

SECOND LEGISLATIVE COUNCIL

(Constituted under the British Guiana (Constitution) (Temporary Provisions) Orders
in Council, 1953 and 1956)

Thursday, 12th January, 1961

The Council met at 2 p.m.

PRESENT :

Speaker, His Honour Sir Donald Jackson

Chief Secretary, Hon. D. M. Hedges

Attorney-General, Hon. A. M. I. Austin, Q.C.

Financial Secretary, Hon. W. P. D'Andrade.

} *ex officio*

The Honourable Dr. C. B. Jagan

— *Member for Eastern Berbice*
(Minister of Trade and Industry)

„ „ B. H. Benu

— *Member for Essequibo River*
(Minister of Natural Resources)

„ „ Janet Jagan

— *Member for Western Essequibo*
(Minister of Labour, Health and
Housing)

„ „ Ram Karrau

— *Member for Demerara-Essequibo*
(Minister of Communications and
Works)

„ „ B. S. Rai

— *Member for Central Demerara*
(Minister of Community Development
and Education).

Mr. R. B. Gajraj

— *Nominated Member*

„ W. O. R. Kendall

— *Member for New Amsterdam*

„ R. C. Tello

— *Nominated Member*

„ F. Bowman

— *Member for Demerara River*

„ L. F. S. Burnham, Q.C.

— *Member for Georgetown Central*

„ S. Campbell

— *Member for North Western District*

„ A. L. Jackson

— *Member for Georgetown North*

„ E. B. Beharry

— *Member for Eastern Demerara*

„ S. M. Saffee

— *Member for Western Berbice*

„ Ajodha Singh

— *Member for Berbice River*

„ Jai Narine Singh

— *Member for Georgetown South*

„ R. E. Davis

— *Nominated Member*

„ A. M. Fredericks

— *Nominated Member*

„ H. J. M. Hubbard

— *Nominated Member.*

Mr. I. Crum Ewing—Clerk of the Legislature

Mr. E. V. Viapree—Assistant Clerk of the Legislature.

ABSENT :

Mr. A. G. Tasker, O.B.E. — Nominated Member—on leave.

The Clerk read prayers.

MINUTES

The Minutes of the meeting of the Council held on Wednesday, 11th January, 1961, as printed and circulated, were taken as read and confirmed.

PAPERS LAID

The Minister of Communications and Works (Mr. Ram Karran): Mr. Speaker, I beg to lay on the Table the

"Report of the Director of Audit on the Accounts of the Transport and Harbours Department for the year ended 31st December, 1959."

PERSONAL EXPLANATION

The Minister of Community Development and Education (Mr. Rai): Mr. Speaker, I wish to be allowed to draw your attention to *The Daily Chronicle* of January 12, 1961, in which there appear several reports of the debate which took place in this Council yesterday on the Education (Amendment) Bill.

The report, which specifically made reference to what I said, is inadequate, unfair and inaccurate and, in my view, a breach of the privileges of this Council. The matter about which I complain, is a statement which says as follows :

"In one of his most forceful speeches, Mr. Rai said that the Church was paid by the British Government to keep the people as slaves both intellectually and mentally."

I have no objection to this, but it goes on further as follows :

"And added that Slavery was not incompatible with Christianity".

I think the record would bear me out. I cited the name of a leading Methodist Missionary, the Rev. Mortier, whom I said was responsible for this view in the 19th Century. This statement is attri-

buted to me. I am not responsible for this statement but, as I said, represents the view of a leading Methodist Missionary, the Rev. Mortier.

There are other minor inaccuracies, one being that I said "the Church was not to resist civil authority, but to obey on several matters." What I said was that the Church must obey the State in secular matters.

I hope this would be put on record and that those responsible would make the necessary corrections.

ORDER OF THE DAY

EDUCATION (AMENDMENT) BILL

Mr Speaker: Council will resume debate on the following Bill:

A Bill intituled "An Ordinance to Amend the Education Ordinance."

The Minister of Community Development and Education (Mr. Rai): When the adjournment was taken yesterday, I had been addressing you, Sir, on the backsliding of the hon. Member for Georgetown Central, Mr. Burnham, and the views he had taken since 1957; and also addressing you on the unrealistic approach the Church in this country has taken on the question of control and management of primary schools. I said: How can the Churches disobey the sacred injunctions to yield obedience to the civil authority, and I stated that they were enjoined to do so by persons like St. Augustine and others. I am sure the Churches have not forgotten what is written in the "City of God" where St. Augustine enjoined all the members of the Church to obey the State in secular matters.

I wish to refer to a pamphlet entitled "British Guiana A Challenge to Labour" written by Dr. Jagan, Janet Jagan, L. F. S. Burnham and B. H.

Benn, with foreword by Harold Davies, a Member of Parliament. I think this was published shortly after the suspension of the Constitution.

Mr Speaker: Has it got the year?

Mr. Rai: I, myself, had been looking for the year, but I have not seen it. I can make it available to the Reporters. In a short article entitled "We planned Reforms and Troops Came In", Mr. Burnham, former Minister of Education, said among other things:

"In British Guiana over 90 per cent. of the elementary schools are controlled by Christian denominations, but are maintained and the teachers paid out of Government funds. Promotion for most teachers lies through their religious or denominational affiliations rather than professional ability. Those drawn from our Hindu and Muslim population—40 per cent. of the whole—face a *cul-de-sac*.

The whole system is unsatisfactory and its abolition was recommended in 1941 by Mr. Hammond, the Education Adviser to the Comptroller of Colonial Development and Welfare in the West Indies. In accepting this recommendation, which has been supported on several occasions by the British Guiana Teachers' Association, *we were prepared to provide the safeguard of allowing all religious denominations the right of access to schools at stated periods to give religious instruction to children of their respective persuasions. This reform earned us the accusation of seeking to create an atheist Communist generation.*

Much of our education is unrealistic in content and approach. For one thing, as was admitted in a "Report of Investigation into the Public Service" 1953, it is academic and formal, with the technical and practical aspects largely ignored. Furthermore children are taught little if anything about the history of their country and of the struggles and achievements of their forbears. British patriotic songs like "Rule Britannia" are their regular fare, and a love for and pride in their own country is not encouraged, if not actually discouraged."

I had occasion to remark how this Minister of Education in this country had embarked on a policy of total abolition of this system of dual control of schools. This is what he wrote after

the suspension of the Constitution; yet he comes here seven years after and says he is not ashamed of changing his views, without giving his reasons, therefore. He does not know what is meant by a Schools Control Committee. He said that the Church should control the schools and **Government appoint and promote** the teachers. Schools Control Committees are only a camouflage by the denominational bodies. They would give the denominational bodies a majority in the control of schools. A Schools Control Committee would not, in any way, affect the basic principle of appointment and promotion of teachers. It would not end the discrimination which is being practised by these denominational bodies among and against themselves. It will not prevent people going to the Main Street R.C. School with their children for admission or a person applying for the headmistress' or headmaster's job then being asked: "Are you a Catholic?" This is what has been going on for years. It would not prevent the Anglicans from denying a Roman Catholic a job. The Bishop has said that the Catholic schools were built for Catholic children and so shall they remain. This is the position that obtains in the Colony today.

The Education Ordinance, Chapter 91, provides that every child has the right to be admitted to any primary school in the Colony which is receiving grants from the Government. The word "grants" here is a misnomer. Grants are not given to schools. The Government pays the whole of the teachers' salaries and gives grants towards the maintenance of school buildings and for other purposes.

Here we have a denominational body in the country saying openly and publicly that Catholic Schools were built for Catholic children, and so they must remain. There is no intention of a compromise on this issue, and they want things to remain static. I have already

[MR. RAI]

pointed out how they cannot co-operate with each other; they are wrangling among themselves; they would not accept a common syllabus for religious instruction; and while they fight among themselves the educational system, as well as the education of the children in this country, suffers.

I am sorry the hon. Member for Georgetown Central is not in his seat again for the second day. He has had his say, and, apparently, he does not wish to listen to what other people have to say. He said he proposed to ask me why I was able to approve the appointment in a matter of minutes of the Head-teacher of the Augsburg School, but was holding up the appointment of the Head-teachership of the Cane Grove School? That is true. I would like to ask the hon. member now is it that he knows these facts which I do not dispute? It is true I was able to approve of the appointment in a short space of time of the Head-teacher of the Augsburg School, because the relevant facts were submitted to me in such a manner as to enable me to make a decision; whereas the data regarding the Headteacher for Cane Grove School was inadequate. How is it that the hon. Member knows these facts?

I am sure no one in this Council will condone any Member inciting civil servants to be disloyal to the Ministers of the Government. There has been an apparent disloyalty on the part of one or more officers in the Education Department by giving to the hon. Member information without the authority of the Minister of Education. No one will condone civil servants breaking the principle of political neutrality. No one will condone any Member of this Council—if he has done that—in trying to get information from civil servants by improper means.

