of the Government designated or nominated by the Election Commission in consultation with the State Government, the difficulties so far experienced on this behalf would be rectified. It was also provided that in case of bigger districts, the Election Commission could designate or nominate more officers than one.

Sub-section (2) of Section 21 was amended to do away with the necessity of having annual revision of electoral rolls and to provide that the electoral rolls should be revised in any subsequent year when so directed by the Election Commission. It must be revised, unless otherwise directed by the Election Commission for reasons to be recorded in writing, before each General Election, and before each by-election to Lok Sabha or a State Legislative Assembly.

A new section was substituted for the existing Section 23 relating to inclusion of names in electoral rolls. The new section differed from the existing section in two particulars. Under the new section, in every case, the application for inclusion of name should be made only to the electoral registration officer. Besides, it also provided in Sub-section (3) of the new section that the electoral registration officer should not give any direction for the inclusion of a name after the last date for making nomination fixed under Section 30 of the Representation of the People Act 1951. Section 24 of the Act was also amended to provide for an appeal to the Chief Electoral Officer against the decision of the electoral registration officer in respect of application for inclusion of names in the electoral roll.

(ii) *Amendments in the Representation of the People Act 1951*

The existing provisions relating to disqualification for membership of Parliament and State Legislatures were scattered in two places in the 1951 Act, which were wide apart from each other. Section 7 laid down the disqualification for membership. Section 8 contained some saving provision with respect thereto and Section 9 contained an interpretation clause. While Sections 139 and 140 specified the offences of corrupt practice which entailed disqualification and also laid down the period for such disqualification, Section 140A gave powers to the Election Commission to remove any such disqualification or to reduce the period. Again, while Section 141 provided for disqualification for voting, Section 144 empowered the Election Commission to remove any such disqualification. Section 145 provided disqualification for being an election agent of a candidate at an election. By the amending act all these provisions relating to dis-

qualification for membership and voting were grouped together in one place so that it became easy for everyone to find at a glance the provisions contained in the election law as to disqualification for membership and voting. This was done by new Sections 7 and 11B. Apart from the grouping of the sections, some changes were made in the relevant provisions. In the new Section 9A an explanation was added to make it clear that a contract with the Government shall be deemed not to subsist by reason only of the fact that the Government had not performed its part of the contract either wholly or in part. The change made in the new Section 10A also marked a departure from the provision in clause (*e*) of the existing Section 7 and provided that if the Election Commission was satisfied that there was a failure to lodge an account of election expenses according to law and that there was no good reason for such failure, then the Election Commission would declare the person concerned to be disqualified and such disqualification would be for a period of three years.

Under the existing law, there was no provision empowering the Election Commission to delegate its functions even in routine matters and this created practical difficulties. A new Section 19A was inserted to provide for delegation of the functions of the Election Commission to a Deputy Election Commissioner or to the Secretary of the Commission subject to any direction that might be given by the Election Commission.

A new Section 20A was inserted which provided for the duties of the district election officer in connection with the conduct of election. Again by substituting a new section for Section 25 of the 1951 Act, the district election officer was empowered to provide polling stations in constituencies under his jurisdiction and Section 26 was also amended to empower him to appoint presiding and polling officers in constituencies in a State. Hitherto these functions were performed by the returning officer. So far as Union Territories were concerned, these functions would continue to be performed by the returning officer as in a Union Territory no provision was made in the amending Act for the appointment of a district election officer. Amendments were also made in Sections 21 and 22 to provide that a returning officer as well as an assistant returning officer might also be an officer of a local authority. This amendment was necessary as the existing law which required them to be officers of the Government created practical inconvenience and difficulty.

Suitable changes were made in Section 30 of the Act so as to conform to the time-table for election. The changes effected would result in a saving of seven days in the time-table of elections.

A new Section 64A was inserted to deal with situations where during the stage of counting of votes, any ballot papers were unlawfully taken out of the custody of the returning officer or were accidentally or intentionally destroyed or lost or were damaged or tampered with.

Section 66 of the Act was amended to empower the Election Commission to issue directions to withhold the declaration of the result if something went wrong in the counting of votes and if the same was brought to the notice of the Election Commission in time. The absence of such power rendered the Election Commission powerless to act even when such instances were brought to the notice of the Commission.

One of the principal recommendations of the Election Commission related to the abolition of election tribunals and the trial of election petitions by the High Courts. The amending Act by its Sections 37 to 45 gave effect to these recommendations and made necessary amendments in the 1951 Act.

Chapter IVA relating to appeals was amended in view of the new scheme of trial of election petitions by the High Courts. The new Section 116A provided for an appeal to Supreme Court from the order of High Court disposing the election petition. The new Section 116C laid down the procedure in such appeals. The new Section 116B empowered the High Court and the Supreme Court to grant stay order in certain circumstances.

Under the existing law, an inducement offered to a candidate to withdraw his candidature did not amount to a corrupt practice of bribery. It was felt that such an inducement should, with justification, be brought within the ambit of corrupt practice and this was achieved by amending Section 123 of the 1951 Act. Again, under clause (5) of Section 123, the hiring or procuring of any vehicle or vessel by a candidate, etc., for the conveyance of any voter was a corrupt practice. It was felt that it was not so much the hiring or procuring of the vehicle or vessel as the free conveyance of voters by the candidate or his election agent that required to be condemned as a corrupt practice. Clause (5) of Section 123 was amended suitably for the purpose. The Election Commission, in its Report, had expressed the view that the provision by which a person was deemed to assist in the furtherance of the prospect of the candidate's election should be restricted only to cases where he acted as an election agent and not as a polling agent or a counting agent. In view of this, references to polling agent and counting agent were omitted from clause (2) of the Explanation at the end of Section 123. But at the same time, new Section 134A was inserted to provide that if a person in the service of the Government acted as an election agent or a polling agent or a counting agent of a candidate at an election, he would be punishable by a fine which might extend to five hundred rupees. Thus the legal position now would be that whereas the election of a person would not be set aside by reason of a Government employee acting as his polling or counting agent as it would not be a corrupt practice under clause (7) of Section 123, the Government employee would himself be guilty of an offence and would be liable to punishment.

The amending Act also made certain offences by election officers as cognizable.

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

India: Madras.—In Order No. 9, dated 16th September, 1965, of the Delimitation Commission, the Assembly constituencies in the State of Madras have been increased from 206 to 234 and the parliamentary constituencies have been reduced from 41 to 39.

West Pakistan: Electoral.—Section 61 of the National and Provincial Assemblies (Elections) Act 1964 was amended in 1966. According to the original section the Election Tribunal shall consist of the following three members: (*a*) a Chairman, being a person who is, or has been, or is qualified to be, a Judge of a High Court; (*b*) a person who is qualified to be a Judge of a High Court; (*c*) a person who has held Office as a District Judge or an Additional District Judge for a period of not less than three years.

For clause (*b*) the following has been substituted: "(*b*) a person who has, for a period of not less than ten years, been an advocate of a High Court."

(*Contributed by the Secretary to the Provincial Assembly.*)

6. EMOLUMENTS

Australia: Parliamentary Retiring Allowances.—The provisions for retiring allowances for Members of both Houses (*see* THE TABLE, Vol. XXVIII, pp. 186-7 and Vol. XXXIII, pp. 175-6) were amended by the Parliamentary Retiring Allowances Act (Act No. 71 of 1966).*

The primary object of this Act was to increase the payment of pensions to "Parliamentary" orphan children from $6.00 to a minimum of $10.00 per week, per child. This pension may be increased to an amount calculated by dividing the amount of pension that would otherwise have been payable to the mother as a widow's pension by four (or, if the number of eligible children exceeds four, by the number of children) subject to a minimum pension of $520 per annum.

Provision was also made for the payment of a pension to the orphan children of an ex-Member who remarries after retirement and subsequently dies, and is survived by his widow and also by eligible children of his former marriage.

Prior to this amendment, these orphan children would not have been eligible for a pension until the death of the widow.

A defect in the Principal Act was corrected by providing for the

* *Hans.*, H. of R., 13th October, 1966, p. 1752-3; *Hans.*, Sen., 20th October, 1966, pp. 1294-5.

payment of a lump sum equal to a Member's contributions, plus any Commonwealth supplement, less any pension paid or due to him during his lifetime, to the personal representative of a deceased ex-Member who is survived by a widow who has no pension or other benefit entitlement.

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

New South Wales (Parliamentary Allowances).—Reference was made in Volume XXXIV (1965) to the Report by the Hon. B. H. Matthews on salaries and allowances which should be paid to Members of the New South Wales Parliament, and related matters. Mention was made that certain matters involved administrative action and were subject to consideration by Cabinet.

These matters have now been decided and the Government has approved of the following:

Rail Travel. The issue to Members of the Legislative Council who had served in that capacity for a minimum period of eight years and who ceased to be Members on or after 1st July, 1966, of a Gold Pass for travel over the New South Wales railway lines, for a period equivalent to their period of service as a Member. The basis of entitlement of Members of the Legislative Assembly to a Gold Pass after ceasing to be a Member to be amended to conform with this decision. Formerly service in the Legislative Assembly for the whole of three Parliaments had been necessary to qualify for this concession.

Air Travel. The issue of Air Travel Vouchers to Members on the following basis as from 1st July, 1966:

Members of Legislative Assembly:

(*a*) All Members—6 single journeys per annum between any two centres in the State.

(*b*) (i) Members representing and resident in electorates in Groups IV, V, and VI of the Fifth Schedule to the Constitution Act for reimbursement of electoral expenses—40 single journeys per annum between their electorates and Sydney (additional to (*a*)).

(ii) Wives of such Members—6 single journeys per annum between electorate and Sydney.

(iii) Such Members not resident in their electorates—24 single journeys per annum between their electorate and Sydney (additional to (*a*)).

(*c*) (i) Ministers representing electorates in Groups IV, V, and VI of the Fifth Schedule for reimbursement of electoral expenses—24 single journeys per annum between their electorates and Sydney (additional to (*a*) and (*b*)(i) or (*b*)(iii)).

(ii) Wives of such Ministers—12 single journeys per annum between electorate and Sydney (additional to (*b*)(ii)).

(*d*) Leaders of recognised political parties not less than ten members of which are in the Legislative Assembly—18 single journeys per annum between Sydney and any part of the State (additional to (*a*), (*b*)(i) or (*b*)(iii) and (*c*)(i) if so entitled).

Members of Legislative Council:

(*e*) (i) Members of the Legislative Council resident in an electoral district in Groups IV, V, and VI of the Fifth Schedule for reimbursement of

electoral expenses—40 single journeys per annum between their home and Sydney undertaken in connection with their parliamentary duties.

(ii) Wives of such Members—6 single journeys per annum between their residence and Sydney.

(*f*) Ministers in the Legislative Council resident in an electoral district in Groups IV, V, and VI of the Fifth Schedule for reimbursement of electoral expenses—24 single journeys per annum between their home and Sydney (additional to (*e*)(i)).

(*g*) Wives of such Ministers—12 single journeys per annum between their residence and Sydney (additional to (*e*)(ii)).

(*h*) Ministers in the Legislative Council—6 single journeys per annum between any two centres in the State (additional to (*e*) and (*f*) if so entitled).

As there are now six women Members in the Legislative Council, the President has recently asked the Premier to eliminate any doubts, whether the term "wife" in relation to a male Member is to be construed as referring to the husband of any female Member, and a reply is awaited.

Telephone facilities. To meet the costs of private telephones at residences of Members of the Legislative Council as from 1st July, 1966, as under:

Leader of the Opposition in the Legislative Council—full cost of telephone.

Whips in the Legislative Council—full cost of telephone rental and 75 per cent of all calls.

Members—full cost of rental only.

Accounts to be paid by the Member concerned and the receipted account to be forwarded to the Under Secretary, Public Works Department for reimbursement of the amount to which the Member is entitled.

Postage Stamp Allowance. As from 1st July, 1966, the issue of postage stamps to the value of $20 per month to continue to Members of the Legislative Assembly, and the Leader of the Opposition in the Legislative Council to be entitled to receive stamps to the value of $6 per month, and other Members of the Legislative Council, to receive stamps to the value of $2 per month.

Insurance. The cover for Personal Accident Insurance to be extended for Members of the Legislative Council to provide for a 24-hour coverage, as from 1st July, 1966. Previously this was only in respect of accidents arising solely out of a Member's activities and duties as a Member of Parliament.

