

# LEGISLATIVE COUNCIL

(Constituted under the British Guiana  
 (Constitution) (Temporary Provisions)  
 Order in Council, 1953.

TUESDAY, 25TH JUNE, 1957

The Council met at 2 p.m.

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## PRESENT:

### *His Honour the Speaker :*

Sir Eustace Gordon Woolford,  
 O.B.E., Q.C.

### *Ex-Officio Members :*

The Hon. the Chief Secretary,  
 Mr. M. S. Porcher (Ag.)

The Hon. the Attorney General,  
 Mr. A. M. I. Austin,

The Hon. the Financial Secretary,  
 Mr. F. W. Essex.

### *Nominated Members of Executive Council :*

The Hon. Sir Frank McDavid,  
 C.M.G., C.B.E. (Member for Agriculture, Forests, Lands and Mines).

The Hon. P. A. Cummings (Member for Labour, Health and Housing).

The Hon. W. O. R. Kendall (Member for Communications and Works).

The Hon. G. A. C. Farnum, O.B.E. (Member for Local Government, Social Welfare and Co-operative Development).

The Hon. R. R. Gajraj

The Hon. R. C. Tello

### *Nominated Official:*

Mr. J. I. Ramphal.

### *Nominated Unofficials:*

Mr. W. A. Phang

Mr. L. A. Luckhoo, Q.C

Mr. C. A. Carter

Rev. D. C. J. Bobb

Mr. H. Rahaman

Miss Gertie H. Collins

Mrs. Esther E. Dey

Dr. H. A. Fraser

Mr. R. B. Jailal

Mr. Sugrim Singh

### *Clerk of the Legislature:*

Mr. I. Crum Ewing.

### *Assistant Clerk of the Legislature:*

Mr. E. V. Viapree.

### *Absent:*

Mr. T. Lee —on leave.

Mr. E. F. Correira —on leave.

Mr. W. T. Lord, I.S.O.— on leave

The Speaker read prayers.

The Minutes of the meeting of the Council held on Friday, 21st June, 1957, as printed and circulated were taken as read and confirmed.

## MINUTES

The Minutes of the meeting of the Council held on Friday, 21st June, 1957, as printed and circulated were taken as read and confirmed.

## ANNOUNCEMENTS

## LEAVE TO MEMBERS

**Mr. Speaker:** A verbal communication from Mr. Correia asking for leave from today's meeting has been received, and I have granted it. I don't think any other Member has asked for leave. Rev. Mr. Bobb, I am glad to see you back.

APPEAL FOR POSTPONEMENT OF  
MARRIAGE (AMENDMENT) BILL

I have received a communication from various Indian Bodies, religious and otherwise. I am afraid I do not know exactly how to pronounce the names, and I am not going to try to do so—they are all here. I do not know if some Members are more qualified to do it but I am not qualified. I have been asked to prevent this Bill from going through. I do not know whether I have the power to do so and I do not propose to do so even if I had. I would be glad if Members would look at it, especially the Chief Secretary, as the Mover of the Bill.

I have received a telegram and I am under the impression that it has been dispatched to your office.

**The Chief Secretary (Mr. Porcher, acting):** I do not know.

**Mr. Speaker:** I will read it to you. It reads as follows:

"The Secretary of State for the Colonies, The Colonial Office, London.

Oblige Intervene Persuade B. G. Legislature Postpone Passing Marriage Amendment Bill Now Being Debated Legislature. Bill Totally Against Hindus and Muslims Constituting Fifty Per Cent. Population. Memorial Following. Legislature Without Justification Rushing Bill."

I suppose I had better read the letter. It is dated the 22nd of June, 1957.

"Dear Sir,

We the representatives of Hindu & Muslim Religious Organisations operating in this Colony respectfully wish to appeal to you and also to the Mover of the Marriage Amendment Bill—the Honourable Chief Secretary, Acting, to consider postponing the present Debate on the said Bill which is in progress in the Legislature.

The reason for this Application is that this Amendment as urged by Mr. Sugrim Singh. M.L.C. is totally unsuitable to Hindus & Muslims in this Colony, and would work great hardship on all of us and bring more dissatisfaction in the Colony against the Government.

We met the Hon. the Chief Secretary on Monday 17th June and all the Six Hindu & Muslim Organisations expressed their Opposition to this Amendment. Only the Muslim League of B.G. headed by the Hon. R. B. Gajraj is supporting this Amendment. Mr. Gajraj is one of the Four-Man Committee which recommended this Amendment.

Both the Hindus & Muslims informed the Chief Secretary that they have Two Bills completed for presentation to Government, and while these Organisations are awaiting the reply of the Chief Secretary, who promised to report to the Executive Council, we see the Amendment put before the Legislature.

We wish to appeal to Government through you to ask Government to postpone further Debate on this Amendment, and consider our Two Bills; which have been accepted by the Hindu & Muslim Community respectively.

Thanking you in advance for your kind intervention in this very important matter."

Those Members who would like to see it can do so. I formally lay it on the table. As I told you, the hon. the Chief Secretary should see it first.

## PAPERS LAID

**The Attorney General** (Mr. Austin): I beg to lay on the table—

Rules (No. 2 of 1957) made under the Deeds Registry Ordinance (Chapter 32).

**The Financial Secretary** (Mr. Essex): I beg to lay on the table—

Order in Council No. 30 of 1957 made under section 8 of the Customs Ordinance, Chapter 309, on the 19th day of June, 1957, and published in the Gazette on the 22nd of June, 1957.

Order in Council No. 31 of 1957 made under section 8 of the Customs Ordinance, Chapter 309, on the 19th of June, 1957, and published in the Gazette on the 22nd of June, 1957.

Schedule of Supplementary Estimates for the month of May, 1957.

Schedule of Supplementary Estimates (Development) for the month of May, 1957.

**Sir Frank McDavid** (Member for Agriculture, Forests, Lands and Mines): I beg to lay on the table—

Fisheries Regulations, 1957 (No. 13)

These Regulations are in substitution for the Fisheries (Licences) Regulations, 1957, and the Fisheries (Marketing) Regulations, 1957, tabled on the 20th June, 1957. I formally withdraw those.

**Mr. Speaker:** Yes.

Agreed to.

Regulations withdrawn.