The hon. Member for Georgetown Central said that the teachers have agreed to Schools Control Committees. That is not correct. The teachers on two occasions put up different proposals for Schools Control Committees. Unfortunately, the Schools Control Committees the teachers have in mind are not the same as the one the churches have in mind. I know for a fact that the teachers are not opposed to this Bill. They have given no expression of opposition to this Bill. All the information I have had from them comes from the executive of the Association, and there is no information from them indicating that they are opposed to this Measure.

The teachers in denominational schools are the employees of the denominational bodies, and they are intimidated by the Managers of the schools—even their wives are intimidated. They are required to do Sunday School work, and if they do not do it they are liable to victimizations and to transfers. They must learn to play the organ and play second-fiddle to the Managers and their wives; they must spy on other teachers and carry information concerning them to the Governing Bodies.

Would the Roman Catholic Bishop deny that he refused to appoint a Catholic teacher, who is far more experienced and qualified than any other teacher whom he has appointed, to a certain post—Senior Assistant in a Catholic School—because she was a member of the P.P.P.? Even though she was recommended by the Manager of the School she was not appointed. If you are not a Catholic you do not get a job there. [An hon. Member: "That is not true."] If you do not give body and soul to the Catholic Church, you do not get promotion. This is the state of affairs that exists under the present education system in this country.

I have been told that if this Measure is implemented there will be dissension

and ruin. It reminds me of the statement which is attributed to the hon. Member for Georgetown Central that in this coming political elections, "it is a case of kill, or be killed." So long as I am Minister in charge of the Police in this country, I shall see to it that all political parties get a proper hearing, and that law and order will be preserved.

I have been told also that one of the solutions to this problem is that the Government should assist Hindus and Muslims to build schools. Let us examine this matter. It would not be examined for the first time, because Mr. Hammond examined the proposal in 1941 and advised against it. He said that it would split the nation. This is exactly what those who do not want to see us get Independence are trying to do. They want us to have religious and racial rivalry in this country. How are we going to lay the foundation for the coming generation?

My hon. Nominated Friend, Mr. Fredericks, belongs to the United Force. One of their principles is that they want to have the integration of the peoples in this country. How are you going to have integration if discrimination is permitted among children and teachers in the schools because of their religious beliefs? He is also acquainted with an organization called "The Defenders of Freedom" in this country. Where is the religious freedom, if an individual has to change his name and religion in order to get a job in a school? Merely allowing other people to build schools on denominational lines will not solve the problem. Instead of bringing about integration there will be disintegration — [Mr. Tello: "Nonsense?"] Mr. Tello says it is nonsense. Why didn't he, when he was a Member of the Executive Council in the Interim Government, see to it that the dual control "agreement" was passed into law? Why didn't he see to it that Hindus and Muslims were given grants to build schools?

Mr. Tello and Mr. Kendall were Members of the Government, so why didn't they see to it that the Dual Control Agreement was passed into law? Since this document was drawn up there has been considerable dispute between the Government of the day and the denominations as to the interpretation to be placed on it. No Government has ever accepted the interpretation by the denominational bodies. My hon. Friends would know that, and they should try to give a proper explanation.

We have a professional educationist, Mr. Hammond, who said that it would split the nation within a generation. This debate has had its full round, and it is only left for me to say that in the same way that we are determined to free this country from political bondage, we are in full measure determined to free it from ecclesiastical bondage.

Question put, the Council divided and voted as follows:

<i>For</i>	<i>Against</i>
Mr. Hubbard	Mr. Bowman
Mr. Gajraj	Mr. Beharry
Mr. Jai Narine Singh	Mr. Fredericks
Mr. Ajodha Singh	Mr. Davis
Mr. Saffee	Mr. Tello
Mr. Rai	Mr. Jackson
Mr. Ram Karran	Mr. Campbell
Mrs. Jagan	Mr. Burnham
Mr. Benn	Mr. Kendall — 9.
Dr. Jagan	
The Financial Secretary	
The Attorney-General	
The Chief Secretary	

—13.

Mr Speaker: The Motion is carried, and the Bill will therefore be read a Second time.

Agreed to.

Bill read a Second time.

Council resolved itself into Committee to consider the Bill clause by clause.

COUNCIL IN COMMITTEE

Clause 1.—*Short Title.*

Mr. Rai: I beg to move an Amendment to Clause 1, line 2, by the substitution of the figures "1961" for "1960".

Question put, and agreed to.

Clause 1, as amended, ordered to stand part of the Bill.

Clause 2.—*Repeal and re-enactment of section 13 of Chapter 58.*

Agreed to as printed.

Clause 3.—*Insertion of sections 32A, 32B and 32C in Chapter 91.*

Mr. Bowman : I wish to move an amendment to the proposed new Section 32A(1), as follows:

- (a) Substitution of the word "all" for the word "any" in the fourth line.
- (b) Addition of the letter "s" to the word "school" in the fifth line.
- (c) Substitution of the word "continue" for the word "cease" in the sixth line.
- (d) Deletion of the word "an" in the seventh line, and addition of the letter "s" to the word "school" in the same line.
- (e) Deletion of all of the words in the subsection following the word "school" in the seventh line, and substitution therefor of the following:

"and that School Control Committees be established to govern and control all denominational schools on the basis of three representatives from each denomination and two from Government."

The Amendment which I have just moved —

The Minister of Natural Resources (Mr. Benn): To a point of order! I submit that there is no definition of "Schools Control Committees" in the

Interpretation Ordinance, and I do not see how the hon. Member can have those words inserted in this Clause.

Mr. Bowman: Apparently, the Minister does not understand the Amendment I am proposing.

Mr. Benn: I was saying that there is no definition of the term used by the hon. Member.

The Chairman: That does not make the Amendment out of order.

Mr. Benn: I did not say it was out of order.

The Chairman: I understood you to say that you rose to a point of order. I can only interpret that to mean one thing. Did I understand you incorrectly?

Mr. Benn: I said that definitely.

The Chairman: You said you rose to a point of order.

Mr. Benn: Yes, I did.

The Chairman: I am not saying that the Amendment is in order. I have not seen it before, and I am now reading it. If it is not desired that I should read it, then proceed. The Amendment seems to be a direct negation of the Section itself, and that being so, it cannot be allowed. The Member will have to vote against the Clause. I cannot allow his Amendment because it violates the Rules governing Amendments.

Mr. Bowman: With your permission, Sir, I would like to state —

The Chairman: I have ruled that your Amendment is not in order.

Mr. Bowman : Am I not allowed to say something?

The Chairman: As long as the Amendment is not in order you cannot say anything about it. It violates an essential principle.

Mr. Davis: I would like to throw out a suggestion at this stage that the Minister might consider the desirability of referring the Bill to a Select Committee of the Council. In urging that I would say that the Bill is a highly controversial measure and I hope the Minister will give some serious consideration to the suggestion I have made.

Mr. Bowman : The arguments adduced by the Minister — I am not speaking on the Amendment.

The Chairman: If you are speaking on the Clause you are quite in order.

Mr. Bowman : We have been treated to four different historical expositions of the Churches, and they give me the impression that no matter how reasonably we may argue on this side of the Table, it will be a waste of time, because the minds of the Government Members have been fully made up. But some of the arguments adduced by Members of the Government, especially the opening argument by the Minister of Education, to the effect that non-Christian teachers are being discriminated against by the Christian denominations —

The Chairman: May I point out to you that we are not going back to the arguments on the Second Reading of the Bill. If you wish to speak on the particular Clause you can do so, but we cannot go back to the arguments on the principle of the Bill which lasted several days. You know that.

Mr. Bowman : The Clause says "any aided school listed in the schedule to this Ordinance, shall for the purposes of control and management cease to be an aided school," The Amendment which I was attempting to introduce was to —

The Chairman: You cannot go back to the Amendment.

Mr. Bowman : I am only referring —

The Chairman: If you are going to speak on the Amendment I shall have to ask you to take your seat. I have already ruled on the Amendment.

Mr. Bowman : I am not speaking on the Amendment. I am only saying that the question of aid is mentioned in this Clause. It says that after a certain date the schools shall cease to be aided schools. I am saying that aid should continue to be given to these schools because this legislation is a travesty of what we are accustomed to. To cease giving aid to schools and to take them completely out of the control of the Churches which have been responsible for them for many years, is an evil thing. I remarked earlier that we are moving towards nationhood and we should do everything possible to foster unity, but this Bill is not doing that. It is going to foster bitterness, enmity and all the evils that go with that. That is why in introducing the Amendment just now — I am not talking on the Amendment, Sir — I said it would be a great compromise, but it seems to me that the minds of the Government Members are fully made up, and to argue with them will be a waste of time. Let them go on. They have the voting strength, but it will not always be so. They will not come back here.