Secretarial Assistance. The appointment of an additional amanuensis to perform typing duties for Members of the Legislative Council.

Pensions. The Legislative Assembly Members Superannuation (Amendment) Act No. 16 of 1967 provided for the application of the Principal Act to Members of the Legislative Council who at any time after 1st May, 1946, were Ministers of the Crown or thereafter became Ministers of the Crown and who elect to contribute to the fund within six months after the commencement of the Amending Act. Future Ministers to make such election within three months of becoming a Minister. A Member who elects to contribute shall pay into the fund an amount equivalent to that which would have been payable by him as a contributor had he been a Member of the Legislative Assembly.

It also made provision to increase contributions and pensions payable under the Act and provided for the payment of allowances to children under the age of 18 years in certain circumstances.

The maximum pension under the Principal Act of $60 per week for contributions of 15 years or more is varied to provide for a graduated scale to a new minimum of $80 per week after 24 years service, and the pension of $48 per week for service in three Parliaments is amplified by a new scale providing a graduation from $50 per week for service of 8 years and less than 10 years up to $60 per week for service of 14 years and less than 15 years.

Present Members, including Ministers in the Legislative Council retain their entitlement to a pension after service in three Parliaments, but Members who have not served before the commencement of the amending Act will be required to serve a minimum period of 8 years before being entitled to a pension.

Certain clauses in the amending Act provide for a refund of contributions with interest in certain circumstances when no refund was made under the Principal Act.

The allowances are set out in detail in the following table:

PARLIAMENTARY ALLOWANCES AND SALARIES

As from 1st July, 1966

Member	Base Salary	Salary of Office	Electoral Allowance (Refer Fifth Schedule Constitution Act)	Expense Allowance	Special Allowance	Total Remuneration
	$ p.a.	$ p.a.	$ p.a.	$ p.a.	$ p.a.	$ p.a.
Legislative Assembly:						
Private Member ..	6,840	..	1,620–2,400	..	..	8,460–9,240
Ministers of the Crown—						
Premier	..	15,500	1,620–2,400	4,000	..	21,120–21,900
Deputy Premier ..	..	13,680	1,620–2,400	1,800	..	17,100–17,880
Other Ministers ..	..	12,800	1,620–2,400	1,600	..	16,020–16,800
Holders of Offices—						
Speaker	6,840	4,160	1,620–2,400	1,000	..	13,620–14,400
Chairman of Committees	6,840	1,180	1,620–2,400	500	..	10,140–10,920
Leader of the Opposition	6,840	4,760	1,620–2,400	1,600	..	14,820–15,600
Deputy Leader of the Opposition ..	6,840	1,160	1,620–2,400	400	..	10,020–10,800
Leader of other Opposition Party (not less than 10 Members)	6,840	1,360	1,620–2,400	800	..	10,620–11,400
Deputy Leader of other Opposition Party (not less than 10 Members) ..	6,840	..	1,620–2,400	360	..	8,820–9,700
Whips—						
Government and Opposition ..	6,840	1,160	1,620–2,400	400	..	10,020–10,800
Party (not less than 10 Members) ..	6,840	..	1,620–2,400	360	..	8,820–9,600
Legislative Council:						
Private Member ..	2,040	..	*	1,440	..	3,480
Ministers of the Crown—						
Leader of the Government Members ..	..	12,800	..	1,600	1,200	15,600
Deputy Leader of the Government Members..	..	12,800	..	1,600	300	14,700
Holders of Offices—						
President	..	6,560	..	1,440	1,000	9,000
Chairman of Committees	..	4,260	..	1,440	300	6,000
Leader of the Opposition	..	4,980	..	1,440	600	7,020
Deputy Leader of the Opposition ..	..	2,760	..	1,440	300	4,500
Whips—						
Government and Opposition ..	..	2,760	..	1,440	300	4,500

* *Living away from home allowance:* Private Members of the Legislative Council living in electoral districts specified in Parts III, IV, V and VI of the Fifth Schedule to the Constitution Act receive an allowance of $10.00 for each day or part of a day they attend a sitting of the Legislative Council.

FIFTH SCHEDULE

(As from 1st July, 1966)

Electoral Allowances to Members of the Legislative Assembly

Yearly Rate of Allowance	Electoral Divisions	
	Part I.	
$1,620	Balmain	Hurstville
	Bankstown	King
	Bass Hill	Kirribilli
	Bligh	Kogoroh
	Bondi	Lakemba
	Burwood	Lane Cove
	Ashfield-Croydon	Manly
	Auburn	Maroubra
	Canterbury	Marrickville
	Concord	Mosman
	Coogee	Parramatta
	Cook's River	Phillip
	Drummoyne	Randwick
	Dulwich Hill	Redfern
	Earlwood	Rockdale
	East Hills	Ryde
	Eastwood	Vaucluse
	Georges River	Wakehurst
	Gordon	Wentworthville
	Granville	Willoughby
$1,680	*Part II.*	
	Blacktown	Hornsby
	Collaroy	Liverpool
	Cronulla	Sutherland
	Fairfield	The Hills
	Part III.	
$1,896	Bulli	Lake Macquarie
	Gosford	Maitland
	Hamilton	Nepean
	Hartley	Newcastle
	Hawkesbury	Waratah
	Illawarra	Wollongong-Kembla
	Kahibah	Wyong
	Kurri Kurri	
	Part IV.	
$2,100	Byron	Orange
	Cessnock	Wagga Wagga
	Lismore	Wollondilly

FIFTH SCHEDULE—(*continued*)

Yearly Rate of Allowance	Electoral Divisions	
	Part V.	
$2,160	Albury	Monaro
	Armidale	Mudgee
	Bathurst	Oxley
	Burrinjuck	Raleigh
	Casino	South Coast
	Clarence	Tamworth
	Dubbo	Tenterfield
	Gloucester	Upper Hunter
	Goulburn	Young
	Part VI.	
$2,400	Barwon	Murrumbidgee
	Castlereagh	Sturt
	Cobar	Temora
	Murray	

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

New Zealand (Parliamentary Allowances).—The Royal Commission on Parliamentary Salaries and Allowances, which is required by the Civil List Act 1950 to be set up within three months of each General Election to recommend the salaries and allowances to be paid to the Prime Minister, Ministers, Speaker, Members, and others, was duly constituted. Its report, which was presented at the commencement of the new Parliament, recommended, in view of the economic position of the country, that it be put into recess for the next 12 months. No Parliamentary Salaries and Allowances Order in respect of Members of Parliament was, therefore, placed before the Executive Council.

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

Maharashtra (Travelling Allowances).—Under the existing provisions of the Act providing for the payment of Salaries and Allowances to Members of the Legislature, a Member of the Legislature is paid a travelling allowance for a journey undertaken for the purpose of attending a session or meeting of the Committee from his place of residence to the place where such session or meeting is held, irrespective of the fact whether the Member resides within or without the limits of the State. The following change has now been made in the matter of travelling allowance to clarify the position in respect of those Members who choose to reside outside the State of Maharashtra.

According to the new amendment, a Member who resides or carries on business outside the State of Maharashtra is now entitled to travelling allowance only for that part of the journey, which is made within the limits of the State.

Malta, G.C.: Retirement Allowances.—During 1966, following protracted negotiations and discussions, Parliament before its dissolution passed a law "To Provide Retiring Allowances, on a contributory basis, to Members of the House of Representatives and to their widows or dependants".

The Act came into force on the date of its publication, 8th February, 1966, after it was signed by the Governor-General.

7. Standing Orders

House of Lords.—Standing Order No. 35 of the House of Lords was amended on 23rd November, 1966, to provide that Unstarred Questions* should be entered last on the Order Paper. The Procedure Committee had reported that Unstarred Questions had the same precedence on the Order Paper as ordinary Motions and that this could be inconvenient for the House if, for example, an Unstarred Question was put down on the Order Paper after a Motion and the Motion was then withdrawn. The Unstarred Question then took precedence over a new Motion which was subsequently put down for the same day.

Australia: House of Representatives.—A report† from the House of Representatives Standing Orders Committee, to which was attached a schedule of proposed amendments with full explanatory notes was presented to the House on 31st March, 1966,‡ and adopted after debate on 4th May, 1966.§

Most of the amendments are of a formal nature. Three relate to the titles of Acting Speaker, Acting Chairman and Deputy Chairmen. Two others clarify the procedures governing the resumption of proceedings in the House following a count out.

The changes of greatest interest relate to divisions and enable a Member, who cannot on his own force a division, to inform the Chair that he wishes his dissent to be recorded in the Votes and Proceedings and in *Hansard*; in such event, his dissent shall be so recorded. This amendment is designed to provide a procedure for those occasions when a single Member may have strong moral, religious or conscientious objection to a course acceptable to the majority, such as issues

* Questions on which a debate may take place.
† Parl. Paper No. 289 of 1964-65-66.
‡ V. & P. No. 153, 31st March, 1966, p. 561.
§ V. & P. No. 161, 4th May, 1966, p. 589; *Hansard*, H. of R., 4th May, 1966, pp. 1455-63.

of peace and war, life and death or those in which strong beliefs are held.

The opportunity was taken to remove any doubts that might exist concerning the application of the standing orders to the person for the time being administering the Government of the Commonwealth during any absence or vacancy in the office of Governor-General by the provision of a new standing order 11A.

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

South Australia: House of Assembly.—The House of Assembly adopted a number of amendments to its Standing Orders on 19th October, 1966, which were approved by His Excellency the Governor, as is required by the Constitution Act, on 10th November, 1966.

Recommendations from the Clerk of the House following upon his tour of exchange duty at the House of Commons, Westminster, formed the basis for most of the alterations proposed by the Standing Orders Committee and adopted by the House. In general, the amendments aim to clarify or simplify procedure without any diminution of individual Member's rights or opportunities. The cumbersome and largely meaningless preliminary procedure of founding every money bill in Committee has been eliminated. The Standing Orders providing for a Call of the House were considered obsolete and were excised.

Inter alia, the forms of the closure and previous question were brought up to date, sessional orders for meetings, days and precedence of Government business were transmuted into Standing Orders, a right of reply was granted to the mover of a third reading of a bill, and simpler provisions for the conduct of a ballot were inaugurated.

Of some importance in the confrontation of Parliament *vis-à-vis* the Executive, is the new requirement that the House of Assembly Printing Committee is obliged to report to the House each year whatever Papers have not been presented to the House, in compliance with any Act of Parliament. This Standing Order will bring under the surveillance of a particular Parliamentary Committee the due tabling in Parliament of statutory reports. By this means, Parliament will be informed if its intentions as to statutory reports are or are not being carried out precisely in accordance with the provisions contained in the governing Act.

The last print of the Standing Orders of the House of Assembly was made in 1940. The 1967 reprint will incorporate, of course, all the amendments of the intervening years.

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

Madras: Legislative Council (Money Bills).—On 13th November, 1965, a question of procedure in respect of passing of Money Bills

was raised in the Madras Legislative Council and a Committee was constituted by a resolution of the Legislative Council on 2nd February, 1966, to examine the Council Rules in this regard and to suggest amendments that might be deemed necessary.

The Committee examined the rules of procedure in detail and came to the following conclusion:

> "The appropriate procedure in accordance with the Constitution would be that a Money Bill received in the Legislative Council, as passed by the Legislative Assembly, should be taken up for consideration on a Motion moved by the Minister-in-charge of the Bill to the effect that the Bill, as passed by the Legislative Assembly, be taken into consideration for making recommendations, and after a general discussion on the principles involved and if the Motion is adopted, the Bill should be submitted to the House clause-by-clause by the Chair. If there are any recommendations to any of the clauses, the recommendations should be disposed of, if need be, taking the vote of the House. Even if no recommendations to a clause are tabled, the Members can discuss the clause or clauses of the Bill in the order in which they are submitted to the House. After all the clauses have been thus considered by the House, the Chair would make an announcement to the effect that the Bill would be returned to the Assembly with or without recommendations, as the case may be. The clauses of the Bill should not be submitted to the vote of the House, nor is it necessary for a third reading Motion that the Bill be passed or that the Bill be returned. If the Motion that the Bill be taken into consideration for making recommendations is voted down, the Bill should not be taken up for further consideration and the Money Bill should be returned to the Legislative Assembly with a message that the Council has declined to take the Bill into consideration for making recommendations."

