

SECOND LEGISLATIVE COUNCIL

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

Friday, 29th January, 1960

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. F. W. Essex, C.M.G.

} *ex officio*

The Honourable Dr. C. B. Jagan

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

„ „ **B. H. Benn**

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

„ „ **Janet Jagan**

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

„ „ **Ram Karran**

— *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*

„ **L. F. S. Burnham**

— *Member for Georgetown Central*

„ **S. Campbell**

— *Member for North Western District*

„ **A. L. Jackson**

— *Member for Georgetown North*

„ **S. M. Saffre**

— *Member for Western Berbice*

„ **Jai Narine Singh**

— *Member for Georgetown South*

„ **R. E. Davis**

— *Nominated Member*

„ **A. M. Fredericks**

— *Nominated Member*

„ **H. J. M. Hubbard**

— *Nominated Member*

„ **A. G. Tasker, O.B.E.**

— *Nominated Member.*

Mr. I. Crum Ewing — Clerk of the Legislature

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

ABSENT :

Mr. Ajodha Singh, Member for Berbice River.

Mr. E. B. Beharry, Member for Eastern Demerara.

Mr. F. Bowman, Member for Demerara River.

The Clerk read prayers.

MINUTES

The Minutes of the meeting of the Council held on the 26th January, 1960, as printed and circulated, were taken as read and confirmed.

PAPERS LAID

The Minister of Natural Resources (Mr. Benn): I beg to lay on the Table:

Copies of plan, specifications and estimate of the drainage and irrigation works for the La Retraite Drainage and Irrigation Area.

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

Telephone (Amendment) Regulations, 1960, (No. 3 of 1960).

ORDER OF THE DAY

Cinematograph (Amendment) Bill

Mr. Speaker: Council will resume consideration in Committee of the Bill intituled

“An Ordinance to amend the Cinematograph Ordinance.”

The Minister of Community Development and Education (Mr. Rai): I beg to move that Council resolve itself into Committee to resume consideration of the Cinematograph (Amendment) Bill.

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

Question put, and agreed to.

COUNCIL IN COMMITTEE

Clause 2. — *Amendment of Section 11 of Chapter 127.*

The Chairman: I think we were considering Clause 2 at the adjournment. There were three Amendments proposed — one for the deletion of the whole Clause, the second, that five o'clock be

third, that seven o'clock be substituted for half-past four.

Mr. Rai: Shortly before the adjournment on the last occasion the hon. Member for Georgetown Central wanted to know how this measure was initiated. As far as I am aware, representations were made both by cinema patrons and by exhibitors of films, and the question has been under consideration since 1955. I am personally sorry to see the turn this debate has taken on the question of religious conscience and religious freedom. Having regard to the Amendment which I have moved, and having regard to a further Amendment which I shall move, that is, to assure this Council that there will be no actual exhibition of films before five o'clock in the afternoon, there will be ample time for children to go to Sunday school.

Mr. Fredericks: In view of the proposed Amendment by the Minister I desire, with your permission, Sir, to withdraw my Amendment. In accepting the Minister's proposed Amendment I would like to make a few remarks which may not be inappropriate at this stage. On this relatively unimportant issue we have heard heated exchanges and acrimonious remarks from both sides of the Table, and I feel that in this Chamber we should have due respect for each other's views, however divergent they may be. This Legislature is comprised of Members who subscribe to various beliefs; some of us are Christians—Catholics, Methodists and so on—Hindus and Muslims, and I sincerely hope that there will be a greater element of the human quality of kindness and charity in our debates in this Council. I have heard the word “foolish” used by the hon. Minister on two occasions in this debate, and I personally deplore the use of such language by one who, a few days earlier, had made one of the finest speeches ever heard in this Chamber. What may sound foolish to some may be a matter of very grave importance to others, and I would urge Members to have due regard and

Mr. Tasker: I think the hon. Minister has gone some considerable way in trying to meet the views of those on this side of the Table and, like the hon. Nominated Member, Mr. Fredericks, I am disposed to accept his additional Amendment. I am very glad to see that the question of consultation has now been brought out. Speaking on the previous occasion I thought it very unfortunate that it was not until the end of a long and acrimonious debate that the Minister informed us that consultation had taken place with the Christian Social Council.

I understand that the views of the Council, as expressed on this proposal, were that they were reluctant, as a Christian body, to see any extension of commercial activities and of work by employees at the cinemas on a day which traditionally is regarded as a day of rest, the Christian Sabbath. On the other hand I understand they were at pains to make clear — and I think it is important that this should be made clear, in view of some of the remarks made in this Council earlier in the debate—that they were in no way worried about the competition of afternoon cinema shows with church services or Sunday school. In view, therefore, of the very wide differences of opinion here, and in view of the opinion which I expressed earlier in the debate—that ultimately this is a decision on which every individual adult must make up his or her mind — I am disposed to accept the Minister's further Amendment which seems to me to go as far as we can reasonably expect in meeting the conflicting views.

