

**THE
PARLIAMENTARY DEBATE
OFFICIAL REPORT
[VOLUME 7]
PROCEEDINGS AND DEBATES OF THE FIRST SESSION OF THE
NATIONAL ASSEMBLY OF THE THIRD PARLIAMENT OF GUYANA
UNDER THE CONSTITUTION OF GUYANA**

71st Sitting

2 p.m.

Monday, 28th July, 1975

MEMBERS OF THE NATIONAL ASSEMBLY

Speaker

Cde. Sase Narain, J.P., Speaker

(Absent – on leave)

Members of the Government – People’s National Congress (50)

Prime Minister (1)

Cde. L.F.S. Burnham, O.E., S.C.,
Prime Minister

(Absent)

Deputy Prime Minister (1)

Cde. P.A. Reid,
Deputy Prime Minister and Minister of
National Development

Senior Ministers (9)

Cde. H.D. Hoyte, S.C.,
Minister of Economic Development and

(Absent)

*Cde. H. Green,
Minister of Co-operatives and
National Mobilisation

(Absent)

***Non-Elected Minister**

- *Cde. H.O. Jack,
Ministry of Energy and Natural Resources **(Absent)**
- *Cde. F.E. Hope,
Minister of Finance
- *Cde. S.S. Naraine, A.A.,
Minister of Works and Housing **(Absent)**
- *Cde. G.A. King,
Minister of Trade and Consumer Protection **(Absent)**
- *Cde. G.B. Kennard, C.C.H.,
Minister of Agriculture
- *Cde. C.L. Baird,
Minister of Education and Social Development **(Absent)**
- *Cde. F.R. Wills, S.C.,
Minister of Foreign Affairs and Justice

Ministers (5)

- Cde. W.G. Carrington,
Minister of Labour
- Cde. S.M. Field-Ridley,
Minister of Information and Culture **(Absent – on leave)**
- Cde. B. Ramsaroop,
Minister of Parliamentary Affairs
and Leader of the House
- *Cde. O.M.R. Harper,
Minister Health **(Absent)**
- *Cde. C.V. Mingo,
Minister of Home Affairs

Ministers of State (9)

- Cde. M. Kasim, A.A.,
Minister of State for Agriculture

***Non-elected Ministers**

- Cde. O.E. Clarke,
Minister of State – Regional
(East Berbice/Corentyne) **(Absent)**
- Cde. P. Duncan, J.P.,
Minister of State – Regional (Rupununi) **(Absent)**
- Cde. C.A. Nascimento,
Minister of State,
Office of the Prime Minister
- Cde. M. Zaheeruddeen, J.P.,
Minister of State – Regional
(Essequibo Coast/West Demerara) **(Absent)**
- Cde. K.B. Bancroft,
Minister of State – Regional
(Mazaruni/Potaro) **(Absent)**
- *Cde. W. Haynes,
Minister of State for Consumer Protection **(Absent)**
- *Cde. A. Salim,
Minister of State – Regional
(East Demerara/West Coast Berbice) **(Absent)**
- *Cde. F.U.A. Carmichael,
Minister of State – Regional (North West) **(Absent)**

Parliamentary Secretaries (8)

- Cde. J.R. Thomas,
Parliamentary Secretary,
Minister of National Development **(Absent)**
- Cde. C.E. Wrights, J.P.,
Parliamentary Secretary,
Minister of Works and Housing **(Absent)**
- Cde. M.M. Ackman,
Parliamentary Secretary,
Office of the Prime Minister
and Government Chief Whip

***Non-elected Ministers**

- Cde. E.L. Ambrose,
Parliamentary Secretary,
Ministry of Agriculture
- Cde. S. Prashad,
Parliamentary Secretary,
Ministry of Co-operatives and National Mobilisation
- Cde. J.P. Chowritmootoo,
Parliamentary Secretary,
Ministry of Education and Social Development **(Absent)**
- Cde. R.H.O. Corbin,
Parliamentary Secretary,
Office of the Prime Minister
- Cde. M. Corrica,
Parliamentary Secretary,
Ministry of Works and Housing **(Absent)**

Deputy Speaker (1)

Cde. R.C. Van Sluytman, Deputy Speaker

Other Members (16)

- Cde. J.N. Aaron
- Cde. L.M. Branco
- Cde. E.H.A. Fowler
- Cde. J. Gill
- Cde. W. Hussain
- Cde. S. Jaiserrisingh **(Absent – on leave)**
- Cde. K.M.E. Jonas **(Absent – on leave)**
- Cde. M. Nissar
- Cde. L.E. Ramsahoye
- Cde. J.G. Ramson **(Absent – on leave)**
- Cde. P.A. Rayman
- Cde. E.M. Stoby, J.P.
- Cde. S.H. Sukhu, M.S., J.P.
- Cde. C. Sukul, J.P.
- Cde. H.A. Taylor **(Absent)**
- Cde. L.E. Willems **(Absent)**

Members of the Opposition – Liberator Party (2)

Mr. M.F. Singh, Leader of the Opposition

Mrs. E. DaSilva

OFFICERS

Clerk of the National Assembly – F.A. Narain,

Deputy Clerk of the National Assembly – M.B. Henry, AMBIM.