## GOVERNMENT NOTICES

## ORDER IN COUNCIL NO. 30 OF 1957

**The Financial Secretary:** I beg to give notice of the following motions on the Order Paper —

"Be it resolved: That this Council in terms of section 9 of the Customs Ordinance, Chapter 309, confirms Order in Council No. 30 of 1957 which was made on the 19th day of June, 1957, and published in the Gazette on the 22nd of June, 1957."

"Be it resolved: That this Council in terms of section 9 of the Customs Ordinance, Chapter 309, confirms Order in Council No. 31 of 1957 which was made on the 19th day of June, 1957, and published in the Gazette on the 22nd of June, 1957."

"Be it resolved: That this Council approves of the Supplementary Estimates for the month of May, 1957, totalling \$295,742.63, which have been laid on the table."

"Be it resolved: That this Council approves of the Supplementary Estimates (Development) for the month of May, 1957, totalling \$758,212.00, which have been laid on the table."

## WITHDRAWAL OF MOTIONS

**Mr. Speaker:** Before the Order of the Day is commenced, I should like to mention that I have granted permission to the hon. Member, Mr. Luckhoo, to say something in relation to two motions which, I understand, he proposes to withdraw.

**Mr. Luckhoo:** I am obliged to Your Honour for that permission. The two motions are items 4 and 5 on the Order Paper. With regard to item 5, I feel I should bring to the whole Council the fact that private negotiations were conducted between the Demerara Company and the Lessees' Association of Alexander Village, and after a period of five months one is happy to see an arrangement reached between the owners of the land and the lessees who own the buildings on the land, whereby the Demerara Company will be selling to those individuals who own houses, the land at much below the current market value. I am very happy about it. It shows a tremendous amount of good-will on the part of the lessors, and a certain amount of tact in the representation made by the Association. I

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should mention the price is one ranging between 12 to 15 cents per square foot and the purchasers will be permitted up to three years to pay the price of the land free of interest.

Another concession which was arranged, and for which I am very happy, related to the land on which there are churches, temples and mosques. These will all be transported at the nominal fee of one dollar to the trustees of the several organizations. I think it is quite an outstanding achievement that this has been resorted to.

There is one portion of the landscape, partly to the west of the public road, the use of which has not been determined, and I am hoping that that also will be subject to rearrangement.

I am grateful, Your Honour, for permitting me to mention this, and with your leave, I beg to withdraw this motion.

Question put. and agreed to.

Motions, as under, withdrawn.

#### Item 4 —

"Whereas under the Rice Farmers (Security of Tenure) Ordinance, 1956, tenant rice farmers commit an offence by keeping their oxen on the holding after cultivation, reaping and threshing; and

"Whereas these tenants in many cases have nowhere to keep their animals and have in the past kept their animals on the holding;

"Be it resolved: That section 56 (3) of Ordinance No. 31 of 1956, Rice Farmers (Security of Tenure) Ordinance 1956, be repealed."

#### Item 5 —

"Whereas the tenants of lands at Ruimveldt and Alexander Village are suffering great hardship since they cannot freely sell, repair or sublet their own houses; and

"Whereas these lands are included in the Industrial Zone of the Greater Georgetown Plan."

"Be it resolved: That this House respectfully recommends to Government that Government should either forthwith rehouse the tenants as was undertaken to be done by Government, or take the necessary steps to have the Ruimveldt and Alexander Village areas excluded from the Industrial Zone in the Greater Georgetown Plan."

#### ORDER OF THE DAY

#### MARRIAGE (AMENDMENT) BILL

**Mr. Speaker:** I think the Council may now proceed with the debate on the second reading of the Bill intituled:

"An Ordinance further to amend the Marriage Ordinance"

I am not in a position, as Speaker, to intervene to prevent the debate from continuing, and I am afraid I have no other option but to ask the next speaker to proceed. I do not think Mr. Gajraj had finished his address. I think he was rather hurrying it.

**Mr. Gajraj:** Yes, Sir, I was in a hurry to finish that afternoon, because I expected we would have endeavoured to finish our work on the Bill that evening.

**Mr. Speaker:** I will allow you to continue.

**Mr. Gajraj:** It is very obliging of Your Honour, and I shall take advantage of your offer. I hope that I will not in the course of my remarks repeat anything that I said last Friday evening, but I do feel that it is necessary that a few misconceptions on the part of the priests of the Hindu and Muslim community should be set right. We have heard, and we have also read in the terms of the letters to Your Honour and of the telegram which has been dispatched to the Secretary of State for the Colonies that it is claimed that the proposals before this Council,

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to amend the Marriage Ordinance, and which aim at putting Hindu and Muslim priests in exactly the same position as Ministers of the Christian Religion appointed as marriage officers, will not solve our problems. Indeed the claim is made that there will be greater confusion—if I may use the word used by Mr. Sugrim Singh.

I want categorically to deny that there can be any greater confusion—and I want to say, with all due respect to those who have for many years carried out the functions of religious leaders in the respective communities—or if there is any confusion whatever, that it can only arise out of a deliberate attempt to mislead the people. To take a more charitable view, it can only arise if the parties themselves do not understand the position.

I tried to make it clear that there is a difference between a marriage registered under the Indian Labour Ordinance and a marriage registered under the proposed Marriage (Amendment) Ordinance. In one case, under the Indian Labour Ordinance, we have a marriage of immigrants, persons who, although born in British Guiana, although they have received their education in, and are making their contribution to this country, and who will in due course lay down their bones in the sacred soil of Guiana—according to the wording of this Ordinance, are dubbed ‘immigrants.’ We have been told in this Council that there is nothing to be ashamed of in being an ‘immigrant’. I would agree that if I left this country and went to another in order to make my living and my future there I would be an immigrant in that country. If I went there with the object of helping myself and making that country a better place, then there is nothing to be ashamed of in being dubbed an immigrant. But certainly when one is born in a country, just as one’s parents have

been, there is no question of one being an immigrant by any stretch of the imagination.

Dubbing them as immigrants is merely a twist of the law. The provisions of the Indian Labour Ordinance were never intended for the generations who might come after the original immigrants. They were intended to give the indentured immigrants certain rights and privileges—such as being sent back to India, and so on—and all the privileges promised were also extended to the children. The word “descendants” appears in section 31 and it is naturally interpreted as covering all those who descended from the people who came here as immigrants originally.

But those who have been born in this country and who come within the scope of the Indian Labour Ordinance, as soon as they become Christians they are removed, by that very act, from the confines of that Ordinance, and become liable to all the privileges and responsibilities of the common law of this country. There is no provision for them to seek, if they wish, exemption from the Indian Labour Ordinance.

