

population, for caste Hindus, Scheduled Castes and Christians, who vote on separate registers. Hindu members of the Constituent Assembly opposed this suggestion strenuously, on the ground that their rights would not be safeguarded as they would be a perpetual minority group in Parliament. The Assembly had voted that all legislation must be Islamic, and no security had been offered to the personal laws of minorities. They maintained that there should be a common roll for all voters so that those elected would represent all sections of the population.

Powers of two Houses.

The two Houses are to have equal powers. In the event of a dispute between the Houses a joint sitting will be held.

Any vote of no confidence requires at least 30 votes from members from each of the two territories.

(Information from Mr. J.L.Malhautra, Assistant Secretary in the High Commissioner's Office, Johannesburg; from the Statesman's Year Book for 1953; from notes by M. Venkatarangaiya in "India" quarterly, No. 3 of 1953; and obtained for the Institute by the U.K.Information Office from the British Information Service in Karachi).

29

CEYLON.

(Common Roll with protection for Minorities)

In 1947, Ceylon was granted Dominion status within the Commonwealth. Full self-government is envisaged: at present Her Majesty's Government retains the right to legislative matters relating to defence and external affairs, and the Governor-General has powers to reserve legislation on six specified classes of subject.

The governmental machinery is as follows:

1. A Governor-General appointed by Her Majesty, as the nominal head of the executive.
2. A Cabinet of Ministers appointed by him but collectively responsible to Parliament.
3. A Senate consisting of 30 members of whom 15 are elected by the House of Representatives and 15 are nominated by the Governor-General on the advice of the Prime Minister. The Senators hold office for 6 years, one-third retiring every second year. The Senate has no power over Money Bills; even over other Bills it has only a suspensory veto.
4. A House of Representatives containing 95 elected and a maximum of 6 nominated members. It holds office for 5 years unless dissolved sooner.

The 95 members are elected by means of universal adult suffrage, Electoral districts are based on the population and area of the provinces: the reference to area is because of the need to give adequate representation to minorities like the Tamils without bringing in the system of separate communal electorates. There is also a proviso which lays down that if in any Province there is a substantial concentration of persons united by a community of interests, whether social, religious or otherwise, but differing in one or more of these respects from the inhabitants of the area, that Province may be delimited into constituencies so as to render possible the representation of that interest.

The Constitution contains a clause which is designed to prevent the enactment of any law which restricts the free exercise of religion, or which discriminates against any person for communal or religious reasons.

The/...

The population is as follows :

<u>Race</u>	<u>No. of People.</u>
Europeans	6,000
Burghers and Eurasians	48,000
Sinhalese	5,236,000
Ceylon Tamils	831,000
Indian Tamils	885,000
Ceylon Moors	423,000
Indian Moors	40,000
Malays	25,000
Veddas	3,000
Others	47,000

(Encyclopaedia of Extra-European Countries)

(Information from "Notes on Recent Constitutional Changes in the Colonies" issued by U.K. Information Office in 1947, from "Some Recent Developments in Asia" by M. Venkatarangaiya, "India" quarterly, No. 3 of 1953, and from the Encyclopaedia of Extra-Europe Countries).

31

THE UNION OF BURMA

(Common Roll)

Burma is a sovereign independent federal republic, made up of four states - Burma proper, the Shan state, the Kachin state and the Karenni state. Under certain conditions it is open to any of these states to secede from the Union. Legislative power is divided between the central government and the states.

There is only one citizenship throughout the Union. Citizens are guaranteed a number of fundamental rights. Though the State recognises the special position of Buddhism as the faith of the great majority of the people, all minorities are guaranteed cultural and educational rights. The right of private property is recognised subject to the condition that it should not be used to the detriment of the public. The State is declared to be the ultimate owner of land and special protection is guaranteed to peasants and workers. Several directive principles of State policy are included in the Constitution and they have a pronounced bias towards the establishment of a socialist State.

The machinery of government is as follows :

A President is the constitutional head of the executive. He is elected for a term of five years by secret ballot of the two Chambers of Parliament in joint session. He may be impeached and removed from office by the vote of a two-thirds majority of each Chamber. No person is allowed to be President for more than two terms.

The Government

The Prime Minister is appointed by the President on nomination by the Chamber of Deputies. The other members of the Union Government are appointed by the President on nomination by the Prime Minister. The Government is collectively responsible to the Chamber of Deputies.

The Chamber of Nationalities (Upper House)

This consists of 25 representatives elected from the Shan state, 12 from the Kachin state, 8 from the Special Division of the Chins, 3 from the Karenni state, 24 representatives of Karens and 53 from the remaining territories of the Union.

The Chamber of Deputies is composed of members representing constituencies determined by law. Its number, fixed by law from time to time on the basis

of one member for each 30,000 to 100,000 of the population, "Shall be, as nearly as practicable, twice the number of members of the Chamber of Nationalities".

Powers of government: Parliament, consisting of the President and the two Chambers, has power to make laws for the whole or any part of the Union except in so far as such power is assigned to the constituent states. The two Chambers have equality of power except in regard to Money bills.