28.7.75
2.15 p.m.

National Assembly

2.15 – 2.20 p.m.

PRAYERS

ANNOUNCEMENT OF THE SPEAKER

Leave to Members

THE Deputy Speaker: Comrades and hon. Members, Cde. Speaker has asked to be excused from today's Sitting of the National Assembly as he is indisposed.

Leave has been granted to the Cde. Minister Field-Ridley for today's Sitting and to Cde. Ramson for one month as from today.

PUBLIC BUSINESS

MOTION

SUSPENSION OF STANDING ORDER NO. 46(2) AND (3)

“Be it resolved that paragraphs (2) and (3) of Standing Order No. 46 be suspended to enable the Assembly to proceed at its sitting on Monday, the 28th of July, 1975, with the second reading and the remaining stages of the Interpretation and General Clauses (Amendment) Bill 1975 (Bill No. 30/1975)

[The Minister of Parliamentary Affairs and Leader of the House]

The Minister of Parliamentary Affairs and Leader of the House (Cde. Ramsaroop): Cde. Speaker, last Thursday I signified my intention, by way of a notice, to seek an amendment of Standing Order 46 to enable the measure, Interpretation and General Clauses (Amendment) Bill 1975, to be taken today, Monday, 28th July, 1975. Since that date, however, a more careful scrutiny of the matter has disclosed that it will not be necessary for paragraph (3) because the necessary affluxion of time, as between the First Reading and Second Reading of the Bill, will

have taken place, that is, three clear days between the First Reading and the Second Reading. However, the second criterion which has to be satisfied will not be satisfied and, that is, that seven clear days must elapse between the publication of the measure and the Second Reading. In this instance, the measure which we are seeking to do has only been published on Saturday, 26th July, 1975, and only three days will, therefore have elapsed since the publication.

I think that it is manifestly clear that this measure has found national acceptance since Government's announcement that come midnight on the 31st July eo instante the clock will be put forward 45 minutes. There has not been one single voice of dissension against this announcement. The principle of this measure, therefore, is not a matter that is clouded in controversy, but it seems to have attracted national acceptance and acclaim.

My comrade, the hon. Minister of Foreign Affairs and Justice, will deal with the merits of this measure when the time comes for him to move the Motion for its Second Reading. Suffice it for me to introduce this Motion standing in my name so that this measure can be legitimately entertained, not today, Cde. Speaker, but Wednesday, 30th July, 1975. I, therefore, seek your leave to ask for the following amendment:

“The deletion of (2) in the Motion tabled under my hand and for the substitution of “Wednesday, 30th July” in lieu of what is stated here, “Monday, 28th July, 1975.”

I commend this Motion to the House to enable the measure, to wit, the Interpretation and General Clauses (Amendment) Bill to be taken through all its stages on Wednesday, 30th July, 1975.

Motion proposed.

The Minister of Foreign Affairs and Justice (Cde. Wills): Cde. Speaker, since the First Reading of the Interpretation and General Clauses (Amendment) Bill 1975 it has come to my

attention that a certain section of the community wishes to be heard on the Bill. In keeping with our philosophy, it was thought that, rather than moving the suspension and having the Bill proceeded with in its Second Reading today, we should defer that to Wednesday and afford the community the opportunity to be heard. I wish to announce that right now we are in consultation one with the other to see whether we can meet each other on the merits of the Bill as it affects our cultural requirements.

It is in those circumstances that we ask that the Bill should be taken on Wednesday and I wish to assure this House that full consultation will continue and the result will be known on Wednesday.

The Deputy Speaker: Hon. Leader of the Opposition.

The Leader of the Opposition (Mr. Singh): Thank you, sir. I would like here, at this time, to pay tribute to the hon. Minister my learned colleague, Mr. Fred Wills, for his gesture in postponing this debate and consideration of the Bill in question until Wednesday.

In times such as these in Guyana one has to recognize and, indeed praise the qualities which he has displayed. I had been told that the time factor was very, very important and that it was necessary today to suspend the Standing Order to pass this Bill through all its stages in order to make it effective with all the necessaries being done so that the law could take effect from the 1st August.

I am happy to say that when I brought it to the attention of the hon. Minister that there was a section of the community that had very strong objections to the proposed legislation, he very readily, indeed almost instantaneously, agreed that he would see them and have consultation with them and that he would do nothing further on the Bill without seeing them, hearing their complaints and trying to work out a solution if that were possible. That is why I say that such action by the hon. Minister deserves our whole-hearted appreciation.

I have to take issue with the hon. Leader of the House. It should have been quite apparent to anyone reading the newspapers that there was a section of the community that did take objection to the proposed legislation. The Bill is not, as he says, universally accepted throughout the length and breadth of Guyana.

