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# Newsletter



of the



## Commonwealth Association of Legislative Counsel

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## **The delights of Hyderabad!**

The following information about Hyderabad is for those CALC members who already registered for the forthcoming CALC Conference and for those who are still considering whether they should register for the Conference. I look forward to meeting you at the Taj Krishnan Hotel on 9 February 2011!

Hyderabad, often called the City of Pearls, is the capital of the Indian State of Andhra Pradesh. Currently it is the sixth most populous city in India. Hyderabad was founded by Muhammad Quli Qutb Shah in 1591. Today it covers an area of approximately 650 km<sup>2</sup>. The twin cities of Hyderabad and Secunderabad come under the ambit of a single municipal unit, the Greater Hyderabad Municipal Corporation.

The city has evolved into one of the major hubs for the information technology industry in India which has earned it the additional sobriquet "Cyberabad". In addition to the IT industry, various biotechnology and pharmaceutical companies have set up their operations in the city

The city houses the most expensive residential real estate in Andhra Pradesh in Banjara Hills and Jubilee Hills. The city is home to the Telugu Film Industry, the second-largest in India, known popularly as Tollywood. Residents of Hyderabad are generally called Hyderabadis. Located at the crossroads of northern and southern India, Hyderabad has developed a unique culture that is reflected in its language and architecture.

Theories explaining the origins behind Hyderabad's name differ. A popular theory suggests that after founding the city, Muhammad Quli Qutb Shah fell in love with and married a local nautch girl known as Bhagmathi or Bhagyavathi, and named the city Bhagyanagaram. On her conversion to Islam, she was given the title Hyder Mahal. As a result, the city was named Hyderabad, which is a two worded Urdu phrase, Hyder-A'bad, meaning 'Long live Hyder' and Secunder-A'bad, meaning 'Long Live Sikander. According to other legends, the city may be named after the son in law of the Islamic prophet Muhammad Ali Ibn Abi Talib, whose other name was Hyder.

**History**—Although Hyderabad was founded less than 500 years ago, archaeologists have unearthed Iron Age sites near the city that could date back to 500 BC. Approximately over 1000 years ago this region was ruled by Kakatavitas. Muhammed Quli Qoutb Shah, a ruler of the Qutb Shahi dynasty (the ruling family of the Golconda, previously a feudatory of Bahmani Sultanate that declared independence in 1512) founded the city of Hyderabad on the banks of the Musi River in 1591 to relieve a water shortage the dynasty had experienced at its old headquarters at Golconda.

The Mughal emperor Aurangzeb captured Hyderabad in 1687 and, during this short Mughal rule, Mughal-appointed governors of the city soon gained autonomy. In 1724, Asaf Jah I who was granted the title Nizam-ul-Mulk ("Governor of the country") by the Mughal emperor, defeated a rival official to establish control over Hyderabad. Thus began the Asaf Jahi dynasty that ruled Hyderabad until 1948, a year after India's independence from the UK. Asaf's successors ruled as the Nizams of Hyderabad. The rule of the seven Nizams saw the growth of Hyderabad both culturally and economically. Hyderabad became the formal capital of the kingdom and Golkonda was almost abandoned. Huge water reservoirs, such as the Himayat Sagar, were built. The wealth and grandeur of the Nizams is demonstrated by the fabled 'jewels of the Nizams', which is a tourist attraction. The state was the richest and the largest among the princely states of India.

Before 1947, Hyderabad was under the suzerainty of the British Crown, but was not part of British India. In 1947, at the time of the independence of British India and its partition into India and Pakistan, the British abandoned their claim to suzerainty over the Princely States and left them to decide their own future. The Nizam, because of Islamic leanings, wished either to remain independent or to accede to



Pakistan. However, for the Indian Union, this was unacceptable. The Nizam's efforts also triggered the largest agrarian armed rebellion in modern Indian history. To deter the Nizam, Indian union chose to implement an economic blockade, which forced the state of Hyderabad to sign a Standstill Agreement with it. Eventually the Indian Union used military force against the landlocked princely state of Hyderabad. This operation, called 'Operation Polo', was successful and on 17 September 1948, the Nizam signed an instrument of accession to India. On 1 November 1956, the states of India were reorganized on linguistic grounds. The territories of the State of Hyderabad were divided between newly created Andhra Pradesh, Mumbai state and Karataka. The Telugu speaking area of Hyderabad State, also known as

Telangana, was merged with the Telugu speaking state of Anhra Pradesh to create Andhra Pradesh. Thus, Hyderabad became the capital city of the new state of Andhra Pradesh. Since the economic liberalisation that occurred in the 1990s, Hyderabad has become one of the major hubs of the IT industry. The growth in the IT sector and opening of Rajiv Gandhi International Airport attracted activity in other economic sectors. However, as with most other parts of the World, the Global financial crisis of 2008 has detrimentally affected Hyderabad.

**Climate**—Hyderabad uniquely combines a tropical wet and dry climate, with hot summers from late February to early June, the monsoon season from late June to early October, and a pleasant winter from late October to early February. In the evenings and mornings, the climate is generally cooler because of the city's good elevation. Hyderabad receives about 810 mm of rain every year, almost all of it within the monsoon months. The highest maximum (day) temperature ever recorded was 45.5 °C on 2 June 1966, while the lowest minimum (night) recorded temperature was 6.1 °C on 8 January 1946.