Elections: The members of both Chambers are elected every 4 years by Universal suffrage of all adults over 18 years.

Government of constituent States.

Three of the constituent states - the Shan, Kachin and Karenni states - each have the following governmental machinery:

- (a) A head of state who is a member of the Union Government and is appointed by the President from among the members of Parliament representing that State.
- (b) A state Council consisting of all the members of the Parliament representing that State. This Council elects a Cabinet.

The affairs of the Karen state are temporarily administered by a Union Minister for Karen Affairs and a Karen Affairs Council.

(Most of the above is directly quoted from article entitled "Some recent developments in Asia" by M. Venkatarangaiya in "India" quarterly, No. 3 of 1953).

MALAYA.

The Constitution of 1948 created a Malayan Federation consisting of the 9 Sultanates and the two settlements of Penang and Malacca.

The population of the Federation in 1950 was about  $5\frac{1}{4}$  million, composed of 49% Malaysians, 40% Chinese, 10% Indians and Pakistanis, 1% Europeans and Eurasians.

Britain is hoping to grant self-government in gradual stages. At present she retains control of defence and external affairs. The High Commissioner has overriding authority in almost all matters except those relating to Moslem religion and Malay custom. There is a division of powers between the Federal government and the state governments.

The law relating to citizenship is subject to several conditions relating to continuous residence, proficiency in the Malay or English languages, intention of remaining permanently in the Federation, and the renunciation of all loyalty to any sovereign other than the Ruler or Her Majesty, and of the exercise of all other nationality or citizenship rights. It is hoped thus to enable the Malays to retain their individuality and not to be swamped in the government of the country of which they were the original inhabitants.

The governmental machinery is as follows:

A Governor-General of the Malayan Union, Singapore and Borneo.

A High Commissioner of Malaya, appointed by Britain, who is President of the Federal Executive Council and of the Federal Legislative Council. At least three times a year he holds a Conference of Rulers.

The Federal Executive Council has 4 ex-officio members (including the High Commissioner), 4 other official members, and not less than 5 or more than 7 unofficial members drawn from the Legislative Council. In 1951 the unofficial members consisted of 2 Malays, 2 Chinese, 1 European, 1 Indian and 1 Ceylonese.

The Federal Legislative Council is composed as follows :

- (i) The High Commissioner as President.
- (ii) 3 ex-officio members.
- (iii) 11 official members
- (iv) 11 State and Settlement members, the 9 Presidents of the Councils of State in the States, and 1 representative of

the/...

of the Settlement Council in each Settlement, selected from among themselves by the Council members.

- (v) 50 unofficial members including 6 representing labour, 6 planting interests, 4 mining, 6 commerce, 8 agriculture and husbandry, 4 professional, educational and cultural interests, 2 the Settlements, 9 the States, and one each representing the Eurasian, Ceylonese and Indian communities and 2 representing the Chinese.

A likely racial division is 22 Malays, 14 Chinese, 5 Indians, 1 Eurasian, 7 Europeans, 1 Ceylonese.

All the unofficial members are nominated.

As a first step in training the representatives of the people in the art of self-government some of the departments of administration have been handed over to unofficial members of the Legislative Council to be managed by them as political heads.

Government of States

- (i) The head of each State is its Sultan or Ruler, who has a British adviser. Except in matters regarding Moslem religion or Malay custom, the Rulers are under the overriding authority of the High Commissioner.
- (ii) The chief executive officer is the Chief Minister. In the two Settlements British Resident Commissioners hold these posts. *They* work in association with a nominated Executive Council and Council of State.

(Information collected for the Institute by Mrs. P. Skyrme-Jones supplemented by that contained in "Venture", Feb. 1952, article by M. Venkatarangaiya in "India" quarterly, No. 3 of 1953 and in Annual Report of Federation of Malaya for 1951).

SINGAPORE

(A British Colony)

The population of Singapore is made up (1952) of 830,079 Chinese 131,664 Malaysians, 80,096 Indians and Pakistanis, 14,565 Europeans, 10,820 Eurasians and 9,931 others.

To qualify for the franchise for Legislative Council elections, a man or woman must be a British citizen over 21 years of age; must not have taken any steps to acknowledge 'allegiance, obedience or adherence to any foreign power or State' or held office during the past 3 years under the government of a foreign power, or hold a foreign passport; and must have resided in the Colony for the past 3 years.

The machinery of government is as follows :

1. A Governor appointed by Britain.
2. An Executive Council consisting of the Governor as Chairman, 4 ex-officio members, 2 nominated official members, 4 nominated unofficial members, and 2 elected members (Elected by the Nominated Unofficial and Elected Members of the Legislative Council from among themselves).
3. A Legislative Council consisting of the Governor as President, 4 ex-officio members, 5 nominated official members, not more than 4 nominated unofficial members, and not more than 12 elected members. Of the elected members, 9 are elected by popular franchise in single-member electoral districts, 1 by the Singapore Chamber of Commerce, 1 by the Chinese Chamber of Commerce, and 1 by the Indian Chamber of Commerce.



AUSTRALIA.