Mr. Teilo : I beg to offer an Amendment to the new Section 32A(1) to substitute for the words "one month" the words "twelve months" in the third line. What has motivated me is the fact that there is tremendous opposition to this Bill, and as far as I see from the course of the debate, Government itself has been influenced by a certain decision which, it would appear, was hastily reached in 1953, and for another reason

[MR. TELLO]

it was intended to embarrass someone who has exercised his right to change his opinion, and, thirdly, because Government has not seriously given consideration to the rejection of the Hammond Report.

As I see it, Sir from the voting strength in this Council of the Majority Party and its supporters on this side of the Council, the passage of this Bill is almost a foregone conclusion; but I think if the Amendment to this particular Clause — the substitution of “12 months” for “one month”—is accepted, it would have given Government sufficient time to ponder over their hasty errors and give some serious consideration, in a much more relaxed mood, to the arguments adduced against the passage of this Bill.

There has been nothing said to force the passage of the Second Reading of this Bill, and though we must separate the debate on the principle of an Ordinance from the debate in Committee, one influences the other to a great extent.

Government and its three supporters on this side tried to make capital of minor arguments as this: that Mr. Hammond has been an intelligent, impartial investigator; but have we not heard in this Council that we have been misled by experts who have given themselves the right to be authentic after a visit of two or three weeks? Have we not listened to these arguments from both sides of the Table and, moreso, from the Government Benches? And why place so much emphasis on this ill-fated recommendation. It may be that it had no sympathetic consideration.

Mr. Hubbard: Where is the hon. Member's justification of the 12 months' proposal?

Mr. Tello: The Report and its recommendations were laid in this Council and nothing was actually done by the Legislature. The Report must have been placed among those many Reports which were laid in this Council and then shelved. That is what has happened to the Hammond Report. The people involved in education disregarded it; and it is not true for the Government to say, now, that that was the prime reason that motivated the bringing forward of this Bill. The Minister, himself, has given the real reason, and that is that the essence of dual control has been restricted to the appointment and promotion of teachers. I repeat, and I hope I heard him correctly, he said: the appointment and promotion of teachers. This entire Bill is brought here to satisfy a few disgruntled teachers. It can be nothing else but that; unless the Minister does not believe in the democratic functions of organizations, because the Teachers' Association itself has not supported this Bill. On the contrary, it has supported certain suggestions made, which the Government has not accepted. I say that in every organization you would not find important decisions taken without unanimous agreement. **Mrs. Jagan:** “State your point”].

If this Bill is introduced primarily to satisfy the teachers, then certainly my attempt to offer a breathing space to the Government is doing them a rather great service because the very teachers do not want it.

You say that the primary object —

The Chairman: What is the good? There is no point contesting that fact. You are asking that “one month” be changed to “12 months”. One side said that it wants the change and the other side said it does not want it. There is no jury here to decide which is correct and which is not correct. I think you should get more closely to the ground for deferring it for 12 months than debate a question which

is already agreed on. The Amendment is this: that action should be deferred for 12 months in order to give some breathing space and time for consideration. Is that it?

Mr. Telio: Please excuse the way in which I had put it, Sir. The position is simply this: I am trying to impress upon the Council the need for this time for consideration. There is a difference of opinion in this issue. The Government cannot present to us any document to prove that the Association that is authorized to speak for the teachers has given them a mandate to do this or endorsed what they had done. We said that we are reliably informed, from the same organization that it is opposed to what is done, and this breathing space would give Government and the Teachers' Association and all others concerned, an opportunity to get together and see what arrangements they can make with regards to making this Bill more acceptable to the community. I feel there is every justification for this breathing spell because of the importance of the issue involved. This is a colonywide matter. This is a matter of national interest, and one cannot just quickly close an eye and try to forget these arguments, especially now when I am asking for some further time to be given for its consideration.

We have been told that one of the reasons for this Bill is to stop discrimination. Again I say I have listened but I have not been convinced that there is any practical discrimination, because it is known that every organization gives its top posts to the people who are most loyal to the organization. As regards the paying of salaries and contributing to the erection and upkeep of schools, we are only following a good example. The United Kingdom is doing it now and they also allow the Governing Bodies, which are comprised primarily of appointees of the Churches, to make these appointments

and promotions; so we are following a very good example. In this case we may be embarking on an experiment that might be detrimental to the whole Colony's educational prospects and programme.

As I said, I listened but I have not been convinced that there is any real argument in favour of any discrimination; but we have found that regardless of their religious —

The Chairman: I am afraid you cannot reply to the Minister. However unfortunate it is, you have to confine yourself to the Amendment.

Mr. Telio: Mr. Chairman, I would like to say this: This Bill is being discussed in Committee and I am initiating an argument in Committee. I am advised —

The Chairman: I do not know if your adviser is in the Chair or by your side; but I am afraid I cannot take any notice of your advice. You can speak on the general principles of a particular matter on the Second Reading, but it is not in order, when we come to a particular clause, to reply to the remarks made by the Mover of the Motion. If you are replying to the Mover of a particular Motion, on the Second Reading, then; but the general principles were all discussed on the Motion for the Second Reading. When we go into Committee we discuss particular items clause by clause. If anything relating to each clause comes up, you may speak on it, but that does not give you, however much you are advised, the right to go over the whole ground and reply to the speeches made. That is my ruling.

Mr. Telio: I did not obtain that advice from the Council. I accept your ruling.

The Chairman: It serves no useful purpose telling me you are advised. It is impolite and improper. [Pause.]

Mr. Rai: I think there is an Amendment before the Committee, that instead of one month, it should be 12 months.

The Chairman: Yes.

Mr. Rai: The hon. Nominated Member, Mr. Tello, is seeking to have the period of one month extended to a period of 12 months on the grounds that it is a controversial matter and that the teachers are not supporting this measure. I challenge him to say the teachers are opposed to this Bill. They are not opposed to this Bill.

Mr. Tello: I say "yes", they are.

The Chairman: It serves no useful purpose; and if we go on each person will say something different and we will go on until five o'clock. Frequent repetition of something does not make it true or truer if it is true; it does not make it false or more false if it is false.

Mr. Rai: Sir, this is an urgent social and educational problem. It affects the social and educational life of this country. This problem did not arise yesterday. If the hon. Member was in his seat yesterday he would have heard that in the year 1850, a Commission sat in this matter and recommended the abolition of this system.

Over 100 years ago this dispute has been going on. In 1925 the Chief Justice, Sir Charles Major; in 1938 the Royal Commission, and in subsequent years the Teachers' Association and so on have been asking for the removal of dual control. In 1956 the Potter Committee received representation from the B.G. Teachers' Association as well as the Masters and Mistresses of

the Secondary Schools for the abolition of dual control. I would like to cite from Halsbury's Laws of England. I refer to Volume 8, page 176, Section 30, dealing with the Education Act, 1950. I quote:

"30. Saving as to position of teachers—Subject as hereinafter provided, no person shall be disqualified by reason of his religious opinions, or of his attending or omitting to attend religious worship, from being a teacher in a country school or in any voluntary school, or from being otherwise employed for the purposes of such a school; and no teacher in any such school shall be required to give religious instruction or receive any less emolument or be deprived of, or disqualified for, any promotion or other advantage by reason of the fact that he does or does not give religious instruction or by reason of his religious opinions or of his attending or omitting to attend religious worship:

Provided that, save in so far as they require that a teacher, shall not receive any less emolument or be deprived of, or disqualified for, any promotion or other advantage by reason of the fact that he gives religious instruction or by reason of his religious opinions or of his attending religious worship, the provisions of this section shall not apply with respect to a teacher in an aided school or with respect to a reserved teacher in any controlled school or special agreement school."

In no school in the United Kingdom is a teacher deprived or disqualified from holding an appointment by virtue of his religious opinion.

In a Sessional Paper laid before the Legislative Council in 1956, when Mr. Jakeway, the Chief Secretary, was responsible for education, it is stated at page 9:

"The Act makes provision for the adequate and satisfactory giving of religious instruction by teachers (up to one fifth of the staff in number) known as "reserved" teachers who are selected or approved by the denominations for "their fitness and competence to give" religious instruction, but apart from these "reserved" teachers the rest of staff in "voluntary", that is denominational schools (and not excluding the Head-teacher who may not while holding that

position be a reserved teacher) are not to be disqualified by reason of their religious opinions from appointment or promotion."

I have had meetings with denominational bodies; people have written in the Press; Members have had a chance to speak, and they have spoken on the matter. The hon. Member wants to defer it for twelve months so that August will go by, but it may be worse then.

Mr. Bowman: I think the request made by the hon. Nominated Member, Mr. Tello, for the substitution of "12 months" for "1 month" is a reasonable one. It would give the teachers and all concerned more time to consider this matter. It is absolutely necessary for me to recapitulate certain things because of the importance of the matter we are discussing at the moment.