**Location**— Situated in south-central India on the Deccan Plateau, Hyderabad has an average elevation of about 536 metres above sea level. Most of the area has a rocky terrain and some areas are hilly. Crops are commonly grown in the surrounding paddy fields.

The original city of Hyderabad was founded on the banks of River Musi. Now known as the historic Old City, it lies on the southern bank of the river. The heart of the city has since seen a shift to the north of the river, with the construction of many government buildings and landmarks there, especially south of the Hussain Sagar Lake, one of the major landmarks of Hyderabad.

**Population and demographics**— The city's population has now reached over 4 million, thus making it among the most populated cities in India. The population of metropolitan Hyderabad is estimated to be over 6 million. Hyderabad is a cosmopolitan city, whose residents are adherents to a wide range of religions, predominately Hinduism (55%) and Islam (41%). The city houses many iconic temples, mosques, and churches. Hyderabad's Muslim community is the largest in Andhra Pradesh. Muslims have substantial presence across the city and are predominant in and around Old City.

Telugu and Urdu are the principal languages spoken in the city, but English, Hindi, Marathi, Kannadam and Tamil are also widely spoken.

**Government**—Hyderabad voters elect 24 members to the Andhra Pradesh State Legislative Assembly (depicted below). Hyderabad is the seat of the Andhra Pradesh High Court (also shown below), and also has two lower courts: the City Civil Court for civil matters and the Metropolitan Criminal Court for criminal cases. The High Court and Legislature are heritage buildings built by Nizam.

The Andhra Pradesh High Court



Andhra Pradesh Legislative Assembly



**Local economy**—Apart from being a major IT centre, Hyderabad is also well known for its bangles market (called the Laad Bazaar) located near Charminar. Products such as silverware, saris, Nirmal and Kalamkari



Bangles store in the Laad Bazaar

paintings and artefacts, unique Bidri handcrafted items, lacquer bangles studded with stones, silk ware, cotton ware and handloom-based clothing materials are made and traded through the city for centuries.

Hyderabad is a major centre for pharmaceuticals with companies such as Novartis, Dr Reddy's Laboratories, Matrix Laboratories, Hetero Drugs Limited, Divis Labs, Aurobindo Pharma Limited, Lee Pharma and Vimta Labs being housed in the city. Initiatives such as Genome Valley, Fab City and the Nano Technology park are expected to create extensive infrastructure in bio-technology.

**Film industry**—Hyderabad is home to the second largest film industry in India by sheer number of films it produces, Telugu cinema, also known as Tollywood which produces approximately 3000 movies every year. Saradhi Studios, Annapura Studios, Ramakrishna Studios, Padmalaya Studios, Ramoji Film City (the largest Film Studio in India) are some of the notable film studios in the city. The first Hyderabad International Film Festival (HIFF) was organized in 2007 by the Hyderabad Film Club and Andhra Pradesh Film Directors Association.

**Local transport—Buses and taxis**—The Andhra Pradesh State Road Transport Corporation runs a fleet of 19,000 buses, the largest in the world. Hyderabad has the third largest bus station facility in Asia, with 72 platforms for 89 buses to load passengers at a time. Officially named as the Mahatma Gandhi Bus Station, it is locally known as the Imlibun Bus Station.

The yellow coloured auto rickshaws (usually referred to as autos) are the most widely used transport service and has flag down minimum fare of Rs 12 for first 1.5 km and then Rs 7 per km. Radio Taxis and cabs by private players have provided an easy travel in the city.

**Railways**— The Secunderabad railway station is one of the busiest railway stations in India and is the headquarters of the South Central Railway zone of the Indian Railways and is the largest railway station serving Hyderabad. The other major railway stations serving the city are Hyderabad Deccan Station (Nampally), Kachiguda Railway Station and Begumpet Railway Station. These stations provide connectivity within the city and the rest of the country.

Hyderabad has a light rail transportation system known as the MultiModal Transport System (MMTS) which offers connectivity between rail and road transport for commuters. Although MMTS connects quite a few parts of the city, it not a very useful means for tourists who wish to explore it.

**Travel by air**—The new Rajiv Gandhi International Airport was opened in March 2008 by Sonia Gandhi at Shamshabad, southwest of the city. The airport has the longest runway, and caters to the high passenger and cargo volumes, in India. It is a hub for Jet, SpiceJet and IndiGo. Recently, 2010, Hyderabad International Airport was ranked fifth Best Airports globally by Airports Council International. The airport has been named as the number one airport in 5–15 million passenger category by the Airport Council International in a worldwide conducted survey.

**Culture and cuisine**—Historically, Hyderabad has been the city where distinct cultural and linguistic



traditions of northern and southern India meet. Hyderabadis, as residents of the city are known, have developed a distinctive culture which is a mixture of the Hindu and Muslim traditions.