There are many I know who wish to do so, but they do not wish when the time comes for them to get married that their marriage should be solemnized with them professing Christianity, or that their marriage should be a civil one performed by the Registrar.

When it was realized that there was no provision for full citizenship rights for Hindus and Muslims, it was decided that the matter must be put right; that that void must be filled. The way in which it was proposed to fill that void was to extend the provisions of the Marriage Ordinance, so that not only ministers of the Christian religion but also priests of the Hindu religion and the Islamic religion would be placed on the same

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basis and would be able to solemnize marriages in accordance with their own religious rites. They would be able to have these marriages registered and accepted as marriages under the law of the land.

If there are people in British Guiana still, who are satisfied to remain as immigrants in the special context of the Indian Labour Ordinance, then they are entitled so to do because Government's proposals do not include the revocation of any rights which Guyanese Indians might have under the Indian Labour Ordinance.

Indeed, the proposals merely extend an opportunity to Hindus and Muslims who wish to make use of their full citizenship rights. There is no doubt whatever, that, in spite of the many reports which have been written and the statements made in relation to Guyanese Indians in this country, we realize that this is our country and we have to make our contribution towards its improvement and upliftment. In spite of what others might say we shall continue to make our contribution, we shall continue to show that we are good citizens; that no citizens are better than we are, for there can be no greater love and respect shown by any people than the love and respect for the land of their birth — British Guiana is the land of our birth. So long as we have such feelings, Sir, we must claim our proper legal position.

By these proposals, Sir, we are making an avenue for Hindus and Muslims who do not wish to remain under the Indian Labour Ordinance to come out in the open and have their marriages registered like other people. Inferences of a very unsavoury nature have been imputed on those who do not desire to remain and live under the In-

dian Labour Ordinance, such as the people who belong to the upper-class, the intelligentsia, and others have been provided for under this Ordinance.

In these days of political fervour such inferences might be excused. As far as the records of this Council are concerned, if charges of this nature are not refuted by those who are able to do so they will remain on the records and be considered by those who will come after us as true.

I say that the charges are not true, Sir. By this Ordinance we are attempting to get rid of the stigma under which Hindus and Muslims are forced to live. This is something which affects all Guyanese Indians and not any particular class. If certain people have considered it their duty to have this stigma removed, there is no reason whatever why they should be charged as we have heard charges made. I feel that the proposal which we have before us at the present moment is the best proposal that could be considered and could be accepted.

I remember saying on Friday last that although I am no lawyer the law is not static but dynamic, and if in the course of time other proposals emanate either from Government or from the other side it would be the duty of the Government in power, desirous of retaining the provision of four wives, to examine those proposals most carefully. If the new proposals were accepted Government could then make further amendments to the Ordinance accordingly. We cannot sit here and wait; we have to move step by step until we reach the top. What we have proposed from the Government side is a step in the right direction. In spite of all the letters and telegrams that may have been sent to the Secretary of State, I say that the Government is doing its duty in bringing these proposals before the Legislature for consideration.

I will refer to a part of the hon. Mr. Singh's speech when he mentioned that a certain section of the Muslim community was talking about the right to have four wives. This is one of the most controversial elements in the Muslim Marriage Law.

**Mr. Singh:** May I say, on a point of correction, that I was reading from an established authority on Muslims.

**Mr. Gajraj:** Is that a correction, Sir?

**Mr. Singh :** It was not my opinion; it was read from a book, it is not an allegation coming from me. I merely read from an established authority on Muslims in order to establish my point that according to Muslim law it is lawful to have four wives. That, however, cannot be inserted in English law. You must remain monogamous because as soon as you take more than one wife you become polygamous. I read the statement from an established authority on Muslims, and I will be glad to pass on the textbook to my hon. Friend.

**Mr. Gajraj:** The hon. Member need not pass the textbook to me. It is a point which I have studied for many years. The hon. Member said in the course of his speech that Muslims are here. He will remember that at the Conference over which the hon. the Chief Secretary presided, someone, the counterpart to the Chairman of the Pundits Council, spoke on this very point. Let me say that it is definitely one of the most controversial subjects amongst Muslims not only here but in all parts of the world.

The conditions of limited polygamy which one finds in the Koran were intended for a particular time. It was after the battle of Uhud in which a large number of soldiers were killed and there were wives and daughters of the faithful who were without

the protection of a male in the home. Therefore it was necessary that those who were left without the protection of a husband or father in the home should have some protection. In British Guiana, as in most other parts of the world there is a shortage of men. If one were to check on the population statistics of the world, one would find that there are more women than men. In the circumstances how could one with any degree of understanding speak of a Muslim as having too many wives?

**Mr. Speaker:** I think the real fact is that it sprang from the days of immigration.

**Mr. Gajraj:** I want to say that conditions do not permit of a change even though one might wish to argue against it. There are many jurists who have interpreted what the Koran says. One point is that the injunction which begins with the statement (relating to marriage) makes it clear that monogamy is the basis of Islamic life. One condition is that the husband must treat each wife equally well, and that is a condition which it is impossible to fulfil. It would relate to every act. There are also some jurists who proclaim that a man cannot take a wife today and a few years later say that she had got old and that he wants to look for a younger girl. It has been said that if a husband has to look after each wife equally well he must have means in order to be able to keep three or four at the same time.

Another point is that in the Islamic law, marriage is essentially a civil contract and there is this point which many Muslims themselves do not fully appreciate. That is, a bride can lay down conditions in the marriage contract which would make it impossible for the husband to take a second wife. Is it inconceivable that we can prepare a marriage Bill based on Islamic law and which would satisfy all shades of opinion among Muslims, as well as fit the views

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of priests under British law? To my mind it is absolutely impossible.

At the moment we are hearing about a separate Bill for Muslims but one cannot escape the fact that we have to consider both sides. I can speak from personal knowledge of the Muslim and Hindu communities in British Guiana since I was for five years General President of the Muslim Organization, and there I came across both Hindoos and Muslims who felt that the marriages of their sons and daughters should be legalised. They also said that they were not prepared to subject the lives of their sons and daughters to the Muslim divorce laws. The Muslim ceremony of divorce is quite a simple one since the husband merely says to the wife three times: "I divorce thee".

There again, there are some Hindu and Muslim priests who differ as to what three times (in repeating these words) mean, and there is another school of thought which says that the words "I divorce thee" should be pronounced at monthly intervals, the object being that in the interval the husband and the wife would meet each other and, since there is an old saying that "old firestick does catch quick", better feelings would prevail and prevent them from going through with the divorce.

