

## **SUSPENDING M.P.s : Controversies from Trinidad and Tobago**

By

**Dr. Hamid Ghany**

**Senior Lecturer in Political Science,**

**The University of the West Indies,**

**St. Augustine,**

**Trinidad and Tobago**

[Hamid.ghany@sta.uwi.edu](mailto:Hamid.ghany@sta.uwi.edu)

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### **ABSTRACT**

This paper will examine the controversies and inconsistencies that have arisen over a twenty-year period (1995-2015) in the cases of four suspensions of Members of Parliament in Trinidad and Tobago. These incidents have involved four categories of suspension that raise questions about the applicability of the Standing Orders both old (1961) and new (2014) in relation to the manner of suspension in each case. The methods of suspension that have arisen over the period under review may be collated into four categories which may be listed as follows :

1. Suspension by the Speaker without a motion, a debate, or a vote
2. Suspension by the Speaker after a report from the Privileges Committee.
3. Suspension by the Speaker after a motion, no debate, and a vote.
4. Suspension by the Speaker after a motion, a debate, and a vote

The suspension of an MP by the Speaker without a motion, a debate, or a vote took place on Friday, July 28, 1995, when Speaker Occah Seapaul suspended the MP for Diego Martin Central, Kenneth Valley, after an incident that took place four days earlier.

In respect of the suspension of an MP by the Speaker after a report from the Privileges Committee, there are two examples. These are the suspensions of the MP for Fyzabad, Chandresh Sharma, by Speaker Barendra Sinanan on Friday, May 20, 2005, and MP for San Fernando East, Patrick Manning, by Speaker Wade Mark on Monday, May 16, 2011.

An example of a suspension by the Speaker after a motion, no debate, and a vote took place on Friday, March 28, 2008, when Basdeo Panday was suspended by Speaker Barendra Sinanan.

On Wednesday, May 6, 2015, Dr Keith Rowley , the Leader of the Opposition, was suspended by Speaker Wade Mark after a motion, a debate and a vote.

The 1995, 2005, 2008 and 2011 suspensions took place under the 1961 Standing Orders, while the 2015 suspension took place under the 2014 Standing Orders. Each case has an interesting parliamentary background to it and the paper will examine the associated parliamentary and research issues and by-products of these controversies that arose.

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### **Introduction**

The suspension of M.P.s in any democracy is usually governed by specific procedural criteria that can be applied in a uniform and systematic way to deprive the members of any constituency of the representation by their Member of Parliament.

The powers of suspension usually reside with the Speaker and in the case of Trinidad and Tobago it will be important to review the creation of the office of the Speaker and the powers that were conferred on the office itself for maintaining order in the House of Representatives.

Trinidad and Tobago established a bicameral Parliament in 1961 and the Standing Orders for the House of Representatives and the Senate were established in that year.

The office of Speaker in Trinidad and Tobago was created in 1950 <sup>1</sup> under the new constitution that was enacted in the colony. At the time of the enactment, the colony of Trinidad and Tobago had a unicameral legislative structure with the body being called a Legislative Council. The new office of Speaker was one that was to be appointed by the Governor of the colony and the person held office “during His Majesty’s pleasure”. <sup>2</sup>

Changes were made to this format when there was further constitutional reform in the colony of Trinidad and Tobago in 1956. In many respects, the opinion of the Acting Governor, Maurice Dorman, as expressed in his letter to C.Y. Carstairs at the Colonial Office dated 4<sup>th</sup> May, 1955 appeared to be pivotal when he said :

“In these circumstances it seems to me best that we should provide for a Speaker to be elected either from the Legislative Council or from outside the Legislative Council, and that he should hold office either during the Governor’s pleasure or until such time as a vote of censure representing two-thirds of the Legislature was passed against him.” <sup>3</sup>

This recommendation was made against the backdrop of a constitution reform committee of the Legislative Council being on the verge of submitting a report. Dorman’s proposal was considered within the Colonial Office at a meeting of civil servants and the Governor of Trinidad and Tobago, Sir Edward Beetham, on 31 May 1955. Apart from Beetham, the Colonial Office civil servants in attendance were Mr. P. Rogers, Mr. W. Wallace, Mr. J. Mc Petrie, Mr. I. Watt and Mr. W. Ward.

The following decision was taken on the issue of the Speaker :

“(d) If the Constitution Reform Committee reported in favour of an elected Speaker we should agree to it. We should prefer that the Legislative Council be empowered to elect their Speaker from inside and outside membership of the Council; once elected he would hold office for the lifetime of the Council, or until his resignation. Mr. Dorman’s suggestion for his dismissal by a 2/3rds majority of members was without precedent and appeared undesirable. We noted that in the Central African Federation there is provision for a by-election, if the Legislature elects one of its members as Speaker. We should not ourselves suggest such a proviso to Trinidad but if the Committee suggest it we should agree.”<sup>4</sup>

This recommendation for a Speaker to be elected either from among members of the Legislative Council or from outside of the Legislative Council was adopted in the constitutional reforms of 1956.<sup>5</sup> This was a Whitehall version of the office of Speaker and by 1961, this version would be established for the House of Representatives of the new bicameral Parliament of the colony.<sup>6</sup>

The office of Speaker remained largely untouched except for some minor modifications upon the attainment of independence by Trinidad and Tobago as a parliamentary monarchy on 31<sup>st</sup> August, 1962<sup>7</sup> and this continued through the transitional provisions of the Act that created Trinidad and Tobago as a parliamentary republic on 1<sup>st</sup> August, 1976<sup>8</sup> and provided for the office of Speaker in the constitution that was in the Schedule to that Act with only the requisite consequential modifications.<sup>9</sup>

Up to the time of writing, there have only been two Speakers of the House of Representatives, since the introduction of the bicameral system in 1961, who were elected M.P.s. They were Speaker Arnold Thomasos whose first term was served as the M.P. for Arima (1961-66) and Speaker Nizam Mohammed who served as the M.P. for Tabaquite (1987-92). During the 1961-66 term of Speaker Thomasos, Trinidad and Tobago attained its independence on 31<sup>st</sup> August, 1962.

All other Speakers to date have served as unelected M.P.s by virtue of the fact that the Speaker who is chosen from outside the House is considered to be an additional M.P. by virtue of holding the office of Speaker.<sup>10</sup>

Those Speakers have been :

1. Mr. Arnold Thomasos (1966-81)
2. Mr. Matthew Ramcharan (1981-87)
3. Ms. Occah Seapaul (1992-95)
4. Mr. Hector Mc Clean (1995-2001)\*
5. Dr. Rupert Griffith (2001-2002)\*
6. Mr. Barendra Sinanan (2002-2010)
7. Mr. Wade Mark (2010-2015)
8. Ms. Brigid Annisette-George (since 2015)

\*It is to be noted that both Mr. Hector Mc Clean and Dr. Rupert Griffith were elected Speakers of the House of Representatives as defeated candidates having

been unsuccessful in seeking to be elected as the M.P.s for Tunapuna and Arima respectively.

In examining the suspensions of Kenneth Valley (1995), Chandresh Sharma (2005), Basdeo Panday (2008) and Patrick Manning (2011) reference will be made to the 1961 Standing Orders that were still in effect at the time of those suspensions.

In examining the suspension of Dr. Keith Rowley (2015) reference will be made to the 2014 Standing Orders that replaced the 1961 Standing Orders. The relevant excerpts of the 1961 Standing Orders of the House of Representatives of Trinidad and Tobago read as follows :

#### **“Order in the House and in Committee**

43. (1) The Speaker or the Chairman, after having called the attention of the House, or of the Committee, to the conduct of a Member who persists in irrelevance, or tedious repetition either of his own arguments or of the arguments used by other Members in debate, may direct him to discontinue his speech and to resume his seat.

(2) Any member may, after the Speaker or Chairman, as the case may be, has under paragraph (1) of this Standing Order once called the attention of the House or Committee to the conduct of a member who persists in irrelevance or tedious repetition of his own arguments or of the arguments used by other members in debate, move that the Member be no longer heard and such Motion shall be put forthwith without amendment or debate.

(3) The Speaker or the Chairman shall order any Member to withdraw immediately from the House during the remainder of the day's sitting and may direct such steps to be taken, as are required, to enforce such order-

(a) where the conduct of such Member is grossly disorderly; or

(b) where such Member has used objectionable, abusive, insulting or offensive words or language or unparliamentary expressions, and, on being called to order, has refused to withdraw such words or language or expressions and has not offered an apology for the use thereof to the satisfaction of the House.

(4) If an order under paragraph (2) of this Standing Order be not complied with at once, or if, on any occasion, the Speaker or the Chairman considers that his powers under that paragraph are inadequate he may name such Member in pursuance of paragraph (4) or paragraph (5) of this Standing Order.

(5) If a Member shows disregard for the authority of the Chair, or abuses the rule, of the House by persistently and willfully obstructing the business of the House or otherwise, the Speaker shall direct the attention of the House thereto, mentioning by name the Member concerned, the Speaker shall then call upon a Minister to move "That Mr. .... be suspended from the service of the House", and the Speaker shall forthwith put the question, no seconder being required and no amendment, adjournment or debate being allowed.

(6) If the offence has been committed in a Committee of the whole House, the, Chairman shall forthwith suspend the proceedings of the Committee and, as soon as the House has resumed, shall report the circumstances to the House, whereupon the procedure provided for in the preceding paragraph shall be followed.