Why does the Government think it fit to bring this Measure before this Council today? We have been in this Council for 3½ years, and it did not think of bringing this Bill here. Why is it that it is inclined, at this stage, to implement recommendations made by Mr. Hammond, Sir Frank Stockdale and the others Members of the Government have quoted yesterday and today? The people they have quoted are expatriates.

Sir Hugh Hallett, the Boundaries Commissioner, has recently made certain recommendations and certain Members of the Government do not want to accept them. Those people are all importees, and it now suits the Government to introduce these old-fashioned recommendations that were made 18 years ago. They are willing to agree to the old recommendations, but they are not prepared to accept the recommendations made by Sir Hugh Hallett just 2 months ago! They are merely doing this because the Elections are in August, and they want to stir up animosity among the people.

I said not very long ago that today the people are thinking, and they will

take these things into consideration. God help us if these people were to come back in this Council after the Elections! I can visualize what will happen in this country if the present Government is returned. I am warning Government that it is better to postpone this matter for 12 months, because it will give the people more time to consider the reasonableness or unreasonableness of the recommendations contained in the Bill. I will implore Government to delay this Bill for at least 12 months. It is a suggestion which has the qualities of harmony and peace.

Mr. Rai: The hon. Member says that these are old recommendations. I will draw his attention to the Sunday Graphic of the 9th October, headed "Dual Control Should Be Abolished". It states:

"The President of the Methodist Conference in Britain is in favour of the abolition of dual control of schools. The Rev. Edward Rogers yesterday said that sooner or later schools in every country in the world must become the State's responsibility.

But the Reverend gentleman warned that the change-over must be undertaken on a basically slow process."

Is this an old recommendation?

Mr. Jackson: The Minister says that this is an urgent, social problem. We have been told that people who are of Muslim and Hindu faiths are not getting appointments as headteachers of schools in the denominations listed in the Schedule to this Bill. There seems to be some reason in the request to defer this Bill for 12 months, because it will give all concerned more time to consider the matter. Can the Minister say how many vacancies there are for headteacherships in these 51 schools? Will any of the headteachers of the schools now listed in the Schedule be going into retirement in a month or a year from now? If there are no vacancies, then I feel that the matter can be deferred according to the proposed Amendment.

[MR. JACKSON]

Stress had been placed on the fact that in some schools children are asked whether they belong to a particular faith. That does not seem to be a very broad pattern, because several of us have had the experience of going to schools which are not of the same faith or denomination to which we belong. I have attended a Catholic School, and I was not debarred from that school because I was not a Catholic. I have three children who are attending a Catholic School, and I was not asked whether they were Catholics. It may be that some people have had a different experience. I cannot see any urgent, social problem in this matter.

Mr. Rai: My hon. Friend does not seem to grasp what the Bill contemplates. He is misrepresenting me by saying that it is a social problem. I have said that it is an urgent, social and educational problem. He is trying to make out that this Bill seeks to find jobs for non-Christians. I have said that Catholics discriminate against Anglicans, Lutherans, Jordanites, Hindus, Muslims and so on. It is not merely a case of non-Christians being excluded. I have said this is an old problem, and it calls for an urgent solution. These schools have been built from Government funds.

We want to be an independent nation. That makes it all the more urgent and incumbent on the Government of today, as pointed out by the Minister of Education in 1953 in his pamphlet, to abolish dual control. In 1953 the Minister of Education said that "the children in the schools are only being taught to sing "Rule Britannia".

The Chairman: Is that relevant to this Bill?

Mr. Rai: I am replying to the hon. Member. I am pointing out why it is

urgent to integrate the peoples in this country, and to cast an educational system to suit an independent territory.

Mr. Jackson: The Minister has not replied to one very important point which I have raised. Whether or not the discrimination is against non-Christians, Lutherans and Jordanites, I want to know how many vacancies there are in these schools? If there are no vacancies to be filled now, then there is no urgency for teachers finding employment within the hierarchy of these schools. My other point is: whether this is a social and educational problem. What seems to be the problem is the fact that people cannot find places in these schools to accommodate their children. The schools Government are taking away from the Churches will not give them more space.

Mr. Burnham: I have listened with interest to the remarks made by my hon. and learned junior.

Mr. Benn: Not here!

Mr. Rai: May I ask to whom the hon. Member is referring?

Mr. Burnham: The Minister of Community Development and Education. He has said that this is an urgent, educational and social problem. But it seems to me that in the proposed Amendment he is putting the cart before the horse. The urgency in this matter is to have more schools, to integrate our educational system, and not merely to be gallery playing and politicking by holding on to 51 schools. I see a hyena. The singing of Rule Britannia in the primary schools should, I think, be adolished. We are not here to sing Rule Britannia.

The Chairman: We are not going back to that, are we?

Mr. Burnham: But even the Minister himself must be appreciative of the fact that the syllabuses of the schools are under the control of the Government, and he is just pulling a red herring across the trail when he talks about the syllabuses, and what is sung and what is not sung.

So far as discrimination against children is concerned, Section 30 of the Education Ordinance, Chapter 91, provides that there shall be no discrimination against children on the basis of their religion. If that Section remains law—and I think it does—then the fault has certainly been on the part of those who administer the Ordinance if they permit or connive at any discrimination.

It seems to me that in the final analysis all this talk about urgency is eye-wash. If it is that urgent why does Government wait until eight months before the election? I wish sincerely to congratulate Government upon this bit of political manoeuvring. They have timed it well so as to consolidate certain support, and in the hope of winning other support.

Mr. Davis: I suggested earlier that the Minister might consider referring this Bill to a Select Committee. I have not yet had any indication of what he thinks about it. I have always admired him for his thoroughness and his industry, but I am afraid that in this instance his diligence has been lacking. A while ago he quoted what the Rev. Mr. Rogers had said, but if he had been just a little more diligent he would have discovered what that Rev. Gentleman was reported to have said in the "Trinidad Guardian" of the 11th of November. I quote:

"The Rev. Dr. Rogers, President of the Methodist Church, favours a modified form of state control of schools depending on local circumstances.

Dr. Rogers said the idea was a very liberal and free state control, but everything depended on local circumstances.

He considered it good in England, but very bad in South Africa, and it all depended on how far you could trust the State."

I suggest that if the Minister had been a little more diligent he might not have found it necessary to quote as he did just now.

Mr. Rai: According to my friend, Mr. Rogers said it depended on the local circumstances when referring to Trinidad. When he was here he referred to local circumstances here.

Mr. Davis: The "Trinidad Guardian" quizzed him about the statement he had made about the schools in British Guiana, and that was his reply.

Mr. Jai Narine Singh: I think there is great urgency for this measure to be adopted as early as possible, so that this iniquitous system can go out of existence. Weak-kneed people have governed this country in the past to the detriment of its people. Certain Members are seeking to delay the implementation of this measure for 12 months. Let us face the facts. This matter has been boiling in this country for over 100 years. Let us make a practical approach to the subject and go forward. We must not remain static as we have been in the matter of the dual control of schools for over 100 years. Every Government that has been in power has had some representation made to it that dual control should be abolished, but somehow the great influence of the Church has been at work. After all we must bear in mind that the Church of England exercises tremendous power in whatever happens in this country, so much so that during our troubles in 1953 it took an active part in the suppression of the people of this country. That being so, let us have faith in any Government that is running this country. If the United Force is going to run it 10 or 100 years from now, or never runs it —

The Chairman: I think you are getting off the rail. Please keep to the Amendment. The sole point is that the Ordinance should be delayed for 12 months. The point made by the Government is that there is great urgency about this legislation; the other side says there is no urgency.

Mr. Jai Narine Singh: Over 18 years ago the Comptroller for Development and Welfare in the West Indies, commenting on the report by Mr. Hammond, remarked in 1942 that if the system of dual control of schools continued it would split this community in a generation. Eighteen years have elapsed and we have seen the great difficulties which this country has undergone and is undergoing at the moment, and the great division that is taking place, and that is why I feel that there is great urgency for us to get on with this measure.

Mr. Jackson: May I ask what Mr. Hammond did say, because I heard to the contrary yesterday - that if Government gave money to other denominations and allowed them to have their own schools it would split the country in a generation. May I have some clarification?

Mr. Benn: It seems that some Members want to delay this matter as much as possible, and one Member did ask why the Government had to wait until eight months before the elections to do this. The present Government has tackled this matter since it assumed office. When I was Minister of Education one of my first acts was to set up a sub-committee of the Education Committee to look into the matter, and it was on the report of that sub-committee that the Minister has acted. There may be hyenas on this side but not priest-ridden fools who will be afraid of taking steps to improve a defective system in this country.

Mr. Campbell: I am supporting the Amendment. Why is there such hurry on the part of the Government? This Government is always in a hurry to push things down the throats of Guianese. Guianese are afraid of this Government which has the power to pass anything. We are justified in entertaining fears, because in this very Chamber we have been told by a mouthpiece of the Government that it is easier to stop tomorrow than it is to stop communism. The hon. Nominated Member, Mr. Gajraj, has declared that he is not a communist. I wish that Members of the Government will follow his example by making a similar declaration.