Again I come back to the hon. Minister of Foreign Affairs and Justice and commend him for having recognized that there was this dissension in a section of the community, for having so readily agreed to meet representatives to try to work out some sort of solution, if possible, and for postponing the debate for Wednesday. I would like, again, publicly, to commend the hon. Minister for this.

Question put, and agreed to.

Motion carried.

INTERPRETATION AND GENERAL CLAUSES (AMENDMENT) BILL 1975

A Bill intituled:

“An Act to amend the Interpretation and General Clauses Act.” [The Minister of Foreign Affairs and Justice]

The Deputy Speaker: In accordance with the Motion just passed, the Second Reading of this Bill will be taken at the sitting on Wednesday 30th July, 1975.

Bill, by leave, deferred.

EXCHANGE CONTROL (AMENDMENT) BILL 1975.

A Bill intituled:

“An Act to amend the Exchange Control Act and to

effect related amendments to the Customs Act.”

[**The Minister of Finance**]

The Minister of Finance (Cde. Hope): Comrade Speaker, in moving the Second Reading of the Exchange Control (Amendment) Bill 1975 I should like to make one or two very brief remarks. It is well known to this country and to this House that exchange control has been with us in Guyana since 1958 or thereabout. From time to time the Government has had, in the interest of protecting the vital economic interest of the country, to tighten the provisions of the Exchange Control Act.

We know that in 1974, faced with the financial problems generated by the rising prices of petroleum and other products, many countries of the world, and certainly Guyana, have had to look very carefully at protecting their international reserves. In the course of protecting those reserves it did become necessary to look at the Exchange Act because, as is well known, it is that particular Act which sets out the procedures, the obligation, the limitations and so on with respect to the acquisition and disposal of external currencies.

In fact, sir, the country's reserves, are really the amount of foreign currencies, which a country has been able to amass and keep essentially to facilitating trade, to enable the payments which must arise as a result of importation of both goods and services.

All countries find that from time to time, depending on the particular circumstances – and in our case it was prices; in other countries it might be the activities of people who manipulate the financial system of the world; it might be the activities of speculators who speculate in currencies – find it necessary to put limitations on their citizens in terms of their freedom to dispose of, or for that matter, to acquire and to retain foreign exchange because, as I said, it is the foreign exchange which, in fact, enables the country to carry on international trade, to satisfy the payments for the importation of goods and services and therefore they represent a very vital element in a country's economic condition.

It is, in fact, your ability to pay for the things you import. Since we are not all self-sufficient and since importation for many countries is really critical for their development effort, it means, therefore, that the countries have to be able to import the things they need and to pay for those things freely and promptly.

2.30 p.m.

In these circumstances, Cde Speaker, we in Guyana found it necessary to control the manner in which our reserves are disposed of. In essence, in order to ensure that the economy is properly managed, the Government has had to exercise very close surveillance in the acquisition, retention and disposal of those foreign currencies. It is well known that as a result of that very careful management in 1974 and so far in 1975, we have been able to move from a situation where our reserves were at the beginning of 1974 no more than G\$24 million to a position today where over the past two or so weeks our reserves have been hovering in the region of G\$260 million, a record for Guyana at any time in its history

And this is as a result not only of the fact that we have been able to sell more of our commodities abroad for better prices and therefore earn foreign exchange, but we have been very careful in the way in which we have spent that foreign exchange. And the purpose behind all of this is really to ensure that we use our scarce resources, our foreign exchange, for the purpose which fits and satisfies the best interest of this country, and that is its development.

No country looks with favour on people who transfer capital to foreign countries. Most countries regard such conduct as tantamount to economic subversion at a national level. And, therefore, all countries frown on such conduct. And, in the course of frowning on such conduct, countries impose penalties on those who will continue to subvert the economic effort by taking out illegally that important element of our economic survival, our foreign currencies.

Foreign currency is what belongs to the nation. It is what the nation, as a whole, earns in the course of its international trade. Therefore no citizen has any right to dispose or to call upon those reserves in any way or other than those which suit the national interest. How then do we know what we can do, in the national interest, in terms of the use to which our foreign exchange can be put?

That is stated in different points in our Exchange Control laws, which tells us how we should use foreign exchange which comes into our possession. As a matter of fact, the law requires that any person who comes in possession of foreign exchange, by whatever means, has a legal obligation to sell that foreign exchange for local currency to an authorised dealer; and the only authorised dealers that have been identified by law are the commercial banks. This means, therefore, that, in the interest of ensuring that our foreign reserves are properly controlled, all citizens who come in possession of foreign currency are obligated under the law to exchange that foreign currency for local currency, but only with an authorised dealer, meaning a bank.

There are a number of other points which indicate the manner in which foreign currencies earned should be dealt with in the national interest. For instance, the law states that we cannot export Guyana currency abroad, and we cannot import Guyana currency from abroad except for a certain very limited sum and the logic behind it is quite clear.