- (7) If a Member is suspended under any provisions of this Standing Order, his suspension shall continue until it is terminated by resolution of the House,
- (8) Not more than one Member shall be named at the same time, unless several Members present together have jointly disregarded the authority of the Chair.
- (9) A member who is ordered to withdraw under the provisions of paragraph (2) of this Standing Order, or who is suspended under the provisions of paragraphs (4) to (6), of this Order, shall forthwith leave the House and its precincts. A Member who is suspended shall not be entitled to attend any sitting of the House, or enter the House or its precincts, until the termination of his suspension.
- (10) If any Member, who is ordered to withdraw or who is suspended under this Standing Order, refuses at any time to obey the direction of the Speaker to withdraw from the House and its precincts, the Speaker shall call the attention of the House to the fact that recourse to force is necessary in order to compel obedience to his direction, and the Member named by him as having so refused to obey his direction shall thereupon, without further question put, be suspended from the service of the House during the remainder of the Session.
- (11) If resort to force is necessary, the Speaker may suspend the sitting during the removal of the Member and invoke the assistance of any police officer in ejecting the offending member and such officer shall, for the purposes of this Order, be deemed to be an Officer of the House.
- (12) In the case of grave disorder arising in the House, the Speaker may, if he thinks it necessary to do so, adjourn the House without question put, or suspend the sitting for a time to be named by him.
- (13) Any remuneration or allowance to which a Member is entitled as a Member of the House of Representatives shall cease in respect of the period of his suspension.
- (14) Nothing in this Order shall be taken to deprive the House of the power of proceeding against any Member according to any resolution of the House.”<sup>11</sup>

In 2014, the 1961 Standing Orders were repealed and replaced by new Standing Orders adopted by the House of Representatives on 14<sup>th</sup> March, 2014 and it was resolved that these new Standing Orders would come into force at the commencement of the Fifth Session of the Tenth Parliament. That date fell on 4 August, 2014.<sup>12</sup> These 2014 Standing Orders make the following provisions for order in the House as follows :

#### **“55. ORDER IN THE HOUSE AND IN COMMITTEE**

- (1) The Speaker or the Chairman after having called the attention of the House or of the Committee to the conduct of a Member who–
- (a) has used objectionable, abusive, insulting or offensive words or language or unparliamentary expressions and on being called to order has refused to withdraw such words or language or expressions and has not offered an apology for the use thereof ; or
- (b) persists in irrelevant or tedious repetition either of his own arguments, or of the arguments used by other Members in debate; or engages in excessive cross talk or converses noisily with another Member or otherwise disturb the proceedings, and

after having first warned the Member, may direct that Member to discontinue his speech and to resume his seat, or direct that the Member withdraw from the Chamber for a specified period of time as the case may require.

(2) Any Member, may, after the Speaker or Chairman has, under paragraph (1) of this Standing Order once called the attention of the House or Committee to the said conduct of a Member in a debate, move that the Member be no longer heard and such motion shall be put without amendment or debate.

(3) A Member referred to in paragraphs (1) and (2) of this Standing Order, shall immediately take his seat, or withdraw from the Chamber as the case requires.

### ***Gross disorder***

(4) Conduct shall be deemed to be grossly disorderly, if during proceedings, the Member concerned –

(a) creates actual disorder;

(b) uses or threatens violence against a Member or other person;

(c) acts in a manner that displays flagrant disobedience to rulings of the Chair; or

(d) acts in any other way to the serious detriment of the dignity or orderly procedure of the House.

(5) The Speaker may order any Member whose conduct is grossly disorderly to withdraw immediately from the House during the remainder of that day's sitting.

(6) The Speaker may direct such steps to be taken as are required to enforce an order made by him pursuant to paragraph (5) of this Standing Order.

### ***Suspension from the Service of the House***

(7) If on any occasion the Speaker considers that his powers under the previous provision of this Standing Order are inadequate, the Speaker may name such Member under this Standing Order, by mentioning the name of the Member concerned. In such circumstances, the procedure prescribed in the next succeeding paragraphs shall be followed:

(a) the Speaker shall mention the Member by name;

(b) immediately following the naming, a Member shall move a motion that "Mr. \_\_\_\_\_" be suspended from the service of the House;

(c) the Speaker shall put the question "that Mr. \_\_\_\_\_ be suspended from the service of the House";

(d) this question must be resolved without amendment, adjournment or debate;

(e) if the offence has been committed in Committee of the Whole House, the Chairman shall immediately suspend the proceedings of the Committee, resume the House and report the circumstances and the procedure provided for in the preceding subparagraphs of this Standing Order shall be followed; and

(f) the Member so named must immediately leave the Chamber and its precincts and shall stand suspended from the service of the House.”<sup>13</sup>

The most significant change to the process was the replacement of “a Minister” in section 43(5) of the 1961 Standing Orders with “a Member” in section 55(7)(b) of the 2014 Standing Orders as the mover of a motion for further action by the Speaker to suspend an M.P. after being named.

Depending upon which side of the House the motion the comes from, the Speaker’s naming of an M.P. may or may not be supported by a majority of M.P.s.

### **The Suspension of Kenneth Valley by Speaker Seapaul**

The genesis of the suspension of the Leader of Government Business in the House of Representatives, Kenneth Valley, by Speaker Occah Seapaul on 28 July 1995 began with a decision in a Magistrate’s Court. According to The Parliamentarian, the following background information is supplied :

“Speaker Hon. Occah Seapaul, earlier in 1995, was the principal prosecution witness in a charge against a mechanic for the allegedly fraudulent conversion of a sum of money in excess of TT\$103,000.

Evidence in the Magistrate’s Court indicated that the money was obtained by or through a bank loan to purchase parts to repair tractors. But the money was not used for that purpose.

The mechanic told the court that he and Speaker Seapaul were in the process of buying a boat to export sugar to Haiti. Discussions on this issue were said to have been held with the bank manager.

Speaker Seapaul denied there was talk of buying any boat; but the bank manager came to court and supported the mechanic’s evidence about the boat. Notes in the Speaker’s own handwriting written on C.P.A. headed paper were tendered in evidence.

The magistrate subsequently dismissed the case.

When contacted later, Speaker Seapaul said that the matter was private and had nothing to do with her public life.”<sup>14</sup>

As a consequence of these events, the Government sought to initiate action in the House of Representatives to have the Speaker removed from office. This created a major constitutional controversy as there were no specific provisions in the Constitution or the then Standing Orders that would make it possible for a Speaker to be removed from office.

As a consequence, the Government had to declare a state of emergency in the city of Port-of-Spain and issue a detention order for the Speaker to be kept under house arrest so that a bill that sought to amend the Constitution to provide for the removal of a Speaker from office could be tabled in the House of Representatives, debated and passed after being brought from the Senate.<sup>15</sup>

However, during this period of turmoil in July 1995, an incident occurred immediately after the House of Representatives had been adjourned on July 24

while the Speaker's procession was about to leave the chamber when the Leader of Government Business, Kenneth Valley, shouted to the Speaker "You can run, but you can't hide."

This outburst came after the Speaker refused to put the question on the adjournment that had been moved by Valley for the House to be adjourned to July 27. The Speaker entertained howls of objection from the Opposition side of the House against this motion and decided for herself to adjourn the House (without putting the motion to a vote) to July 28 which was the last Friday in the month and, therefore, it was Private Members' Day.

The Government had a bill to amend the Constitution that it was bringing from the Senate for debate in the House of Representatives. By adjourning to Private Members' Day, there could be no debate on the constitutional amendment.

Speaker Seapaul could not reconvene the House to address the comments of Minister Valley as the incident happened after the proceedings of the House had been terminated by the Speaker herself acting on her own motion. However, when the House of Representatives met on July 28 the Speaker cited Valley for contempt and this is what occurred :

"You, Kenneth Valley, on the said Monday 24 July, 1995, within this Parliamentary Chamber, in the presence of hon. Members, persons in the public gallery and members of the media, continued to express your disagreement with the decision of the Chair, made in the conduct of the Business of the House, by hurling abusive, threatening and insulting language at the Speaker, as she rose from the chair and was on her way out of the Chamber. You were heard clearly to say, 'You can run, but you can't hide.' Although the Speaker stood in the Chamber and looked at you; you, while looking at the said Speaker, threateningly and menacingly repeated the abusive and insulting words, 'You can run, but you can't hide' a few more times. Mr. Valley, an outrageous contempt has been committed by you against the Chair and I now ask you whether or not you would like to say anything on this matter.

**Mr. Valley:** Madam Speaker, I apologize.

**Madam Speaker:** I have taken note of the apology of the hon. Member. For the benefit of hon. Members, again may I indicate that the proceedings in a case of contempt against the Chair are similar to the proceedings in a case of contempt of court in the face of a judge. We have the famous case of Maharaj and the Attorney General giving the guidelines as to how a Chair or a court ought to proceed in matters of contempt in the face of it. May's Parliamentary Procedure tells us that when contempt is committed in the actual view of the Chair, the Chair should proceed at once, without hearing the offender. But Maharaj and the Attorney General goes a little further and says: You give the offender a chance to explain himself or to apologize. When a contempt is committed, the Chair should proceed at once, without hearing the offender, unless by the way of apology, or to manifest his contrition, to punish him for his contempt. The main value of this power lies in upholding the dignity of Parliament and defending it against disrespect and affronts. The effect of immediate punishment and example is required to prevent other evils necessarily arising from the offence. All these will be found in our Bible, May's



Parliamentary Procedure, and that great-learned author, Basu, on constitutional law, where he went into detail in discussing the Constitution of India, on which we have based our Constitution on many of its provisions. That is to be found on page 91 of May's Parliamentary Procedure, 17<sup>th</sup> Edition. They also tell us that both Houses of Parliament have power to send for persons to answer charges of breach of privilege or contempt without specifying in the Order what the actual cause is. However, the Member for Diego Martin Central has apologized. The penalties that can be inflicted for such atrocious and grave contempt committed by a Member are a term of imprisonment, suspension from the sitting of the House, or expulsion. Having regard to the apology of the Member, I will adopt the least punitive, which will be a suspension from the sitting service of this House. But, hon. Members, no one can deny that it was indeed a grave and atrocious contempt committed by the Leader of Government Business. This Leader of Government Business has displayed immaturity, lack of discipline, lack of justice and the 'give and take' that is required of a Leader of Government Business in a House. To abuse the Chair in such atrocious terms is hardly forgivable. In the circumstances, I now order that you, Kenneth Valley, be forthwith suspended from the service of this House for a period of six months **[Interruption]** and you will not return herein or within the precincts hereof until the expiration of six months of today's date. I now order that you, Kenneth Valley, forthwith leave this honourable House and its precincts. **[Interruption] [Mr. Kenneth Valley leaves the Chamber.]**" <sup>16</sup>

Speaker Seapaul's decision not to put the motion for the adjournment on July 24 and to disregard it caused the Leader of Government Business to verbally attack the Speaker after she left the chair. The Speaker decided to treat the post-adjournment outburst as a matter of contempt for the chair and imposed her own suspension by using her own interpretation of May's Parliamentary Procedure (17<sup>th</sup> edition) as her guide in a post-adjournment situation.

There are no similarities between the constitutions of India and Trinidad and Tobago and no power of imprisonment is provided in law for a Speaker of the Trinidad and Tobago House of Representatives to exercise.

However, the suspension of Kenneth Valley for six months was indeed a ruling by the Speaker that was temporarily undone by a High Court judge and on August 3 the Speaker was detained at her residence by virtue of a detention order made under the authority of the state of emergency that had been declared in the capital city of Port-of-Spain that evening.