The Committee accordingly recommended the introduction of a new Chapter dealing with Money Bills and consequential amendments to some of the existing rules. The Report of the Committee was presented to the House on 4th November, 1966. The amendments to the rules as recommended by the Committee were approved by the House on 7th November, 1966, and they came into force on 9th November, 1966, on which date a copy thereof was signed by the Hon. Chairman.

West Pakistan (Repeal of Standing Order limiting the length of certain speeches).—The Constitution of 1962 makes provision for the issuance of ordinances by the Governor when the legislature is not in session and immediate legislation is necessary. As soon as the legislature meets, such ordinances, if any, that have been issued during the interregnum have to be laid before the Assembly and the Assembly can by a resolution approve of the ordinance or disapprove of it. If the Assembly disapproves of an ordinance, it immediately ceases to have effect and is deemed to have been repealed upon the passing of the resolution. If the Assembly approves of an ordinance it becomes an act of the legislature.

Debates on some of the resolutions for approval of ordinances were getting very lengthy and it was thought that if the duration of

the speeches could be curtailed it would be an advantage. Accordingly rule 89-C was inserted in 1965 laying down that a speech on a resolution for the approval of an ordinance should not exceed 15 minutes provided that the Speaker might for good and sufficient reasons in any special case permit a member to speak for a maximum period of 30 minutes. The time limit laid down was resented by the Opposition to such an extent that the Leader of the Opposition declared on the floor of the House that members of his Party would not take part in the debate on a resolution for the approval of an ordinance for so long as the rule laying down a time limit for speeches was in force. His argument was that approval of an ordinance meant in fact making a law and that the imposition of a time limit when law was being made was opposed to parliamentary practice everywhere. The force of this argument was recognised and on 12th May, 1966, this rule was repealed. As the Opposition did not take part in the proceedings on resolutions for the approval of ordinances for so long as rule 89C was in force it could never be seen how it worked in practice.

West Pakistan (Ministerial presentation of Railway Budget).—Sub-rule (2) of Rule 91 of the Rules of Procedure provided that the General Budget shall be presented by the Finance Minister and the Railway Budget shall be presented by the Railway Minister. This rule was amended in 1966 to provide that when there is no Railway Minister the Railway Budget shall be presented by the Finance Minister.

(*Contributed by the Secretary to the Provincial Assembly.*)

8. Order

India: West Bengal.—Sixteen Members were named by Mr. Speaker under Rule 348 of the West Bengal Legislative Assembly Procedure Rules on 1st March, 1966, on 2nd March, 1966, and on 4th March, 1966, for their grossly disorderly conduct in the House; and they were suspended from the service of the House for the rest of the session.

9. Administration

South Australia: Legislative Council.—The office of Clerk of Records and Papers was abolished during 1966 and the new office of Second Clerk-Assistant, Legislative Council, was created. On 28th February, 1967, the President announced: *

"I have to inform the Council that, acting under the powers conferred by Standing Orders, I have arranged for the Third Officer in the Legislative

* *Hansard*, p. 3243.

Council, Mr. C. H. Mertin, presently styled ' Clerk of Records and Papers ', to be accommodated at a table on the floor of the Council to the left of the Chair. Honourable Ministers and Members will appreciate the need for a rearrangement of the work at the Table to enable the services of The Clerk to be made more readily available to them in respect of Council procedures. I am confident this arrangement will facilitate the work of honourable members and the Council."

On 6th April, 1967, the title of the Clerk of Records and Papers, Legislative Council, was changed to Second Clerk-Assistant, Legislative Council.

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

XVII. SOME RULINGS BY THE CHAIR IN THE HOUSE OF COMMONS, 1965-66

The following index to some points of parliamentary procedure, as well as rulings by the Chair, given in the House of Commons during the Second Session of the Forty-third Parliament of the United Kingdom and the first part of the First Session of the Forty-fourth Parliament, is taken from Volumes 720-733 of the *Commons Hansard*, 5th Series, covering the period from 9th November, 1965, to 12th August, 1966.

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.

Adjournment

—debate on, only incidental references to need for legislation may be made in [729] 924, 926, 929

—*under S.O. No. 9* (*Urgency Subjects*)

—leave for, must be sought at appropriate time [722] 245, [723] 68

—refused (with reason for refusal)

—Bank rate, raising of (not within terms of S.O.) [731] 1741

—Defence, purchase of U.S. aircraft (facts not available and a continuing, not an urgent, matter) [724] 1114

—Gibraltar, refusal of Prime Minister to give undertaking not to diminish sovereignty over Gibraltar except with consent of people of Gibraltar (other opportunities to raise matter) [733] 1406-10

—North Vietnam, bombing of (not within direct and immediate responsibility of H.M.G.) [723] 888

—North Vietnam, United States' bombing of (not direct responsibility of H.M.G.) [730] 1815

—Prices and Incomes Bill, amendments to, transforming into a new proposition which has not been considered on Second Reading (ordinary parliamentary opportunity to discuss will occur) [733] 40

—Rhodesia, murder of Mr. and Mrs. Viljohn (not sufficiently urgent to supersede business for the day) [728] 1350-1

—Rhodesia, shipment of oil to (not raised at earliest possible moment) [722] 252

—Seamen's strike, Prime Minister's statement on pressure exerted in (not at earliest moment, nor urgent) [730] 288
—Secretary of State for Defence, speech of, insulting the President of French Republic (not urgent) [730] 1239
—Sierra Leone, imprisonment of British newspaper correspondent (not within S.O.) [732] 390
—South Vietnam and parties fighting in that area, supply of arms to (other opportunities to debate government administration) [728] 409
—Vietnam, Christmas Truce (not within administrative responsibility of H.M.G.) [722] 427

Amendments

—*selection of, aspersions not to be cast on [721] 1744, [727] 715

Bills, public

—Motions for leave to introduce, speech on must be brief [724] 353
—Consolidated Fund, providing supplementary moneys, debate on second reading limited to services for which money sought [724] 222
—*Chairman of Committee on, cannot be asked about proceedings on Third Reading [729] 213

Chair

—reflections on, to be withdrawn [721] 1079, etc.
—must not be criticised by implication [722] 511

Consolidated Fund Bill

—out of order in debate on to discuss matters within sole responsibility of Northern Ireland Ministers [733] 1276-82

Courts of Law

—specific acts of, can only be criticised by substantive Motion [727] 924

Debate

—House may refuse Minister opportunity for second speech [725] 1919
—" intervention " amounts to speech [727] 1581
—interventions must be brief, not a speech, etc. [720] 259, 542, etc.
—interventions must not become a dialogue [720] 104
—intervention to answer a question, must be limited to that [720] 800
—Member not entitled to repeat speech for benefit of those who have just come in [720] 1037
—Member seeking to intervene must say something to indicate his wish to intervene [720] 1358
—*Member who has name to an amendment has no prior right to be called [732] 700
—quotations should be accompanied by identification of document quoted [721] 1118

Divisions

—*points of order after division called, can be heard only if Member is seated and covered [730] 1406

Member

—giving way in debate, to indicate to whom he gives way [722] 854

Ministers

—responsible for availability of relevant documents in Vote Office [720] 321

Motions

—withdrawn only by unanimous leave of House [722] 863
—withdrawal not possible if another Member speaks after leave to withdraw sought [723] 1246
—*withdrawal of, only by Member moving [730] 2288

Order

—calling attention of Chair to random remarks which Chair has not heard, deprecated [725] 1098, [730] 1247
—Chair to judge when hilarity or indignation has gone far enough [722] 1488
—coroners, criticism of, only in proper way [724] 1706
—criticising Members of Stormont, out of [733] 1301
—discourtesy to step between Member addressing House and the Chair [721] 233
—Members must be referred to in normal fashion [722] 450
—Member not to speak till he has caught eye of Chair [721] 49
—persistent shouting not permitted [720] 20
—*pipes, holding of, in Chamber, undesirable [730] 1412
—reading in Chamber not in order except in preparation for speech [723] 345
—sleeping in House, in, but unusual [727] 555
—smoking in gallery, out of [727] 2075

Petitions

—Member presenting, must be brief [725] 1455

Questions to Ministers

—answers must relate to Question asked[723] 655
—answers to supplementary to be brief [720] 921
—answers too long [720] 1002, [722] 663
—debate not to arise on [723] 1061
—disallowed, substance of cannot be raised as a point of order [731] 1222
—front benchers asked not to take too great a share of supplementary [721] 505
—further supplementaries inadmissible after notice given of intention to raise matter on Adjournment [722] 1070
—involving security, not allowed on paper, cannot be put as supplementaries [733] 1881
—points of order on, to be raised at end of Questions [727] 1209, etc.
—private notice, by, for Speaker to allow [722] 1094
—private notice, by, Leader of Opposition has right to ask, if in order [730] 1594
—quotations from newspapers cannot be quoted in [720] 1326
—quotations not allowed in [724] 1509
—statements in, responsibility of Member putting them down [721] 742
—supplementary, if too long, Chair will not permit to be answered [723] 1084
—time for cannot be extended when Questions entered upon late [720] 1146

Statements by Ministers

—speeches cannot be made on [724] 218

Statements, personal

—must be first approved by Mr. Speaker [730] 1597

Sub judice rule

—action of Director of Public Prosecution in instituting or not instituting legal proceedings can be raised in House with Law Officers [728] 403
—of Lords does not extend to debates on delegated legislation in Commons [721] 1793
—references to cases *sub judice* not permitted [727] 927, 941

XVIII. EXPRESSIONS IN PARLIAMENT, 1966

The following is a list of examples occurring in 1966 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 political stunt" (*New South Wales Leg. Ass. Hans.*, 1966-7, p. 618)
"asabhya Janoar" (uncivilised beast) *West Bengal Leg. Ass. Procs.*, 1966)
"ashamed" (*N.Z. Hans.*, 1966, p. 388)
"double cross" (*Com. Hans.*, Vol. 730, c. 1799)
"fabrications" (*Com. Hans.*, Vol. 728, c. 1589)
"froth" (*Com. Hans.*, Vol. 735, c. 63)
"gross terminological inexactitude" (*Com. Hans.*, Vol. 728, c. 1590)
"somberi" (lazy) (with reference to townspeople) (*Madras Leg. Co. Debates*, Vol. LXCI, p. 280)
"tame hacks" (of Members) (*Com. Hans.*, Vol. 724, c. 1131)
"thara Kuraivu" (fall in standard) (use of the expression held to be not unparliamentary when used impersonally) (*Madras Leg. Ass.*, Vol. XXXV, p. 17)
"They have all turned to jelly-fish" (Cayman Islands)
"This motion will stop people being led along to the polling booths like sheep" (*New South Wales Leg. Ass.*, 1966-7, p. 1194)
"We hear about Black Power" (Cayman Islands)

Disallowed

"A better side-step than Reg Gasnier" (Gasnier is an outstanding Rugby League footballer) (*New South Wales Leg. Ass. Hans.*, 1966-7, p. 3724)
"Are you trying to blackmail me into voting for the motion?" Objection taken and expression withdrawn with apology (*New South Wales Parl. Debates*, Vol. 66, pp. 4437-8)