All White adults (men and women) are enfranchised. The same applies to groups such as the Australian Chinese; but not to all Aborigines: their political rights vary in the different states. They have full franchise rights in the states of New South Wales, Victoria, the Capital Territory, South Australia and Tasmania, but "modified" rights only in Queensland, Western Australia and the Northern Territory. All those entitled to vote, irrespective of race, vote on a common roll.

Population in 1951

8,538,936 Whites (including a few of mixed blood)

46,600 Aborigines (estimated)

NEW ZEALAND.

*how many?*

Full blooded Maoris are registered on a separate roll and elect 4 Maoris to the House of Representatives.

Half Maoris can register on the separate Maori roll or on the common roll, entirely at their option. All who are less than half Maori vote on the common roll.

*how do they*

Maoris can stand for Parliament in common roll constituencies. Sir James Carroll, a Maori who was Acting Prime Minister, represented a predominately White constituency.

Education is free and compulsory for all, and there is no segregation in the schools.

Population, 1952

1,865,442	White and Mixed
119,288	Full-blooded Maoris.

ISRAEL

Israel is still governed by 'The Law of Transition' enacted in 1949. A Constituent Assembly convened to frame a constitution decided that the time for this was not yet ripe.

According to the Law of Return, every Jew has the right to come and settle in the State of Israel and enjoy a status of complete equality with those born in the State. Another basic law provides for the usual fundamental rights of citizens.

The present governmental machinery is as follows:

- 1. The President is elected by the legislature for a period of 5 years. All proceedings taken by him have to be countersigned by the Prime Minister or one of the Ministers before they become valid.

2. Cabinet

The President selects the Prime Minister after consultation with party leaders, and in turn the Prime Minister selects his colleagues.

- 3. The Knesset is a unicameral legislature of 120 members selected by universal adult suffrage on the basis of proportional representation the whole state being treated as a single constituency. It is possible that this proportional system of representation may be modified, however: it is said to have brought about a multiplicity of splinter parties. The organisation and procedure of the Knesset resembles that of Parliament in Western democracies.

Arabs have the vote on the same basis as Jews - men and women.

The population (1952) was,

1,430,000	Jews
125,000	Arabs
37,000	Christians
15,000	Druzes

(From Stateman's Year Book)

(Information from article by M. Venkatarangaiya in "India" Quarterly, No. 3 of 1953).

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JAMAICA

From Paper issued by Central Office of Information, London,  
No R 2671 of 25/9/1953.

Population 1951 - 966,000 Africans  
227,000 of mixed descent  
21,000 East Indians  
14,000 Europeans  
9,000 Others

A British Colony.

Constitution granted in 1944 and amended in 1953:

X Privy Council to advise the Governor. Consists of the Colonial Secretary, the Officer Commanding the troops, 2 officials and 2 nominated unofficials.

X Executive Council - the principle instrument of policy.

X Consists of the Governor as President, 3 ex-officio members, 2 unofficial nominated members from the Legislative Council, 8 Ministers who are members of the House of Representatives.

Bi-cameral legislature.

a) Legislative Council - 3 ex-officio members, 2 official members, not less than 10 unofficial nominated members. The council elects its own president.

b) House of Representatives - 32 elected members. The House elects its own Speaker.

Franchise and Electoral System.

Adult Suffrage. One member from each of 32 constituencies is elected for a period of 5 years.

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NATAL

Extract from "A History of South Africa" by Eric A. Walker.

Page 358. 1864-1865.

"In Natal coloured folk were legally equal to Europeans but the Bantu were treated as a race apart. A monogamist Bantu could apply for letters of exemption from Native law, and such a one exempt for seven years and resident for twelve years in the colony could, on a certificate signed by three European electors and counter-signed by a magistrate, apply to the Lieutenant - Governor, who might at his discretion grant him the franchise. (Act II of 1865). Natives have since been known to run the gauntlet to the vote but before 1876 none of them had even taken out letters of exemption."

From "The Native Policy of Sir Theophilus Shepstone" by J.R. Sullivan.

Page 119.

"The following is a summary of Law 11/1865.

The applicant for the franchise had to be a resident of the Colony for twelve years; he must possess the requisite property qualification (i.e. own immovable property to the value of £50, or rent any such property of the yearly value of £10); he must be the holder of Letters of Exemption for seven years; he must produce a certificate signed by three qualified electors of European origin and endorsed by a Justice of the Peace or a Magistrate. Having complied with these conditions he has no claim to the franchise, but is merely entitled to petition the Governor to grant the privilege. The ultimate decision rests with the Governor who has often refused the certificate. The franchise once obtained cannot be considered a right."

Page 118

"By to-day (1928) only three Natal natives have qualified for it" (the franchise). N.B. no further applications for registrations of Africans were granted after 1910.

X

(4)

From "A History of South Africa" by Eric Walker.

Page 283. 1849.

Hence forward, racial differentiations distinguished Natal native policy from that of the Cape. Bantu were to be subject to native law in so far as it was not repugnant to the dictates of humanity, law administered by their own chiefs assisted by European 'Native Magistrates' with an appeal to the Great Chief, the Lieutenant-Governor and his Executive Council.

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