The Chairman: I shall put the first Amendment which is that paragraph (a) be deleted.

Amendment negatived.

The Chairman: The second Amendment is that the words "half-past four" be substituted for the word "four" in the second line of paragraph (a).

Amendment carried.

The Chairman: There is, therefore, no need to put the third Amendment for the substitution of the word "seven" for the word "four".

Mr. Rai: I beg to move that the paragraphs be re-lettered; paragraph (b) becoming paragraph (c).

The Chairman: Well, now, the question is, that a new paragraph (b) should be put in place of the existing one and the next paragraph, which is now (b) should be re-lettered (c). The new paragraph (b) reads:

"Provided that no exhibition or other representation on a screen shall commence before the hour of five of the clock in the afternoon on a Sunday"

Amendment carried.

Paragraphs re-lettered.

Mr. Burnham: In what is now paragraph (c) I beg to move that for the word "fifteen" in the second line we substitute the word "sixteen". In my comments on the Second Reading I did point out that some reconsideration be given to the limit of fifteen years. I thought we should raise that to sixteen in order to make sure that such children as would be eligible for attendance should be kept out of the cinema for the relevant period. I did not have the advantage of hearing the Member on this point.

Mr. Rai: I appreciate very much the motive of my hon. Friend in seeking the extension of the age limit to sixteen. He himself feels that we should certainly not legislate against children who may not be attending school. As provided in the subsection, it is no child who "has not attained the age of fifteen years." While it is true that children up to 16 years may attend school, many of them do not, and the effect of this amendment, if it is carried, would be to bring these children who are not in school within the ambit of this Ordinance.

Mr. Burnham: Mr. Chairman, I

[MR. BURNHAM]

I would like to point this out. A person who is aged 14 or 16 should be at school or at work, not at the cinema in the afternoon. Let them be at school or at work. If they can find work at 14 or 16, let them work. If not, let them remain in the primary school, where fees are not paid. It is significant to know that a child is described under the Probation Ordinance as "16 or under". I am wondering whether the Minister cannot see my point—either at school learning, eventually to lead this country, or working, to increase the gross domestic product.

Mr. Benn: I wonder if the hon. Member can say what would happen to a young person who is working but has an off-day and wants to go to the cinema.

Mr. Burnham: I appreciate there would be difficulties like that, and in every bit of legislation there are difficulties of that sort. You cannot legislate to cover everything, but certain principles are accepted and represented in the legislation. As you know, Mr Chairman, when you sat in another place, you sometimes had what were described as hard cases. But yielding to hard cases makes bad law. If you want to accept the principle that a child of 16 should be at school or at work, then legislate accordingly. It may be a disadvantage to certain persons who may be off at the time of a one o'clock matinee, but they can go to the evening show or the five o'clock show. I cannot understand this solicitude to provide that there may be one o'clock matinees for children.

Mr. Rai: My solicitude is not for the children of 14 to 16 who may be working and who may be deprived of going to the cinema. This is legislation which accepts the principle that children between the ages of 14 and 16 should attend school, and it is only because of this that we seek to make this further amendment to the Ordinance. Only with respect to children from the age of 14 to 16 do we have a statutory

already says, "you must go to school"; we are seeking to say now, "you shall not go to the cinema at a certain time." I do not think we should go further and use the coercive power of the State to compel children over whom we have no statutory control.

Mr. Burnham: I understand the principles on which the hon. Minister says this legislation is based, but I would like him to remember the facts and principles upon which that principle is based: we are not in a position to provide all the necessary school space for children up to 15 years, and therefore we have compromised at 14. I should have thought that this Government would have wanted to keep them in school for as long a time as possible. A child between 14 and 16 who is not working or who is not at school, where is that child going to get money from? Let them find something more industrious to do with their time.

I am surprised that the Minister refuses to see the reason. This is not a political or a controversial issue or a *quid pro quo*, or one in which the interest of cinema exhibitors are concerned.

Mr. Rai: I think the question of other issues should not interfere with what we are here to do: legislate only for those people for whom we can legislate.

Mr. Burnham: A landlord with an agricultural holding under the Landlord and Tenant Ordinance is not subject to the restrictions which one finds in the Rice Farmers (Security of Tenure) Ordinance. Therefore the State has actually gone and imposed restrictions with respect to certain types of agricultural holdings. So it is no excuse here to say you do not want to go further than 14, because the State has shown itself to make an exception for a specific purpose in the past. It would be logical if he tells us that he does not think there is anything wrong or undesirable for the children between 14 and 16 to be parading in the cinema. I will give him the benefit of

Mr. Rai: The suggestion does not fall within the ambit of this amendment. It is in a different universe, if I may use that term. As a jurist I cannot accept it. If the hon. Member means that people in certain age groups should not be in the cinema at certain hours, then he can have the matter debated on a substantive motion.