**Cars being decorated for a wedding procession**

Women of all cultures and faiths in Hyderabad typically wear either the traditional Indian dress, the sari, or, increasingly, the Salwar kameez, especially among the younger population. The traditional Hyderabad garb for females are the Khapara Dupatta, the Salwar

kameez and the Burqa (religious). For males the traditional garb is the Sherwani. This is one of the more visible aspects of Hyderabad.

**Hyderabad biriyani**



Hyderabad cuisine is a blend of traditional South Indian, Mughal, and Persian cuisine. Hyderabad Biryani is an iconic dish of the region. Other native preparations include Qubani ka meetha, Double ka meetha, Phirni, Nahari Kulche, also known as paya or Haleem (a meat dish traditionally eaten during the holy month of Ramadan), Kaddu Ki Kheer (a sweet porridge made with sweet gourd), Sheer Qorma (a sweet liquid dish cooked with vermicelli and milk), Mirchi ka saalan, Bagaare baigan, Khatti dal, Khichdi and Khatta, Til ki chutney, baigan ki chutney, Til ka khatta, Aam ka achaar, Gosht ka achaar, Peosi (a sweet prepared with egg whites and milk), Shahi tukde, and Kheema aaloo.

Hyderabad sweets are known for their ghee-based items. Famous sweet shops include the traditionally made. Pulla Reddy and Rami Reddy sweets are the two famous Pure Ghee Sweet Multi location chain in

Hyderabad. Widely found on street-corners are Irani café's that offer Irani chai, Irani samosa and Osmania biscuit.

Italian, Mexican, Chinese and Continental cuisine are all popular in the city along with typical Andhra and other south Indian cuisine. Perhaps somewhat surprisingly, pubs are also becoming in Hyderabad.



Clockwise from top: Charminar, Hussain Sagar, Birla Mandir, Chowmahalla Palace

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## Why not visit Kerala?

If you are attending the forthcoming CALC Conference, you might also think of having a holiday in the nearby State of Kerala. The State has an area of 38,863 km<sup>2</sup> (15,005 sq mi) and is bordered by Karnataka to the north, Tamil Nadu to the south and the east and the Lakshadweep Sea towards the west. Thiruvananthapuram is the capital and largest city of Kerala. Kochi and Kozhikode are the other major cities. Kerala is also known for its many small towns that are scattered across the state, thus creating a higher density of population.

From as early as 3000 BC, Kerala had established itself as a major spice trade centre. A 3rd-century-BC rock inscription by Emperor Asoka the Great attests to a Keralaputra. Contact with Europeans after the arrival of Vasco Da Gama in 1498 gave way to struggles between colonial and native interests. By early 16th century, the Portuguese established their domination. They were defeated by the Dutch in 1663, who in turn were forced out of the land by the British East India Company in 1795, bringing the area under British dominion. After independence, the state of Kerala was created in 1956 from the former state of Travancore-Cochin, the Malabar district of Madras State, and the Kasaragod taluk of Dakshina Kannada.

Kerala is a popular tourist destination famous for its backwaters, Ayurvedic treatments and tropical greenery. The state has a literacy rate of 94.59 percent, which is the highest in India. A survey conducted

in 2005 by Transparency International ranked Kerala as the least corrupt state in the country. Kerala has witnessed significant migration of its people, especially to the Persian Gulf countries and is heavily dependent on remittances from its large Malayali expatriate community.

It is not known if the region was inhabited during Neolithic times. Dolmens belonging to this period have been unearthed from Idukki district. The Edakkal Caves in Wayanad have inscriptions dating back to the Stone Age. A cave near the Edakkal Caves in Thovarimala Ezhuthupara, Wayanad district, known locally as "Ezhuthupara" also carries pre-historic carvings dating back many millennia. According to legend, Parasurama, an avatar of Mahavishnu, threw his battle axe into the sea; and from those waters, Kerala arose.



**Parashurama, surrounded by settlers, commanding Varuna to part the seas and reveal Kerala.**

Kerala finds mention in the annals of international trade from as early as 3000 BC, having established itself as the major spice trade centre of the world and traded with Sumer. Kerala and Tamil Nadu once shared a common language and culture; this common area was known as Tamilakam.

**St. Thomas Church,  
oldest church in India**



After Vasco Da Gama's arrival in Kappad Kozhikode in 1498, the Portuguese gained control of the lucrative pepper trade. After a relatively short period, the Portuguese were succeeded by the Dutch East India Company. However, the Dutch were weakened by constant battles with Marthanda Varma of the Travancore Royal Family, the most prominent of them the Battle of Colachel in 1741. In 1795, the Dutch finally surrendered to the British.

Kerala was comparatively peaceful under the British Raj, with only sporadic revolts such as the 1946 Punnapra-Vayalar uprising and the 1921 Malabar Rebellion. After India gained its independence in 1947, Travancore and Cochin were merged to form Travancore-Cochin on 1 July 1949. On 1 November 1956, the state of Kerala was formed by the States Reorganisation Act merging the Malabar district, Travancore-Cochin (excluding four southern taluks, which were merged with Tamil Nadu), and the taluk of Kasargod, South Kanara.