On 31 July 1995, Valley had been granted a conservatory order by a High Court judge that returned him to the service of the House and the suspension was set aside pending the hearing of his substantive constitutional motion which had been set for 9 August. Valley returned to the House at its sitting on 4 August, 1995.

The critical issue here was whether the Speaker could rely upon May's Parliamentary Procedure as a source of authority to effect a suspension for contempt in a situation where the specific procedure for suspension was available and was politically avoided.

Nowhere in her discourse prior to suspending Valley did the Speaker refer to those provisions in the Standing Orders that would have empowered her to act without reference to the general authority of the chair which read as follows :

“92.(1) The Speaker shall have power to regulate the conduct of business in all matters not provided for in these Standing Orders.  
(2) The decision in all cases for which these Standing Orders do not provide, shall lie within the discretion of the Speaker, and shall not be open to challenge.  
(3) The Speaker shall be responsible for the management and general administration of the Chamber.”<sup>17</sup>

Speaker Seapaul told the House where she derived her authority from and cited various authorities as follows :

**“Madam Speaker:** I wish to bring to the attention of hon. Members a certain matter that occurred within this parliamentary Chamber on Monday, July 24, 1995. I wish to advise that according to May’s Parliamentary Practice, breaches of privileges or contempt may be brought to the notice of the House by:

- (1) A complaint from a Member;
- (2) A communication from the Speaker;
- (3) A petition; and
- (4) A report from a committee.

As a result of the decision in *Stockdale v Hansard*, the maxim, ‘That whatever matter arises concerning either House of Parliament ought to be examined, discussed and adjudged in that House to which it relates and not elsewhere’ became applicable to matters concerning the internal proceedings of the House and judges have long held that when matters are proceedings of the House, beginning and terminating within its own walls, they are obviously outside the jurisdiction of the courts. Acting on this authority, I now bring to the attention of hon. Members the contemptuous behaviour of the Leader of Government Business, the Member for Diego Martin Central, Mr. Kenneth Valley, within the walls of this parliamentary Chamber on Monday, July 24, 1995. Before doing so, I shall, for the guidance of hon. Members, state some general principles applicable to the conduct of business in the House. These have been gleaned from May’s Parliamentary Practice, 17<sup>th</sup>, 20<sup>th</sup> and 21<sup>st</sup> editions, and Commentary on the Constitution of India by Justice Durga Das Basu.

‘(1) Reflections upon the character or action of the Speaker vis-à-vis the Office of Speaker constitute a contempt.

(2) From the Speaker’s rulings on points of order, there is no appeal and any expression of disagreement with it by a Member would constitute contempt of the Chair. Acceptance of the Speaker’s rulings on points of order is the hallmark of a disciplined parliamentarian that ensures the preservation of the Authority of the Chair.’ Basu continues to guide us as follows:

‘Even the House cannot directly override a Speaker’s decision, though the House may at any time change its own rules by a majority vote. Sometimes the Speaker himself refers a question to the judgment of the House; but if he makes a decision on his own responsibility, its authority cannot be questioned.

- (1) To use insulting and abusive language to any Member of the House, including the Speaker, in the coming to or going from, or within the House, is a grave contempt; and so is any endeavour to compel the Chair to act in accordance with one's wishes.
  - (2) To use abusive and insulting language to the Speaker within or on going from the House on account of the action of the Chair while presiding over the sitting of the House is an atrocious contempt.
  - (3) That where it is manifest that an offence has been committed in the face of the Chair, the Chair should at once or at the next earliest opportunity proceed to deal with and punish the offender for the contempt.
  - (4) Misleading of the House by a Member is punishable as contempt.'
- I wish to inform hon. Members, and the Member for Diego Martin Central himself, that I am now charging the Member for Diego Martin Central, Mr. Kenneth Valley, with contempt of the Chair." <sup>18</sup>

This particular suspension was questionable having regard to the external authorities that she cited. Unlike the fact that there was a lacuna in the Constitution as well as the then Standing Orders for which a constitutional amendment was required in order to provide for the removal of a Speaker from office, there was no lacuna for the Speaker to cite Standing Order 92 to address the situation that she faced. Instead, she cited May's Parliamentary Procedure, case law (Stockdale v Hansard) and the opinion of an Indian legal scholar (Justice Durga Das Basu) as her authorities to take the action that she did.

The constitutional amendment effectively suspended her from office, however, the saga ended with an early dissolution of Parliament on 6 October, 1995 (the Parliament had assembled for a five-year term of office on 12 January 1992) and so the full proceedings related to the intended removal of the Speaker from office never came to pass because of the dissolution.

### **The Suspension of Chandresh Sharma by Speaker Sinanan**

On Friday 20 May, 2005, the Member of Parliament for Fyzabad, Mr. Chandresh Sharma, was suspended by Speaker Barendra Sinanan. The sequence of events on that day are captured in Hansard as follows :

**Mr. Speaker:** Hon. Members, you would recall at the last sitting of the House held on Friday, May 06, 2005, the House resolved that the Member for Fyzabad apologize to this House by the next sitting, failing which he be suspended from the service of this House for a period of one month. The Member for Fyzabad was not in the House at the time and the decision of the House was communicated to the Member by way of letter dated May 09, 2005, which was delivered to him on May 10, 2005. I now therefore call on the hon. Member for Fyzabad to comply with the resolution of this honourable House.

**Mr. Chandresh Sharma (Fyzabad) :** Thank you, Mr. Speaker. I have been a Member of this Parliament representing the constituency for the last 14 years. I did not come to this Parliament through thuggery or by stealing an election. I came here because of the votes of the constituents of Fyzabad.

**Mr. Speaker:** No. Please, please. Please, hon. Member. No. The House resolved that you apologize. What you are attempting to do is to give some sort of explanation. It is either you are prepared to apologize or you are not prepared to apologize.

**Hon. Member:** Well, give the man a chance. Let him say what he has to say!

**Mr. C. Sharma:** Thank you, Mr. Speaker. I did not come to this Parliament for the benefit of myself, I came as the representative of the constituents of Fyzabad. I did not come to this Parliament alone, I came along with my colleagues sitting here today. Together we are the parliamentary voice of the hundreds of thousands of law-abiding citizens of Trinidad and Tobago who daily are being sacrificed on the altar of PNM corruption and lawlessness, to be thrown out by the PNM **[Crosstalk]** to bandits and kidnappers—

**Mr. Speaker:** No. Order, please! Hon. Member, you are attempting to make a speech. I do not get the impression—it is either you apologize or you do not.

**Mr. Partap:** Give him a chance.

**Mr. Speaker:** I am calling upon you to decide whichever you want to do.

**Mr. Partap:** Give him a chance to—**[Crosstalk]**

**Mr. Speaker:** No! Order please! What you have said so far is not relevant to what you have to do.

**Mr. Partap:** It is relevant.

**Mr. Speaker:** It is either you apologize or do not apologize. **[Crosstalk]**

**Mr. C. Sharma:** Mr. Speaker, you just informed this House that you sent me a letter, if that is correct, I am responding to the letter. It is either you allow me to respond to the letter you sent me or you do what you want, make up your mind. You sent me a letter, I am responding to the letter.

**Dr. Rowley:** "A-A" **[Crosstalk]**

**Hon. Member:** Not "A-A". Not "A-A".

**Mr. Speaker:** Order, please! Order! Order! Hon. Member, I am calling upon you for the last time either to indicate whether you are going to apologize to the House or indicate that you are not prepared to apologize.

**Hon. Member:** He is doing that. He is doing just that. **[Crosstalk]**

**Mr. C. Sharma:** Mr. Speaker, the PNM wants me to apologize. Am I to apologize for the MP for Diego Martin West, Dr. Rowley, not slapping me on the other side of my face or for Rowley throwing missiles at me? **[Crosstalk]**

**Mr. Speaker:** No, please. Hon. Member, please. Pursuant to the resolution of the House, you are suspended from the House for a period of one month.

**Dr. Rafeeq:** Mr. Speaker, just for clarification. I just want to find out whether the Member and his constituency staff will be paid their salary during this suspension period? **[Crosstalk]** I am just asking for clarification, please.

**Mr. Speaker:** Order, please! Order please! I suggest that you consult the Standing Orders. It is all inside there.

**Dr. Rafeeq:** The Standing Orders do not refer directly to that particular item.

**Hon. Member:** "Look who talking about we only thinking about money, look who. Nah. I can't believe that."

**Hon. Speaker:** Please, please! **[Crosstalk]**

**Hon. Member:** "Why yuh doh talk to Eric Williams and Khan?"

**Dr. Khan:** On a point of order. The Motion needs to be seconded.

**Mr. Speaker:** What Motion?

**Dr. Khan:** The one that the Member for Diego Martin Central brought the last day, according to section 29(1). The Motion that he brought was not seconded, therefore it is an illegal Motion, Mr. Speaker.

**Mr. Speaker:** No, please that is not in order. You wanted to say something?

**Mr. Valley:** Mr. Speaker, I beg to move that this House be suspended for ten minutes.

**Question put and agreed to.**

**1.35 p.m.:**

**Sitting suspended.**

**1.50 p.m.:**

**Sitting resumed.**

**Mr. Speaker:** Hon. Member for Fyzabad, I am giving you another opportunity to apologize to the House.

**Mr. C. Sharma:** Thank you, Mr. Speaker. Mr. Speaker, as I indicated a few moments ago, I am being called upon to apologize, but let me first express my total disappointment and outrage that this corrupt PNM Government would abuse its majority in this Parliament to vote for the suspension of a Member of Parliament—

**Mr. Speaker:** Order!

**Mr. C. Sharma:** —on the basis of bias findings—

**Mr. Speaker:** Okay, take your seat please! Hon. Member, you are suspended from the sitting of the House for a period of one month pursuant to the resolution passed in this House and I now ask you to withdraw from the House and its precincts.

**[Mr. Sharma continues to sit]**

It appears to the Chair that the Member does not wish to comply with the order of the House and the ruling of the Chair. In this regard, I ask the Member to be removed from the House with the assistance of police officers. Marshal!

The sitting of the House is suspended for five minutes.