Foreigners who come into possession of our local currency necessarily return that foreign currency to Guyana, to the Bank of Guyana, because the Guyana currency is not a reserved currency. The reserved currencies of the world are very few. They are Sterling, the US Dollar and in some cases the French Franc. But there are very few currencies which are reserved currencies which people are willing to hold as part of their assets. Therefore when our currency goes abroad, by any means, and foreigners get hold of it, by any means, by your selling it, for instance, that currency inevitably comes back to the Bank of Guyana who then will have to pay from a reserve in exchange for that currency. We must, up to recently, accept our foreign currency.

But what we have done, therefore, as very recent as last year, is to amend the law so that it is now illegal for any person to export local currency, and export means here taking currency on your person when you are leaving the country. Similarly, it is also illegal for anyone to bring in Guyana currency. That is one way of ensuring that our international reserves are not bled through the outflow of local currency. Those are just two examples of the various ways in which our law has identified a proper use or an improper use of our national reserves.

What we have found is that there are people who, for their own private purposes again will not conform to those regulations, regulations which, as I have said before, have been imposed in the national economic interest. Those persons would have to be dealt with; the law provides for them to be dealt with. But we have found that despite the present penalties involved, there are still persons who are minded to take the risk of dealing illegally in foreign exchange and thereby depleting our external reserves. The Government has therefore come to the view that the penalties need to be significantly improved.

What the Bill before us seeks to do is essentially to strengthen the hands of the courts in dealing with offences arising out of the illegal importation, exportation and dealing with foreign currencies. Consequently, one of the provisions of the Bill before us seeks to enable a Judge of the High Court, when that Judge finds a person guilty of one of the offences under the Exchange Control Act, to order that the property of the person may be taken in execution for payments of the fine. Invariably the Court will impose a fine with an alternative of imprisonment if payment of that fine is in default. What the Bill seeks to do is to ensure that the fine is paid by execution on the property of the individual.

2.40 p.m.

That particular clause gives the High Court a power which the Magistrates' Court already has. So, in effect, while we might be tempted to feel that this particular provision is harsh, we

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National Assembly

2.40 – 2.50 p.m.

need to be reminded of the fact it is a power which already lies with the Magistrates' Court and what the Bill, in fact, is seeking to do in this particular provision is to extend that power to the High Court as well.

Further, another provision seeks to enable the Judge or the Magistrate, when the person charged has been convicted, and if the Director of Public Prosecutions so requests, to enable the Judge or the Magistrate, to order the deportment, the expulsion of that person from Guyana if that person is not a Guyanese citizen and has been found guilty of an offence which is related to the taking of money out of the country. If that person is a citizen, the Judge will be empowered by this Bill to require that person to surrender his travel documents and to forbid him from leaving the country for a period.

The Bill also seeks in another clause to bring similar provisions in the Customs Act in line with these provisions which are now forming part of the Exchange Control Act. The relevant provision in the Customs Act for currency offence only enables the Magistrate or Judge to impose a fine of certain time the amount of money involved. If this Bill is passed into law, in those circumstances, the trial Judge or Magistrate would be enabled to order imprisonment as well.

Those are the fundamental points within the Bill and from what I have said, it will be observed that the essential purpose of the Bill is to tighten certain of the enforcement clauses of the present Exchange Control Act. It is hoped that this manner of tightening the enforcement procedures will act as a deterrent to persons who wish to go contrary to the provisions of the Act. And, it should be interpreted as a promise by the Government that it intends to act and to act strongly to protect the national economic interest. From this point of view alone, I am satisfied, Cde. Speaker, that this House will see fit to pass the Bill into law.

The Deputy Speaker: Hon. Leader of the Opposition

Mr. Singh: Mr. Speaker, it is well established that in any properly organised society if there is any mischief that is prevalent, if the laws are being broken with impunity, then, presuming of course that the law is a good law, the Government of that society is under an obligation to take such measures as it thinks fit to curb the mischief.

Unfortunately, we are all aware that within recent times there has been a great increase in illegal transactions against the Exchange Control laws of the country, so, to the extent that the Government is legislating with a view to curb this, it is under an obligation to do so. But, we must look at the law itself; we must look at the broad picture; we must look at the existing state of affairs in the country also.

The Constitution of Guyana, at the present moment, guarantees freedom of travel in and out of Guyana. Is this really so? Can we really travel freely in and out of Guyana? Can we do that on the \$15 (Guyana) which, for other than business or medical purposes we get so very “gratuitously” from the Government to go overseas? Can we really say that that freedom is in fact being observed?

The Constitution is still the paramount document of the land. It is still the document that we recognize as being the most important document of the land. Are we not in fact circumventing the provisions of the Constitution by the existing legislation which permits only \$15 to be available to people who would like to leave Guyana? Therein lies the problem. People cannot leave on \$15 and therefore they are forced to indulge in illegal transactions. That is the root cause of the problem which we have facing us at the present moment. I know this for a fact.