There is a third side to the question, and it is that in Islamic law a husband cannot divorce his wife if she is *enceinte*, and by permitting a three-month period before a divorce could be obtained the husband would be able to tell easily whether the wife is *enceinte* or not. I have endeavoured to give all these details especially for the benefit of those who would like to see a Bill in the interest of everybody in this Colony.

I make these points merely to show the difficulty of getting all of these established ideas of Islamic laws in-

corporated into any Bill which would have the full approval of everybody in this country. When we find ourselves in this position, what is the answer? The answer is what is proposed in this Bill before the Council.

The Government takes no part whatever in the differences of interpretation which the adherents of the religion might themselves have. The Government cannot, it is not qualified to do so, but the Government can say as the Government proposes to say now: "This is your religion. You carry out the functions, the rites of your marriage in accordance with your religion and, indeed, even in accordance with the differences under the sects in that religion. You carry out your marriage; having done so, this marriage, which in the eyes of your religion and your religious law is a sacred bond, will be accepted by us, a civil authority, as such and we will have it registered in our marriage registers."

That is all it says. It does not seek to interfere in the slightest degree with the religious scruples of anyone except in this respect — in the case of anyone wishing to contract a marriage, it is only one marriage that can be registered. If anyone thinks he is going to have a second, or third, or fourth wife, he will be committing bigamy and will become liable to the laws regarding bigamy.

When one has one's marriage thus registered, if it becomes necessary for divorce proceedings to be instituted and if it is argued that divorce under the law of this colony will take time then so does divorce under Muslim law. It takes at least three months. This, of course, ought not to concern my Hindu friends because, as we have been told, according to orthodox Hindu law, divorce is not permitted. Therefore it would only concern the Muslims from a re-

ligious standpoint. The grounds for divorce are accepted as being the basic points of difference in Muslim law. If it is claimed that married persons are in any way embarrassed by having to go before the Court, let it be said that in Muslim countries although the husband pronounces the divorce it nevertheless has to be recorded by the Oazi in those countries and the Oazi holds the position equivalent to that of a magistrate or a judge under the British constitution.

If it is felt that difficulties are placed in the way of those who desire to divorce one another, then let the answer be—as it definitely is—that the Holy Prophet himself has said that “divorce is the most abominable thing in the sight of the Lord” because even though the method is easy the way in which the Almighty looks upon divorce is one of supreme abomination. In other words, it is not expected that a good Muslim would seek the slightest opportunity to divorce himself from his wife or the wife from the husband. Every effort must be made to preserve family life and let it be the backbone of the community as we all want it to be in a place like this.

But like always, the practice of a religious injunction is so often different from its intention; and so we find that there is a common belief, in the West particularly, that women is but a chattel in accordance with Islam and can be pushed out of her home by her husband on any pretext, and because of any slight whim. But in actual fact family life is sacred and every effort is made to make it as sacred as possible. Therefore, I for one and there are hundreds, nay thousands, like me, when they understand their position squarely would not wish to make the bonds of matrimony in accordance with Islam so loose that they can be just broken, or elastic, whereby they can be pulled aside by anyone.

Mr. Speaker, I want to assure you and Members of this Council that there is nothing whatever sinister in the proposal of the Government which I heartily support. There has been a suggestion that my support stems from the fact that I have been a member of the Committee that has put forward these views and proposals. While that is so, I do not wish to take the credit for the ideas behind this Bill. I want to say that I have done a bit of work, certainly; but there have been many outside of this Chamber who have given me similar ideas to what we find in the Bill. What we have done is to try to put them in legal form.

Before I close let me say this: that it is not only the Muslim League of British Guiana which supports this Bill. The hon. the Chief Secretary has many letters in his file. There was one from the Essequibo Muslim Brotherhood Association, which also supports this Bill. But in cases like these we normally find that those who wish to oppose write the most and their voices sound the loudest. It is unfortunate in this country that when people are satisfied with a measure they do not go out of their way to tell others that they are satisfied. It is those who wish to express dissatisfaction who make the most of such opportunity.

I want to say one other thing. Shortly before I came to this meeting today I was at another meeting with the President of the Aryan League, a Hindu organization, and we discussed this measure. The hon. the Chief Secretary and the hon. Member, Mr. Sugrim Singh, will recall that an officer of the American Aryan League at the meeting which we held on that Monday (June 17) said that his organization was in favour of the Bill but there was one section there which they thought should be changed and that was the minimum age limit for marriage. Whereas sixteen and fourteen are proposed as the years of age for the male and the female, they

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thought fourteen and twelve would have been more satisfactory; but that apart, he said they were prepared to support it. I asked him: "How comes it then that we have noticed the name of your organization amongst those which have come together to send this telegram to the Secretary of State for the Colonies?" He told me quite straightforwardly that when they held the meeting of their Council it was unfortunate that all of their members were not present.

There was a division of opinion and since the hon. Member, Mr. Sugrim Singh, was taking the lead in this matter it was felt that there was no harm done in giving him that support. But he assured me that so far as he was concerned and so far as many of the members were concerned they were all in favour of this Bill.

One last proposal I would make before I close, and it is this: if it is true that the majority of Hindu people and the Muslim people of this country—I doubt that myself—I feel that it is just merely the pundits and the moulvis who are the main and principal objectors to this measure and who do not wish to come out from the protection of the Indian Labour Ordinance, then there is an acknowledgment that there are some — though they might be in the minority nevertheless in numbers they would be a considerable number—who wish to get rid of that stigma.

It is therefore the duty of Government to make provision for those who would wish to come out and be subject to the general law of the country.

If it is only for that purpose that this Bill succeeds it will have done a great deal of good, and my own opinion is, Mr. Speaker, that as time moves on and as people get more informed of the

provisions of this Ordinance, that Guianese Indians will remove themselves from the stigma of 'immigrant' under the Indian Labour Ordinance and accept what is now offered to them—and that is the full citizenship of British Guiana in common with all other people who are her citizens. Sir—

**Mr. Speaker:** Mr. Gajraj, you are using that term "citizenship". Am I right in thinking that the more appropriate expression would be "civil rights"? What I mean is, the right to marry, the right to divorce. We are all citizens of Guiana or Canada as the case may be. I believe you are thinking of civil rights—the right to vote.