**1.53 p.m.:**

**Sitting suspended.**

**2.19 p.m.:**

**Sitting resumed.**

**Mr. Speaker:** Hon. Members, I wish to bring your attention to the fact that the hon. Member for Fyzabad has shown disregard for the authority of the Chair. He has refused to leave the Chamber pursuant to a resolution passed by this honourable House. I now call on the Leader of the House, the Member for Diego Martin Central, to move that Mr. Chandresh Sharma be suspended from the service of the House.

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Mr. Speaker, in accordance with Standing Order 43(5), I move that Mr. Chandresh Sharma be suspended from the service of the House.

**Question put and agreed to. [Shouts of No! No! No! from Members of the Opposition]**

**Mr. Speaker:** Order! Order! The ayes have it. Mr. Chandresh Sharma is suspended from the service of this House. **[Shouts of No! No! No! from Members of the Opposition]**

**Mrs. Persad-Bissessar:** Division, Mr. Speaker.

**Mr. Speaker:** There is no division. The question has been put—**[Interruption]** The question has been put. I have heard the ayes.

**Mrs. Persad-Bissessar:** This is totally against the law this time! This is thuggery! This is total madness!

**Mr. Speaker:** The question has been put.

**Dr. Rafeeq:** We asked for a division.

**Mr. Speaker:** Before I take the voices of the ayes or the noes, you must ask for a division. That was not done. Please, proceed. **[Shouts of No! No! No! from Members of the Opposition]**

**Motion made and question proposed, That the House be now adjourned to Friday, May 27, 2005 at 1.30 p.m.**

**Question put and agreed to.**

**House adjourned accordingly.**

**Adjourned at 2.22 p.m.”** <sup>19</sup>

This situation reveals that Chandresh Sharma was suspended for his conduct on the day on which he was supposed to be giving an apology to the House of Representatives. With the protracted disorder on that day, the original matter that was before the House in respect of a report from the Privileges Committee on an incident that took place in the tea room between Chandresh Sharma and Dr. Keith Rowley was never resolved.

The Speaker had referred the matter to the Privileges Committee and the summary facts of the case can best be gleaned from the statement by the mover of the motion in respect of the tabling of the report of the Privileges Committee as follows :

**“The Minister of Public Utilities and the Environment (Hon. Penelope Beckles):** Mr. Speaker, I beg to move the following Motion standing in my name: Be it resolved that this House adopt the First Report of the Committee of Privileges of the House of Representatives (2004/2005 Session) on Allegations of Breach of Privilege arising out of an incident that occurred in the Members’ Lounge on Wednesday, September 15, 2004. Mr. Speaker, on Friday, September 17, 2004, the hon. Dr. Keith Rowley, Member of Parliament for Diego Martin West and the hon. Mr. Chandresh Sharma, Member of Parliament for Fyzabad, both arose in this honourable House and sought the leave of the Speaker to have matters referred to the Committee of Privileges in relation to an incident that allegedly took place on Wednesday, September 15, 2004. In the case of the Member of Parliament for Diego Martin West, the hon. Dr. Keith Rowley, he alleged that Mr. Sharma verbally abused and insulted him in the precincts of the House by repeatedly accusing him of being a racist in the performance of his duties. Such action has breached his privileges insofar as it was dishonourable and affected his ability to go about his business and, as well, Members of Parliament misrepresented the facts of the altercation in such a manner so as to bring him into dispute as a Member of Parliament and have, by their public utterances, also brought all honourable Members, as well as the entire House,

into odium and ridicule. In the case of the hon. Mr. Chandresh Sharma, Member of Parliament of Fyzabad, he alleged that Dr. Rowley hit him in the area of his left chin with the heel of his right hand; that Dr. Rowley struck him in the chest, tossing him backwards over the chair and against the wall, and when he regained his balance, Dr. Rowley pushed him in the chest again. He also alleged that Dr. Rowley struck him to the face using his left hand and, finally, that Dr. Rowley pelted him with a teacup which hit him on his right hand, then with two remote controls and a cordless phone.”<sup>20</sup>

There was controversy with the Report as one of the opposition members refused to sign it and there were two days on which the report was debated (May 2 and May 6) which led ultimately to a decision that Chandresh Sharma should apologize to the House or face a one month suspension.

That determination was made by order of the House after a division on the following motion :

**“The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Mr. Speaker, in accordance with the provisions of Standing Order 25(1) of this House, I beg to move the following Motion:

Whereas this House has adopted the First Report of the Committee of Privileges of the House of Representatives (2004—2005 Session) on allegations of breach of privileges arising out of an incident that occurred in the Members' Lounge on Wednesday, September 15, 2004;

And whereas there is clear and cogent evidence in the said report that the Member for Fyzabad deliberately misled this House when he rose on Friday, September 17, 2004 and informed this honourable House that he was molested by way of assault and insulting and abusive language by the Member for Diego Martin West;

Be it resolved that the Member for Fyzabad do apologize to this House by the next sitting of Parliament failing which he be suspended from the service of this House for a period of one month. I beg to move. Mr. Speaker, with respect to the power of this House to sanction a Member, I wish to draw your attention to Standing Order 43(14).

**Question proposed.”**<sup>21</sup>

Chandresh Sharma was never held accountable for the determination of the Privileges Committee and his suspension from the service of the House was for his conduct on 20 May 2005 and not for the decision of the House in the Privileges Committee report which would have been avoided if he had apologized or the suspension would have been for one month if he had not.

As it turned out, he did neither and the suspension that was actually imposed upon him for his conduct on 20 May lasted for the rest of the session. Instead of being suspended from 20 May to 20 June 2005 if he had apologized and taken responsibility for the findings of the Privileges Committee, Sharma was, in fact, suspended until 8 September 2005 which was the date of prorogation for the Third Session of the Parliament that year.<sup>22</sup> The report of the Privileges Committee never had a proper resolution in respect of its findings as Sharma effectively negated its

effect by virtue of being suspended for something else and allowing a greater period of suspension to be imposed upon him.

Even though the Speaker actually uttered the words that Sharma had been suspended for one month, he allowed the disorder to continue to the point where after the sitting had been suspended and he found Sharma still in his seat, he overruled his initial suspension for one month and replaced it with a suspension for the rest of the session based on Sharma's refusal to leave the Chamber as ordered by the Speaker.

### **The Suspension of Basdeo Panday by Speaker Sinanan**

On Friday 28<sup>th</sup> March, 2008 just before putting the question on the Trinidad and Tobago National Steel Symphony Orchestra Corporation Bill, Speaker Barendra Sinanan rose to remind MPs about his circular in respect of the use of electronic devices in the Chamber during sittings of the House.

Some time before this date, the Parliament had issued lap top computers to all MPs for the pursuit of their duties and the Speaker had sought to regulate the use of such devices during the sittings of the House by way of a circular to all MPs.

The Speaker had apparently observed some MPs with their lap top computers open on their desks during the sitting and sought to address the issue before putting the question on the matter before the House at that stage of the proceedings. Here is what transpired after that between himself and the MP for Couva North, Mr. Basdeo Panday, a former Prime Minister of Trinidad and Tobago :

**“Mr. Speaker:** Before I put the question, I wish to remind Members of a circular I issued on February 25, concerning the use of electronic devices. Let me read the most important part of it: ‘I also wish to remind you of the rule that is in place for the use of such technology during sittings, that is, Members must seek the permission of the Speaker before using these electronic devices during a sitting. Secondly, if permission is granted, usage must be confined to refreshing one’s mind of speaking notes, or to the making of amendments to notes in response to issues which may have been raised during debate and to which you intend to respond on the date on which the permission was sought.’ Member for Port of Spain North, is it your intention to contribute in this debate, today?

**Mr. Hunt:** Yes, Mr. Speaker.

**Mr. Speaker:** Hon. Member for Couva North, are you contributing in the debate before this House, today? Hon. Member for Couva North, if you are not—**[Crosstalk]** Order, I know that. If he is not contributing in the debate today, then he has not asked permission to use his computer for the purpose of contributing in the debate today. So if he is not contributing in the debate today, I am asking—

**Mr. Ramnath:** **[Inaudible]**

**Mr. Speaker:** Yes. If you intend to use any electronic device in the House—

**Mr. Ramnath:** You are living in the Stone Age.



**Mr. Speaker:** Perhaps.

**Mr. B. Panday:** How can I say what I am doing today?

**Mr. Speaker :** I am asking you again, hon. Member for Couva North.

**Mr. B. Panday:** Mr. Speaker, I cannot say what you want me to say, this is a debate.

**Mr. Speaker:** No, well in that case, I will have to ask you, if you cannot assure me that you are going to contribute in the debate today, you have not sought my permission to use the computer to contribute in today's proceedings. If it is that you are not going to contribute in the debate today, I am asking you to put away your computer. I will tell you that on occasions, the hon. Member for Oropouche East, Dr. Moonilal, when he wants to contribute to the debate, he has asked—

**Mr. B. Panday:** This is not a **[Inaudible]** a school master.

**Mr. Speaker:** —permission and that permission has been granted on almost all occasions. Order! I am asking again, for the last time, hon. Member for Couva North—

**Mr. B. Panday:** I do not know. How do I know until they speak?

**Mr. Ramnath:** You come here with a plan to discipline people.

**Mr. Speaker:** I wish to draw the attention—

**Mr. B. Panday:** You have been harassing me since I have been to this—

**Mr. Speaker:** I wish to draw the attention of the House to Standing Order 43(5). I wish to indicate that the Member for Couva North has shown disregard for the authority of the Chair. I am calling upon a Minister to name the Member for Couva North. I am naming the Member for Couva North.

**Hon. Member:** Shame!

**Mr. Speaker:** Read Standing Order—

**Hon. Member:** Shame!

**The Minister of Works and Transport (Hon. Colm Imbert):** Mr. Speaker, in accordance with Standing Order—**[Interruption]**

**Hon. Member :** You cannot control all of us.

**Mr. B. Panday:** You think is a school “yuh” running?

**Hon. C. Imbert:** —43(5)—**[Interruption]**

**Mr. Ramnath:** You have no authorization to do that.

**Mr. B. Panday:** To use a computer?

**Hon. C. Imbert:** —I move that Mr. Basdeo Panday—

**Mrs. Persad-Bissessar:** You gave us these computers to use.

**Hon. C. Imbert:** —be suspended from the services of this House.

**Question put.**

**Mr. Speaker:** Do you want a division? Do you want a division?

**Hon. Members:** No!

**Mr. Ramnath:** Do what you want and suspend me too.

**Mr. Speaker:** Division.

**Mr. Ramnath:** Suspend me too. “Yuh think yuh own dis place?”

**The House divided:**

**AYES 23 NOES 11**

**AYES**

Imbert, Hon. C.