**Geography and climate**—Kerala experiences the humid equatorial tropic climate. Eastern Kerala region consists of high mountains, gorges and deep-cut valleys immediately west of the Western Ghats' rain shadow. Forty-one of Kerala's west-flowing rivers, and three of its east-flowing ones, originate in this region.

Kerala's western coastal belt is relatively flat, and is criss-crossed by a network of interconnected brackish canals, lakes, estuaries, and rivers known as the Kerala Backwaters. Lake Vembanad—Kerala's largest body of water—dominates the 'Backwaters', which are more than 200 km<sup>2</sup> in area.

With 120–140 rainy days per year, Kerala has a wet and maritime tropical climate influenced by the seasonal heavy rains of the southwest summer monsoon. In eastern Kerala, a drier tropical wet and dry



climate prevails. During summer, Kerala is prone to gale force winds, storm surges, cyclone-related torrential downpours, occasional droughts, and rises in sea level. The mean daily temperatures range from 19.8 C to 36.7 C. Mean annual temperatures range from 25.0–27.5 C in the coastal lowlands to 20.0–22.5 °C in the eastern highlands.

**Munnar hill station, Kerala**

**Flora and fauna**—Almost a fourth of India's 10,000 plant species are found in Kerala. Among the almost 4,000 flowering plant species (1,272 of which are endemic to Kerala and 159 threatened) are 900 species of medicinal plants. Its 9,400 km<sup>2</sup> of forests include tropical wet evergreen and semi-evergreen forests



**Fulvous forest skimmer**

(lower and middle elevations—3,470 km<sup>2</sup>), tropical moist and dry deciduous forests (mid-elevations—4,100 km<sup>2</sup> and 100 km<sup>2</sup>, respectively), and montane subtropical and temperate (shola) forests (highest elevations—100 km<sup>2</sup>). Altogether, 24% of Kerala is forested. Two of the world's Ramsar Convention listed wetlands—Lake Sasthamkotta and the Vembanad-Kol wetlands—are in Kerala, as well as 1455.4 km<sup>2</sup> of the vast Nilgiri Biosphere Reserve.



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**Petals of the gloriosa lily (*Gloriosa superba*) flower curve upward into a claw-like shape; below, its stamens grow radially outwards.**

**The economy**—Since the 1990s, liberalisation of the mixed economy allowed onerous Licence Raj restrictions against capitalism and foreign direct investment to be lightened, leading to economic expansion and job creation. Kerala's economy depends on emigrants working in foreign countries (mainly in the Persian Gulf countries such as United Arab Emirates or Saudi Arabia) and remittances annually contribute more than a fifth of GSDP.



**Rural women processing coir threads**

The agricultural and fishing industries dominate the economy. Nearly half of Kerala's people are dependent on agriculture alone for income. Some 600

varieties of rice are harvested of the State's paddy fields. Other key crops include coconut, tea, coffee), rubber, cashews, and spices—including pepper, cardamom, vanilla, cinnamon, and nutmeg. Around one million fishermen haul an annual catch of 668,000 tonnes. 222 fishing villages are strung along the 590 km coast. Another 113 fishing villages dot the hinterland.

#### Kerala style house



Traditional industries manufacturing such items as coir, handlooms, and handicrafts employ around one million people. Around 180,000 small-scale industries employ around 900,000 Keralites; 511 medium and large scale manufacturing firms are located in Kerala. A small mining sector involves extraction of ilmenite, kaolin, bauxite, silica, quartz, rutile, zircon, and sillimanite. Home gardens and animal

husbandry also provide work for hundreds of thousands of people. Other major sectors are tourism and manufacturing.

**Culture**— Kerala's culture is derived from both a Tamil-heritage region known as Tamilakam and southern coastal Karnataka. Later, Kerala's culture was elaborated upon through centuries of contact with neighbouring and overseas cultures. Native performing arts include koodiyattom (a 2000 year old Sanskrit theatre tradition, officially recognised by UNESCO as a Masterpiece of the Oral and Intangible Heritage of Humanity), kathakali—from katha ("story") and kali ("performance")—and its offshoot Kerala natanam, Kaliyattam -(North Malabar special), koothu (akin to stand-up comedy), mohiniaattam ("dance of the enchantress"), Theyyam, thullal NS padayani.



Snake boat race

Kerala's music also has ancient roots. Carnatic music dominates Keralite traditional music. This was the result of Swathi Thirunal Rama Varma's popularisation of the genre in the 19th century. Raga-based renditions known as sopanam accompany kathakali performances. Melam (including the paandi and panchari variants) is a more percussive style of music; it is performed at Kshetram centred festivals using the chenda. Melam ensembles comprise up to 150 musicians, and performances may last up to four hours. Panchavadyam is a different form of percussion ensemble, in which up to 100 artists use five types of percussion instrument. Kerala has various styles of folk and tribal music. The popular music of Kerala is dominated by the filmi music of Indian cinema.



Mohiniaattam performance

Kerala's cuisine is typically served as a *sadhya* (feast) on green banana leaves. Such dishes as idli, payasam, pulisherry, puttukadala, or PuttuPayarPappadam, puzhukku, rasam, and sambar are typical. Keralites—both men and women alike—traditionally don flowing and unstitched garments. These include the *mundu*, a loose piece of cloth wrapped around men's waists. Women typically wear the sari, a long and elaborately wrapped banner of cloth, wearable in various styles. Presently, North Indian dresses such as Salwar kameez are also popular amongst women in Kerala.