**Mr. Gajraj:** You are right, Sir, but I was thinking that "civil rights" are a *sine qua non* of citizenship.

**Mr. Speaker:** Unless they reside for five years or more. I think I know what you mean.

**Mr. Gajraj:** Thank you, Your Honour. I am at the end of my talk; I could go on and on because it is a subject that is near and dear to my heart and I know, of course, that there are others who would like to contribute to this debate. But, I make this last plea to my hon. Friend (Mr. Sugrim Singh) and I say that whilst I appreciate fully that he, as an individual and an important member of the community, would like to see separate marriage ordinances on the Statute Book of this Colony, it will be a difficult thing to get that form of agreement.

However, let me repeat that the quickest road to doing that is to accept the measure before the Council so that in the period of time that is bound to elapse during which consultations, discussions and further changes take place some legislative measure will be on the Statute Book whereby hundreds of people who would wish to be married in that period of time would have an opportunity to do so in accord-

ance with their religious rites and at the same time have their marriage accepted under the law of the Colony.

**Mr. Ramphal:** I rise to support the motion as it is before the Council without amendment, and if I do not speak with the same fervour as my hon. Friend, Mr. Sugrim Singh, or my hon. Friend, the last speaker, it is not because I am less interested in the subject, but because I am somewhat detached — indeed in an objective way I am seeing perhaps, I may say, more than either party.

I believe that this Bill is a result of an abuse of the privileges and opportunities in the Indian Labour Ordinance and I do not think that the Indian Labour Ordinance or its repeal is a matter now before the House.

But, before I go into a full discussion of this matter I want to pay a simple but very sincere tribute to the Acting Chief Secretary for the very simple exposition he has given to us of a problem that has evaded us for 31 years. It is seldom that we have listened to the introduction of a Bill that is so very controversial to the public which has been so simply put to the Council.

There was another side of the exposition and that is the hon. Mover put over his points without any offence at all. There were periods of time when I believed that he was bound to pass over the line that he had chalked out for himself and become somewhat harsh and critical, but at no time whatever did I find in his speech that he was even faintly critical of the opposition which he had seen and heard in his office only the day before. Indeed, may I say that we see glimpses of a very good and very excellent Chief Secretary, permanent in the days to come.

I want also to take this opportunity to pay a very sincere tribute to the hon. Member, Mr. Sugrim Singh whose views I am going to oppose, in just a short while. It is seldom in this Council we have seen a Member struggling with his conscience and his reason so patiently. I believe that the hon. Mr. Sugrim Singh is very sincere in many of the things he said, and I want to pay tribute to him for his boldness. It took immense courage for him to make certain statements.

For example, his forthright attack upon what he characterised as "trial" marriages which occur under the Indian Labour Ordinance. Then again, he called for a complete repeal of the Indian Labour Ordinance, and perhaps it is a sorry thing that the whole Labour Ordinance Repeal is not before the Council because he would have carried the day with his forthright and sincere attack of it.

There was another point; he called for the legalising of all marriages. All these things have led me to believe that he was exceedingly sincere in what he was saying and as I sat and listened to him I wondered whether my hon. Friend has not committed suicide with those very people whose point of view he had put before this Council. I trust that those people would see the sincerity with which he advocated the point of view and will not judge him too harshly.

I commend him for his courage in doing what he did, but I cannot commend him for his plea for the postponement of this Bill until total action was taken on the whole matter. I am sure he cannot forget that this matter has been before this Government and the people of this country for 31 years. Is it fair for any hon. Member or any person in this country to say that this matter was without justification being rushed?

[Mr. Ramphal]

I am positive that on reflection no Member can give any credence to such an agreement. Mr. Sugrim Singh thinks that we should postpone total action and we should take this thing at one bite—to use his own phrase “let us have one bite at the cherry”. That is the action of youth. Youth wants to take a bite at the whole cherry at once. Age and experience take several bites, and that is what we commend to this Council.

Sir, Mr. Sugrim Singh has made a declaration and he laboured on this point for a very long time. I listened to him with great attention on the basis that I felt he was very sincere. He made a declaration that this Bill does not touch the real problem, but throughout his sincere advocacy in a debate in which he showed a marked deal of research, we find no statement at all which gives us a clue as to what is the real and important problem which is going to be solved by that total action, except that a new Bill was going to be produced or that there had been unanimity among all the parties concerned on the Mohammedan side and on the Hindu side, and that they had produced a new Bill.

After 31 years they have produced that Bill. Until this other Bill is brought before the Council this hon. Member asks us to postpone this Bill until the so-called unanimous wishes of the people had been expressed. In the new Bill are proposals to Government — Yes, proposals and they may take another 31 years.

I think the hon. Member, Mr. Gajraj, in his first speech said “Let us put this as law and let the other proposals come up in due course.” I am satisfied in my own mind that if this Bill were to be made law and if

the proposals which are now said to be in some form are really well-founded, the proposers would put them forward with great speed. If indeed that was the only reason for this Bill, then it would do some good.

I am sorry the hon. Member, Mr. Sugrim Singh, spoiled his excellent speech by an attack on the Indian intelligentsia and those who considered it *infra dig* to be under the Indian Marriage Laws.

**Mr. Sugrim Singh:** I apologize if I conveyed any impression that I was attacking the Indian intelligentsia of both Hindu and Muslim communities. What I wanted to convey—perhaps I did not make myself clear—was that this Amendment Bill would benefit only those people who consider it *infra dig* to be characterized as immigrants.

I continued to argue that so long as the Immigration laws are still on the Statute Book and the right to passage back to India is still reserved for Indians, you cannot completely eliminate the word “immigrant”. The only indigenous persons in this country are the Aboriginal Indians, those of every other race here are descendants of immigrants.

**Mr. Ramphal:** I did not misunderstand the hon. Member. He has more or less confirmed what I said. Nothing to my mind is farther from the truth than that this Bill deals with immigrants. There is no such word as “immigrant” in the whole Bill. Repeal of the Indian Labour Ordinance is not before this Council. That to my mind is completely out of order. I will not be hard on my hon. Friend; it is not proper for me to do so. This is a very difficult time for all of us, but particularly as he has given qualified support to this Bill,

[Mr. Ramphal]

I am going to spare him much of the harsh criticism I would have made.

I think it is necessary that we should examine this Bill very thoroughly as it concerns and touches life and happiness so closely; also, I think we should endeavour to find out if this Bill in any way conflicts with the known canons either of the religion of Islam or of the Hindu faith.