"blatantly disregarding rules" (reflection on Chair) (*N.Z. Hans.*, 1966, p. 1155)
"bullies" (*Lok Sabha Debates*, Vol. LI, No. 14, p. 3942)
"Chair, Why don't I get protection from the" (*N.Z. Hans.*, 1966, p. 3502)
"Charetraheen Mātāl Rājyapāl Seyden Prafulla Seyneyer Sangey Jey Nakkārjanak Ghatanā Bānglā Deysheyer Bookey Kareychey, Tākey Dhekkār Dei." (I condemn that damnable incident which was perpetrated the other day by a characterless drunkard Governor in the company of Prafulla Sen (referring to the then Chief Minister) on the soil of Bengal (*West Bengal Leg. Ass. Procs.*, 1966)
"chitharane" (instigating) (*Maharashtra Leg. Ass. Debates*, Vol. 18, pt. II)
"cheap, snide method" (*Queensland Hans.*, p. 2051)
"Chup raho badmash" (Shut up, you rogue) (*Lok Sabha Debates*, Vol. LVIII, No. 20, p. 6094)
"contemptible liar" (*Queensland Hans.*, p. 2310)
"contemptible, most" (*N.Z. Hans.*, 1966, p. 766)
"criminals who are unhung criminals" (for Ministers) *Lok Sabha Debates*, Vol. LIX, No. 23, p. 7140)
"damn lie" (to characterise the Minister's reply as) (*Lok Sabha Debates*, Vol. LII, No. 29, p. 8097)
"deliberate lie" (*New South Wales Leg. Ass. Hans.*, 1966-7, p. 583)
"deliberately misleading" (*Coms. Hans.*, Vol. 721, c. 1685)
"despicable Tory tactics" (*N.Z. Hans.*, 1966, p. 1156)
"dictatorial fashion" (referring to the Chair) (*Madhya Pradesh Vidhan Sabha Procs.*, 1966)
"dishonest" (of a Minister) (*Madhya Pradesh Vidhan Sabha Procs.*, 1966)
"false statement, a totally (and he knew it)" (*N.Z. Hans.*, 1966, p. 1124)
"fascist" (*New South Wales Leg. Ass. Hans.*, 1965-6, p. 4343)
"filthy remarks" (*Australia Senate Hans.*, 1966, p. 1501)
"foolish and silly" (of a member) (*Madhya Pradesh Vidhan Sabha Procs.*, 1966)
"Go to hell" (for the ruling party and the Government) (*Lok Sabha Debates*, Vol. LV, No. 60, p. 16826)
"Government of thieves" (*Lok Sabha Debates*, Vol. LIX, No. 32, p. 9846)
"guts, did not have the" (*N.Z. Hans.*, 1966, p. 853)
"He is out to sell this country" (*Lok Sabha Debates*, Vol. LX, No. 6, p. 1860)
"hell" (*Kenya House of Representatives Hansard*, Vol. X, pt. II, p. 1242)
"honest, that is not" (*N.Z. Hans.*, 1966, p. 2143)

"honesty, No medals would be pinned on his breast for" (*N.Z. Hans.*, 1966, p. 1945)
"idiot" (*N.Z. Hans.*, 1966, p. 812)
"ignorant" (*N.Z. Hans.*, 1966, p. 1062)
"kaiyalagathararagal" (incapable persons) (*Madras Leg. Ass.*, Vol. XXXVI, pp. 386-7)
"kevalam" (disgraceful) (*Madras Leg. Ass.*, Vol. XXXIX, p. 448)
"khote Bolatat" (speaking lie) (*Maharashtra Leg. Ass. Debates*, Vol. 18, pt. II)
"Liar" (*Queensland Hans.*, pp. 463, 1138, 2310)
"liar, stop being a" (*N.Z. Hans.*, 1966, p. 1948)
"licking the soles" (*Madhya Pradesh Vidhan Sabha Procs.*, 1966)
"lie" (*Queensland Hans.*, p. 196)
"lies" (*Com. Hans.*, Vol. 728, c. 1589)
"lie (statement in a pamphlet)" (*N.Z. Hans.*, 1966, pp. 3503-4)
"lousy" (*Queensland Hans.*, p. 626)
"low and dirty tactics" (*N.Z. Hans.*, 1966, p. 824)
"lowdown heel" (*Australia Senate Hansard*, 20.10.1966, p. 1370)
"lower than the lowest tunnel in the Snowy Mountains scheme" (*Australian Senate Hansard*, 20.10.1966, p. 1369)
"lying" (*Com. Hans.*, Vol. 732, c. 1195)
"Matta Abasthäye Jey Räjyapäl Ghoorey Baräy" (That Governor who wandered about in a drunken state) (*West Bengal Leg. Ass. Procs*, 1966)
"meaningless talk" (*Madhya Pradesh Vidhan Sabha Procs.*, 1966)
"mendacity" (*Com. Hans.*, Vol. 731, c. 1526)
"mongrel" (*Queensland Hans.*, pp. 996, 997)
"moral turpitude" (*Com. Hans.*, Vol. 732, c. 625)
"mug lair" (*New South Wales Leg. Ass. Hans.*, 1966-7, p. 1668)
"not even honest enough to say" (*N.Z. Hans.*, 1966, p. 302)
"Not true" (*N.Z. Hans.*, 1966, p. 294)
"Oe Shooareyer Bachchakey Choop Kartey Baloon" (Ask that son of a pig to stop) (*West Bengal Leg. Ass. Procs.*, 1966)
"offspring of an owl" (*Madhya Pradesh Vidhan Sabha Procs.*, 1966)
"prevaricating" (*Com. Hans.*, Vol. 722, c. 779)
"rantings, ravings and inanities" (*New South Wales Leg. Ass. Hans.*, 1966-7, p. 2066)
"ratting (on an ally)" (*N.Z. Hans.*, 1966, p. 331)
"ridiculous mouse, mountains labour and bring forth a" (*N.Z. Hans.*, 1966, p. 497)
"scurrilous and filthy articles" (*N.Z. Hans.*, 1966, p. 968)

"Shame" (used for a Minister) (*Lok Sabha Debates*, Vol. LXI, No. 17, p. 6799)
"shocking" (applied to ruling of Chair) (*Com. Hans.*, Vol. 730, c. 1424
"Shut up yourself, you great ape" (*N.Z. Hans.*, 1966, p. 382)
"sneers, a series of calculated" (*N.Z. Hans.*, 1966, p. 919)
"snotty-nosed little boy" (*N.Z. Hans.*, 1966, p. 469)
"Speaker: Saved by the Speaker again" (*N.Z. Hans.*, 1966, p. 64)
"Speaker, Why don't I get protection from the" (*N.Z Hans.*, 1966, p. 3502)
"stinks" (*Australian Senate Hansard*, 20.10.66, p. 1331)
"stooge" (*Kenya House of Representatives Hansard*, Vol. 8, p. 936)
"suranai ketta thanmai" (thick-skinned)—Use of the expression to characterise the attitude of the Government (*Madras Leg. Ass.*, Vol. XL, p. 682)
"the Eastwood bounder" (*New South Wales Leg. Ass. Hans.*, 1965-6, p. 3791)
"The honourable Member is a liar" (*South Australian Hansard*, 1966-7, p. 2012)
"The Minister is not interested in the rights of tenants" (*New South Wales Leg. Ass. Hans.*, 1966-7, p. 618)
"The Minister . . . has always read his speeches" (*New South Wales Leg. Ass. Hans.*, 1966-7, p. 1963)
"This is partiality" (aspersion on the Chair) (*Lok Sabha Debates*, Vol. LXI, No. 17, p. 5420)
"traitor" (*Com. Hans.*, Vol. 737, c. 1707)
"twisting" (*N.Z. Hans.*, 1966, p. 749)
"untrue, downright" (*N.Z. Hans.*, 1966, p. 1945)
"untrue, utterly" (*N.Z. Hans.*, 1966, p. 1190)
"untrue" (*Com. Hans.*, Vol. 721, c. 1694)
"welshing (on our obligations)" (*N.Z. Hans.*, 1966, p. 331)
"white lie" (*Madhya Pradesh Vidhan Sabha Procs.*, 1966)
"yellow little louse" (*Queensland Hans.*, p. 2050)
"You are the greatest dill that ever lived" (*New South Wales Leg. Ass. Hans.*, p. 1667)
"You cannot tell the truth" (*New South Wales Leg. Ass. Hans.*, 1966-7, p. 2673)
"You have handled (the truth) very carelessly since you have been a Member of this Parliament" (*New South Wales Leg. Ass. Hans.*, 1966-7, p. 1963)
"You have not got any bloody time" (*New South Wales Leg. Ass. Hans.*, 1966-7, p. 2999)

Borderline

"shameless Minister" (*West Bengal Leg. Ass. Procs.*, 1966)

XIX. REVIEWS

Parliament and Administration—the Estimates Committee 1945-65. By Nevil Johnson. (Allen & Unwin Ltd., 187 pp., 35s.)

Mr. Johnson has produced a dispassionate account of the work of the Estimates Committee since the Second World War, and the work should be valuable to serious students of parliamentary administration. His well-balanced study makes a welcome change from the formal reference to the Committee which is customarily made in a few paragraphs in standard works on the United Kingdom Parliament and its Committee system.

Mr. Johnson begins with a section on the history and working methods of the Committee. This section shows a clear grasp not only of the theory but also of the practice of the Committee's working. Mr. Johnson rightly shows that once a Sub-Committee has been allocated a general subject for inquiry, the aspects which in fact it studies depend very much on what happens to interest the Chairman. To this extent generalisations on the intentions of the Committee over 20 years are a trap, and Mr. Johnson studiously refrains from falling into it.

The second section of the work refers very briefly to the subject matter of each Report of the Committee for the period. While Mr. Johnson's comments on the less effective Reports of the Committee are beautiful in their urbanity, this is perhaps the least valuable part of his book; it is hardly possible to give an account in three or four lines of a Report containing perhaps twenty heterogeneous recommendations. Of course, a list of each and every recommendation of each and every Report would be quite unreadable, and unreadable Mr. Johnson certainly is not. But the subject of each Report is tabulated in an Appendix, and the expansion of the Appendix into thumbnail sketches is not altogether a rewarding exercise.

Much more rewarding is a study in detail of three Reports of recent years—on the Home Office in 1962-3, on Transport Aircraft in 1963-4, and on Treasury Control of Establishments in the same Session. Here we are shown examples of studies of a department as a whole, of the combined activities of a number of departments in one sphere of government activity, and of a problem of administration covering all departments. Mr. Johnson shows clearly that to attempt to study the whole of the work of a Department is the hardest task for a Committee (as the Select Committee on Nationalised Industries has found). Inevitably the Committee will devote more attention to some

aspects of the Department's activities (or of the industry's activities in the case of the Nationalised Industries Committee), and it is doubtful how far a balanced picture of the whole Department is likely to emerge. What does not emerge so clearly from Mr. Johnson's work is the question whether this difficulty should make the Committee give up any attempt to study Departments as a whole. One would have liked comments on similar attempts in the past, and on the question of whether the exercise is worthwhile at all.

A further section studies the action taken by the Departments on the Committee's recommendations, and here Mr. Johnson does well to draw attention to the fact that although a Department may find reasons for rejecting a specific recommendation, it frequently happens that the course of action suggested by the Committee comes eventually to be adopted by the Department all the same. The final conclusion that on the whole departmental replies have shown an increasing willingness to take account of the Committee's proposals, and, where practicable, to give assurances in pursuance of them is a very fair statement of the position.

In a final section Mr. Johnson discusses the limitations of the Committee and some proposals for change. The main limitation of the Committee is seen as its amateur status—and this amateur status has long been recognised; a former Chairman of the Public Accounts Committee frequently spoke of the Estimates Committee and his own Committee as "the gentlemen and the players". Mr. Johnson, in recognising the amateur's approach of the Estimates Committee, rightly treats with extreme caution the currently fashionable proposals for large-scale expert assistance. He doubts the value of confronting experts with counter-experts, and sees the advantage of the present system of working of the Committee that it produces evidence and reports in terms intelligible to laymen.

Mr. Johnson takes the Committee to task for not following up its Reports to see what action is taken upon them by Departments; where the Department has turned down the Committee's recommendation, any proposal for a follow-up enquiry would seem at odds with Mr. Johnson's remarks on the Committee's amateur status. It might be thought that the process of insisting on Reports in the face of hostility from the Departments would probably lead to the very "escalation" of experts and counter-experts against which Mr. Johnson himself warns us. On the other hand where a review is promised by Departments there is certainly a use for a follow-up inquiry to examine the results of the review. The whole of this section is well worth reading by any legislature which is considering setting up permanent Committees to study aspects of Government administration. The clarity with which Mr. Johnson expounds the questions involved could not be bettered.

In Mr. Johnson's work, then, we have a careful and well-balanced study of the workings of a major Committee of the House of Com-

mons. The study is practical and critical, though in no sense hostile; and the Committee, as well as the officials who appear before it, emerge with a good deal of credit. Mr. Johnson praises the moderation and responsibility of the Committee; moderation and responsibility are the key-notes of his own praise and criticism of its work.

(Contributed by H. M. Barclay, a Deputy Principal Clerk in the House of Commons.)

Parliament in Perspective. By David Menhennet and John Palmer. (The Bodley Head, 15s.)