Doctors and other professionals – people who are much needed at the present moment in the country – will not come to Guyana. Doctors will not come to Guyana because of the present restrictions, because of the limited amount which they are allowed to take out at the end of their contract. I know of cases where, within recent times, Filipino doctors have left this country because they were not allowed to take out enough money to meet the expenses of their dependent relatives overseas.

People have told me that they could not send out enough money to support their dependents overseas and as a result of not being allowed enough to support dependents overseas, they gave up their contracts and cleared out of Guyana. Not only these people, but Guyanese in huge numbers want to leave at the present time. Even P.N.C. members would like to leave Guyana at the present time. Why? They would like to leave because they do not agree with what the P.N.C. is doing at the present time. They tell me, and they tell me very vehemently, that they did not vote at the last elections for what the P.N.C. is doing. They said that what the P.N.C. is doing was not put to them at the last elections. They do not agree with it.

What do they object to? They object to this mad, headlong rush towards, not socialism, but communism. I repeat, the mad, emotional rush towards embracing communism. And that is what is making so many of them so scared, that as soon as it is practicable, as soon as they have the wherewithal, they want to leave Guyana.

They object to other things. They object, for example, to the statement that the party is supreme and that the State is subservient to the party. They do not agree, for example, to the Ministry of National Development being used as the Office of the General Secretary of the

P.N.C. financed with taxpayers' money, and Government vehicles being used for party purposes. They accept the old principles that the party should not use Government funds and Government machinery for its own purposes to propagate the party.

They do not agree that, this very much present at the moment, that civil servants should be called upon, indeed, almost forced to subscribe to the forthcoming P.N.C. congress. The Ministers, I understand, have been asked to subscribe \$500. Let them do that, but why do they have to call on civil servants to subscribe also? Civil servants have been told that they have to subscribe. Permanent Secretaries have been told that they have to subscribe up to \$250 and they have to present a receipt to the party people. The lesser employees have to show the Permanent

Secretaries the receipts for their donations. Is it right? For the higher categories in the Civil Service, the amounts are fixed, and the lower categories have been told: “You have to donate.”

As far as those civil servants are concerned, this is a one-party State. They are forced to subscribe to one party even though they may not agree with the philosophy, they may not be supporters of that party. As far as these Government employees are concerned, is it not a one-party State where they have to accept one party and no other party?

What are we making Guyana into? What did we fight for in 1963 and 1964, when we fought communism, when we fought Cheddi Jagan, when we fought Fidel Castro? **[Interruption]** The United Force and the P.N.C. together parading the streets of Georgetown and fighting against Jagan and his communism. And now what do we have?

We have communism with its most extreme frills and trappings here in Guyana, where civil servants who may totally reject the philosophy of the P.N.C., who may be diametrically opposed to the P.N.C., as long as they have a Government job, they are told: “You have to subscribe or else.” Or else they will be penalised. Is that what we call democracy in Guyana? If that is democracy, I want no part in it.

If the Government is truly democratic, I would ask it to reconsider all these things. I would ask it not to pursue its present policy, to regard the wishes, the aspirations, of the people and not force people to subscribe, as is being done, as just one example.

I would ask the Government to reconsider the restrictions on travel. We know that the national economy has to be safeguarded. Any country must, and most countries have done it. They have put on restrictions in times of national crisis, just the kind of exchange control to enable very much-needed foreign reserves to be built up, to prevent the money going out of the country, money which has to be redeemed if Guyana’s currency goes out of Guyana. We know all of that, but the hon. Minister in his last Budget Speech said that the state of the economy was

buoyant. He said that in 1974 the reserves were Guyana \$24 million and the reserves are fluctuating in the vicinity of Guyana \$260 million. Therefore, I think the time has come when we can afford to make some concessions.

I am not saying that the restrictions must be lifted altogether and everything made free but we can afford to be a little less restrictive than we are at the present moment. As my hon. colleague Mrs. DaSilva urged at the last meeting of Parliament we can afford to increase the allowance granted to people leaving the country for other than business or medical reasons from the ridiculous figure of \$15 (G) that cannot even be changed outside of Guyana.

We can afford to make something available to people going on holiday, as the hon. Member urged, first and foremost in the Caribbean area because we are members of Caricom, and also for those emigrating because the Constitution says that they are entitled to leave. I am not saying that they are entitled to leave with all that they possess in Guyana and should be entitled to take out all that they possess. Let us give them a more realistic figure than the \$100 Guyana which, I understand, is at the present moment given to them. If a man is going to set up life in another country, how much is \$100 Guyana?

In the context of reserves fluctuating at Guyana \$260 million, we can afford to be considerate. What is being done is not being considerate at all. We can afford to be considerate to the person leaving Guyana. If he wants to leave, why should we want to keep him tied to Guyana? He is dissatisfied, he is fed up, he wants to go. I would have thought that the Government would say: "Let him go," because it does not want to keep dissident people in Guyana. [**Interruption**] What we need in this country at the present moment is to stop preaching all this business of socialism, which we know means communism, while at the same time we are denying fundamental rights and we are denying fundamental freedom.