Manning, Hon. P.  
Rowley, Hon. Dr. K.  
Nunez-Tesheira, Hon. K.  
Gopee-Scoon, Hon. P.  
Kangaloo, Hon. C.  
Dumas, Hon. R.  
Ross, Hon. J.  
Taylor, Hon. P.  
Swaratsingh, Hon. K.  
Beckles, Miss P.  
Parsanlal, Hon. N.  
Mc Donald, Hon. M.  
Hunt, Hon. G.  
Le Gendre, Hon. E.  
Browne, Hon. Dr. A.  
Callender, Hon. S.  
Cox, Hon. D.  
Jeffrey, Hon. F.  
Hospedales, Hon. A.  
Hypolite, N.  
Roberts, A.  
Ojah-Maharaj, Mrs. I.

**NOES**

Panday, B.  
Warner, J.  
Persad-Bissessar, Mrs. K.  
**Mr. Ramnath:** What are you asking me?

**Clerk:** For or against, Sir?

**Mr. Ramnath:** Against what?

**Clerk:** The question?

**Mr. Ramnath:** Well, what is the question? I do not know what is the question. The Member for Diego Martin West disturbed me.

**Clerk:** Is that an abstention, Sir?

**Mr. Ramnath:** Pardon me?

**Clerk:** Is that an abstention, Sir?

**Mr. Ramnath:** I do not know what you are asking me, if you could get rid of the Speaker?

***Division continued.***

Moonilal, Dr. R.

**Dr. Gopeesingh:** What is the question? We do not know the question. I am saying no then. If you do not want to tell me the question, I am saying no.

***Division continued.***

Panday, S.  
Panday, Miss M.  
Sharma, C.

Peters, W.  
Rafeeq, Dr. H.  
Partap, H.

***Question agreed to.***

**Mr. Speaker:** The result of the division is 23 Members voted for the suspension of the hon. Member for Couva North and 11 Members voted against. I will ask the hon. Member for Couva North to leave this Chamber and precincts of the House.

**Mr. Ramnath:** “Why you doh get a police to put him out?” **[Crosstalk]**

**Mr. S. Panday:** “Yuh dinosaur”. Mr. Speaker is a dinosaur.

**Mr. Speaker:** I will suspend the sitting of the House for 10 minutes to allow the Member for Couva North—order please—to vacate the Chamber and the precincts of this House.

***1.59 p.m.: Sitting Suspended.***

***2.12 p.m.: Sitting resumed.***

**[Opposition Members remain seated on entry of the Speaker]**

**Mr. Speaker:** Hon. Members, I wish to draw your attention to the fact that the hon. Member for Couva North, Mr. Basdeo Panday, has refused to leave the House; to withdraw from the House and its precincts; as such, recourse to force is necessary.

**Hon. Members:** Force! You are a dictator here!

**Mr. Speaker:** It is necessary to remove Mr. Panday from the precincts of this Chamber. I, therefore, call on the police to remove the Member for Couva North from this Chamber and the precincts of this House.

**[Policemen approach Mr. Panday]**

**Hon. Members:** Boo! **[Interruption] [Loud Crosstalk]**

**Mr. Speaker:** Hon. Members, pursuant to Standing Order 43(12), this House is now adjourned.

***Question put and agreed to.***

***House adjourned accordingly.***

***Adjourned at 2.14 p.m. “ 23***

According to the then Standing Orders, Standing Order 43(12) made the following provisions :

“In the case of grave disorder arising in the House, the Speaker may, if he thinks it necessary to do so, adjourn the House without question put, or suspend the sitting for a time to be named by him. “ 24

The adjournment of the House of Representatives became necessary that day because Basdeo Panday, the MP for Couva North, refused to comply with the order of the Speaker to leave the precincts of the Parliament after he had been suspended from the service of the House. The use of force was threatened, but not carried out, by the Speaker as he chose to end the sitting instead of allowing the police to carry out their duties in forcibly ejecting Mr. Panday from the House on his earlier command. The Speaker blinked first and Panday remained in his seat.

The application of civil disobedience forced the termination of the business of the House. The matter that started the controversy related to the issue of whether all MPs should seek the permission of the Chair to use their lap top computers during the sittings of the House.

In refusing to comply with the Speaker's request on the basis that he did not know what was going to be said during the debate and so he could not give an answer about whether or not he would have participated in the debate that day, Basdeo Panday clearly angered the Speaker who sought to rigidly enforce his own circular directive. That provided a political opportunity for civil disobedience on the part of Panday and the other members of the opposition to disrupt the proceedings of the House.

This was exacerbated when all of the Opposition MPs remained in their seats upon the entry of the Speaker into the Chamber after the suspension of the sitting at 1.59 pm. The standard practice is that all MPs stand upon entry of the Speaker into the Chamber.

The Hansard reporters captured two non-verbal aspects of the proceedings which were crucial to understanding the context of what was happening in the House of Representatives that day. First, they mentioned that "Opposition Members remained seated on entry of the Speaker" in the Chamber, secondly, they mentioned that "Policemen approach Mr. Panday."

Without that aspect of non-verbal reporting from the Hansard reporters, the context of civil disobedience would be absent from any analysis of these proceedings for the researcher who was not present.

Mr. Panday was suspended in accordance with the Standing Orders of the House of Representatives that day for his conduct and not for the use of his lap top computer. One can debate whether or not the Speaker ought to have handled the situation differently as regards the escalation of the disorder which led to the adjournment of the day's proceedings and the disruption of the Government's agenda.

The Speaker took it upon himself to adjourn the day's proceedings and the question on the adjournment was put and agreed to. This is in stark contrast to the manner in which Speaker Seapaul adjourned the House of Representatives on 24 July 1995 when she fixed her own date, without any disorder facing her in the House which would have caused Standing Order 43(12) to be invoked when declaring her own date for the adjournment.

### **The Suspension of Patrick Manning by Speaker Mark**

On Monday 16 May, 2011, Speaker Wade Mark suspended the MP for San Fernando West, Patrick Manning, a former Prime Minister of Trinidad and Tobago, after a debate on the First Report of the Committee of Privileges for that session. The actual matter against Patrick Manning was described by the Leader of Government Business, Dr. Roodal Moonilal (the MP for Oropouche East), as follows :

"On Wednesday, November 24, 2010, on a Motion moved by the Hon. Jack Warner, Minister of Works and Transport and Member of Parliament for Chaguanas

West, a matter was referred to the Committee of Privileges, namely, that on Friday, November 19, 2010 — and November 19 seems to be an interesting day in the history of this country — the Member for San Fernando East committed contempt of the House on the following three grounds:

- (1) He deliberately misled the House;
- (2) He brought the House into disrepute and public odium by imputing improper motives to a Member of the House in clear violation of the Standing Orders and persisted in that behaviour despite being repeatedly called to order;
- (3) He grossly and recklessly abused the privilege of freedom of speech in the House.”<sup>25</sup>

At issue here were allegations made by Patrick Manning on 19 November, 2010 against the then Prime Minister, Mrs. Kamla Persad-Bissessar, about the construction of her personal home that he said were not above board. These allegations were refuted by Mrs. Persad-Bissessar in the House of Representatives on 24 November, 2010 (the same day that the motion for referral to the Committee of Privileges was made by Minister Jack Warner).

According to Moonilal :

“Subsequent to that, the Member for Siparia and Prime Minister came to the House and, under Personal Explanations offered a detailed explanation on all of the issues raised in such a scandalous manner by the Member for San Fernando East, going so far as to demonstrate, using official documents from the Town and Country Planning Division and other agencies of the Government that deal with property acquisition and building, that the allegations made were malicious and were designed to assassinate the character of the Prime Minister. The Member for Siparia, the Prime Minister, came to this House and quoted the numbers, acreage and construction price of building material and even walked with a notebook with handwritten records of the time of construction, price of material, receipts and so on and was very grateful to Dr. Bissessar for keeping such records. The Member for Siparia and Prime Minister, in good time, came before this House and gave an explanation and refuted thoroughly the allegations made by the Member for San Fernando East. It is also worth noting at this moment that the Member for San Fernando East, while on his legs on November 19, 2010, and after being cautioned about the line he was taking, gave an assurance to the House. He placed this House on notice that a substantive Motion on the conduct of the Member for Siparia was forthcoming because the Member for San Fernando East is a Member who, I think, a couple days ago celebrated, on his Facebook page with his Facebook fans, 40 years of involvement as a Member of this honourable House.”<sup>26</sup>

The deliberations of the committee were affected by attempts to invoke the jurisdiction of the courts over the proceedings of the committee. These proceedings were commenced on 17 February, 2011 and then discontinued on 22 February, 2011<sup>27</sup> and then after the discontinuance of the court proceedings there was a motion filed by the M.P. for Point Fortin, Mrs. Paula Gopee-Scoon, to permit Manning

to have legal representation before the Privileges Committee. This motion was subsequently withdrawn.<sup>28</sup>

Then a motion to permit Manning to have his legal representatives address the Privileges Committee was filed by Manning himself. On Friday 15 April, 2011, the Government rearranged the parliamentary agenda to accommodate the motion by Manning and he was able to move his motion as follows :

**“Mr. Patrick Manning (San Fernando East) :** Thank you very much, Mr. Speaker. I beg to move a Motion standing in my name which reads as follows:  
1. Whereas in accordance with Standing Order 27(4), on Friday November 26th, 2010, there was referred to the Committee of Privileges a matter of privilege involving the Member for San Fernando East;  
And whereas the Committee is empowered by the Standing Order to consider the matter so referred to it and report thereon to the House and such report may contain the opinions and observations of the Committee;  
And whereas in the course of the proceedings before the Committee, the Committee has in accordance with settled practice permitted the Member to have legal representation before the Committee, such legal representative(s) being permitted to be present at the sittings of the Committee and to advise the Member;  
And whereas the Member has requested the Committee to permit his legal representatives to address the Committee and make representations on his behalf before the Committee:  
Be It Resolved that this honourable House do authorize the Committee to allow the Member’s legal representatives to address the Committee and examine any witnesses before the Committee on his behalf.”<sup>29</sup>

After the debate on the motion, the House of Representatives divided :

Ayes – 4, Noes – 27 and Abstentions – 5.<sup>30</sup>

The seconder of the motion, the MP for Arouca/Maloney, Ms. Alicia Hospedales, did not reserve her right to speak upon seconding the motion<sup>31</sup> and was not present in the Chamber when the division was taken.<sup>32</sup> The motion divided the opposition bench with four MPs voting in favour of the motion and five MPs abstaining. Among those abstaining were the Leader of the Opposition, Dr. Keith Rowley, and the opposition Chief Whip, Ms. Marlene Mc Donald.<sup>33</sup> This would lead one to believe that the official line of the opposition on this motion by one of its own MPs was to abstain, however, three of its MPs disregarded the official line together with Manning.