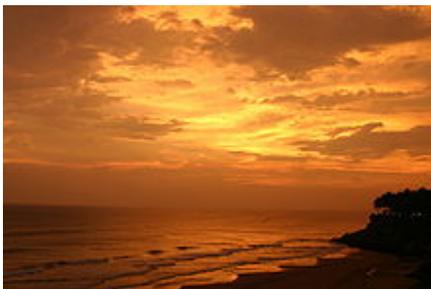
Elephants are an integral part of daily life in Kerala. Indian elephants are loved, revered, groomed and given a prestigious place in the state's culture. They are often referred to as the 'sons of the sahya.' The elephant is the state animal of Kerala and is featured on the emblem of the Government of Kerala.

The predominant language spoken in Kerala is Malayalam. Malayalam literature is medieval in origin and includes such figures as the 14th century Niranam poets (Madhava Panikkar, Sankara Panikkar and Rama Panikkar), and the 17th century poet Thunchaththu Ezhuthachan whose works mark the dawn of both modern Malayalam language and indigenous Keralite poetry. Such Keralite writers as O. V. Vijayan, Kamaladas, M. Mukundan, and Booker Prize winner Arundhati Roy, whose 1996 semi-autobiographical bestseller *The God of Small Things* is set in the Kottayam town of Ayemenem, have gained international recognition.

Malayalam cinema carved a niche for itself in the Indian film industry. It has been producing both parallel and mainstream cinema of great acclaim for years.

**Tourism**—Kerala is one of the most popular tourist destinations in India. Named as one of the "ten paradises of the world" and "50 places of a lifetime" by the National Geographic travel magazine, Kerala is especially known for its ecotourism initiatives. Its unique culture and traditions, coupled with its varied demographics, has made Kerala one of the most popular tourist destinations in the world. Until the early 1980s, Kerala was a relatively unknown destination, but aggressive marketing campaigns launched by the Kerala Tourism Development Corporation laid the foundation for the growth of the tourism industry. In the decades that followed, Kerala's tourism industry was able to transform the state into one of the niche holiday destinations in India. The tagline Kerala- God's Own Country has been widely used in Kerala's tourism promotions and soon became synonymous with the state. In 2006, Kerala attracted 8.5 million tourist arrivals, making the State one of the fastest-growing destinations in the world.

Popular attractions in the state include the beaches at Kovalam, Cherai, Varkala, Kappad, Muzhappilangad and Bekal; the hill stations of Munnar, Nelliampathi, Ponmudi and Wayanad; and national parks and wildlife sanctuaries at Periyar, Muthanga Wildlife Sanctuary and Eravikulam National Park. The "backwaters" region, which comprises an extensive network of interlocking rivers, lakes, and canals that centre on Alleppey, Kollam, Kumarakom, and Punnamada (where the annual Nehru Trophy Boat Race is held in August), also see heavy tourist traffic. Heritage sites, such as the Padmanabhapuram Palace and the Mattancherry Palace, are also visited. Cities such as Kochi and Thiruvananthapuram are popular centres for their shopping and traditional theatrical performances. During early summer, the Thrissur Pooram is conducted, attracting foreign tourists who are largely drawn by the festival's elephants and celebrants. The main pilgrim tourist spots of Kerala are Sabarimala Temple, Padmanabhaswamy Temple (Thiruvananthapuram), Padanilam Parabrahma Temple, Chettikulangara Temple, Vadakumnathan Temple, Guruvayoor Temple, Sarkara Devi Temple, Malayattor Church and Parumala Church.



**Sunset at Varkala Beach**



E-mail: [dr\\_duncan\\_berry@yahoo.co.uk](mailto:dr_duncan_berry@yahoo.co.uk)

OR

Hand the completed form to the Secretary before the start of the meeting.

## CALC conference programme update

### Day 1 - Wednesday 9 February

<i>Time</i>	<i>Session/Topic</i>	<i>Speaker/Chairperson</i>
1.30 – 2.00	Registration	
2.00 – 2.15	Opening Remarks: Welcome to speakers and delegates	Eamonn Moran QC PSM, President, CALC
2.15 – 2.45	<b>Session 1</b> —Keynote address	<i>Speaker:</i> Gopal Subramanian, (Solicitor General of India) <i>Chairperson:</i> Eamonn Moran, QC, PSM
2.45 – 4.00	<b>Session 2</b> — <i>Legislative Drafting: Art, Science or Discipline?</i> The conference will begin with this sub-theme, which will be canvassed in quite general terms across a wide variety of jurisdictions with different institutional arrangements for the preparation of legislation.	<i>Speakers:</i> Sandra Markman (Consultant legislative counsel, Dublin, Ireland) Roger Rose (Director of Studies, RIPA International, London, UK) B R Atre (Advocate, Delhi, India) Albert Edwards (Chief Parliamentary Counsel, Kingston, Jamaica) <i>Chairperson:</i> John Mark Keyes (Chief Legislative Counsel, Canada)
4.00 – 4.30	Afternoon tea and coffee break	
4.30 – 5.30	<b>Session 3</b> — <i>Legislative Counsel in Developing Countries</i> This sub-theme covers the dynamic role of legislative counsel in	<i>Speakers:</i> Malietau Malietoa (Parliamentary Counsel, Samoa) Sir Victor Glover (Former Chief Justice, Mauritius )