Mr. Burnham: Mr. Chairman, the hon. Member says he is a jurist. I am very glad to hear that. I do not claim to be a jurist, I merely claim to have some training in the law. A jurist, as I understand it, is one of high distinction. One does not become a jurist so easily and quickly. The ambit of this piece of legislation must be determined by the Legislature. I merely ask them to go outside of that ambit which has now been prescribed. If you do not agree, say so, but do not tell me it is not within the the ambit.

Amendment put, and negatived.

The Chairman: I shall now put the whole of Clause 2 as amended.

Question put, and agreed to.

Mr. Rai: I wish to move an Amendment to Clause 3 to the effect that the word "four" in the penultimate Section of the Clause be read "half-past four."

Question put, and agreed to.

Mr. Rai: I wish to move that Council do now resume.

Council resumed.

Mr. Rai: I wish to report that the Bill intituled an Ordinance to Amend the Cinematograph Ordinance has been considered in Committee and passed with Amendments, and I now beg to move that the Bill be read the Third time and passed.

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

Question put, and agreed to.

Bill read the Third time and passed.

GEORGETOWN TOWN COUNCIL (AMENDMENT) ORDINANCE

Mr. Rai: I wish to move the Second Reading of the Bill intituled,

"An Ordinance to Amend the Georgetown Town Council Ordinance".

In Section 138 of the Georgetown Town Council Ordinance there is the provision for the exemption of certain lands, buildings and erections from town taxes levied and raised by the Georgetown Town Council. It is proposed to erect shelters at bus stops for persons waiting to join buses, and this Bill seeks to extend such exemption to shelters so erected.

I wish to 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 resolved itself into Committee to consider the Bill clause by clause, and approved the Bill as printed.

Council resumed.

Mr. Rai: I wish to report that the Bill intituled an Ordinance to Amend the Georgetown Town Council Ordinance was passed in Committee without amendment, and I now beg to move that the Bill be read the Third time and passed.

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

Question put, and agreed to.

Bill read the Third time and passed.

PENSION IN RESPECT OF MR. GOWRIE SANKAR

The Financial Secretary (Mr. Essex): I beg to move the Second Reading of a Bill intituled,

"An Ordinance to provide for the payment of a pension in respect of Gowrie

[THE FINANCIAL SECRETARY]

Sankar under the Widows and Orphans' Pension Ordinance."

I am sure that all hon. Members will support this Bill, for it is designed to correct an injustice which would otherwise be done to the dependents of this late Government Officer.

The Widows and Orphans' Pension Ordinance precludes an Officer's widow from receiving a pension unless the Officer had been medically examined. If he dies before he is medically examined, he only gets his own contribution back. It was not this Officer's fault that he was not medically examined. It was the responsibility of the Fund to see that he was, in any way. Unfortunately, the Officer died and it is found necessary to have this Bill to ensure that the widow gets a pension which she would have got if he had been medically examined.

I beg to move that the Bill be read a Second time.

The Attorney-General (Mr. Austin): I beg to second the Motion.

Mr. Tasker: I am sure that the hon. the Financial Secretary is right in his belief that everybody will support this Motion, and I certainly do; but I think there is one question which should be raised on the Second Reading, that is: "How is it possible for a Government servant to pay contributions to the Fund from, as we are told, the 1st March, 1957, to the 28th February, 1959, — that is two years—without being medically examined?" There does seem to be, administratively, something very seriously wrong with the arrangements. No doubt an explanation will be forthcoming, but there appears to be laxity on the part of those responsible for medical arrangements under the Fund.

Mr. Hubbard: As the only Director of the Widows and Orphans' Fund who is present, I would like to give the ex-

planation which the hon. Nominated Member, Mr. Tasker, so appropriately requires.

It appears that there was great pressure of work on the Medical Department and they found it impossible fully to arrange for the examinations necessary under the Widows and Orphans' Pension law. However, even before the unfortunate incident with Mr. Sankar, the Directors were able to come to arrangements with the Medical Department which finally led to the liquidation of the arrears of examinations. These are now virtually up-to-date but cannot be absolutely up-to-date because it is impossible to arrange medical examinations immediately an officer becomes a contributor.

I think it will be useful for me to point out also, that when an officer enters the Public Service he has to undergo a medical examination, and a further examination in respect of the Widows and Orphans' Fund is necessary to ensure that he is fit enough to be a good risk. But the fact that he enters the Service is an assurance that he is fit. However, I wish to give the assurance that the arrears which led to this unfortunate situation have been cleared up and it is most unlikely that such a situation will arise again.

Question put, and agreed to.

Bill read a Second time.

Council resolved itself into Committee to consider the Bill clause by clause, and approved the Bill as printed.

Council resumed.

The Financial Secretary: I beg to report that the Bill has been passed through Committee without amendment,

and I now move that it be read the Third time and passed.

The Attorney-General: I beg to second the Motion.

Question put, and agreed to.

Bill read the Third time and passed.

The Chief Secretary (Mr. Hedges): I beg to move that the Council do now adjourn to a date to be fixed.

Council adjourned accordingly, at 2.45 p.m.