The Parliament at Westminster may or may not deserve its hackneyed soubriquet "the Mother of Parliaments", but there is no doubting the frequency with which the Westminster model has been exported. The model is seldom exactly followed, and extensive changes have often been made to it as soon as it is adopted. This is no surprise. The British Parliament is very much the creature of local circumstances and the quirks of British history.

It would never have been created in its present form if it had been the result of some deliberate act of policy. In no way is this more obvious than in the existence of an hereditary House of Lords. The export of this particular feature was a problem even when in the eighteenth century the theory of checks and balances between the estates of the realm was treated as sacred. One of the reasons accepted by the British Government for the revolt of the American colonies was that they had never been given a parliamentary system enough like that in Britain. When the younger Pitt's Ministers were trying, in the aftermath of the American War of Independence, to frame a constitution for the recently acquired Canada, they proposed to avoid their predecessors' American mistakes. But they were soon faced with an insoluble problem. How could they reproduce exactly their "model parliament"? They could not found an aristocratic second chamber without an aristocracy.

Dr. Menhennet and Mr. Palmer have now written a concise and very clear guide to the Westminster model, in order to expound "its value as a working example" to the world. They have explained convincingly the place of Parliament in British public life and with a harrowing account of a mythical M.P.'s working day, give a fair impression of what goes on within Parliament. They do not suggest that this example will provide a solution for all the troubles of world democracies; but they do provide a brief, yet not superficial, analysis of this Parliament's characteristics and virtues with which any reader can be satisfied. The authors have admittedly enhanced the suitability of the British Parliament for the export market by virtually ignoring the existence of a Second Chamber. They are thus led to refer to "the 630 men and women [that is, Members of the House of Commons] who, after all, *are* Parliament during their period of

membership". A Parliament with this lop-sided perspective might have saved the eighteenth-century constitution makers a great deal of trouble, but it is not an accurate picture. This is the more regrettable, because in many other respects the book is admirable. One can appreciate exactly the pressures within the House of Commons, the conflict between the needs of a strong Government and the desire of Members for effective scrutiny and control of the executive; similarly the aspirations and opportunities of the private Member and the restrictions on his freedom of action imposed by the party machine come over well. The authors successfully make their point that Parliament must not be allowed to become a hollow shell, giving the appearance of democracy without containing any of its substance. It must continue to mature and for that the understanding and participation of the public are an essential condition.

It is plain how much of the British parliamentary tradition rests on a delicate balance between expediency and democratic ideals. Without its historical background this tradition is not easy to create in virgin surroundings. This is why in other countries it has naturally been so much adapted. But there is more to the tradition than its externals and the authors concentrate wisely on the spirit and intentions which lie behind it. An understanding of these is of value not only to other democracies but also to the people who are represented at Westminster and who need a better knowledge of Parliament's workings. The authors are not successful in their attempt at the outset to explain "The Idea of Parliament"—indeed this chapter is extremely confusing—but, that apart, they give a very clear idea of how Parliament can and does work. The student of the House of Commons in particular should be even better satisfied.

(*Contributed by P. D. G. Hayter, a Clerk in the House of Lords.*)

Parliamentary Privilege in Australia. By Enid Campbell. (Melbourne University Press, 1966, $A.6.00.)

An investigation of parliamentary privilege in Australia presents a singular challenge to both the historian and the lawyer, not to mention the officers of Parliament. The lack of uniformity amongst the Australian legislatures as regards the means whereby their privileges have been secured is quite striking, but even more striking is the lack of clarity which has existed (and may still exist) in some legislatures as to the nature of their privileges. The subject is one of great interest constitutionally and historically and Dr. Campbell provides a lucid, tightly packed survey of the background and operation of parliamentary privilege. Her historical setting provides an adequate framework for understanding current practice, but the chief emphasis throughout is on the legal aspects of privilege.

This work is extremely valuable for its exposition of legal principles and citation of leading cases, including a number from legis-

latures in British North America. Dr. Campbell also makes various proposals for possible reform. This is notably the case with power to commit for contempt. She urges that the penal jurisdiction of parliaments should operate through the normal courts of law and her analysis of the controversial Browne-Fitzpatrick case of 1955 in the Federal Parliament is of particular interest. Apart from its intrinsic virtues, *Parliamentary Privilege in Australia* is indispensable as a compendium of otherwise scattered cases and rulings. Separate chapters are devoted to freedom of speech, privileged publications, disputed returns, immunities from legal process, libels on Parliament and internal control of proceedings. The reference value of the work is enhanced by tables of cases (divided into those dealt with by the courts and those dealt with in Parliament), tables of statutes and a subject index. One disagreeable feature of the work is that the notes have been placed at the end of the volume and not on the pages to which they refer. This impedes concentration on the line of argument.

Australian legislatures and officers of Parliament have produced few treatises of the type exemplified by May's *Parliamentary Practice*. Perhaps the most notable exception is Mr. J. R. Odger's *Australian Senate Practice* (3rd ed. 1967). Whoever undertakes any serious study of Australian parliamentary law and practice will be indebted to Dr. Campbell for her pioneer work on such a vital aspect of Parliament. It is to be hoped that some of our parliamentary officers will be encouraged to follow the stimulating example set in the present work.

(*Contributed by R. L. Cope, the New South Wales Parliamentary Librarian.*)

Journal of Constitutional and Parliamentary Studies, Vol. 1, No. 2. Edited by Dr. Subhash C. Kashyap. (Institute of Constitutional and Parliamentary Studies. Annual subscription £2)

The Institute of Constitutional and Parliamentary Studies was inaugurated by President Radhakrishnan of India in December 1965. Its principal objects are to promote and provide for constitutional and parliamentary studies, and in general to foster democratic values. In the last year the Institute has taken the significant step of publishing its own *Journal*, which will appear quarterly and will greatly add to the work that the Institute is already doing.

The first number of the *Journal* contained articles on many aspects of parliamentary work in India by eminent Indian authorities. The second number, which is the subject of this review, has branched into wider spheres and contains contributions on the Italian political system as well as on the Californian Ombudsman. The next number is to be yet more comprehensive in its coverage of world parliamentary systems. During its short life of only two years the Institute can be

justly proud of what it has achieved, and its *Journal* will be extremely useful to students of parliamentary government.

Volume 1, No. 2, contains articles which touch not only on the practical aspects of parliamentary work but also on the theoretical aspects of constitution making. In the latter category there is a most interesting article by Professor Abel entitled " American influences on the making of the Indian Constitution ". This is a revealing piece of work to an Englishman who assumed that the Indian constitution would chiefly reflect the British model. In the former category is an article by the Secretary-General of the Chamber of Deputies in the Italian Parliament describing the part played by Parliamentary Committees in the Italian political system. Dr. Consentino shows with great clarity features of the Italian Committees which are in many respects unique and, in so doing, highlights the historical background of their development. There are further articles on the Rajya Sabha and on the role of Parliament during an emergency. The *Journal* has also made a record of periodical constitutional changes not only in India but elsewhere. It is to be hoped that this welcome section of the *Journal* will continue.

In conclusion it can be said with confidence that the *Journal* will be of great use to all students of parliamentary systems, both because of the expressed objects of the Institute and the eminence of its contributors.

XX. THE LIBRARY OF THE CLERK OF THE HOUSE

The following volumes, recently published, may be of use to Members.

Sir Kenneth Roberts-Wray, *Commonwealth and Colonial Law.* Stevens, 1966. £8 10s.

J. S. Roskell, *The Commons and their Speakers in English Parliaments 1376-1523.* Manchester University Press, 1965.

Sir Alan Burns, *Parliament as an Export.* Allen & Unwin, 1966.

David Coombes, *The Member of Parliament and the Administration.* Allen & Unwin, 1966.

Donald C. Rowat, *The Ombudsman: Citizen's Defender.* Allen & Unwin, 1965.

Michel Ameller, *Parliaments.* Cassell.

Philip Marsden, *The Officers of the Commons.* Barrie & Rockliff, 1966.

Claire Palley, *The Constitutional History and Law of Southern Rhodesia, 1888-1965.* O.U.P., 1966.

H. F. Morris and J. S. Read, *Uganda: The Development of its Laws and Constitution.* Stevens, 1966.

Sir Robert Menzies, *Central Power in the Australian Commonwealth.* Cassell, 1967.

David C. Mulford, *The Northern Rhodesia General Election 1962.* O.U.P., 1964. 30s.

N. I. Brasher, *Studies in British Government.* Macmillan, 1965. 18s.

Maurice Bond, *The Pictorial History of the Houses of Parliament.* Pitkin, 1967.

D. Dewar, *The Financial Administration and Records of the Parliament Office, 1824 to 1868.* House of Lords Records Office Memorandum No. 37, 1967.

XXI. RULES AND LIST OF MEMBERS

The Society of Clerks-at-the-Table in Commonwealth Parliaments

Name

1. The name of the Society is "The Society of Clerks-at-the-Table in Commonwealth Parliaments".

Membership

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.

LIST OF MEMBERS

United Kingdom

Sir David Stephens, K.C.B., C.V.O., Clerk of the Parliaments, House of Lords, S.W.1.

R. W. Perceval, Esq., Clerk-Assistant of the Parliaments, House of Lords, S.W.1.

P. G. Henderson, Esq., Reading Clerk and Clerk of Outdoor Committees, House of Lords, S.W.1.

R. P. Cave, K.S.G., Fourth Clerk at the Table (Judicial), House of Lords, S.W.1.

Air Chief Marshal Sir George Mills, G.C.B., D.F.C., Gentleman Usher of the Black Rod, House of Lords, S.W.1.

Captain Sir Kenneth Mackintosh, K.C.V.O., R.N. (retd.), Serjeant-at-Arms, House of Lords, S.W.1.

Sir Barnett Cocks, K.C.B., O.B.E., Clerk of the House of Commons, S.W.1.

D. W. S. Lidderdale, Esq., C.B., Clerk Assistant of the House of Commons, S.W.1.

*R. D. Barlas, Esq., O.B.E., Second Clerk Assistant of the House of Commons, S.W.1.

C. A. S. S. Gordon, Esq., Fourth Clerk at the Table, House of Commons, S.W.1.

Rear Admiral A. H. C. Gordon Lennox, C.B., D.S.O., Serjeant-at-Arms, House of Commons. S.W.1.

Lieutenant-Colonel P. F. Thorne, Deputy Serjeant-at-Arms, House of Commons, S.W.1.

Northern Ireland

*J. Sholto F. Cooke, Esq., D.L., B.A.(Oxon.), Clerk of the Parliaments, Stormont, Belfast.

R. H. A. Blackburn, Esq., LL.B., Clerk-Assistant, Stormont, Belfast.

*John A. D. Kennedy, Esq., LL.B., Second Clerk-Assistant, Stormont, Belfast.

Isle of Man

T. E. Kermeen, Esq., F.C.C.S., Clerk of Tynwald, Clerk of Tynwald's Office, Legislative Buildings, Douglas, I.o.M.

Jersey

A. D. Le Brocq, Esq., Greffier of the States, States Greffe, St. Helier, Jersey, C.I.

Canada

Alistair Fraser, Esq., Clerk of the House of Commons, Ottawa, Ont.

J. Gordon Dubroy, Esq., Second Clerk-Assistant of the House of Commons, Ottawa, Ont.

Alexander Small, Esq., Third Clerk-Assistant, House of Commons, Ottawa, Ont.

*Roderick Lewis, Esq., Q.C., Clerk of the Legislative Assembly, Parliament Buildings, Toronto, Ont.

Jean Sénécal, Esq., Clerk of the Legislative Assembly, Parliament Buildings, Quebec.

R. W. Dixon, Esq., Clerk of the Legislative Assembly, Fredericton, New Brunswick.

* Barrister-at-Law or Advocate.

*R. A. Laurance, Esq., LL.B., Chief Clerk of the House of Assembly, Halifax, N.S.

E. K. De Beck, Esq., Clerk of the Legislative Assembly, Victoria, B.C.

C. B. Koester, Esq., C.D., M.A., B.Ed., Clerk of the Legislative Assembly, Regina, Sask.

George S. Baker, Esq., Clerk of the House of Assembly, St. John's, Newfoundland.