The Chairman: Please stick to the Amendment.

Mr. Campbell: I am supporting the Amendment for the substitution of "twelve months" for "one month", in the hope that Government may have second thoughts.

Mr. Bowman: If there is any urgency in this matter it is to be found in the argument adduced by the Government, but as far as I can see the real reason has not been given. The reason is that they are determined to get control of all schools. This is only the beginning. They want to control the schools and to control thought. They hope to remold the minds of the children and even the minds of the adults of the country. Let Government accept the challenge and defer the operation of this legislation for 12 months, and they will see what will happen to them. They know they will not come back.

The Minister of Trade and Industry (Dr. Jagan): If the hon. Member is so confident about that, let him wait for 12 months and change everything that is being done here.

Mr. Tello: I move this Amendment because, as I said, there is great need for further consideration of this

matter on all sides. We claim that there is no urgency, no real urgency, but Government insists that there is urgency. Although the Minister rose a fifth time to his feet he has not told us exactly what is the urgency. If the urgency is so blatantly clear, can he not tell us what it is? We are saying that in its haste to pass this legislation Government may be doing harm. We have not heard from the Government what is the urgency, and if there is no real urgency other than political reasons, let us have some time to consider it or let the Minister tell us what the urgency is.

Mr. Jai Narine Singh: Mr. Chairman, just for the purpose of explaining the correct version for the hon. Member for Georgetown North with respect to the inquiry, I shall re-quote from the Sessional Paper presented to the Legislative Council in 1941-42, page 26.

The Chairman: Give him the book!

Mr. Jai Narine Singh: "Memorandum on Education in British Guiana":

"There are good reasons for advocating a government school system in British Guiana. The 1931 census shows 42% of the population as East Indian and 38% as non-Christian. So long as the Churches are the chief providers of school buildings, there is justification for paying grants for holding school in them and for retaining to the churches a considerable measure of control in the appointment of teachers. But to pay from public funds for the reconditioning, extension and rebuilding of inadequate and sometimes ruinous school buildings, and still to retain the control of particular Churches, would be to make an unjustifiable discrimination against a large section of the population which does not belong to these Churches and to sow the seeds of an unending controversy. On the other hand to make grants to all religious bodies indiscriminately may well split the country in a generation; and the schools instead of healing a breach will have made one, for at present East Indian parents send their children to the common schools and cases of withdrawal under the "conscience clause" are rare."

The Chairman: I think I have to hold you up there. You are saying what the inquiry revealed.

Mr. Jai Narine Singh: I want him to be satisfied.

The Chairman: Well, hand him the book!

Mr. Kendall: Mr. Chairman, I am supporting the substitution of the word "twelve" for the word "one". I must say that the last speaker has been very, very illuminating. He, as the mouthpiece of the Government sitting on this side of the Table, has been able to tell us exactly how Government feels with respect to this urgency; and his quoting 42% of non-Christians as one of the reasons why this social and educational problem exists and should be remedied is very illuminating not only to Members in this Chamber but to the whole country. I must say—

The Chairman: Just one moment! I do not know whether he has quoted it for that purpose. It may well be. In fairness to him he said he was answering the question asked by the hon. Member for Georgetown North as to the real statement in the Hammond Report, and that is the reason why I stopped him from reading further. You will recollect I told him, if he is only giving an explanation, to hand him (the Member for Georgetown North) the book and let us get on.

Mr. Kendall: I appreciate that very much, Mr. Chairman, and I also appreciate that it differs very much from what he said yesterday. What he is saying today confirms my belief in what I have expressed. I want to say that it is very good that this Bill has come before the Council at this time, because those persons who control the destiny of the nation; who mould the characters of our citizens through education, and who were responsible for bringing to the notice of the Government the apparent discrimination between teachers and religious bodies will realize, now, that their hopes, aims and aspirations for improving the conditions of teachers

[Mr. KENDALL]

have back-fired. Instead of getting benefits for themselves, it has reached a stage where it has become a fight between Christians and non-Christians.

After all, this Bill has to deal with the country as a whole and whether the percentage of Christians is below 50 per cent, whatever the percentage, the Christians occupy important places in this country and they have contributed a lot much that a good many people in this Chamber, who have been able to express the Queen's English with dignity at some period of their deliberations, owe it solely to denominational school and not to any Government school. In spite of all the disadvantages they may have suffered, as an act of gratitude they should remember that; and I think that it is well that this Government should consider an extension that Order from one month to 12 months. It may be a means of making the whole Government realize that, in its indecent haste to change something which it feels is unfair to the social, economic and educational advancement of this country and which has, up to now, shown that it has always kept the literacy of this country very high, it will not be improving condition:

Mr. Benn: The literacy of this country has kept high as a result of large sums of money distributed by the Government over the years with which the religious bodies maintained their churches and parsonages. This Government has done this, and I object to the term the hon. Member used of "indecent haste". Indecent haste after 100 years?

Mr. Rai: Sir, I am constrained to rise to rebut what the hon. Member for New Amsterdam has said. This is not a case between Christians and non-Christians. He would like it to appear so; but when the hon. Member for

Georgetown Central made a similar move in 1953, was it a case of Christians against non-Christians? He is next to you. The hon. Member for New Amsterdam said he is a member of the Congregational Body. Therefore, his children cannot get jobs in catholic schools as teachers.

Mr. Kendall: "My children attend a catholic school." I had it from the Bishop of Georgetown himself that no member of any other denomination can be headteacher, deputy headteacher or assistant teacher and he will only give him a junior appointment to one of his schools if he cannot get a catholic. The same statement was made by the Archbishop and other Denominational Heads.

Mr. Kendall: do not know whether this Bill is solely to give certain people headmastership. The change of this whole educational system is to give a few people headmastership? Is that what the Minister means?

Mr. Bowman : I heard a statement that the taxpayers' money is being spent for the payment of teachers. I want to ask: Who are the taxpayers of this country? Has the Government ascertained who pay the most taxes in this county? I am quite sure if it is to be taken on the basis of who pay most of the taxes, it will be found that the Christians do; and even the Ministers are being paid by Christian taxpayers.

Mr. Campbell: The Minister of Natural Resources said that the teacher was the most important person in the school. I had been taught that the child was most important. Where is the teacher, if there is no child to teach?

The Chairman: The question is that the words "one month" in the third line of sub-section 32A(1) be replaced by the words "twelve months".

Question put, the Committee divided and voted as follows:

<i>For</i>	<i>Against</i>
Mr. Bowman	Mr. Hubbard
Mr. Beharry	Mr. Gajraj
Mr. Davis	Mr. Jai Narine Singh
Mr. Tello	Mr. Ajodha Singh
Mr. Jackson	Mr. affee
Mr. Campbell	Mr. Rai
Mr. Burnham	Mr. Ram Karran
Mr. Kendall.	Mrs. Jagan
—8.	Mr. enn
	Dr. Jagan
	The Financial Secretary
	The Attorney-General
	The Chief Secretary.
	—13.

Amendment negatived.

The Chairman: If there are no other Amendments, then I shall put the subsection.

Question put, and agreed to.

Subsection 32A and 32B were passed as printed.

Subsection 32C. —*Rights of access to school.*

Mr. Burnham: Mr. Chairman, I noted during the Second Reading debate, with respect to 32C, that the obvious intention of that Clause is to give the right of access to the school and school buildings to persons lawfully entitled to be there for any lawful purpose. I commented on what I considered a disgraceful showing recently at the Comenius Moravian School where some manager had the temerity to lock out the schoolmaster: and it would appear to me that if such incidents are to be avoided that Subsection 32C as enacted by Clause 3 should be of wider application and should not be confined to the 51 schools dealt with in the Schedule.

This, Mr. Chairman, is the only part of the Bill which finds my support, and even here I have to be critical of it because, with its usual inability to devise proper remedies, this Government is attempting to tackle only one part of the problem.

Mr. Tello: I am very grateful to hear the remarks of a learned gentleman, but I want to make an Amendment. I beg to move the insertion of the words "as defined by a plan registered in the Lands and Mines Department" after the word "land" in the third line of the new section 32C. My reason for moving this Amendment is this: any enclosed land may be regarded as private land, and many of these Church Schools are adjacent to other buildings on the same plot of land. If these schools are going to be turned over solely for the purpose of education, as is customary in a tenantry, the people have a legal right to go to and from the buildings. In some cases special entrances are provided.

So far as these schools are concerned, most of them are adjacent to Churches, Presbyteries, Convents and cemeteries all built up on one plot of land under the control of the religious bodies. If there is to be a change of authority the land should be clearly defined, so that the people will know what are their legal rights. It is not fair that, because some one has a right to visit a school, he should also have the right to run across the parsonage or churchland, or to interfere with a funeral while a religious ceremony is in progress. I hope the Government will give consideration to these points. I am not trained to offer a proper, legal phraseology, but, if the Government accepts the Amendment, I am certain that the Attorney-General will put things right as regards the legal phraseology.