	<p>developing countries (the need for legislative counsel to multi-task): due to staffing problems or limitations, legislative counsel are normally involved in parliamentary committee work, policy review and legal reform.</p> <p>It also considers role of legislative counsel in the policy development process: the realisation of their contribution, conducting comprehensive needs assessments for offices of legislative counsel and promoting the inclusion of these needs in parliamentary and rule of law country development programmes.</p>	<p><i>Chairperson:</i> Estelle Appiah (Director of Legislative Drafting, Accra, Ghana)</p>
6.30 – 8.30	Cocktail Reception	

**Day 2 – Thursday 10 February**

<i>Time</i>	<i>Session/Topic</i>	<i>Speakers and chairpersons</i>
9.00 – 10.30	<p><b>Session 4—<i>The wavering line between policy development and legislative drafting</i></b></p> <p>The centralized legislative drafting model used most widely in Commonwealth countries is premised on a distinction between policy development and legislative drafting. What are the benefits of this model and the challenges of maintaining it? What are good drafting instructions and how can policy officials be instructed on preparing them?</p>	<p><i>Speakers:</i></p> <p>Paul Salembier (General Counsel, Department of Justice, Ottawa, Canada)</p> <p>Therese Perera (Legal Draftsman, Colombo, Sri Lanka)</p> <p>Elizabeth Grant (Parliamentary Counsel, Parliamentary Counsel Office, Wellington, New Zealand )</p> <p>Daniel Lovric (Parliamentary Counsel, Commonwealth Office of Parliamentary Counsel, Canberra, Australia)</p> <p><i>Chairperson:</i> Stephen Laws, CB (First Parliamentary Counsel, United Kingdom)</p>

10.30—11.00	Morning tea and coffee break	
11:00 – 12.30	<p><b>Session 5—<i>Role and Efficacy of Legislation</i></b></p> <p>Legislation is drafted and enacted for many reasons. Lord Thring famously said that “Bills are made to pass as razors are made to sell”. What did he mean? Is this still true today? Ideally, legislation should accomplish public goals established through democratic processes. Does it always do this? How do political processes alter the role of legislation? Is any attention ever paid to whether it accomplishes its supposed purposes?</p>	<p><i>Speakers:</i> Doug Bellis (Deputy Chief Legislative Counsel, US House of Representatives, Paul Peralta (Legislative Support Unit, Gibraltar)</p> <p>Ross Carter (Parliamentary Counsel, New Zealand)</p> <p>Sudha Rani (Deputy Parliamentary Counsel, Ministry of Law and Justice, Delhi, India)</p> <p><i>Chairperson:</i> Elizabeth Bakibinga (Legal Officer, United Nations, United Nations Interim Administration Mission in Kosovo)</p>
12.30 – 2.00	Lunch	
2.00 – 3.30	<p><b>Session 6—<i>Training and Development of Legislative Counsel</i></b></p> <p>This practical session covers in-house, distance-learning and conventional training programs for the variety of skills required, including the use of information and communication technology. It also looks at mentoring and twinning programmes and the retention of legislative counsel.</p>	<p><i>Speakers:</i> Mark Audcent (Parliamentary Counsel, Canadian Senate, Ottawa)</p> <p>Estelle Appiah (Director of Legislative Drafting, Accra, Ghana)</p> <p>Archie Zariski (Associate Professor, Legal Studies, University of Athabasca, Canada)</p> <p>Lionel Levert (Former Chief Legislative Counsel, Department of Justice, Ottawa, Canada)</p> <p><i>Chairperson:</i> Dr Duncan Berry (Consultant Legislative Counsel. Kenya State Law Office and CALC Secretary)</p>
3.30 – 4.00	Afternoon tea and coffee break	
4.00 – 5.30	CALC General Meeting	