G. Lorne Monkley, Esq., Clerk of the Legislative Assembly, Charlottetown, Prince Edward Island.

W. H Remnant, Esq., Clerk of the Council, North-west Territories, Canada.

Australia

J. R. Odgers, Esq., Clerk of the Senate, Canberra, A.C.T.

R. E. Bullock, Esq., B.A., B.Comm., Deputy Clerk of the Senate, Canberra, A.C.T.

K. O. Bradshaw, Esq., Clerk-Assistant of the Senate, Canberra, A.C.T.

A. R. Cumming Thom, Esq., B.A., LL.B., Principal Parliamentary Officer of the Senate, Canberra, A.C.T.

A. G. Turner, Esq., C.B.E., J.P., Clerk of the House of Representatives, Canberra, A.C.T.

N. J. Parkes, Esq., O.B.E., A.A.S.A., Deputy Clerk of the House of Representatives, Canberra, A.C.T.

J. A. Pettifer, Esq., B.Comm., A.A.S.A., Clerk-Assistant of the House of Representatives, Canberra, A.C.T.

D. M. Blake. Esq., J.P., Principal Parliamentary Officer of the House of Representatives, Canberra, A.C.T.

Major-General J. R. Stevenson, C.B.E., D.S.O., E.D., Clerk of the Parliaments and Clerk of the Legislative Council, Sydney, N.S.W.

A. W. B. Saxon, Esq., Clerk Assistant of the Legislative Council, Sydney, N.S.W.

L. A. Jeckeln, Esq., Usher of the Black Rod, Legislative Council, Sydney, N.S.W.

I. P. K. Vidler, Esq., Clerk of the Legislative Assembly, Sydney, N.S.W.

R. Dunlop, Esq., C.M.G., Clerk of the Parliament, Brisbane, Queensland.

I. J. Ball, Esq., A.A.S.A., A.C.I.S., Clerk of the Legislative Council and Clerk of the Parliaments, Adelaide, South Australia.

A. D. Drummond, Esq., F.A.S.A., A.C.I.S., J.P., Clerk-Assistant of the Legislative Council and Gentleman Usher of the Black Rod, Adelaide, South Australia.

* Barrister-at-Law or Advocate.

G. D. Combe, Esq., M.C., A.A.S.A., A.C.I.S., Clerk of the House of Assembly, Adelaide, South Australia.

A. F. R. Dodd, Esq., A.U.A., Clerk-Assistant and Serjeant-at-Arms of the House of Assembly, Adelaide, South Australia.

G. W. Brimage, Esq., Clerk of the Council, Legislative Council, Hobart, Tasmania.

G. B. Edwards, Esq., Clerk-Assistant and Usher of the Black Rod, Legislative Council, Hobart, Tasmania.

A. J. Shaw, Third Clerk at the Table and Secretary to the Leader for the Government in Council, Legislative Council, Hobart, Tasmania.

C. K. Murphy, Esq., C.B.E., Clerk of the House of Assembly, Hobart, Tasmania.

B. G. Murphy, Esq., Clerk-Assistant and Serjeant-at-Arms, House of Assembly, Hobart, Tasmania.

P. T. McKay, Esq., B.A., Third Clerk-at-the-Table, House of Assembly, Hobart, Tasmania.

L. G. McDonald, Esq., Clerk of the Legislative Council and Clerk of the Parliaments, Melbourne, Victoria.

J. J. P. Tierney, Esq., Clerk-Assistant of the Legislative Council, Melbourne, Victoria.

G. N. H. Grose, Esq., Usher of the Black Rod and Clerk of the Records, Legislative Council, Melbourne, Victoria.

J. A. Robertson, Esq., Clerk of the Legislative Assembly, Melbourne, Victoria.

A. R. McDonnell, Esq., Dip.P.A., Clerk-Assistant of the Legislative Assembly, Melbourne, Victoria.

J. H. Campbell, Esq., Dip.P.A., Serjeant-at-Arms, Legislative Assembly, Melbourne, Victoria.

J. B. Roberts, Esq., M.B.E., E.D., Clerk of the Parliaments, Perth, Western Australia.

J. G. C. Ashley, Esq., A.A.S.A., Dip.P.T.C., Clerk-Assistant and Usher of the Black Rod, Legislative Council, Perth, Western Australia.

L. P. Hawley, Esq., Clerk-Assistant of the Legislative Assembly, Perth, Western Australia.

F. H. Walker, Esq., Clerk of the Legislative Council, Darwin, Northern Territory.

F. K. M. Thompson, Esq., Clerk-Assistant of the Legislative Council, Darwin, Northern Territory.

W. P. B. Smart, Esq., Clerk of the House of Assembly of Papua and New Guinea, Port Moresby, New Guinea.

New Zealand

*H. N. Dollimore, Esq., LL.B., Clerk of the House of Representatives, Wellington.

* Barrister-at-Law or Advocate.

*E. A. Roussell, Esq., LL.B., Clerk-Assistant of the House of Representatives, Wellington.

Ceylon

*B. Coswatte, Esq., C.B.E., Clerk of the Senate, Colombo.
S. S. Wijesinha, Esq., Clerk of the House of Representatives, Colombo.

India

Shri B. N. Banerjee, B.Sc., LL.B., LL.M., Secretary of the Rajya Sabha, Parliament House, New Delhi.
Shri S. L. Shakdher, Secretary of the Lok Sabha, Parliament House, New Delhi.
*Shri G. V. Chowdary, LL.B., Secretary to the Andhra Pradesh Legislature, Public Gardens, Hyderabad, Andhra Pradesh.
*Shri S. C. Lall, B.A.(Cal.), B.A.(Lond.), Diploma in Education (Lond.), Secretary of the Bihar Legislative Council, Patna, Bihar.
Shri V. P. N. Nambudiri, Secretary of the Kerala Legislative Assembly, Trivandrum, Kerala.
Shri Madan Gopal, M.A., LL.B., Secretary of the Madhya Pradesh Vidhan Sabha, Bhopal, Madhya Pradesh.
*Shri C. D. Natarajan, M.A., B.L., Secretary to the Madras Legislature, Fort St. George, Madras—9.
*Shri G. M. Alagarswamy, B.A., B.L., Secretary to the Madras Legislative Council, Fort St. George, Madras—9.
Shri S. H. Belavadi, Secretary, Maharashtra Legislative Department, Bombay, Maharashtra.
Shri S. R. Kharabe. B.A., LL.B., Deputy Secretary, Maharashtra Legislative Department, Bombay, Maharashtra.
Shri H. B. Shukla, Secretary of the Gujarat Legislative Assembly, Ahmedabad-16. Bombay, Gujarat.
*Shri T. Hanumanthappa, B.A., B.L., Secretary of the Mysore Legislature, Bangalore, Mysore.
Shri N. Rath, Secretary of the Orissa Legislative Assembly, Bhubaneswar, Orissa.
*Shri R. L. Nirola, B.A., LL.B., Secretary of the Punjab Legislative Council, Chandigarh, Punjab.
*Dr. K. C. Bedi, Secretary of the Punjab Vidhan Sabha, Chandigarh, Punjab.
Shri Anop Singh, R.H.J.S., Secretary of the Rajasthan Legislative Assembly, Jaipur, Rajasthan.
Shri K. P. Gupta, B.Sc., LL.B., H.J.S., Secretary, Uttar Pradesh Legislature, Lucknow, Uttar Pradesh.
Shri P. S. Pachauri, Secretary of the Uttar Pradesh Legislative Council, Lucknow, Uttar Pradesh.

* Barrister-at-Law or Advocate.

Shri D. N. Mithal, Secretary to the Uttar Pradesh Legislative Assembly, Lucknow, Uttar Pradesh.

Shri P. Roy, Secretary of the West Bengal Legislature, Calcutta, West Bengal.

*Shri A. K. Chunder, B.A.(Hons.), (Cal.), M.A., LL.B.(Cantab.), LL.B.(Dublin), Deputy Secretary to the West Bengal Legislative Assembly, Calcutta, West Bengal.

Pakistan

W. B. Kadri, Esq., S.Q.A.C.S.P., Secretary, National Assembly of Pakistan.

Chaudhri Muhammad Iqbal, B.A., Secretary, Provincial Assembly of West Pakistan, Lahore, West Pakistan.

Mr. Aminullah, Secretary to the East Pakistan Assembly, Dacca, East Pakistan.

Ghana

K. B. Ayensu, Esq., M.A.(Oxon.), Clerk of the National Assembly, Parliament House, Accra.

L. P. Tosu, Esq., B.Sc.(Econ.), Deputy Clerk of the National Assembly, Parliament House, Accra.

J. H. Sackey, Esq., Assistant Clerk of the National Assembly, Parliament House, Accra.

*A. S. Kpodonu, Esq., LL.B.(Hons.), Assistant-Clerk of the National Assembly, Parliament House, Accra.

S. N. Darkwa, Esq., B.A., Assistant-Clerk of the National Assembly, Parliament House, Accra

Malaysia

Ahmad bin Abdullah, Esq., LL.B., Clerk of the Senate, Parliament House, Kuala Lumpur.

Mazlan bin Hamdan, Esq., Clerk of the Council Negri, Sarawak.

Nigeria

J. Adeigbo, Esq., Clerk of the Parliaments, Lagos.

Cyprus

George Kyprianides, Esq., Director of the General Office, House of Representatives, Nicosia.

Sierra Leone

S. V. Wright, Esq., I.S.O., Clerk of the House of Representatives, Freetown.

* Barrister-at-Law or Advocate.

Tanzania

P. Msekwa, Esq., B.A., Clerk of the National Assembly, Speaker's Office, B.O. Box 9133, Dar-es-Salaam.
Y. Osman, Esq., Clerk-Assistant of the National Assembly, Speaker's Office, P.O. Box 9133, Dar-es-Salaam.

Jamaica

H. D. Carberry, Esq., Clerk of the Legislature of Jamaica, Kingston, Jamaica.

Trinidad and Tobago

G. E. R. Latour, Esq., Clerk of the Legislature, Trinidad and Tobago, Port-of-Spain, Trinidad.
J. P. Ottley, Esq., Clerk of the Senate, Trinidad and Tobago, Port-of-Spain, Trinidad.
J. E. Carter, Esq., Clerk-Assistant of the Legislature, Trinidad and Tobago, Port-of-Spain, Trinidad.

Uganda

B. N. I. Barungi, Esq., Clerk of the National Assembly, Parliamentary Building, Kampala.
S. E. W. Kaddu, Esq., Clerk-Assistant of the National Assembly, Parliamentary Building, Kampala.

Kenya

L. J. Ngugi, Esq., Administrative Secretary to the National Assembly, P.O. Box 1842, Nairobi.

Malawi

C. K. M. Mfune, Esq., Clerk of the National Assembly, P.O. Box 80, Zomba.

Malta, G.C.

Louis F. Tortell, Clerk of the Legislative Assembly, Valetta.

Zambia

F. N. Jere, Esq., Clerk of the National Assembly, P.O. Box 1299, Lusaka.

Singapore

A. Lopez, Esq., Clerk of the Legislative Assembly, Singapore.
P. C. Tan, Esq., Clerk-Assistant, Legislative Assembly, Singapore.

Guyana

F. A. Narain, Esq., Clerk of the Legislative Assembly, Georgetown.

Lesotho

M. T. Tlebere, Esq., M.B.E., B.A., Clerk of the Legislature and Clerk of the National Assembly, National Assembly Chambers, Houses of Parliament, Maseru.
M. T. Thabane, Esq., B.A., Clerk to Senate, Senate Chambers, Houses of Parliament, Maseru.
S. P. Thakhisi, Esq., B.A., Clerk Assistant to National Assembly, National Assembly Chambers, Houses of Parliament, Maseru.

Barbados

H. O. St. C. Cumberbatch, Esq., Clerk of the House of Assembly, Bridgetown, Barbados.

Southern Rhodesia

L. J. Howe-Ely, Esq., Clerk of the Legislative Assembly, P.O. Box 8055, Salisbury.
M. A. van Ryneveld, Esq., Clerk-Assistant of the Legislative Assembly, P.O. Box 8055, Salisbury.
L. B. Moore, Esq., Second Clerk-Assistant of the Legislative Assembly, P.O. Box 8055, Salisbury.