The manner in which Mr. Sugrim Singh made his general remarks on this Bill led one to believe that this Bill is supposed to be anti-Indian.

**Mr. Sugrim Singh:** I must apologize if in the slightest degree I have given that impression. I have always said that Government's intention was good. Members of this Council can bear me out on that. I appreciate that the effort in connection with this Bill is to bring Hindu and Muslim marriages on the same basis as those dealt with in Chapter 164 of the laws of the Colony. This is a good thing. It coincides with my objective, but I feel that if we adopt the method proposed we would only be playing with the problem.

**Mr. Ramphal:** My friend is adept at getting up and putting over his point all over again. I think he is on very difficult ground and therefore we must allow him all the latitude possible. I am glad he has given public expression to what he has said because the feeling I had was that among a certain section of the Indian community was a fear that this Bill was anti-Indian.

I also have suffered the indignity of being considered an immigrant, and of having to get a non-impediment certificate not only for myself, but for my children when they were to get married. I know of the exemption I

can get from the Indian Labour Ordinance but I shall not seek it as I wish to go along with the Indian people until they all are prepared to take it. I will stand with them.

I am going to exercise an independence of mind in this particular matter as I have done from the start, three and a half years ago. I am sure Government will never be able to say I have not opposed them from time to time when I felt that my conscience dictated that I should do so.

I was reminded a short while ago that I was a Brahmin. Well, even as a Brahmin I wish to say I support this Bill very strongly. I am an *asal* Brahmin. I do not have any racial admixture — I am pure Indian by mother and father, and Brahmin at that. I have eschewed that side of the matter in my approach to life but naturally I have a strong affinity to my blood relations.

Let us examine this Bill and see exactly what it does. First of all, as the hon. Member, Mr. Gajraj; said although he may not have put it into these words, it provides the pundits and the moulvis with a new status. I am sure that the hon. Member, Mr. Sugrim Singh, agrees with that, and also that the status which this Bill gives them they never had before. They are now being placed, as the hon. Mr. Gajraj said, on an equal footing with Christian ministers and with marriage officers of the Christian faith.

Is that not something they should be proud of? Even Mr. Sugrim Singh had to admit that it was a good thing Government was doing! The Bill also provides that this new status will carry some new obligations. For example, if a marriage officer solemnizes a marriage he has to register it.

[Mr. Ramphal]

The hon. Member, Rev. Mr. Booib, expressed the view that they, the Christian Ministers, are under penalty of law if they did not register a marriage within forty-eight hours after they have performed the ceremony. What reason is there that we should give this new status to Hindu priests and Muslim moulvis without obligations? Can there be any valid reason that can be adduced that this should be so?

They can elect to be marriage officers or not under the Ordinance. When we come to clause 13 we find that Government is being so fair that it is providing another method for our Hindu and Muslim priests. I wonder if my friends, my colleagues of my caste—if I may be permitted to use that word — really want to see this status given without any obligations. I want this Council to examine this matter very closely and I ask if there is any canon of religion that is being offended. I have not heard of any. No evidence of that has been produced. Mr. Singh, however, has referred very vaguely to the absence of any law in India in which the Mohammedan marriage is put into statute.

May I say, and I feel positive he will on reflection agree with me, that it was not necessary to do that because the marriage law of the people of the Islamic faith is enshrined in the Holy Koran. This is accepted as the common law and therefore it would not lend itself to other legislative measures. So there is no good reason to argue that because there is no law in India there should not be one in this country.

Let us look at Trinidad's example in this matter. I am sorry my hon. Friend (Mr. Sugrim Singh) does not

have the Trinidad law with him. He admitted that in that colony there is a law for Hindus as well as a law for Muslims. He was good enough to tell us Jamaica is introducing a law also. Why shouldn't we?

Mr. Sugrim Singh did bring up a problem, that of family priests. I want to ask him how less rich are the family priests going to be if they do not solemnize marriages contrary to what this proposed Ordinance offers? Is it too much to ask pundits and moulvis to forego filthy lucre in order to protect the women of this community (*Hear, hear*). The pundits and the moulvis will be doing a wrong to the community if they solemnize a marriage which they do not register. An unregistered marriage is, to my mind, a wrong to the community, a wrong to the wife and a wrong to the children of that marriage. In my time, as a principal of a school, it was my distress and sorrow to see many a brilliant boy of Indian descent refused a scholarship because the marriage of his mother and father was not registered.

In other words, these boys were considered illegitimate. There are many dozens of children who can qualify for a scholarship but their chances of getting it are ruled out because of the unregistered marriage of their parents. I should hate to see any more children born of Indian parentage disqualified through the action of the moulvis and pundits in this way.

The hon. Mr. Gajraj has dealt with everything which I would have spoken about. This Bill will put the Hindu and the Muslim priests on an equal footing with Christian Marriage Officers. I think the hon. Mr. Gajraj and Mr. Singh are at one on this point. They feel that we should be Guianese. I need hardly remind members that

even the Commissioners of the Government of India have been telling us in print and in private that we must integrate ourselves in the community in which we live. Even if we do not accept what they say, I am sure that other reasons compel us to realize that we should integrate ourselves in this community in which we live in the interest of society and ourselves.

In this Council I have heard speeches made to the effect that the Amerindians must integrate themselves in this community and that no special right should be given to them. I am sure that the Indian community need far less protection than the Amerindian, and I am positive on reflection that nobody would want to give them more protection than any other people in this country.

The hon. "Opposer" of the motion has one point. He says that this Bill is going to provide a great deal of inconvenience to Indians because they have to give notice. I want the hon. Member to remember that the Christians have to give notice too. Bans have to be published in Churches for three weeks. If people want to get a marriage licence for a runaway-marriage they have to give the hon. the Chief Secretary 48 hours' notice. If they go to the Registrar's, office for a licence, notice has to be given also.

**The Chief Secretary:** I have nothing to do with runaway-marriages.

**Mr. Ramphal:** I am sorry that I gave that impression, but I do know that sometimes people find an easy way out. I would like to point out to my hon. Friend that Hindu and Muslim marriages are to be gazetted. The hon. Mr. Gajraj referred to the question of the fathers and mothers getting to-

gether when two people were about to be married. He could have gone further and mentioned that an Indian wedding is a matter of civic concern, the whole community knows of it.