(Mr. Singh continues)

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National Assembly

3 – 3.10 p.m.

3 p.m.

We and the P.N.C. paraded the streets fighting against communism and there is the Deputy Leader almost admitting that that is what we have in Guyana at the present moment. That is what he is saying. I dare him to get up and deny that what we are setting up in Guyana is not communism. That is what we were fighting against in those previous years and then he tells me that the whole world cannot stop communism. Imagine a remark like that coming from the Deputy Prime Minister.

What have we descended to in this country? The Government's own supporters are asking this question. What did we fight against in those previous years? That is why people are flocking to get out of this country. That is why so many people are flocking the travel offices to leave Guyana and that is why so many people are indulging in illegal transactions.

I make a plea to the Government to let us restore in Guyana the fundamental rights and freedom that we enjoyed for so long. I make a very stirring and urgent plea. It is necessary to restore confidence in Guyana. Unless confidence is restored, we will still have people running away from Guyana. The P.N.C.'s own supporters will continue to want to leave. They say they have many supporters and overseas voters. They come here on holiday, but will they stay? Not one of them wants to stay. And even when we bring them back on the reorientation scheme, as they call it, they stay a couple of mornings then they return home. With all the strong support the P.N.C. has overseas, don't the people come and stay here. They know they have to conform here, pay their party dues and do all sorts of things. There are all sorts of restrictions. That is the problem and that is why I make such a plea to the Government to change its policy in order that we can have a return to what we enjoyed, freedom and democracy.

There are some points in this Bill that I would like to ask questions on. People have been discussing the penal clauses in this Bill with me and some questions have arisen. They may be minor questions but from my understanding of the law, the penalties are for even the minor sums of money. It is just as serious. The maximum penalty is one year's imprisonment and a fine of \$1,000 and after that imprisonment the person is prevented from leaving the country for a period

up to one year. What is the position with the person who, unsolicited, receives money in an envelope through the post? That person, according to the law, is under an obligation to go and encash that money with an authorised agent. In the first place, the person overseas should not have sent it. The person has committed an offence by putting the actual money in an envelope and sending it here, as far as the laws of that country, the U.K. or the United States, are concerned. My understanding is that you cannot send money through the post. Even in Guyana you cannot do that. The hon. Deputy Prime Minister does not seem to understand. I am saying “unsolicited.” How do I know whether a relative of mine living somewhere in the backlands of Australia will send me some money as a birthday present? Does he not understand that I am speaking of an unsolicited gift of money? What do I do? Do I send a circular letter to every single person that I feel or do not feel would ever send me money and inform them they should not do that? What stupidity! What ignorance! Let us not worry with such extraneous matters as the hon. Deputy Prime Minister would like to indulge in. He thinks this is a laughing matter.

Under the law the person who receives money from abroad is, in fact, guilty of an offence if a couple of days after receiving that money an exchange control officer visits him and finds him in possession of that money. If the Courts do not believe that he had that money for only a few days, then he is guilty of an offence which carries a penalty of one year’s imprisonment, a fine of \$1,000 and also the prohibition from leaving the country for one year after the imprisonment.

I can give an even more fundamental example. Let us take a Guyanese citizen who arrives at the airport after a business trip. He has no Guyana currency because Guyana currency cannot be cashed outside. He gets in a taxi and pays the driver with US\$5 bill. That is an offence under the law. He is dealing with an unauthorised dealer. The taxi driver receives it. In the strict interpretation of the law they have both committed offences in those circumstances. They would both be liable to penalties up to a fine of \$1,000, one year’s imprisonment and prohibition from leaving the country and, after that, imprisonment for one year. These are very serious penalties.

In respect of those who are contravening the law, in the same sense that they are making out of this country, they are capitalising on the situation and they are dealing in money. That is fair enough. In order to curb the mischief you need harsh penalties, but unfortunately, small people with no criminal intent are nevertheless caught by the provisions of the law.

I would hope that in the circumstances of the case the law would give them consideration. I would hope that the way in which the law would be enforced would be to get at those people who are really dealing in moneys and not those innocent, incidental cases. I make the point as a lawyer because even though the Government is after the big people who are dealing in moneys, the sharks as they would them, nevertheless the small people are also caught.

3.10 p.m.

Technically they are also committing offences and I would like to be assured that transactions such as these – I really cannot ask for such an assurance because the judiciary is supposed to be independent and it would depend on the Magistrates' jurisdiction. The Government cannot issue instructions to them. So I am really stuck here and I would only hope that under the circumstances the Judges and the Magistrates would exercise their discretion in cases such as those.

I do appreciate that under the Interpretation and General Clauses Act the penalties can be imposed alternatively or cumulatively; the Courts can impose on them all three and that is what causes me some worry, sir.