Aden

M. Muhammad Ahmed Ockba, Esq., Clerk of the Legislative Council (temporary) and Deputy Speaker, Legislative Chambers, Legco Hill, Crater, Aden.

Bermuda

A. J. Saunders, Esq., Clerk of the Legislative Council, Hamilton.
G. S. C. Tatem, Esq., B.A.(Oxon.), Clerk of the House of Assembly Hamilton.

British Honduras

S. E. Hulse, Esq., Clerk of the Legislative Assembly, Ministry of Internal Affairs, Belize City, British Honduras.

British Solomon Islands

R. D. Osborne, Esq., Clerk of the Legislative Council, Honiara.

Cayman Islands

Mrs. S. McLaughlin, M.B.E., Clerk of the Legislative Assembly, Grand Cayman.

East African Common Services Organisation

Isaiah Katabua, Esq., Clerk of the Central Legislative Assembly, Nairobi, Kenya.

Fiji

C. A. A. Hughes, Esq., Clerk of the Legislative Council, Government Buildings, Suva, Fiji.

Gibraltar

J. L. Pitaluga, Esq., Clerk of the Legislative Council, Gibraltar.

Hong Kong

R. W. Primrose, Esq., Clerk of Councils, Hong Kong.

Grenada

C. V. Strachan, Esq., Clerk of the Parliament, York House, St. Georges.

Mauritius

G. d'Espaignet, Clerk of the Legislative Council, Council Office, Government House, Port Louis.

Saint Vincent

O. S. Barrow, Esq., Clerk of the Legislative Council, Government Office, Saint Vincent.

Seychelles

B. Georges, Esq., Clerk to the Executive Council and Clerk of the Legislative Council, P.O. Box 153, Victoria, Mahe, Seychelles.

Western Samoa

B. C. Clare, Esq., Clerk of the Legislative Assembly, Apia, Western Samoa.

Ex-Clerks-at-the-Table

E. C. Briggs, Esq. (Tasmania).
W. G. Browne, Esq. (Western Australia).
Henry Burrows, Esq., C.B., C.B.E. (United Kingdom)

Peter Chong, Esq. (Sarawak).
V. A. Dillon, Esq., M.B.E. (Malta. G.C.).
A. I. Crum Ewing, Esq. (British Guiana).
Sir Edward Fellowes, K.C.B., C.M.G., M.C. (United Kingdom).
F. E. Islip, Esq., J.P. (Western Australia).
Sir Francis Lascelles, K.C.B., M.C. (United Kingdom).
H. K. McLachlan, Esq., J.P. (Victoria, Australia).
R. H. C. Loof, Esq., C.B.E., B.Comm., J.P. (Australia).
F. Malherbe, Esq. (South-west Africa).
T. R. Montgomery, Esq. (Ottawa, Canada).
R. Moutou, Esq. (Mauritius).
S. Ade Ojo, Esq., O.B.E. (Nigeria).
A. Pickering, Esq., O.B.E., M.Ec. (New South Wales)
P. Pullicino, Esq. (Uganda) (*Permanent Representative of Malta to the Council of Europe*)
A. W. Purvis, Esq., LL.B. (Kenya).
H. St. P. Scarlett, Esq. (New South Wales).
E. C. Shaw, Esq., B.A., LL.B. (N.S.W.).
Major George Thomson, C.B.E., D.S.O., M.A. (Northern Ireland).
A. A. Tregear, Esq., C.B.E., B.Comm., A.A.S.A. (Australia, Commonwealth Parliament).
Alhaji Umaru Gwandu, M.B.E. (Nigeria, North) (*Speaker of the Northern Regional House of Assembly, Nigeria*).
*Shri D. K. V. Raghava Varma, B.A., B.L. (Madras).
Colonel G. E. Wells. C.B.E., E.D. (Southern Rhodesia).
Sir Thomas Williams, O.B.E., E.D. (Zambia) (*Speaker of the National Assembly*).

Office of the Society

Palace of Westminster, S.W.1.
Editors for Volume XXXV of the JOURNAL: R. S. Lankester and J. M. Davies.

* Barrister-at-Law or Advocate.

XXII. 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.

Remnant, W. H.—Clerk of the Council, Government of the North-west Territories, Canada; *b.* 8th September, 1927; *ed.* Vernon Preparatory School, Vernon, B.C., and High Schools in Vancouver, B.C.; *m.*, 2 *s.*, 1 *d.*; 5 years in British Columbia branches of the Canadian Bank of Commerce; 5½ years in the Maintenance and Flight Operations Departments, Canadian Pacific Airlines; joined the Federal Department of Northern Affairs and National Resources, 1959; Northern Service Officer, Churchill, Manitoba, 1960-1; Assistant Area Administrator, Great Whale River, Quebec, 1961; posted to Ottawa headquarters of the Department, October 1961; appointed Assistant Secretary to the Council of the North-west Territories 1963; appointed Clerk of the Council—N.W.T., 1st February, 1966.

Cave, Richard Philip, K.S.G., M.A.—Fourth Clerk at the Table (Judicial), House of Lords; *b.* 26th April, 1912; *ed.* Ampleforth College; Trinity College, Cambridge; Hertfordshire Institute of Agriculture; College of Estate Management; *m.* 1936; 1 *s.*; served (World War II) Royal Wiltshire Yeomanry and the Rifle Brigade (Territorial Efficiency Medal); appointed a Clerk in the Parliament Office, 1945; Crown Examiner in Peerage Cases, 1953; Taxing Officer of Judicial Costs, 1957; Principal Clerk, Judicial Department, 1959; Fourth Clerk at the Table (Judicial), 1965; Secretary, Association of Lieutenants of Counties and Custodes Rotulorum, 1946; Founder and Chairman (since 1953), Multiple Sclerosis Society of Great Britain and Northern Ireland; Vice-President, International Federation of Multiple Sclerosis Societies, 1967; created Knight of St. Gregory the Great by Pope Paul VI, 1966; Publications: Elementary Map Reading, 1941, article "Peerage" in Butterworths' Encyclopaedia of Court Forms and Precedence; awarded Royal Forestry Society of England's Gold Medal and Royal Agricultural Society's Silver Medal, 1939.

INDEX TO VOLUMES XXXIV AND XXXV

ABBREVIATIONS

(**Art.**) = Article in which information relating to several Territories is collated. (Com.) = House of Commons.

ACCOMMODATION AND AMENITIES,
—administration of Palace of Westminster, XXXIV, 11
—(Com.), XXXIV, 18
—new Parliament House (Aust.), XXXIV, 40

ADEN,
—verbatim records of debates (**Art.**), XXXIV, 78

ADJOURNMENT DEBATES,
—practice in half-hourly (Com.), XXXIV, 123

AUSTRALIAN COMMONWEALTH, *see also* Privilege
—broadcasting, XXXV, 74
—Capital Territory Representation, XXXV, 169
—Decimal Currency, XXXV, 168
—electoral, XXXV, 190
—Nauru, inauguration of legislative council, etc., XXXV, 56
—payment of members, XXXV, 195
—proposed new and permanent Parliament House, XXXIV, 40
—Senate Elections, XXXV, 166
—standing orders, amendment of, XXXV, 202
—verbatim records of debates (**Art.**), XXXIV, 75
—Papua & New Guinea Act, XXXV, 168

AUSTRALIAN STATES,
—New South Wales,
—broadcasting (**Art.**), XXXV, 94
—payment of members, XXXV, 196
—parliamentary expressions, XXXV, 189
—verbatim records of debates (**Art.**), XXXIV, 75
—Queensland,
—broadcasting (**Art.**), XXXV, 95
—free vote, XXXV, 176
—verbatim records of debates (**Art.**), XXXIV, 76
—South Australia,
—broadcasting (**Art.**), XXXV, 95
—clerks, change of office, XXXV, 205

AUSTRALIAN STATES—*Continued*
—South Australia—*Continued*
—standing orders amended, XXXV, 203
—Tasmania, *see also* Privilege
—broadcasting (**Art.**), XXXV, 95
—verbatim records of debates (**Art.**), XXXIV, 69
—Victoria,
—verbatim records of debates (**Art.**), XXXIV, 76
—Western Australia,
—verbatim records of debates (**Art.**), XXXIV, 76
—Northern Territory,
—broadcasting (**Art.**), XXXV, 95
—verbatim records of debates (**Art.**), XXXIV, 77
—Papua and New Guinea, *see also* Australian Commonwealth,
—broadcasting (**Art.**), XXXV, 96

BERMUDA,
—broadcasting (**Art.**), XXXV, 99
—verbatim records of debates (**Art.**), XXXIV, 70

BOMB EXPLOSION,
—in House of Commons (Canada), XXXV, 43

BRITISH HONDURAS,
—broadcasting (**Art.**), XXXV, 100

BRITISH SOLOMON ISLANDS PROTECTORATE,
—broadcasting (**Art.**), XXXV, 100

BROADCASTING,
—of Parliamentary Proceedings,
—(Aust.), XXXV, 74
—(**Art.**), XXXV, 92
—(Com.), XXXV, 69
—(Lords), XXXV, 58
—(N.Z.), XXXV, 85

CANADA,
—bomb explosion in House of Commons, XXXV, 43
—broadcasting (**Art.**), XXXV, 93
—procedural reform in House of Commons, XXXIV, 20
—retirement of members of Senate, XXXIV, 49

CANADIAN PROVINCES,
—Ontario (Leg. Ass.),
—verbatim records of debates (**Art.**), XXXIV, 74
—New Brunswick,
—verbatim records of debates (**Art.**), XXXIV, 74
—British Columbia,
—broadcasting (**Art.**), XXXV, 93
—verbatim records of debates (**Art.**), XXXIV, 69
—Prince Edward Island,
—broadcasting (**Art.**), XXXV, 93
—electoral, XXXV, 190
—Saskatchewan,
—broadcasting (**Art.**), XXXV, 93
—exchange of Clerks, XXXV, 33
—verbatim records of debates (**Art.**), XXXIV, 74
—Newfoundland,
—verbatim records of debates (**Art.**), XXXIV, 74
CEYLON,
—verbatim records of debates (**Art.**), XXXIV, 80
CHAIRMAN OF WAYS AND MEANS,
—conduct of (Com.), XXXV, 184
CHURCHILL,
—death of Sir Winston (U.K.), XXXIV, 120
CLERKS,
—change of office (S. Aust. L.C.), XXXV, 205
—exchange between Saskatchewan & Westminster, XXXV, 33
COMMITTEES,
—legislation by (India), XXXV, 20
COMMONS, HOUSE OF, *see also* Privilege
—accommodation, XXXIV, 18
—adjournment debates, practice in, XXXIV, 123
—administration of Palace of Westminster, XXXIV, 11
—broadcasting, XXXV, 69
—Chairman of Ways and Means, conduct, XXXV, 184
—Churchill, death of Sir Winston, XXXIV, 120
—Clerks, exchange of, XXXV, 33
—gifts to Council Negri and legislative assembly Sabah, XXXV, 45
—hybrid bills, XXXV, 178
—Malawi, presentation of Speaker's chair, XXXV, 53
—Mr. Speaker's Conference on Electoral Law, XXXIV, 125
—official report, alteration in, XXXV, 182
—order paper, errors in, XXXV, 175
—papers, supply of parliamentary, XXXV, 176
—procedure, select committee on, XXXIV, 43; XXXV, 12
COMMONS, HOUSE OF—*Continued*
—Singapore, parliamentary delegation to, XXXV, 49
—transfer of questions, XXXIV, 121
—verbatim records of debates (**Art.**), XXXIV, 70

GIBRALTAR,
—verbatim records of debates (**Art.**), XXXIV, 79
GRENADA,
—verbatim records of debates (**Art.**), XXXIV, 85
GUYANA,
—verbatim records of debates (**Art.**), XXXIV, 79