An invitation is sent to every home in the village where the two parties live. That is a notice, and I cannot understand why the hon. Member stresses the question of notice. So open is a Hindu marriage that a calypso has been made on it entitled "Indian Diplomacy". The hon. Member, of course, must realize that there should be some notice in a matter of this kind.

Even under the Indian Labour Ordinance provision is made for a notice. I remember the hon. Member saying that as soon as the parties received a non-in impediment certificate the marriage could take place immediately. I am sure the hon. Member does not want us to postpone consideration of this Bill, and hold up people who desire to get married quickly. Those are the marriages to which I have just referred as runaway-marriages. They are the exceptions.

After taking the entire matter into consideration, I feel sure that the hon. Member will agree that there is no substance in the question raised by him and there will be no difficulty in giving a notice.

It will be seen that the Marriage Bill also provides for a minimum age for marriages.

Sir, you were good enough to call me a semi-lawyer the other day; I realize what you meant. The hon. Member will understand that the question of capacity was taken into consideration when fixing the minimum age for marriages. I was somewhat surprised when, in my research — I, too, have done some research

[Mr. Ramphal]

work on this matter—I discovered that we did not have it in our main Marriage Ordinance. Provision was made for the age of consent, but not the age of capacity. I am glad that the amendment to the general Ordinance now provides for that.

I heard a discussion and the age of 16 years was mentioned. I was surprised to find that no objection was made to this, except that under the Indian Labour Ordinance it is 15 years—15 years for boys, 14 years for girls; and it is now desired to make it 16 years for boys. In the United Kingdom it is 16 years. In Trinidad it is 18 years for a Hindu and 16 years for a Mohammedan. In India — I take it from Mr. Singh himself — it is a matter of 18 years: If this Government raised the age of capacity for boys to 16 years it would be more or less in keeping with the minimum requirement in the civilized countries of the world.

**Mr. Singh:** I am sorry to rise, Sir. The point I was making is that this amendment will be setting up a dual system. Under the Indian Labour Ordinance it is 14—15. It is not a question as to whether 15, 16, or 18 years is high or low. I am accepting this, but I am just trying to show that in the Indian Labour Ordinance these figures 14 — 15 do not appear. I would like uniformity in this matter.

**Mr. Ramphal:** Sir, the hon. Member is correct in what he says. I want to give him all the benefit to which he is entitled, but even at the end of that there is no substance in his objection.

Let me go on to the fifth condition in the Bill. It provides essential requisites for a valid marriage for Hindoos and Muslims. I was astonished when

the hon. the Chief Secretary said that he did not get any objections to these requisites at the meeting. That is something that one would expect, but possibly the people who are objecting may have consulted a legal adviser and they may have found that the requisites which are now proposed to this Council are in the Trinidad Ordinance, or possibly discretion was the better part of valour and they did not raise any objection to them.

Indeed, it is very surprising that they did not try to find any objection there. Most of all, the Bill reserves the right to solemnize a marriage under the Indian Labour Ordinance. I asked the hon. Member whose cause he represented, because I do not know. Could there be anything more fair than these proposals which Government have put forward? They have put forward advanced proposals, yet, for the time being, a marriage can be solemnized under the old Indian Labour Ordinance.

I do not want to become legalistic, but we have heard argument in which the term "personal law" has been "thrown into the battle". Mr. Gajraj must have been right when he said that the law only related to people who came from India and who still felt that their domicile was in India. Indeed, it could not really relate to us. I do not want to draw something of that nature into this discussion and therefore I would ask my hon. Friend to refrain from referring to the "personal law" too often because "personal laws" have a fixed connotation in private international law.

I want to ask the Chief Secretary not to press for the amendment he has proposed. Government must have had an intention to cure the abuse—and I wish to stress this point. My contention is that if we are to accept the amendment by the Chief Secretary it would put us back in the position that we were in before. I do not think I am speaking out of the hearing of people who

have told me that one of the things to which they objected seriously was that the situation could be remedied in two ways but they wanted only one way. I suggest to the Chief Secretary that if we were to accept the amendment he has proposed we would be doing no business at all.

If the Bill is left as printed, however, I am sure we would be doing no injustice. No injustice is being done to the family as the Bill is, but injustice is being done to women and children if we accept the amendment. In spite of repatriation to which I have referred, I want to lay emphasis on the fact that thousands of Indian children are born illegitimate. I cannot, in my conscience, agree to the amendment proposed even if I am the only person to speak against it. I do not ask for any deviation from the Bill because I think it would be wrong, and we would be selling the past if we allow the amendment proposed. We would be pandering to opinion of selfish people if we do so.

I have tried to find in this Bill any injustice to the Hindu or the Muslim religion, but I have found none; I have tried to find any great injustice to Moulvis or Pundits and I have found little. On the contrary, I find that great benefits have been bestowed upon them. On the other hand, I know the great injustice to women and children which this Bill seeks to remedy and prevent. This Bill seeks to protect them and it could brook no further delay. It is a Bill especially for the good of the Indian women of this country and I support it. (*Hear, hear*).

**Mrs. Dey:** I have been listening to the supporters of this Bill. After all, I am but a woman, Sir,—a woman who has had the honour to be wed. As such, it is incumbent upon me to support this Bill, and I offer no apology for doing so.

At long last the womanhood of British Guiana of Indian parentage is getting, as a result of this Bill, proper matrimonial prestige wherever they may come from.

I can go on and on speaking about the injustices that have been perpetuated on the young Guianese girls of Indian parentage because there was not such a Bill as this one. As I see it, this Bill does not interfere with the customs, rights or privileges of any one group of people. British Guiana has got in it six different races of people, but they are all Guianese, and we do mind the womanhood of the Indian group not being able to be married legally.

Where I am living, day by day I enjoy the privilege of seeing the cream of our Indian girls taking their education. No place is too high for them to fill. This is not a question of intelligentsia. Their parents know what a proper education can do for them. There is quality among those girls, but as the hon. Member, Mr. Rampthal, told you, if this Bill is not passed they cannot get legal status in marriage.

**Mr. Sugrim Singh:** I am sorry to disturb the hon. Member but I must make it clear to her that this Amending Bill does not stop illegal Hindu and Muslim marriages. That is what the "Opposition" is asking for—to stop that. This Bill does not touch the question of illegal marriages. You can continue to do that. All it does—in the words of the hon. Mover—is to provide an extra method for whoever likes it.