Another aspect that worries me is the penalty itself. The Guyana Constitution at the present moment, says there is to be freedom of travel in and out of Guyana, yet in this Bill, a part of the penalty, as I have said before, there is this denial of the right of a Guyanese to leave Guyana for up to one year beginning from the termination of any imprisonment which had been imposed on him.

It is argued that this is constitutionally quite in order, that there are exceptions to this constitutional provision and one of the exceptions is any penalty for any offence which involves leaving Guyana. That is an exception. Even if we accept, is it morally right to fine a person up to one thousand dollars, to imprison him for up to one year and after that imprisonment say that he cannot leave the country for one year? Is this morally right?

If a man is penitent, being very sorry for his offence, wanting to make a fresh start, wanting to clear out of the country to rehabilitate himself somewhere else where the stigma of a prison sentence would not be visited on him as it would be in a community in which he is well known, is it morally right that we should keep him tied to Guyana for up to one additional year? Do you rehabilitate a prisoner by putting the mark of a criminal on him for a period up to one year after his imprisonment?

This is a worrying matter and I would like to ask the hon. Minister to reconsider this. Is it necessary after fine and imprisonment to put on this additional restriction to make it not legal for this person to leave the country for up to one year? I would have thought that, having paid a fine, having served a period of imprisonment he should be free to leave the country if he wants to rehabilitate himself and to make a fresh start, particularly if he is sorry for his offence? And we cannot gainsay the fact that in these days the accent is on rehabilitating prisoners. They have served their time; they have paid their debt to society and the accent is on helping them to readjust themselves, and to set themselves in society again and not to keep them tied down in Guyana as I said, with the mark of a criminal on them for up to one year additional to the prison sentence and additional to the monetary penalty. Even if it is legal, even if it is constitutional for us to do this, I appeal to the hon. Minister to look at the moral aspect and I ask him to reconsider this matter.

In the final analysis I think we come back to the root cause of all of this and that is the necessity to ease the restrictions, to grant a reasonable amount for a holiday in the Caribbean and to grant a reasonable amount to persons emigrating out of Guyana to make a fresh start with their

families in the new country of their choice, particularly in view of the fact that our Constitution guarantees freedom in and out of Guyana.

The hon. Minister has said that he will soon make an announcement in respect of this whole matter. All Guyana, I assure him, is eagerly awaiting this announcement.

The Deputy Speaker: Comrade Minister of Finance, do you want to reply?

Cde. Hope (replying): Yes, sir. The hon. Leader of the Opposition took the opportunity of this debate to make excursions into matters which were not entirely related to the Bill. In fact, he sought to imply that people wanted to leave the country because of the policies of the Government. I am sure the hon. Member recognizes that in those expressions he was, in fact, expressing the views of really a dissident minority in this country, a minority, Cde. Speaker, which is reflected in the size of the Opposition on the other side of the House.

Contrary to those expressions, the majority of people in this country – and the hon. Member knows this – applaud and support the Government for its policies, policies which have led to growing production in agriculture; which have led to this country being fed in times when other countries are facing starvation; policies which see the rise of numerous houses throughout the country where small people can look forward to owning houses and not to renting houses; policies, Cde. Speaker, wherein people can look forward to free education in this country from kindergarten right up to University.

It is these policies, Cde. Speaker, which the Government is promoting. It is these policies which have won the support of a vast number of people in this country. It is these same policies which we are trying to protect, by means of the penalties imposed against that same dissident minority which wants to undermine the successful implementation of these policies by illegal capital transfers from this country.

The hon. Member knows that this Bill is one of great merit, that in fact it is largely because a small group of people do not understand yet, that they are afraid. But the majority of people, in fact, look forward to the day when this country will in fact be a socialist country bearing in mind the benefits which flow to all and sundry irrespective of class, colour or creed under a socialist system.

The hon. Member recognizes these facts. That is why it was not difficult to recognize this difficulty, a difficulty in trying to convince this House, and I am sure the public, otherwise; a difficulty which he sought to hide by shouting across the Floor. I would hope that when the hon. Member has to comment on a Bill he would comment on the merits of the Bill with objectivity and not try to shout across some of his views which he knows cannot tie unless they are expressed in volume.

One of the things that he wanted to tell this House was that people cannot leave this country. The hon. Member could not be serious in putting over that view, it is not even propaganda. Because all we need to do is to go up to Timehri Airport and see the vast number of people who leave and the vast number of people who return, to know that what he said does not even qualify as propaganda. Because it is not the \$15, which the hon. Member remarked on, that carries them. It is the airplane ticket which carries them, and until now every individual who wants to purchase an airline ticket can do so freely. That is what matters; that is what determines whether a person can leave the country. Can he purchase an airline ticket or a shipping ticket? So far you can do it, and so far he has done it; he has left and he has returned.