\* Evening optional activity: Sound and Light Show

**Day 3 – Friday 11 February**

<i>Time</i>	<i>Session/Topic</i>	<i>Speaker</i>
9.00 – 10.00	<p><b>Session 7—Legislating across languages: the challenges of law-making in multi-lingual jurisdictions</b></p> <p>This sub-theme looks at drafting legislation that is intended to apply in linguistically diverse communities. What are the challenges of preparing multiple versions and ensuring that they say the same thing? How do courts and other interpreters deal with discrepancies if they arise?</p>	<p><i>Speakers:</i> Marie-Claude Guay (Legislative Counsel, Department of Justice, Ottawa, Canada)</p> <p>Angie Li (Senior Government Counsel, Law Drafting Division, Department of Justice, Hong Kong)</p> <p>Allen Lai (Senior Government Counsel, Law Drafting Division, Department of Justice, Hong Kong)</p> <p>Vastina Nsanze (Consultant, Kigali, Rwanda)</p> <p><i>Chairperson:</i> Madeleine MacKenzie (Parliamentary Counsel, Office of Scottish Parliamentary Counsel)</p>
10.00 – 11.00	<p><b>Session 8—Emerging trends in improving legislative drafting: Harnessing Information and Communication Technology</b></p> <p>This sub-theme focuses on development of software and the use of available information technology applications that facilitate information-sharing and cooperative work activities.</p>	<p><i>Speakers:</i> Wim Voermans (Professor of Constitutional and Administrative Law, Leiden University, Netherlands )</p> <p>Ed Hicks (Legislative Counsel, Office of Legislative Counsel, Department of Justice, Ottawa, Canada)</p> <p><i>Chairperson:</i> Peter Quiggin (First Parliamentary Counsel, Commonwealth of Australia Office of Parliamentary Counsel)</p>
11.00 – 11.30	Morning tea and coffee break	
11.30 – 1.00	<p><b>Session 9—Legislative Drafting: Contemporary Issues, Trends and Challenges</b></p> <p>This session will cover titles,</p>	<p><i>Speakers:</i> Peter Quiggin (First Parliamentary Counsel, Commonwealth Office of Parliamentary Counsel, Canberra, Australia)</p> <p>Nick Horn (Senior Parliamentary Counsel,</p>

	headings and other aids to understanding a legislative text.	Commonwealth Office of Parliamentary Counsel, Canberra, Australia)  Paul O'Brien (Senior Assistant Law Draftsman, Law Drafting Division, Department of Justice, Hong Kong)  <i>Chairperson:</i> Fiona Leonard (Parliamentary Counsel, New Zealand Parliamentary Counsel Office)
1.00 – 2.30	Lunch	
2.30 – 4.00	<p><b>Session 10—Legislative Drafting: Contemporary Issues, Trends and Challenges (Continued)</b></p> <p>This session will—</p> <p>(a) cover the implementation of supra-national law in domestic legislation,</p> <p>(b) ask whether it is enough for legislative merely to prescribe legal rules,</p> <p>(c) discuss democratic protections for less developed nations in the drafting international commercial law.</p>	<p><i>Speakers:</i> John Moloney (Legislation Officer, Department of Agriculture and Fisheries, Dublin, Ireland)</p> <p>Dr Duncan Berry (Consultant Legislative Counsel, State Law Office, Nairobi, Kenya)</p> <p>Mateo Goldman (Attorney, New York; formerly associated with UNIDROIT in drafting international commercial laws)</p> <p><i>Chairperson:</i> Lionel Levert QC (Former Chief Legislative Counsel of Canada)</p>
4.00 – 4.30	Afternoon tea and coffee break	
4.30 – 5.00	Open forum and closing remarks: Eamonn Moran QC PSM, Law Draftsman, Hong Kong	
7.30 – 10.30	Conference Dinner	

## The 17th Commonwealth Law Conference

Join the CLA for the 17th Commonwealth Law Conference 'Emerging Economies & the Rule of Law - Opportunities and Challenges' Hyderabad, India, 5-9 February, 2011

The Commonwealth Law Conference (CLC) is a prestigious event that brings together legal practitioners from all over the Commonwealth to debate current issues affecting practice and the profession, exchange views and experiences with colleagues and get up to date with the latest commercial products and services.

Keynote speakers include:

- Hon. Chief Justice Iftikhar Muhammad Chaudhary, Pakistan
- Justice B. Sudershan Reddy (India) - Judge Supreme Court of India
- Lord Lester of Herne Hill, QC (UK) - Specialist in Public Law & Human Rights
- Richard Susskind (UK) - Specialist in IT & the Law

Registration is closing soon, so book today and don't miss out!

#### Programme

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#### Registration

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## CALC Ties

Four versions of CALC ties are available. Two of the versions have the CALC loophole logo in gold on a dark blue background (no lettering). Of those versions, one is made from silk the other is made from terylene. The other two versions feature the letters "CALC" in gold. As with the unlettered version, one of the lettered versions is in silk, the other is in terylene.

If you would like to buy a tie, please send your cheque or bank draught to Eamonn Moran, Law Draftsman, Department of Justice, 8/f, High Block, Queensway Government Offices, Hong Kong. Eamonn can also be contacted by fax (+852 2869 1302) or e-mail ([eamonnmoran@doj.gov.hk](mailto:eamonnmoran@doj.gov.hk)) The ties will also be available for purchase at 'CALC 2011' in Hyderabad next February.

The price for a terylene tie is HK\$90 (or GBP8.00) and for a silk tie HK\$150 (or GBP13.00).

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## UK Public Bodies Bill: A cause for concern?

The Public Bodies Bill is now before the UK Parliament. If enacted, the Bill would enable a Minister to abolish various statutory bodies. Schedule 7 to the Bill lists a large number of other bodies that a Minister can decide to abolish in the future.