The fundamental issue that had been defeated was whether or not an MP who was before the Privileges Committee was entitled to have his/her legal representatives speak before the committee and cross-examine any witnesses called by the committee.

On 16 May, 2011, the House of Representatives was debating the report of the Privileges Committee. During the debate, it emerged that a second attempt by Manning for legal proceedings to be brought against the committee by way of a

constitutional motion in the High Court had been withdrawn on the day of the debate <sup>34</sup> and also that the MP for Toco/Sangre Grande, Dr. Rupert Griffith (a former Speaker of the House of Representatives), had moved an amendment to the motion before the House as follows :

**Hon. Dr. Griffith:** Mr. Speaker, I have read the First Report of the Committee of Privileges which is before this House and I listened intently to the statement of the Member for Oropouche East which I have said was a very comprehensive statement. I take no pleasure in joining this debate. We are asked to adopt a Report of the Committee of Privileges and in doing so we must take note of the actions of one of our Members who not only was found to have committed a contempt of this House, but who clearly attempted to undermine this House and its responsible committee, that being the Committee of Privileges. Mr. Speaker, when a matter is referred to the Committee of Privileges or any committee of this House, it is totally out of order for any Member of this House, whoever he or she may be, to seek to frustrate the work of the committee of this House. So, we have not heard the Member's explanation for his conduct and, again, ample opportunities were given for him so to do. This was a reckless and a flagrant breach of the Standing Orders. Additionally, the hon. Member used external bodies in an attempt to hamper the work of this honourable House. Mr. Speaker, you and former Speakers — including yours truly — of this House have said repeatedly that the conferring of privileges, powers and immunities on this House and its Members, inevitably involves the imposition of corresponding duties. Indeed, all hon. Members are expected to exercise this privilege responsibly. Members must not abuse their right to the privilege and freedom of speech. Additionally, freedom of speech is not an exemption to account to the House itself. The hon. Member for San Fernando East should be asked to account and, having failed to do so must be reprimanded by this House, if it is to be taken seriously and perform its work effectively. It is for these reasons that I beg to move an amendment to the Motion before us. I want to add the following words at the end of the Motion and I quote:

**Mr. Imbert:** Ambushing!

**Hon. Dr. R. Griffith:** “And Be it further resolved that this House concur with the findings of the Committee of Privileges of the House of Representatives that the grounds of the alleged contempt committed by the Member for San Fernando East appear to have been established and recommended, that the Member for San Fernando East be suspended from this House with immediate effect.” **[Desk thumping] [Interruption]**

**Mr. Imbert:** What!

**Hon. Dr. R. Griffith:** Mr. Speaker, we must maintain the dignity of this House.

**[Interruption]**

**Miss Hospedales:** Nonsense!

**Hon. Dr. R. Griffith:** We must continue to respect the powers of this House. As the Member for San Fernando East indicated, that we must regulate the business of this House, we have a duty to ensure that the dignity of this House be respected and maintained. I thank you. **[Desk thumping]**

**Mr. Speaker:** Do we have a seconder?

**The Minister of Sport and Youth Affairs (Hon. A. Roberts):** Mr. Speaker, I respectfully second the amendment and reserve my right to contribute in this critical debate.

***Question, on amendment, proposed.***" 35

At the conclusion of the debate, both the motion to adopt the Report and the amendment to the Report were voted upon and the House divided Ayes 25 and Noes 9 as follows :

**“Mr. Speaker:** I will now put the entire Motion to this honourable House both the original and the amended.

***Question put :*** Be it resolved that the House adopt the First Report of the Committee of Privileges of the House of Representatives; and

Be it further resolved that this House concur with the findings of the Committee of Privileges of the House of Representatives that the grounds of the alleged contempt committed by the Member for San Fernando East appear to have been established and recommend that the Member for San Fernando East be suspended from the service of this House with immediate effect.

The House divided : Ayes 25 Noes 9

#### **AYES**

Moonilal, Hon. Dr. R.

Persad-Bissessar, Hon. K.

Dookeran, Hon. W.

Sharma, Hon. C.

Alleyne-Toppin, Hon. V.

Peters, Hon. W.

Rambachan, Hon. Dr. S.

Seepersad-Bachan, Hon. C.

Volney, Hon. H.

Roberts, Hon. A.

Cadiz, Hon. S.

Baksh, Hon. N.

Griffith, Hon. Dr. R.

Ramadharsingh, Hon. Dr. G.

Ramadhar, Hon. P.

De Couteau, Hon. C.

Indarsingh, Hon. R.

Baker, Dr. D.

Partap, Hon. C.

Samuel, Hon. R.

Douglas, Hon. Dr. L.

Ramdial, Miss. R.

Roopnarine, Hon. S.

Seemungal, J.

Khan, Mrs. N.



## **NOES**

McDonald, Miss M.

Rowley, Dr. K.

Cox, Miss D.

Hypolite, N.

McIntosh, Mrs. P.

Imbert, C.

Browne, Dr. A.

Hospedales, Miss A.

Gopee- Scoon, Mrs. P.

**Mr. Speaker:** The Motion has been actually passed. Mr. Patrick Manning is accordingly suspended from the House with immediate effect.”<sup>36</sup>

### **The Suspension of Dr. Keith Rowley by Speaker Mark**

On 4 August, 2014, the new Standing Orders of the House of Representatives came into effect as that was the date of the commencement of the Fifth Session of the Tenth Parliament. It had been agreed that these new Standing Orders would take effect at the commencement of the Fifth Session (see fn. 12 supra).

On 6 May, 2015, the Leader of Government Business in the House of Representatives moved the following motion :

#### **“MEMBER FOR DIEGO MARTIN WEST (CENSURE OF AND SUSPENSION FROM THE HOUSE)**

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):**

Thank you very much, Mr. Speaker. I rise to pilot a Motion standing in my name. I beg to move the following Motion:

Whereas at a sitting of the House held on May 20, 2013, the Leader of the Opposition and Member for Diego Martin West read into the records documents purporting to be emails he had received from an unidentified source;

And whereas the alleged emails contained a series of serious unsubstantiated allegations of criminal misconduct in public office on the part of the Prime Minister and several Cabinet Ministers;

And whereas these allegations were widely reported in the local and international press thereby causing irreparable damage to the reputation of those identified, the Parliament, and the Republic of Trinidad and Tobago;

And whereas several leading authorities have submitted reports which confirm that the emails and their contents were false;

And whereas the foregoing reports have been in the public domain for a considerable period of time;

And whereas it is settled practice that any member who reads into the records of Parliament any correspondence, must take responsibility for and ownership of their contents;

And whereas the Leader of the Opposition has steadfastly refused to apologize to the House for his patently misleading and scandalous statements:

Be it resolved that this House censure the Member for Diego Martin West and Leader of the Opposition for his reckless, unsubstantiated and scandalous allegations;

And be it further resolved that Dr. Keith Rowley, Member for Diego Martin West and Leader of the Opposition be suspended from the service of the House for the remainder of the session.”<sup>37</sup>

The Opposition cast the motion as an abuse of process and only one opposition MP, Colm Imbert, spoke on the motion. After he spoke, the opposition M.P.s walked out of the Parliament Chamber saying that they were not prepared to participate in an illegality.

According to Imbert :

**“Mr. C. Imbert:** That is why I think it is necessary to educate the national community that what is happening in this Parliament today is an abuse of the procedures of the House of Commons and it is an abuse of the procedures of this Parliament. It is a total abuse. If the Members opposite wanted to deal with the Leader of the Opposition for statements that he made in this House, that displeased them or that they felt were inaccurate or even that they thought were reckless, if they wanted to do that, what has happened? These statements were made two years ago, and they have waited two years — one month before the House is about to automatically dissolve. Do you know why they are doing it this way? Because they know that if this was raised as a matter of privilege and referred to the Committee of Privileges, the committee would have to have meetings; the committee would have to establish procedure; the committee would have to get a list of witnesses; they would have to call the witnesses; would have to allow cross-examination; would call for papers; would call for documents, and that could take months. They know that. So they know that with only one month to go in the life of this Parliament, that if they followed the correct procedure and gave the Leader of the Opposition a right to be heard, as is his constitutional right, he is guaranteed due process under our Constitution. We are a democratic Republic. They know that if they went the route of Committee of Privileges, they would get nowhere, because the matter would die when the Parliament dies in June of this year — one month from now. So that is why they have come with this perverse Motion, which breaches every single law of natural justice, breaches every rule of due process, breaches every procedural rule and practice in this Parliament and in the Commonwealth. **[Desk thumping].”**<sup>38</sup>

Imbert’s contribution on behalf of the opposition also dealt with the political urgency of the matter which was that Parliament, if not sooner dissolved, would stand dissolved on 17 June, 2015.

The issue that lay at the heart of this motion was the statement made by the Leader of the Opposition in May 2013 during the debate on a motion of no confidence that purported emails were read into the records of Hansard that had subsequently been deemed by the internet provider Google in the United States to have not passed through their servers.