HYBRID BILLS,
—(Com.), XXXV, 178

INDIA, *see also* Privilege,
—broadcasting (**Art.**), XXXV, 98
—constitutional, XXXV, 169
—electoral, XXXV, 191
—legislation by committee, XXXV, 20
—Punjab Reorganisation Act, XXXV, 169
—verbatim records of debates (**Art.**), XXXIV, 81
INDIAN STATES,
—Andhra Pradesh,
—verbatim records of debates (**Art.**), XXXIV, 81
—Gujarat,
—verbatim records of debates (**Art.**), XXXIV, 82
—Madhya Pradesh,
—broadcasting (**Art.**), XXXV, 98
—verbatim records of debates (**Art.**), XXXIV, 82
—Madras, *see also* Privilege,
—broadcasting (**Art.**), XXXV, 98
—electoral, XXXV, 195
—standing orders, money bills, XXXV, 203
—Maharashtra, *see also* Privilege
—broadcasting (**Art.**), XXXV, 98
—verbatim records of debates (**Art.**), XXXIV, 81
—Mysore,
—transfer of territory, XXXV, 171
—Punjab, *see also* Privilege
—broadcasting (**Art.**), XXXV, 99
—verbatim records of debates (**Art.**), XXXIV, 83
—Rajasthan,
—broadcasting (**Art.**), XXXV, 99
—verbatim records of debates (**Art.**), XXXIV, 82
—Uttar Pradesh, *see also* Privilege,
—verbatim records of debates (**Art.**), XXXIV, 83

INDIAN STATES—*Continued*
—West Bengal,
—broadcasting (**Art.**), XXXV, 99
—order, XXXV, 205
—verbatim records of debates (**Art.**), XXXIV, 77
IRISH PEERS,
—(Lords), XXXV, 166
ISLE OF MAN,
—centenary celebrations, XXXV, 189

JERSEY,
—broadcasting (**Art.**), XXXV, 93
—constitutional, XXXV, 166
—verbatim records of debates (**Art.**), XXXIV, 69

KENYA,
—broadcasting (**Art.**), XXXV, 99
—constitutional, XXXV, 171
—members, law concerning, XXXV, 172
—privilege, law concerning, XXXV, 173

LEGISLATION BY COMMITTEE—1952-62,
—(India), XXXV, 20
LESOTHO,
—constitutional, XXXV, 175
LORDS, HOUSE OF,
—administration of Palace of Westminster, XXXIV, 15
—broadcasting, XXXV, 58
—Irish Peers, XXXV, 166
—standing order amended, XXXV, 202
—verbatim records of debates (**Art.**), XXXIV, 70

MALAWI,
—Speaker's chair, gift of, to National Assembly, XXXV, 53
MALAYSIA, FEDERATION OF,
—Sabah, gift to legislative assembly, XXXV, 45
—Sarawak,
—broadcasting (**Art.**), XXXV, 99
—constitutional, XXXV, 175
—gift to Council Negri, XXXV, 45
—verbatim records of debates (**Art.**), XXXIV, 78
MALTA, *see also* Privilege,
—broadcasting (**Art.**), XXXV, 100
—verbatim records of debates (**Art.**), XXXIV, 84
MEMBERS,
—law concerning (Kenya), XXXV, 172
MEMBERS OF SENATE, RETIREMENT OF,
—(Canada), XXXIV, 49

NAURU,
see Australia, Commonwealth of
NEWFOUNDLAND, *see* Canadian Provinces
NEW ZEALAND,
—broadcasting, XXXV, 85
—payment of members, XXXV, 201
—verbatim records of debates (**Art.**), XXXIV, 79

OFFICIAL REPORT,
—alteration in (Com.), XXXV, 182
ORDER,
—(W. Bengal), XXXV, 99
ORDER PAPER,
—errors in (Com.), XXXV, 175

PAKISTAN,
—West Pakistan, *see also* Privilege
—broadcasting (**Art.**), XXXV, 99
—electoral, XXXV, 195
—verbatim records of debates (**Art.**), XXXIV, 77
—standing orders amended, XXXV, 204
PAPERS,
—supply of parliamentary (Com.), XXXV, 176
PARLIAMENT,
—celebration of seventh centenary of Simon de Montfort's, XXXIV, 51
—expressions in (N.S.W.), XXXV, 189
—free vote in (Queensland), XXXV, 176
—verbatim records of debates (**Art.**), XXXIV, 69
PARLIAMENTARY PROCEDURE,
—reform of, in Canadian House of Commons, XXXIV, 20
—select committee on (Com.), XXXIV, 43; XXXV, 12
PAYMENT OF MEMBERS,
—general (N.S.W.), XXXV, 196; (N.Z.), XXXV, 201; (Maharashtra), XXXV, 201
—retiring allowances (Aust.), XXXV, 195; (Malta), XXXV, 202
PRIVILEGE,
[*Note.—In consonance with the consolidated index to Vols. I-XXX, the entries relating to Privilege are arranged under the following main heads:*
1. *The House as a whole*—contempt of and privileges of (including the right of Free Speech).
2. *Interference* with Members in the discharge of their duty, including the Arrest and Detention of Members, and interference with Officers of the House and Witnesses.

PRIVILEGE—*Continued*
3. *Publication* of privileged matter.
4. *Punishment* of contempt or breach of privilege.]

1. *The House*
—Code of Privileges (Kenya), XXXV, 173
—Chairman of one House against the other (Maharashtra), XXXV, 161
—Committees,
—reflections on (M.P.), XXXV, 153; (Maharashtra), XXXV, 161
—reflections on chairman of (Orissa), XXXIV, 115
—reflections on members of (Orissa), XXXIV, 116
—reflections on report of (India L.S.), XXXIV, 100; (Orissa), XXXIV, 114, 115
—Committee proceedings (Com.), XXXV, 101
—Contempt of,
—by affidavit (India R.S.), XXXV, 110
—by government (Punjab V.P.), XXXV, 162
—by ministerial statement (India L.S.), XXXV, 137; (Punjab V.P.), XXXV, 163
—by newspaper (India L.S.), XXXV, 125, 147
—giving of evidence touching proceedings of house (Maharashtra), XXXIV, 112
—laying report on Table (Punjab V.P.), XXXV, 163
—minister announcing resignation outside house (India L.S.), XXXV, 151
—notification of date of summoning legislature outside house (Madras L.A.), XXXV, 158
—policy statement made outside house (India L.S.), XXXIV, 100; (Maharashtra), XXXV, 159
—propaganda, accusation that floor of house used for (India R.S.), XXXV, 108
—failure to inform Speaker of arrest of member (Madras L.A.), XXXV, 158
—disorder in visitors' gallery (M.P.V.S.), XXXV, 152
—Members,
—declaring that they would disrupt proceedings (Maharashtra), XXXV, 160
—incorrect statement by (India L.S.), XXXV, 149
—insulted by another (Malta), XXXIV, 118
—offensive reference to (Com.), XXXIV, 92; (India L.S.), XXXV, 136
—reflections on (Com.), XXXIV, 86; (Maharashtra), XXXIV, 111; (Orissa), XXXIV, 114; (India L.S.), XXXV, 143
—taking part in religious festival (India L.S.), XXXV, 113
—Ministers,
—alleged incorrect or misleading statement by (Orissa), XXXIV, 114; (India L.S.), XXXV, 124, 141, 142; (Madras L.A.), XXXV, 156; (Maharashtra), XXXV, 159; (Punjab V.P.), 163
—influencing member to act contrary to resolution (Maharashtra), XXXV, 160
—refusal to furnish member with document (Madras L.C.), XXXV, 155
—remarks derogatory to House (Punjab V.P.), XXXV, 163
—seeking agreement for statement to house (India L.S.), XXXV, 126
—statement, acting contrary to (Maharashtra), XXXV, 159
—wrongly briefed for statement (India L.S.), XXXV, 150
—newspapers,
—casting aspersions on committee (India L.S.), XXXIV, 10
—distortion of speech by (M.P.V.S.), XXXV, 153
—failing to mention member (India L.S.), XXXV, 129
—misreporting by (Com.), XXXIV, 91; (India L.S.), XXXIV, 99, 103; XXXV, 124, 128; (Maharashtra), XXXIV, 113; (Orissa), XXXIV, 116; (Punjab V.P.), XXXV, 162
—offensive reference by (India R.S.), XXXV, 108; (India L.S.), XXXV, 147
—using member's name in advertisement (Com.), XXXV, 105
—official of House, request to examine (India L.S.), XXXIV, 105
—petition,
—alleged seizure of (India L.S.), XXXIV, 107
—circulation before presentation (India L.S.), XXXV, 133
—photograph of house, misuse of (Aust. H.R.), XXXIV, 93
—Speaker,
—asking for apology from (Maharashtra), XXXIV, 112
—attributing *mala fides* to (India L.S.), XXXV, 117
—reflections on (India L.S.) XXXV, 111, 138, 146

PRIVILEGE—*Continued*
—Speaker's chair, removal of (Tas. H.A.), XXXIV, 97
2. *Interference*
—alleged defamations seeking to deter member carrying out duties (Com.), XXXIV, 88
—contractual relationship limiting member's freedom of action (Com.), XXXV, 103
—intimidation of Chairman of Committees by Minister (India L.S.), XXXIV, 102
—intimidation of member (U.P.), XXXIV, 116; (India L.S.), XXXV, 122
—member prevented from attending when on parole (India L.S.), XXXV, 113
—obstruction of member's taxi (India L.S.), XXXV, 116
—preventing member entering house (U.P.), XXXV, 164; (W. Pak.), XXXV, 165
—prosecution of member (Madras L.A.), XXXV, 156
—removal of member from precincts of house (India L.S.), XXXIV, 103
—telegram to member (N.I.), XXXV, 107
—threat to members (Com.), XXXIV, 91
—with work of members (Madras L.A.), XXXV, 157
3. *Publication*
—comments on report of Committee (India L.S.), XXXIV, 104, 109
—disclosure of government comments on committee report (India L.S.), XXXV, 130
—expunged proceedings (India L.S.), XXXV, 151; (Madras L.A.), XXXV, 155
4. *Punishment*
—Government Officer, molesting member (W. Pak.), XXXV, 165
—Member,
—intimidation of (U.P.), XXXIV, 116
—insulted by another (Malta), XXXIV, 118

QUESTIONS TO MINISTERS,
—transfer of (Com.), XXXIV, 121

REVIEWS,
—"English Constitutional Theory and the House of Lords" (Weston), XXXIV, 136
—"Government and Parliament—A Survey from the Inside" (Lord Morrison of Lambeth), XXXIV, 140

REVIEWS—*Continued*
—"Journal of Constitutional and Parliamentary Studies" (ed. Kashyap), XXXV, 219
—"Parliament and Administration—the Estimates Committee 1945-65" (Johnson), XXXV, 215
—"Parliament in Perspective" (Menhennet & Palmer), XXXV, 217
—"Parliamentary Privilege in Australia" (Campbell), XXXV, 218

SABAH, *see* Malaysia, Federation of
SARAWAK, *see* Malaysia, Federation of
SASKATCHEWAN—WESTMINSTER,
—exchange of clerks, XXXV, 33
SEVENTH CENTENARY OF PARLIAMENT OF SIMON DE MONTFORT,
—celebration of, XXXIV, 51
SESSION MONTHS OF PARLIAMENT,
—*see back of title page in each Volume*
SIMON DE MONTFORT'S PARLIAMENT,
—celebration of seventh centenary of, XXXIV, 51
SINGAPORE,
—parliamentary delegation to, XXXV, 49
SOCIETY,
—members' Honours list, records of service, retirement or obituary notices marked (H), (S), (*r*) and (*o*) respectively:
Briggs, E. C. (*r*), XXXIV, 8
Cave, R. P. (S), XXXV, 233
Goodman, Sir Victor M. R. (*o*), XXXV, 9
Islip, F. E. (*r*), XXXIV, 8
Loof, R. H. C. (*r*), XXXIV, 7
Mackintosh, Sir Kenneth L. (H), XXXV, 11
McLaughlin, Mrs. S. (H), XXXV, 11
Pickering, A. (*r*), XXXV, 11
Remnant, W. H. (S), XXXV, 233
Shaw, E. C. (*r*), XXXIV, 7
STANDING ORDERS,
—amendment of (Lords), XXXV, 202; (Aust. H.R.), XXXV, 202; (S. Aust. H. A.), XXXV, 203; (W. Pak.), XXXV, 205
—money bills (Madras L.C.), XXXV, 203
—speeches, length of (W. Pak.), XXXV, 204

TELEVISION, *see* Broadcasting
TRINIDAD AND TOBAGO,
—broadcasting (**Art.**), XXXV, 99
—verbatim records of debates (**Art.**), XXXIV, 78

2 L 05

Printed in Great Britain by
Billing & Sons Limited, Guildford and London