The Bill raises serious constitutional concerns about the scope of the powers given to Ministers. One of the most objectionable aspects of the Bill is the copious use of "Henry VIII clauses" that will enable

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Ministers to make orders to amend existing Acts of Parliament. As most readers will be aware, this kind of provision was so called because of the propensity of King Henry VIII of England to amend Acts of Parliament by proclamation. [The Statute of Proclamations 1539 gave Henry VIII broad powers to legislate by proclamation.] The King was of course famous for his executive autocracy. One of the main reasons why such clauses are considered objectionable is because an order made by a Minister is not subject to detailed parliamentary scrutiny.

Although an order has to come before Parliament for approval, the debate is brief and no amendments can be tabled. The process is thus far less thorough than is the case when a Minister introduces a Bill that has to undergo the normal parliamentary scrutiny and debate before being enacted.

Among the bodies listed in Schedule 7 are the Children's Commissioner, the Health and Safety Executive, the Human Fertilisation and Embryology Authority, Her Majesty's Chief Inspector of Prisons, the Judicial Appointments Commission, the Law Commission and the Parole Board. Surely these bodies (and others) are too important for Ministers to be able to abolish without proper parliamentary debate.

We can hope that decision-making by those bodies will not be affected by the knowledge that ministers would have power to abolish them, but we cannot be so sure that the public perception of their independence and impartiality would remain undamaged.

In November 2010, the Lords Select Committee on the Constitution reported that the Public Bodies Bill "strikes at the very heart of our constitutional system" by adopting a "framework" of legislation that enables ministers to abolish or redesign a vast range of public bodies "the creation of many of which was the product of extensive parliamentary debate and deliberation". The Lords Delegated Powers and Regulatory Reform Committee also reported that the powers in Schedule 7 were "remarkable in their potential scope" and caused "grave concerns".

Last month, the House of Lords voted in favour of an amendment requiring substantial changes to limit the powers conferred on Ministers. But amendments (such as the one to require Ministers to comply with human rights, proportionality and judicial independence, to exclude some bodies from Schedule 7, and to strengthen parliamentary procedures) are not adequate to address the fundamental concern.

In my view, no legislature should grant Ministers powers such as those envisaged by the Bill, especially when they have not even manifested any intention to do so in the future. If Ministers believe that it is appropriate to alter the statutory arrangements of the kind contained in the Bill, surely they should bring a Bill before Parliament for proper debate?

Editor

## **New members**

The following have been recorded as members of CALC since the publication of the last CALC Newsletter in November 2010

### Full members

Michael Cuomo	Parliamentary Counsel's Office, Level 13, 141 St George's Terrace, Perth 6000	Australia, Western Australia
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Natalie Plumstead	Office of the Chief Parliamentary Counsel, Melbourne 3000	Australia, Victoria
Dina Suisi	Legislative Drafting Office, 6 Convent Place	Gibraltar
Ida Hanani Abd Karim	Attorney General's Chambers, Drafting Division, Level 6, 10 &12, No. 45, Lot 4G7, Persiaran Perdana, Precint 4, Federal Government Administrative Centre, Putrajaya, 62100	Malaysia
Ida Adiba Binti Md Razali	Attorney General's Chambers, Drafting Division, Level 6, 10 &12, No. 45, Lot 4G7, Persiaran Perdana, Precint 4, Federal Government Administrative Centre, Putrajaya, 62100	Malaysia
Mahazan Mat Taib	Attorney General's Chambers, Drafting Division, Level 6, 10 &12, No. 45, Lot 4G7, Persiaran Perdana, Precint 4, Federal Government Administrative Centre, Putrajaya, 62100	Malaysia
Rushan Lufti Mohamed	Attorney General's Chambers, Drafting Division, Level 6, 10 &12, No. 45, Lot 4G7, Persiaran Perdana, Precint 4, Federal Government Administrative Centre, Putrajaya, 62100	Malaysia
Angela Kaunda	Ministry of Justice and Constitutional Affairs, PO Box 333, Lilongwe	Malawi
Sandy Lovelot	Port Elizabeth	South Africa
Deepthika Kulasena	Legal Draftsman's Department, Superior Courts Complex, Colombo 12	Sri Lanka
Rita Nansasi	Ministry of Justice and Constitutional Affairs, Queens Chambers, Plot 1 Parliament Avenue, P.O.Box 7183, Kampala	Uganda
Diggory Bailey	Parliamentary Counsel Office, 36 Whitehall, London, SW1A 2AY	UK (England)
Nicola Liberante	Legislative Counsel Office, Parliament Buildings, Stormont Estate, Belfast, Antrim BT4 3XX	UK (Northern Ireland)
John Dow	Office of the Welsh Legislative Counsel, Welsh Assembly Government, Cathays Park, Cardiff	UK (Wales)
Manon Davies	Office of Welsh Legislative Counsel, Legal Services Department, Cathays Park, Cardiff	UK (Wales)
Associate Members		
LAM Ping Nan	Legal Services Division, Legislative Council Secretariat, 8 Jackson Road, Central District	Hong Kong
Manuel Ng	Law Drafting Division, Department of Justice, 9/f High	Hong Kong

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	Block, Queensway Government Offices, 66 Queensway	
Wim Voermans	Law School Leiden University, Steenschuur 25, 2311 ES Leiden	Netherlands
Lorato Molete	999 Duncan Street, i Paroli Office Park, Centurion	South Africa