Mr. Benn: Is the hon. Member speaking about the Land Acquisition Bill? I did not hear what he said.

Mr. Tello: No, do you really want to hear what I have said? I said that —

The Chairman: You want it defined by a plan and registered in the Lands and Mines Department. I take

[THE CHAIRMAN]

it that you are referring to the fact that there are other buildings on other land around the schools?

Mr. Tello: Yes, Sir.

Mr. Rai: I am grateful to my hon. and learned Friend, the Member for Georgetown Central, for indicating his support to this Clause by asking that it be applied to other schools not listed in the Schedule. He wants it to be applied to school buildings which are the property of the denominations, but I do not think we should extend it to those buildings which are not the property of the Government.

With regard to the Amendment moved by Mr. Tello, I think this is merely another way of delaying the Measure for another 12 months. If the Government is required to draw plans for the land on which these schools are situated and have them registered in the Lands and Mines Department, that would take another 12 months with the land surveyors striking and so on.

I have sympathy for the hon. Member's view. I propose to hold other talks with the heads of the governing bodies of the denominational schools who are affected by this take-over, if they will respond to my invitation, and to discuss with them the question of leases. When this Bill is passed the persons mentioned will merely have a statutory licence. The terms on which the land is to be leased to the Government will be set out in the lease. It is essential that the people should have a right of way to the school buildings.

It has been represented to me that some of these school buildings are in close proximity to the churches, and I would not like to see these buildings used for any purpose which is repugnant to the Churches. The Methodist are

very strong on this matter. They are against the drinking of alcohol and dancing on their premises. I am prepared to put in any lease with the Methodist Body that there should be no dancing and drinking of alcohol in the schools. Government does not hold dances or bingo in these schools, but some schools are being used for bingo every Friday night. Only two days ago I received a telegram from the headteacher of Skeldon that the teachers were on a sit-down strike. Some people had rented the school to hold a dance, and the Manager did not ensure that the place was cleaned. I am prepared to give an assurance that there will be no misuse of the land or the buildings owned by Government.

Mr. Bowman: My information is that the land on which these schools are situated are being rented by the denominations to Government at a peppercorn price of \$5 per annum. It was also agreed that the denominations would remain in control of the schools built on the lands, but Government is now objecting to the agreement. It has gone back on the sacred obligations and agreement reached between itself and the denominations, therefore the denominations have the right to abrogate the agreement. Government must be prepared to pay the price they charge for the land on which the schools are built.

Mr. Tello: I have listened with interest to the hon. Minister, and I do not doubt that his assurances are sincere. Your Honour knows from experience in another place that when the law is being interpreted the authorities do not refer to *Hansard*. They are guided by what is written in the Statute Book. It is proper that the legislation should state exactly what are the obligations on both sides as well as the true object of the legislation. I have no doubt that the hon. Minister will have a proper lease prepared. If the denominations do not see his point of view after this

Bill is passed, he may not be prepared to have patience with them and the second stage may be worse than the first. In order to avoid that, let us take the proper course today. I am certain that in his legal practice the Minister himself would have said that we should have kept to the letter of the law. I would like the Minister to make this bit of legislation much easier for his fellow-practitioners.

I have been a tenant, and I know that there has been a lot of confusion from time to time on what is my right of access and egress. I am certain that the hon. Attorney-General can put my Amendment into proper legal language, and the Government can move the necessary machinery fast enough to avoid a delay of twelve months. Everybody would be satisfied because it would be quite clear what the legal position is. I am not doubting the Minister's sincerity, but I hope that he would give further consideration to my Amendment.

Mr. Burnham: In view of the explanation given to the hon. Member, a large part of Section 32C becomes otiose. If the school is under the control and management of the Government, there is no necessity to give a person the right to enter into any school that is deemed to be a Government School. This is absolutely unnecessary. I cannot envisage the Director of Education refusing anyone the right of entry into a school for a lawful purpose.

Obviously when 32C was framed, it was framed in the context of aided schools, and it is not applicable to Government Schools. From the part which speaks about aided schools is otiose, unnecessary and untidy. I am not going to beg the Minister to extend this Clause. I have heard some comments made on the question of the land other than the land on which the schools stand, and it would appear to me that a better way to meet that criticism of the framing of this particular Clause would be to amend it as follow

"In the third line after the word "Schools", insert the words "and to have reasonable ingress thereto and egress therefrom over any land on which such school is situated."

I think that would meet the criticism or difficulty which I have heard voiced from this side of the Council, because it seems to me a real fear that persons having a lawful purpose with respect to the schools may attempt to exercise rights with respect to land which is not connected with the school.

Mr. Rai: Apparently, my friend at one stage wants to give me enlarged powers and at another stage he wants to cut down my powers. I am sure it will not only be a question of ingress and egress. If children go to school they will want to play on the school land. That is why in my negotiations for leases I will have to negotiate for such pieces of land to enable children to have recreational grounds, but for the moment the children must have the right to use the land for recreational purposes. It is not merely a question of ingress and egress.

Mr. Burnham: It is fortunate that I know the Minister used to practise law before he became a Minister. There is no question of curtailing his powers. First of all, it is significant to note that he speaks of "my powers". The great dictator! Yet he relies on the Attorney-General. The point is that I am prepared to give greater powers, not to the Minister, but greater rights to persons who have to go into schools in the exercise of any lawful purpose. But I am not prepared to give greater rights with respect to property that is not directly connected with the use of a school. I do wish that the Minister will understand that, and then, assuming that the Minister will be one of the persons who will be entering the schools for lawful purposes, the fact that I am prepared to give him, an individual, greater power with respect to the schools, I am not prepared to give him greater power with respect to the land.

[MR. BURNHAM]

It is interesting to hear what the Minister has said. I would have thought that the purpose of Section 32C, so far as land was concerned, only went so far as ingress and egress. Now we hear about children playing. Do I understand from the Minister that he fears that the Churches will be that vindictive and cynical as to refuse the right to children to play on lands where they have played before? I see the hon. Member for Berbice River shaking his head. I am asking the Minister the question. If that is so, it is a serious charge.

Mr. Rai: It is my duty to take all precautionary measures as a prudent Minister would.

Mr. Burnham: If the Minister considers it necessary to take these precautionary measures he has in fact credited himself with a higher standard of integrity and honour than the Church denominations, because he gave an undertaking to the hon. Nominated Member, Mr. Tello, that he would take no more land than was absolutely necessary. If he can give undertakings I take it that, as a member of an honourable profession, he proposes to honour his undertakings so far as his party loyalties permit, and that he intends to presume on the part of the Church the word "honour" in undertaking to allow the children to play. He is asking us to accept his word, but is assuming on the part of the Churches a desire to chase the children off the land on which they have played for years.

Mr. Kendall: I think the Minister is beginning to realize now that in his attempt to confiscate these 51 schools it is not only the schools that are required but playing fields for the children, and he knows that in the majority of cases the church and the school are on one compound. If he is going to convert the schools into Government schools without any provision for playing fields,

Government will either have to forget about taking over these schools because there are not sufficient playing fields in the area, or confiscate both church and school.

Mr. Rai: I cannot confiscate what already belongs to the Government.

Mr. Kendall: It does not belong to the Government, for the simple reason that there is an agreement that the religious body will have the right of control over any new schools built on denominational land. That was the agreement, and it is being changed now by the Government in accepting that phrase of the agreement to take over the schools as Government schools because they were built with Government funds. But I understand that was not the case.

Mr. Rai: If the hon. Member would like to see the agreement I can place it at his disposal, and I would like him to read it to the Council. Where is the authority for what he is saying or imputing in the agreement? Apart from that the agreement is now the subject matter of litigation, and I would not like to comment on it even in this superior Court.

Mr. Jackson: Now that we have had this viewpoint of sufficient land for children to play, I wonder whether the Minister would tell us whether his intention is to offer to the Church bodies adequate compensation by way of payment for the leases of the lands which Government will be occupying not only where the school buildings are but the playgrounds? I ask this question because in the so-called agreement between the Churches and the Government it was recorded that there would be a lease of \$5 per year. I wonder if, in view of the fact that the agreement is being broken in one respect with regard to control, the Minister would expect a lease of \$5 per year, or is prepared to enter into a normal lease such as the Churches may desire?

Mr. Rai: A lease is only a legal agreement which cannot be arrived at until both parties have agreed. I have every reason to believe that the denominational bodies will wish to lease the land at a peppercorn rental of \$5 per annum.

Mr. Bowman: I cannot recall any instance where this Government has acceded to reason. If the denominations decided to reimburse Government for the schools it has built, so as to retain control of those schools, what would be the attitude of the Government?

