

CHAPTER XLVI.

Provisions in the event of a break-down of the Constitution.

374. The Governor-General, or the Governor as the case may be, is empowered in his discretion, if at any time he is satisfied that a situation has arisen which renders it for the time being impossible for the Government of the Federation, or the Province, as the case may be, to be carried on in accordance with the provisions of the Act, by Proclamation to declare that his functions shall, to such extent as may be specified in the Proclamation be exercised by him in his discretion, and to assume to himself all such powers vested by law in any Federal or Provincial authority, as the case may be, as appear to him to be necessary for the purpose of securing that the Government of the Federation or the Province, shall be carried on effectively. The Proclamation may suspend the operation of any provisions in the Act relating to any Federal or Provincial authority or body except the Federal Court and the High Court. A Proclamation by the Governor can be made only with the concurrence of the Governor-General.

The Proclamation will be communicated forthwith to the Secretary of State and laid before Parliament.

It will cease to operate at the expiry of 6 months, unless before the expiry of that period it has been approved by resolutions of both Houses of Parliament.

It may at any time be revoked by resolutions of both Houses of Parliament.

CHAPTER XLVII.

Fundamental rights.

375. Fundamental rights have been defined as rights which go to the very root of man's existence. These rights were deemed to be the theoretical foundations of democracy. They were termed 'inalienable rights' or 'self-evident truths' in the American declaration of independence of 1776, and to be the 'natural and imprescriptible rights of Man' in the 'Declaration of the rights of Man' made by the National Assembly of France in 1791.

The Magna Carta of 1215 is probably the first conscious formulation of citizens' fundamental rights. The Petition of Rights of 1628 and