The \$15 was not designed for him to spend abroad, because he cannot spend it. The \$15 was designed to satisfy the same difficulty which the hon. Member posed in of his hypothetical cases: If a man returns and he says he only has foreign currency and he has to pay the taxi driver, isn't that illegal? He does not have to the taxi driver in foreign currency if he has \$15. That is the whole point of the \$15. When he returns to Guyana, as we expect he would return to Guyana, he would have his money to pay the taxi driver to get down to Georgetown. [Mr. Singh: "What

does he do in Canada?”] What he does in Canada I do not know and I am in no position to control. I can only know and control what happens in Guyana. **[Interruption]** But he can have his airline ticket and he can go. And if he is going on business not only can he have his airline ticket, but he can have a reasonable sum to go with it. If he is sick or he says he is sick and the Government does not seek to prove otherwise, he can also have foreign currency to go. These are important facts to know. If people here on contract have dependents as the hon. Leader of the Opposition pointed out, I think he referred to certain doctors – the bank, even with the restrictions, permits them a certain proportion of their salaries to be abroad for the support of their relatives. This is also a fact. So all these difficulties which the hon. Leader of the Opposition is complaining about really boils down to the difficulty associated with leaving the country to spend a holiday. And we have said, quite unequivocally, that we are not at this point in time, that is, over the last year, 1974, and until now, giving scarce foreign exchange for holiday travel abroad.

It is true; I did say that it is a policy which is, in fact, being reviewed. We have taken account of the fact that our reserves have risen, but the hon. Member would recognize that Guyana cannot be like the irresponsible person who, having earned, seek to dissipate his earnings in riotous living. The money must be used for purposeful development and reasonable consumption. The time will come – I hope it does come – when we can allow some amount of consumption in the form of external holiday travel. I hope that time will come. But in the mean time it must be understood, it must be recognized, that holiday travel, in circumstances when we are pushing development, cannot be a matter of high priority and the citizens of Guyana must recognize this. I am satisfied that the majority of them recognize this, and I am even satisfied that even the dissident minority recognize this except when they want to speak for the purpose of propaganda.

Those people who are emigrating are also free to leave. They can purchase a ticket, but it is certainly the Government's right to say whether it will give them what does not belong to them to facilitate their emigration abroad. The national reserves do not belong to any particular

individual. They belong to the nation in care of the Government. Therefore it is the Government to determine if it wishes to give a citizen who says that he wants to emigrate any of that reserve. It is very important. He has money, nobody is taking his money from him, but we say he cannot go and buy the nation's reserves if he wants to emigrate. Those are the facts and we make no apology, for that. It is because we adopted these policies that today we can feel relatively comfortable in a world which is really studded with uncertainty and disaster for so many.

It is also to be noted that in order to facilitate the people who arrive in this country and who have foreign exchange and want to spend foreign exchange before they get to Georgetown, the Government has established a branch of the National Co-operative Bank at Timehri Airport. That bank is opened not necessarily all the time continuously, but it is opened for flights, so that an individual arriving in Guyana who has no other currency except foreign can go the Bank, which is an authorised agent, to sell his foreign exchange and get local currency which he can then proceed to spend quite legally.

3.30 p.m.

Finally, Cde. Speaker, the hon. Member raised the issue of the constitutionality of the provision which states that if a person has been convicted for an offence related to the export of money, particularly where that offence is committed in the course of that individual leaving the country, his freedom to leave the country may be restricted on the application of the Director of Public Prosecutions. The hon. Member started off in a way in which I thought he was going to say it was unconstitutional but I think he soon recognized that it was a perfectly constitutional argument. Then he said that as a lawyer he took refuge in the morality of the provision. I am not a lawyer, sir, but I am not sure that lawyers usually take refuge in morality. I thought they relied on the constitutionality of laws, the propriety of laws, not the morality of laws. That is left to the legislature and that is what we are here about.

We feel, Cde. Speaker, that the circumstances are sufficiently serious to impose these penalties. No one need be subjected to these impositions. Obviously, the remedy is in his own hand. If he does not break the law in this regard, then the penalties do not arise and certainly since there is no question of retroactivity in this clause, all and sundry in Guyana will take note of the severity of the law and I hope the very severity of the penalty will induce them to desist from any thought of breaking the law.

Question put, and agreed to.

Bill read a Second time.

Assembly in Committee.

Bill considered and approved.

Assembly resumed.

Bill reported without amendment, read the Third time and passed.

ANNOUNCEMENT BY THE SPEAKER

Leave to Member

The Deputy Speaker: This completes our business for today but before I call on the Cde. Minister of Parliamentary Affairs and Leader of the House to move the adjournment, I wish to make a further announcement. Leave has been granted to the Cde. Prime Minister for today's Sitting.

ADJOURNMENT

Resolved: “That this National Assembly do now adjourn to a date to be fixed.” [**The Minister of Parliamentary Affairs and Leader of the House**]

Adjourned accordingly at 3.40 p.m.