In responding to the procedural points raised by Imbert, Prime Minister Kamla Persad-Bissessar provided an alternative view as follows :

“So we turn first to Standing Order 55(16). The Member for Diego Martin North/East made heavy weather of all kinds of things in Standing Order 55, and really did not go forward to deal with Standing Order 55(16). It says: ‘Nothing in this Standing Order shall be taken to deprive the House of the power of proceeding against any Member according to any resolution of the House.’ So it is very, very, very clear. ‘Nothing in this Standing Order shall be taken to deprive the House of the power of proceeding against any Member according to any resolution of the House.’ And today — **[Interruption]**

**Mr. Ramadhar:** 55(16).

**Hon. K. Persad-Bissessar SC:** 55(16). Standing Order 55(16) is very clear. So whilst the Standing Order gives provisions, as the Member pointed out, that same Standing Order 55 talks about order in the House and in committee, and it deals with specific instances where a Member is named for some kind of action in the House, in a sitting, or within the precincts and so on, that you could have suspensions for a first time seven days, a second time 30 days, subsequent occasions and so on for a period to last until the House orders that the Member’s suspension shall terminate, etcetera. But when we go to (16), it says: ‘Nothing’ — in here — ‘shall be taken to deprive the House of the power of proceeding against any Member according to any resolution of the House.’ So what it is we are doing here today is in fact asking the House to approve a resolution; that is, for the House to resolve that the Member for Diego Martin West be censured and that the Member for Diego Martin West be suspended from the service of the House for the remainder of this session. So we are well within Standing Order 55(16). **[Desk thumping]** We go further. Standing Order 2(2) reads as follows, and this part of the Standing Order, the heading is ‘Interpretation and Application of Standing Orders’. Standing Order 2(2) says: ‘In any matter not provided for in these Standing Orders, resort shall be had to the usage and practice of the House of Commons of the United Kingdom which shall be followed as far as they may be applicable to this House, and not inconsistent with these Standing Orders or with the practice of this House.’ So this is the interpretation. So where it is our Standing Order may be silent on a matter, then we go to the settled practice out of the United Kingdom. The settled practice out of the United Kingdom tells us as follows — Chapter 9 of May’s Parliamentary Practice, 23rd Edition, tells us that the House can always exercise its penal jurisdiction as it is necessary. So here we have a clear Standing Order expressly saying nothing shall deprive this House of pursuing according to any resolution. <sup>39</sup>

This matter was being debated in the House of Representatives after it was reported in August 2014 that Google International had revealed to then Prime Minister Kamla Persad-Bissessar and then Attorney General Anand Ramlogan that the alleged emails had never passed through the Google servers.

This information was contained in letters dated 26 August 2014 that were sent to Dr. Keith Rowley, the MP for Diego Martin West, and the Registrar of the Integrity Commission, and one dated 25 August 2014 to the Deputy Director of Public Prosecutions by attorneys acting for the Attorney General. <sup>40</sup>

The documents forwarded with the letters were itemised as follows: a certified affidavit of Chi Nguyen, the Google Custodian of Records; the Stipulation and Amended Consent Order dated April 21, 2014; a Stipulation and Consent Order dated August 22, 2014 and Notice of Pendency of other Action or Proceeding filed on August 25, 2014 in the United States District Court, Northern District of California, San Francisco Division. <sup>41</sup>

The action that was being taken on 6 May 2015 against Dr. Keith Rowley may have been driven by the fact that the Parliament was nearing the end of its term and the investigations were still pending with local agencies. It cannot be discounted that the Government wanted to put something on the parliamentary record that would provide redress for all of the Cabinet Ministers and other non-ministerial persons whose names were called in the emails read out by Rowley on 20 May 2013.

At the end of the debate, the issue of the suspension of Rowley that was contained in the motion was put to the vote as follows :

“The House divided : Ayes 24 Noes 1

**AYES**

Moonilal, Hon. Dr. R.  
Persad-Bissessar SC, Hon. K.  
McLeod, Hon. E.  
Ramadhar, Hon. P.  
Gopeesingh, Hon. Dr. T.  
Peters, Hon. W.  
Rambachan, Hon. Dr. S.  
Seemungal, Hon. J.  
Khan, Mrs. N.  
De Coteau, Hon. C.  
Cadiz, Hon. S.  
Baksh, Hon. N.  
Griffith, Hon. Dr. R.  
Baker, Hon. Dr. D.  
Khan, Hon. Dr. F.  
Douglas, Hon. Dr. L.  
Samuel, Hon. R.  
Indarsingh, Hon. R.  
Roopnarine, Hon. S.  
Ramdial, Hon. R.

Alleyne-Toppin, Hon. V.  
Partap, C.  
Sharma, C.  
Ramadharsingh, Dr. G.

## **NOES**

Warner, J.

### **Question agreed to.**

#### **Resolved:**

That this House censure the Member for Diego Martin West and Leader of the Opposition for his reckless, unsubstantiated and scandalous allegations; Further resolved : That Dr. Keith Rowley, Member for Diego Martin West and Leader of the Opposition be suspended from the service of the House for the remainder of the session.”<sup>42</sup>

The only MP who voted against the motion was Jack Warner, the MP for Chaguanas West, who was a former Cabinet Minister in the government of Mrs. Persad-Bissessar and had resigned in April 2013. The other MPs on the opposition side had walked out of the debate after only one MP on their side had spoken and so were not present in the House to vote.

In the absence of any words from the Speaker being recorded in the Hansard to the effect that the Speaker actually suspended Rowley, one can speculate about whether or not the Speaker actually suspended Rowley or whether Rowley was suspended by a motion of the House of Representatives owing to the wording of the motion.

In contrast to the fact that the suspension of Patrick Manning on 16 May 2011 contained the words of suspension within the motion that was approved and Speaker Mark actually uttered the words that Patrick Manning had been suspended, in this case Speaker Mark did not utter the words and the effect of the suspension can only be gleaned from the words of the approved motion itself.

The suspension came into immediate effect which meant that Rowley also ceased to perform his functions as Leader of the Opposition which he held by virtue of being an M.P. No appointment of a replacement Leader of the Opposition was ever made before Parliament was dissolved on 17 June, 2015.

## **Events Synopsis**

The various suspensions that have been presented in this paper are designed to highlight the different ways by which the suspension of MPs has taken place in the Trinidad and Tobago Parliament over a period of 20 years (1995-2015).

There has been no consistency in respect of method and a few issues have emerged. The first major issue is the fact that there has been a heavy reliance upon the various editions of May's Parliamentary Practice over the years that confirm the need to rely on what is considered an unbiased source of guidance. The fact that the parliamentary system is the system of government that has been used in Trinidad

and Tobago since independence makes its Parliament ripe for the insertion of May's Parliamentary Practice into its operation.

This is further confirmed by the recourse to the practice and procedure of the House of Commons in cases where there are no Standing Orders to address any particular situation that may arise. In section 55(3) of the Trinidad and Tobago constitution, the following provisions are found :

"In other respects, the powers, privileges and immunities of each House and of the members and the committees of each House, shall be such as may from time to time be prescribed by Parliament after the commencement of this Constitution and until so defined shall be those of the House of Commons of the Parliament of the United Kingdom and of its members and committees at the commencement of this Constitution." <sup>43</sup> The commencement date for the republican Constitution of Trinidad and Tobago was 1 August, 1976.

No provision is made for reference to May's Parliamentary Procedure in the relevant Standing Orders or the Constitution as the guidance to be followed.

Only the Constitution and the Standing Orders make reference to the usage and practice of the House of Commons, while only the Standing Orders make reference to the discretion of the Speaker in cases not covered by the Standing Orders. The relevant Standing Orders read as follows :

#### **"INTERPRETATION AND APPLICATION OF STANDING ORDERS**

(1) The Speaker (or other Member presiding) is responsible for ruling whenever any question arises as to the interpretation or application of a Standing Order and for deciding cases not otherwise provided for.

(2) In any matter not provided for in these Standing Orders, resort shall be had to the usage and practice of the House of Commons of the United Kingdom which shall be followed as far as they may be applicable to this House, and not inconsistent with these Standing Orders or with the practice of this House.

(3) In cases of doubt the Standing Orders of this House shall be interpreted in the light of the relevant usage and practice of the House of Commons of the United Kingdom, but no restrictions which the House of Commons has introduced by Standing Order shall be deemed to extend to this House or its Members until the House has provided by Standing Order for such restriction.

(4) The Speaker shall have power to regulate the conduct of business in all matters not provided for in these Standing Orders.

(5) The decision in all cases for which these Standing Orders do not provide, shall lie within the discretion of the Speaker, and shall not be open to challenge.

(6) The Speaker may issue Practice Notes on the procedure and practice to be followed under any Standing Order." <sup>44</sup>

The Standing Orders that preceded the 2014 Standing Orders made relatively similar provisions in respect of the reliance on the House of Commons Standing Orders and the discretion of the Speaker as follows :

### **“Rules in Cases not provided for by Standing Orders**

91.(1) In any matter not herein provided for, resort shall be had to the usage and practice of the Commons House of Parliament of Great Britain and Northern Ireland, which shall be followed as far as the same may be applicable to this House, and not inconsistent with these Standing Orders nor with the practice of this House.

(2) In cases of doubt the Standing Orders of this House shall be interpreted in the light of the relevant usage and practice of the House of Commons, but no restrictions which the House of Commons has introduced by Standing Order shall be deemed to extend to this House or its Members until the House has provided by Standing Order for such restriction.

### **General Authority of the Speaker**

92.(1) The Speaker shall have power to regulate the conduct of business in all matters not provided for in these Standing Orders.

(2) The decision in all cases for which these Standing Orders do not provide, shall lie within the discretion of the Speaker, and shall not be open to challenge.

(3) The Speaker shall be responsible for the management and general administration of the Chamber.”<sup>45</sup>

The activities of Speaker Seapaul in 1995 did not conform to any provisions in the 1961 Standing Orders that were in force at the time. The nature of her actions posed a threat to the stability of the Government as the Leader of Government Business, Kenneth Valley, was suspended without any of the minimal procedures for naming an MP being followed. There was a fear that these actions may have been extended to other MPs at a later sitting of the House of Representatives which would have deprived the Government of its majority.

Chandresh Sharma in 2005 was suspended for his conduct on the day on which he was supposed to either apologize to the House or be suspended for one month if he failed to apologize. He did neither and he was first suspended for one month by the Speaker in accordance with the agreement of the House determined on 6 May 2005 after the debate on the Report of the Privileges Committee at which time he was presented with two options.

Having failed to apologize to the House and being suspended accordingly for one month, he refused to leave the Chamber and, for that, he was suspended for the rest of the session by Speaker Sinanan (which was longer than the one month imposed by the Speaker pursuant to the Report of the Privileges Committee).

Basdeo Panday was suspended in 2008 for his conduct on the day which arose out of a controversy that started with his refusal to put away his lap top computer on the directions of the Speaker and escalated into something else. Both in his case and in Sharma’s case, there was an attempt to use civil disobedience techniques to disrupt the parliamentary agenda.

Patrick Manning was suspended in 2011 for failing to address any of the issues for which he was referred to the Privileges Committee and the House eventually suspended him after several twists and turns involving the judicial system as well as the procedure of the House of Representatives.

Keith Rowley was suspended by the House of Representatives in 2015 after he failed to participate in a debate on a motion that sought to censure him for reading emails with serious allegations against other MPs into the records of the House of Representatives in 2013 the content of which were deemed never to have passed through the servers of Google as expressed in sworn court testimony by the Google Custodian of Records in California, USA, in 2014.