Mr. Rai: So far as I am aware the denominational bodies, apart from the Lutherans, cannot afford to purchase any schools. I have given an option to the Anglican Body to build two schools at La Bonne Intention and Enterprise, but they cannot take up the option. I have also given an option to the Canadian Mission Body to build a school at Albion and Vryheid's Lust, and to the Methodist Body to build a school at Johanna Ceclia. What is this talk about acquiring the schools? If the Churches are allowed to buy Government buildings, then Government should be allowed to buy Church buildings. It is a dangerous principle.

Mr. Bowman: When the offer was made that the Minister has spoken about, the question of taking complete control of the schools from the Churches did not arise. The question I have asked is if the Churches did not desire to lose control of the schools and wish to repay to Government the money it has spent on rehabilitation of some of the schools, would the Government be inclined to accept repayment?

The Chairman: May I remind Members that there is an Amendment moved by Mr. Tello. I do not know whether he has withdrawn it. His Amendment is for the insertion in the

third line of the new Section 32C of the words "as defined by a plan registered in the Lands and Mines Department".

Mr. Tello: That is exactly what I am trying to get at, because unless there is some spot known upon which the right is going to exist, there is going to be some difficulty, and the Minister has raised a very interesting question. He said he anticipated that the Churches will not object to a lease of \$5, but I wonder what would be the Government's attitude if the Churches should demand what would be an economical rental.

Mr. Rai: I cannot answer that at this stage.

Mr. Jackson: That is why I am trying to get the point out. The Minister is very certain that the Church Bodies would not ask for more than \$5 a year for their land. He is very hopeful.

Mr. Rai: I have every reason to believe that they would accept \$5 a year for the lease.

Mr. Jackson: If they do not act in accordance with his wishes or belief then what are we going to find? Are we going to find a withdrawal of any concession?

The Chairman: I think I will put the Amendment. The Amendment is that after the word "land" in line 3 of 32C, the following words, "as defined by a plan registered in the Lands and Mines Department", be inserted. So that the subsection would read:

"On and after the appointed date, any person shall have the right to enter into any aided school that is deemed to be a government school or upon any land, as defined by a plan registered in the Lands and Mines Department, on which it is situate, for any lawful purpose in connection with the activities of the school."

Question put, the Committee divided and voted as follows:

<i>For</i>	<i>Against</i>
Mr. Bowman	Mr. Hubbard
Mr. Beharry	Mr. Gajraj
Mr. Telle	Mr. Jai Narine Singh
Mr. Campbell. —4.	Mr. Ajodha Singh
	Mr. Saffee
	Mr. Rai
	Mr. Ram Karran
	Mrs. Jagan
	Mr. Benn
	Dr. Jagan
	The Financial Secretary
	The Attorney-General
	The Chief Secretary. —13.

Did not vote

Mr. Jackson	
Mr. Burnham	
Mr. Kendall —3.	

Amendment negatived.

Clause 3 passed as printed.

SCHEDULE

Mr. Rai: I would like to move an Amendment to the Schedule. After Arthurville School, "St. James" Anglican School, Waramuri" should be added.

Mr. Burnham: May I inquire from the Minister to which denomination, at the moment, does the Arthurville School belong?

Mr. Rai: It is managed by the Church of Scotland.

The Chairman: The Amendment is that St. James' Anglican, Waramuri, be added to the Schedule.

Question put, and agreed to.

Schedule passed as amended.

Council resumed.

Mr. Rai: Mr. Speaker, I wish to report that the Education (Amendment) Bill, 1961 was considered in Committee and passed with two Amendments, and I move that the Bill be read the Third time.

Question put, and agreed to.

Bill read the Third time and passed.

LOCAL AUTHORITIES BILL

Mr. Speaker: The Minister of Community Development and Education (Mr. Rai) is to move the Second Reading of the following Bill:

A Bill intituled "an Ordinance to provide for the Constitution, Election Procedure and Financial Provisions of Local Authorities and for purposes connected therewith"

The Minister of Community Development and Education (Mr. Rai): Mr. Speaker, I wish to move the Second Reading of the Bill intituled

"An Ordinance to provide for the Constitution, Election Procedure and Financial Provisions of Local Authorities and for purposes connected therewith."

This Bill was tabled during the last Session of the Legislative Council and it was fully debated on the 28th October and 3rd November, and referred to a Select Committee. I would ask that this Bill be referred to a Select Committee of the same persons, if your Honour so pleases, who were appointed on the last occasion.

The Minister of Natural Resources (Mr. Benn): I beg to second the Motion.

Question put, and agreed to.

Bill read a Second time.

Mr. Speaker: I want to direct the attention of hon. Members to Standing Order 45(8) which reads thus:

"A Select Committee may continue its sittings although the Council is adjourned or prorogued, and shall not stand dissolved until the presentation to the Council of its report, or until discharged by the Council, whichever first happens, or until the Council is dissolved."

I, therefore, formally declare that this Bill is still before the Select Committee in terms of the Standing Order of this Council, and the Select Committee will continue its deliberations.

AMERINDIAN (AMENDMENT) BILL

Mr. Speaker: The Chief Secretary is to move the Second Reading of the following Bill: A Bill intituled

“An Ordinance to amend the Amerindian Ordinance”.

The Chief Secretary (Mr. Hedges): Sir, in moving the Second Reading of the Bill intituled

“Ordinance to amend the Amerindian Ordinance”

I would wish to draw the attention of hon. Members to the fact that the Bill now before them differs in one respect from that which was presented at the last Session. This difference is the omission of the Clause which sought to repeal part VIII of Chapter 58 which restricts the acquisition or possession of intoxicating liquor by Amerindians.

Hon. Members will recall that when this Bill was debated, because there was an objection to the repeal of Part VIII of Chapter 58, the Bill was referred to a Select Committee of this Council. The Committee met on two occasions and heard evidence from interested parties and, after discussion, agreed to recommend that the repeal of Part VIII of the Amerindian Ordinance be not proceeded with.

Before the Committee's Report could be presented, the Session was prorogued, but the Government, after further consideration of the matter, decided to accept the view held by the Select Committee of this honourable Council and, as a result, the Clause has not been included in the Amending Bill now before hon. Members.

Mr. Speaker: Before you go any further: What has happened to the Committee's Report? It is not laid yet.

The Chief Secretary: The matter was referred to a Select Committee and my impression is that the Committee closed with the last Session. I understand that the Committee did not report to the Council before Council was prorogued.

Mr. Speaker: Then you are now moving the Second Reading of the Bill?

The Chief Secretary: Yes, I beg to move the Second Reading of the Bill.

Question put, and agreed to.

Bill read a Second time.

Council resolved itself into Committee to consider the Bill clause by clause.

COUNCIL IN COMMITTEE

Clause 1.—*Short Title.*

The Chief Secretary: I beg to move the substitution of the figures “1960” for “1961”.

Question put, and agreed to.

Clause 1, as amended, ordered to stand part of the Bill.

Clause 2.—*Repeal and re-enactment of section 13 of Chapter 58.*

Mr. Burnham: I am sorry the hon. Attorney-General is not in the Chamber at the moment. On reading subclause 3 of the new Clause 13, one gets the impression that the persons who are entitled to institute proceedings under subclause (1) and (2) can only go on appeal as far as the Full Court; but there are instances of cases before magistrates which can eventually go to the Federal Court and, if necessary, to the Privy Council. I do not know whether the hon.

[MR. BURNHAM]

Chief Secretary has in mind that appeals should not go further than the Full Court. I think the right of appeal by such a person to appellate tribunals should be maintained. The Summary Jurisdiction (Appeals) Ordinance says, "Any party dissatisfied with the decision of the magistrate . . ." There must be some doubt in the minds of the Law officers. I am looking at the Bill for the first time.

In the case of *Adams v. Gravesande* the Full Court gave a ruling as to who is an aggrieved or dissatisfied person under Chapter 17. I have not given the matter much thought. I think it is right for me to mention it, and the hon. Attorney-General can tell us why sub-clause (3) was drafted in this form. Perhaps to remove any doubt sub-clause (3) may be amended to read:

"The Commissioner, the district commissioner or an officer shall have all the rights of appeal provided under the law as if he were an a complainant under the Summary Jurisdiction Offences Ordinance Cap. 14."

I believe that would answer the question, and there would be no doubt whatsoever. I believe a defendant would have the right to appeal, because he is the person dissatisfied; whereas a formal complainant under this Ordinance may not come under Cap. 17.

The Attorney-General: This subsection (3) of the new Section 13 is in fact almost identical with subsection (2) of the old Section 13 which, of course, was drafted many years ago. It is quite correct, as my hon. and learned Friend says, that since then the Federal Supreme Court, which has taken the place of the West Indian Court of Appeal, has been given jurisdiction which include, in certain cases under certain circumstances, appeals from Magistrates' Courts, therefore, it is possible that it would be advisable to extend the reference to appeals in these cases.

I would like to look into the matter, because it looks like a good point to me. If it is a good point, then we have to consider the correct drafting of the Amendment to give it full effect. It is not something that can be done on the spur of the moment; it is not worth rushing. I would ask that we leave the Bill in Committee; report progress, and beg leave to sit again. We should be able to come back in a week's time with a proper Amendment.

Mr. Campbell: I am not a lawyer, and I do not see anything wrong with the Bill. However, I am satisfied that the hon. Attorney-General will think it over and make the necessary Amendment. I am glad that Part VIII does not appear in this Bill.

Council resumed.

The Chief Secretary: I beg to report progress, and to ask for leave to sit again.

Question put, and agreed to.

Leave granted to sit again.

NEW AMSTERDAM ELECTRIC LIGHTING ORDER (EXTENSION) BILL.

The Minister of Communications and Works (Mr. Ram Karran): I beg to move the Second Reading of the Bill intituled:

"An Ordinance to to extend further the duration of the New Amsterdam Electric Lighting Order, 1960, and to Amend the said Order".

The supply of electricity to New Amsterdam is controlled by the New Amsterdam Electric Lighting Order, 1900, which has been extended from time to time. In 1957 this Council agreed to its extension year by year because of the fact that Government at that time proposed, and still proposes, that the Electricity Corporation which was set up recently, should eventually take control of this plant.

The Municipality of New Amsterdam has been gravely disturbed because of the loss of electricity by theft, and it has made representation to Government for the enactment of legislation to enable the Corporation to take appropriate action against persons who commit breaches of the law.

Another feature of the Bill is that instead of having to come back to the Council for an extension of the Order year by year, it is proposed that until such time as the Electricity Corporation shall take over the plant, extensions shall be made by Order in Council, and it will be noticed that there was a lapse of one year. The Order should have been extended last year but, unfortunately, it was not, because of the fact that these Amendments were being tidied up and discussions were going on. Those are the main features of the Bill which is not controversial, and I formally move that it be read a Second time.

Mr. Saffee: I beg to second the Motion.

Question put, and agreed to

Bill read a Second time.

COUNCIL IN COMMITTEE

Council resolved itself into Committee to consider the Bill Clause by Clause.

Clause 1.—*Short Title.*

Mr. Ram Karran: I move that the figures "1961" be substituted for the figures "1960" in the short title to the Bill.

Amendment agreed to.

Clause 1, as amended, agreed to.

Clauses 2 to 4 passed as printed.

Council resumed.

Mr. Ram Karran: I beg to report that the New Amsterdam Electric Lighting Order (Extension) Bill was considered in Committee and passed with one Amendment. I therefore move that the Bill be now read the Third time.

Question put, and agreed to.

Bill read the Third time and passed.

HOUSING OF LABOUR WORKERS ON SUGAR ESTATES (AMEND- MENT) BILL

The Minister of Labour, Health and Housing: (Mrs. Jagan): I beg to move the Second Reading of the Bill intituled:

"An Ordinance to amend the Housing of Labour Workers on Sugar Estates Ordinance".

This matter has come to my attention on more than one occasion—the necessity to permit the extension and repair of houses built within the provisions of the Ordinance with funds provided from the Sugar Industry Labour Welfare Fund. The Principal Ordinance gives to those persons the right to erect and own houses on approved sites. The Regulations made under Chapter 248 provide that:

"(2) Without prejudice to the generality of the foregoing sub-regulation, the Committee may make such disbursements for any of the following purposes —

- (a) the housing of labour workers;
- (b) the improvement of social conditions (including housing and recreational facilities) of labour workers;
- (c) making loans or grants to labour workers approved by the Committee to enable such workers to erect and own houses on approved sites;"

[MRS. JAGAN]

I was advised that legally the Sugar Industry Labour Welfare Fund Committee was empowered to make loans for the extension and repair of such houses, and I communicated my views to the Committee. The Committee, however, felt that it was necessary to have a statutory assignment which is given in Chapter 183, Section 4. We did suggest to the Committee that in order to avoid the necessity of having to seek legislative amendment, that the Committee would give a voluntary assignment to those seeking loans for this purpose. After much correspondence, consideration and discussion the Committee was unwilling to accept this type of assignment, and refused to accept the suggestion that a voluntary assignment would be adequate.

Therefore, in order to save any further discussion backward and forward, we thought it would be better to make the small amendment which is before the Council, for the insertion after the words "approved site" in Section 4 (1) of Chapter 183, of the words "or to extend, improve or repair his own house on an approved site." This will give to a number of persons who now seek to repair their houses or to extend their houses, an opportunity to obtain loans from this Fund. I therefore would urge hon. Members to support this simple amendment which will mean a lot to a large number of persons. I move that the Bill be read a Second time.

Mr. Ram Karran: I beg to second the Motion.

Question put, and agreed to.

Bill Read a Second time.

COUNCIL IN COMMITTEE.

Council resolved itself into Committee to consider the Bill Clause by Clause.

Clause 1.—*Short Title.*

Mrs. Jagan: I move that at the end of the short title the figures "1961" be substituted for the figures "1960".

Agreed to.

Clause 1, as amended, put, and agreed to.

Clause 2 passed as printed.

Council resumed.

Mrs. Jagan: I beg to report that the Housing of Labour Workers on Sugar Estates (Amendment) Bill was considered in Committee and passed with one Amendment. I therefore move that the Bill be now read the Third time.

Question put, and agreed to.

Bill read the Third time and passed.

TAX (AMENDMENT No. 3) BILL

The Financial Secretary: I beg to move the Second Reading of the Bill intituled:

"An Ordinance to amend the Tax Ordinance."

The purpose of this Bill is to obtain legislative sanction to increase the tax on pool betting from 10 to 20 per cent. I referred briefly to this proposal in my Budget Speech where I said that the original tax was not introduced essentially as a Budget proposal, and that the amendment proposed is not essentially a revenue proposal. The original estimate of the yield of the present tax has not been realised. When it was made, we had no experience on which to base an estimate, and it was at that time estimated that the total amount of money staked on pool betting was of the order of \$2 million a year. In the event it has proved to be about \$1 million. The additional tax should therefore yield about \$100,000, but if it does act as a disincentive, the yield may be somewhat less.

I have had representations from the pools interests who argue that the social and economic objections to pool betting are not soundly based. They point out that there are more harmful forms of betting, and that in fact not all the money goes out of the country. Indeed some of the pools are run locally, and even where money is spent on pools overseas, part of that money come back in the form of prize money.

They also say that the increase of the tax will not increase the revenue yield. However, even if one regards this tax as purely a revenue measure, it does not seem to me that 20 per cent. can be regarded as a burden on betting when in fact a tax of 16 2/3 per cent. is paid on cinema admissions, and taxes ranging to well over 100 per cent. are paid on alcoholic liquors and tobacco.

I have one Amendment to move at the appropriate time.

Mr. Speaker: Well, it is five o'clock.

The Financial Secretary: I have an Amendment to move in respect of Clause 1, subsection 2.

Mr. Speaker: What is the Amendment?

The Financial Secretary: It concerns the date. It was intended that the Bill should be published on the 8th December. In fact, it was published on the 17th. My Amendment is to have the Bill effectively dated on the 17th instead of the 8th.

Question put, and agreed to.

Bill read a Second time.

COUNCIL IN COMMITTEE

Council resolved itself into Committee to consider the Bill clause by clause.

Mr. Tello: Might I make a suggestion? In his principal speech, the hon. the Financial Secretary informed us that he is having talks, or that he has re-

ceived representations from certain people. I am wondering whether this cannot be allowed to remain for a fortnight until he is in a better position—

The Chairman: If this is something which is going to take some time to debate, I would not go on with it.

The Financial Secretary: I might explain that I have heard the representations and have replied to them by letter sometime ago.

The Chairman: If Members want to discuss it, I will put it down. If there is no objection to it, I can deal with it now.

Mr. Tello: I would like to speak on it tomorrow. [*Pause.*]

Council resumed.

ADJOURNMENT

Mr. Speaker: Before the adjournment is taken, I want to refer to a Motion which was moved by the Minister of Community Development and Education in relation to a Select Committee. I regret that I was not then alive to the fact that it was a Bill that had been before a Select Committee. I would therefore now name the Select Committee again. The hon. B. S. Rai, Minister of Community Development and Education (Chairman); hon. Nominated Member, Mr. R. B. Gajraj, the hon. Member for New Amsterdam Mr. W. O. R. Kendall, the hon. Member for Georgetown Central, Mr. L. F. S. Burnham, O.C., and the hon. Member for Georgetown South, Mr. Jai Narine Singh.

The Chief Secretary: I beg to move that Council adjourns to next Wednesday, 18th January, 1961, at two o'clock in the afternoon.

Council adjourned accordingly, at 5.05 p.m.