He never told the House of Representatives his side of the story and he and his parliamentary colleagues walked out of the debate after only one of them had spoken during the debate. He was suspended by the authority of the House of Representatives based on the wording of the motion before the House.

### **Conclusion**

In Trinidad and Tobago, the Whitehall version of the office of the Speaker that permits someone from outside of the House to be elected to preside over it as Speaker links the office to the political patronage of the party that has a majority. In the two instances where an elected M.P. was chosen as Speaker in the 1961-66 and 1987- 1991 Parliaments, they were installed with the support of their respective party majorities in the House of Representatives.

In all other instances with the exception of the Parliament that assembled on 5<sup>th</sup> April, 2002, the political majority has had its way in electing their Speaker. On 5<sup>th</sup> and 6<sup>th</sup> April, 2002, the House of Representatives failed to elect a Speaker because no party had a majority in the House of Representatives.

In 1995, Speaker Seapaul, who had been elected with a People's National Movement (PNM) majority in 1992, appeared to have turned against those who had elected her and embraced the opposition in her moment of political difficulty.

There is no standard way to suspend an M.P. in the Parliament of Trinidad and Tobago. The most disturbing case was the suspension of Kenneth Valley by Speaker Seapaul in July 1995. There is no academic or procedural standard by which that suspension can be reasonably defended.

The suspensions of Chandresh Sharma and Basdeo Panday for their conduct on the day as expressed in the Hansard reports for both events confirm that the suspensions were carried out in accordance with the Standing Orders. However, the engagement in civil disobedience tactics by both persons reveal the extent to which defiance of the decisions of the Speaker can cause the disruption of the parliamentary agenda as, in both cases, the House had to be adjourned because of the inability of the security forces in the Parliament to effect the orders of the Speaker when the Speaker ordered a recourse to the use of force.

The Patrick Manning suspension raised the issue of whether or not the Privileges Committee should be turned into a court of law with lawyers on all sides being able to cross-examine witnesses and persons who are involved in the proceedings of the Privileges Committee.

Because this matter involved an opposition M.P., it allowed the Government the opportunity to try and expose a fracture within the opposition caucus. However, it leaves open the possibility that a future majority in the House of Representatives could turn the Privileges Committee into a virtual court of law if such a motion, as



was brought by Manning, were to suit the interests of that political majority at a future date.

The Rowley suspension involved the use of the political majority to suspend an M.P. after a motion and a debate. There is some concern whether or not there could be a reasonable basis to challenge such a suspension in the future if it were to be used by another political majority in the House of Representatives without just cause.

There was no challenge to it at the time because of the imminence of a dissolution of Parliament and a political decision was taken by the opposition to leave it alone. However, it should be noted, that there is evidence to show that the President of the Republic continued to exercise his constitutional duties to consult the Prime Minister and the Leader of the Opposition on certain appointments after the suspension of Rowley.

At a public meeting on 14 June, 2016, Keith Rowley (who had become Prime Minister after the dissolution of Parliament in June 2015 and the subsequent general election in September 2015) made a public appeal to be paid the money owed to him as Leader of the Opposition on the ground that the President was still consulting him on various appointments in accordance with the Constitution. <sup>46</sup>

The fact that Rowley had been denied his salary and other allowances as Leader of the Opposition by virtue of his suspension as an M.P. during the period 6 May to 17 June, 2015 raises constitutional questions as to why the President would still consult him on formal constitutional functions and duties despite his suspension.

He had ceased to be M.P. for Diego Martin West and Leader of the Opposition from the date of his suspension which meant that the dissolution of Parliament took effect with no one holding the position of Leader of the Opposition as no one else had been appointed to the position.

During the period of the dissolution, the Office of the President also continued to exercise its constitutional duties and those duties included consultation with Kamla Persad-Bissessar (Prime Minister) and Keith Rowley (who had been suspended since 6 May, 2015 as Leader of the Opposition).

Confirmation of such activity can be seen in the following official Gazette Notice dated 31<sup>st</sup> July, 2015 :

“APPOINTMENT TO PERFORM THE FUNCTIONS OF THE OFFICE OF CHIEF JUSTICE

IN EXERCISE of the power conferred upon her by section 103 of the Constitution of the Republic of Trinidad and Tobago, Her Excellency the Acting President, after consultation with the Prime Minister and the Leader of the Opposition, has been pleased to appoint the Honourable MADAME Justice PAULA MAE WEEKES, Justice of Appeal, to perform the functions of the Office of Chief Justice, with effect from 1st August, 2015 and continuing during the absence from Trinidad and Tobago of the Honourable Chief Justice IVOR ARCHIE.

G. SERRETTE

Acting Secretary to Her Excellency the Acting President

31st July, 2015.”<sup>47</sup>

At the time of this appointment, the official Gazette confirms that the Acting President consulted the Prime Minister and the Leader of the Opposition about the acting appointment itself.

That would beg the question, what was the effect of the suspension if the Office of the President continued to consult someone who was the last holder of the office of Leader of the Opposition at the time of the suspension on 6 May, 2015 and no one else had been appointed to replace Keith Rowley after that ?

### END NOTES

1. *Trinidad and Tobago (Constitution) Order in Council 1950* (SI 1950/No. 510), ss. 29 and 30.
2. *Ibid.*, s. 30.
3. *UK National Archives, CO 1031/1393*, Maurice Dorman to C.Y. Carstairs, Confidential Letter, 4 May 1955.
4. *UK National Archives, CO 1031/1393*, Minute of Meeting with Sir E. Beetham in Mr. Rogers' Room on 31 May 1955, sgd. Ian Watt.
5. *Trinidad and Tobago (Constitution)(Amendment) Order in Council 1956* (SI 1956/No. 835), ss. 23 and 24.
6. *Trinidad and Tobago (Constitution) Order in Council 1961* (SI 1961/No. 1192), s. 24.
7. *Trinidad and Tobago (Constitution) Order in Council 1962* (SI 1962/No. 1875), s. 33.
8. *Laws of Trinidad and Tobago, Act No. 4/1976*, s.14(6).
9. *Laws of Trinidad and Tobago, Act No. 4/1976, Schedule*, s. 50. This Act and its Schedule are now codified in bound volumes of the Laws of Trinidad and Tobago and this particular reference may be more accurately cited as *Laws of Trinidad and Tobago Ch. 1:01, Schedule*, s. 50.
10. *Laws of Trinidad and Tobago Ch. 1:01, Schedule*, s. 46(3).
11. S.O. 43 of the Standing Orders of the House of Representatives made by the Governor under the provisions of Section 8 of the Trinidad and Tobago (Constitution) Order in Council 1961 (SI 1961/No. 1192).
12. Adoption of the Report of the Standing Orders Committee, 14<sup>th</sup> March, 2014, *House of Representatives, Hansard*, 14<sup>th</sup> March, 2014, pp. 90-95.
13. S.O. 55, *Standing Orders of the House of Representatives of Trinidad and Tobago*.
14. *The Parliamentarian* (October 1995), p. 309.
15. See Hamid Ghany, Parliamentary Crisis and the Removal of the Speaker : The Case of Trinidad and Tobago, *The Journal of Legislative Studies*, Vol. 3, No. 2, Summer 1997, pp. 112-138 for a full account of the crisis.

16. *House of Representatives, Hansard*, 28<sup>th</sup> July, 1995, pp. 350-351.
17. S.O. 92 of the Standing Orders of the House of Representatives made by the Governor under the provisions of Section 8 of the Trinidad and Tobago (Constitution) Order in Council 1961 (SI 1961/No. 1192).
18. *House of Representatives, Hansard*, 28<sup>th</sup> July, 1995, pp. 347-349.
19. *House of Representatives, Hansard*, 20<sup>th</sup> May, 2005, pp. 109-113.
20. *House of Representatives, Hansard*, 2<sup>nd</sup> May, 2005, pp. 2-3.
21. *House of Representatives, Hansard*, 6<sup>th</sup> May, 2005, pp. 104-105.
22. *House of Representatives, Hansard*, 5<sup>th</sup> September, 2005, p. 486.
23. *House of Representatives, Hansard*, 28<sup>th</sup> March, 2008, pp. 141-146.
24. S.O. 43(12) of the Standing Orders of the House of Representatives made by the Governor under the provisions of Section 8 of the Trinidad and Tobago (Constitution) Order in Council 1961 (SI 1961/No. 1192).
25. *House of Representatives, Hansard*, 16<sup>th</sup> May, 2011, p. 7.
26. *Ibid.* pp. 8-9.
27. *Ibid.*, pp. 15-16.
28. *Ibid.* pp. 16-17.
29. *House of Representatives, Hansard*, 15<sup>th</sup> April, 2011, p. 500.
30. *Ibid.*, pp. 524-525.
31. *Ibid.*, p. 505.
32. *Ibid.*, pp. 524-525.
33. *Ibid.*
34. *Ibid.*, pp. 97-98.
35. *Ibid.*, pp. 56-58.
36. *Ibid.*, pp. 157-159.
37. *House of Representatives, Hansard*, 6<sup>th</sup> May, 2015, pp. 36-37.
38. *House of Representatives, Hansard*, 6<sup>th</sup> May, 2015, pp. .
39. *House of Representatives, Hansard*, 6<sup>th</sup> May, 2015, pp. 174-175.
40. *Newsday*, 28<sup>th</sup> August, 2014. *Newsday* is a newspaper published in Trinidad and Tobago.
41. *Ibid.*
42. *House of Representatives, Hansard*, 6<sup>th</sup> May, 2015, pp. 216-218.
43. *Laws of Trinidad and Tobago Ch. 1:01, Schedule*, s. 55(3).
44. S.O. 2, *Standing Orders of the House of Representatives of Trinidad and Tobago*.
45. S.O. 91 and 92 of the Standing Orders of the House of Representatives made by the Governor under the provisions of Section 8 of the Trinidad and Tobago (Constitution) Order in Council 1961 (SI 1961/No. 1192).
46. "I Want My Money", Lead story, *Newsday* 16<sup>th</sup> June, 2016. *Newsday* is a newspaper published in Trinidad and Tobago.
47. *Trinidad and Tobago Gazette (Extraordinary)*, Vol. 54, No. 87, Friday 14<sup>th</sup> August, 2015, Item 1200, Port-of-Spain, Trinidad.