**Mrs. Dey:** I am supporting the Bill. In his opposition speech the hon. Member described the Bill as "a spanner in the works". I am prepared to be a "monkey wrench" in his opposition. I am not a mechanic but my husband is, so I learnt from him that a "monkey wrench" is a tool used to stop the motion of machinery when revolv-

[Mrs. Dey]

ing. I remember in my youth I listened to a lecture delivered by a Minister of Religion. It was on marriage and he opened his address with these words: "From time immemorial marriage was a getting together of two people until the marriage at Canaan when the good Lord saw it was good and blessed it, and then the State came in and legalised it." The hon. Member, Rev. Mr. Bobb, and others should know that for registering a marriage a small fee is paid to the Marriage Officer. When I was married the fee was 25 cents per marriage, but I am given to understand that it has been increased.

A young woman whose mother was married to her father three months after she was born, finds herself in a most unhappy position as she cannot get a passport in her father's name so as to be able to go abroad and take up a profession. She is told "Your mother's marriage to your father is not legal so a passport cannot be issued to you in your father's name". Those are the embarrassments this Bill will help to eradicate. Only a woman would know what are a girl's prospects when at the age of 21 after she has been known by one name she is told like a shot from the blue that her name is something else.

As I see it, Indians can continue to have their marriages according to the custom of Hindoos and Muslims. There is nothing wrong about it. I have gone to Indian marriages which were solemnized according to their custom. This Bill does not alter their custom. It does not seek to prevent anything that is done. But this is what it says—if my girl child marries to your son, and as is the custom, she returns to my home, your son never appears to take her to his home, if nine months after she gives birth to a child that child is not illegitimate so long as the marriage has been legalised.

Those are the things that make me support this Bill. I am a woman and will not oppose a Bill which improves the prestige of the women of British Guiana and moreso the Indian women. I am proud to tell this Council that I could have married an Indian in my youth, but those were the conditions my mother was afraid of and would not give her consent.

With regard to the minimum age this much I may say: I hope I will never live to see the day when British Guiana would introduce in this or any other Bill that a girl may be married at the age of 12. I fervently pray that that day will never dawn. I know that girls will be affected by trying to oppose this Bill and everyone will be assisted when this Bill is passed. They are the people who are definitely in need of our support of a Bill of this sort. With these words I beg to support this Bill.

**Mr. Speaker:** Is there any other Member who would like to speak?

**The Chief Secretary:** Well, Sir, most of my replying has been done for me very much more adequately than I could have done it myself. Indeed, rather than try to attack the hon. "opposer" further I feel more like sustaining him because I feel that his nerves must be feeling the strain after his monthly election ventures into the country. (*Laughter*).

Just the same, I have here a small note or two, and I would like to mention two points he made. One will be almost a repetition of what the hon. Member, Mr. Ramphal said. The hon. "opposer", as he is now being dubbed, tried to suggest, I think, that Hindoos and Muslims had in hand two draft Bills which could be produced forthwith and could be substituted for what we are trying to do today.

I see in the petition which he has passed to you, Sir, that it is stated; if I may read again, "the Hindoos and Muslims informed the Chief

Secretary" (I take it at the meeting we had) "that they have two Bills completed for presentation to Government, and while these organizations are awaiting the reply of the Chief Secretary, who promised to report to the Executive Council, we see, the amendment is put before the Legislature".

Well, I had a verbatim note taken of that meeting by a *Hansard* reporter and there is not in my record any statement like that. I think the Hindoos had claimed they had a draft Bill which was very nearly ready, and I think the Muslims made it equally clear that they had no draft Bill; they had not even reached agreement among themselves.

Even if there were two draft Bills, where does that get us? It gets us precisely back to 1927. So I suggest, rather than wait, we press on with what we are doing and if in future the draft Bills are found to be more suitable, they can be adopted. Nothing we are doing in this Council will prevent them from being put forward.

The other point the hon. "opposer" made was that this Bill before the Council is "interwoven with the Indian Labour Ordinance". I wrote down his words. He was referring to the dual system, and these two "Bills", as he called them, were "interwoven". and, I think his point was, they could not be separated one from the other. That is not, in my opinion, correct. The provisions of this Bill are quite separate from the provisions of the Indian Labour Ordinance.

My whole thesis has been, from the beginning: we are taking nothing away; we are putting in an alternative system for the reason that Mr. Gajraj has explained so much better than me. We are leaving it to the people to decide for themselves which one they

want to use. Certainly we have a dual system — so that the people can express their will, and after a few years, having seen how things are going, I hope the people will show their preference for one system or the other and the one they do not wish to have can be dispensed with.

But the whole point in my opening speech and the whole point of this thing is, we are not trespassing on anybody's right — I am a little nervous over the use of the term 'personal law' any more. The idea of appealing to the Secretary of State to stop this Bill because it is utterly against 50 per cent. of the community is nonsense. Complete nonsense. This measure need not affect anybody at all, unless they choose to let it. That is fundamental. I now beg to move the second reading of the Bill.

**The Attorney General:** I beg to second the motion.

Question put, and agreed to.

Bill read a second time.

**Mr. Speaker:** Information of this Bill might well have reached the people you wish it to reach, by separate publication. Has any reference been made to it in the Indian columns of the newspapers?

**Mr. Gajraj:** Yes, Sir, reference has been made.

**Mr. Speaker:** In the Indian dialect?

**Mr. Gajraj:** No, Sir.

#### COUNCIL IN COMMITTEE

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

Clause 1 passed as printed.

Clause 2. — *Repeal and re-enactment of section 4 of Chapter 164.*

**The Chief Secretary:** I beg to move that this clause be amended by the insertion of the word "male" between the words "proper" and "person" in the fourth line.

Question put, and agreed to.

Clause 2 passed as amended.

Clause 3. — *Amendment of section 5 of Chapter 164.*

**The Chief Secretary:** I beg to move that this clause be amended by the insertion of the words, "or of the Indian Labour Ordinance", after the word "Ordinance" in the seventh line, after the deletion of the full stop, and by the insertion of the suitable marginal note.

As hon. Members will appreciate, when this Bill was first drafted, we were at one in the Government with Mr. Ramphal, but when we came to consider it again — and I am speaking for myself — when I was trying to frame in my mind what I would say in this Council about this Bill, I found it was more logical to have clause 3 amended as is proposed.

As I have said, the whole object of what we are doing is to provide a dual system for a limited period, and if we insist upon priests only solemnizing marriages under this Ordinance and not under any other, then we shall be making it rather difficult not only for them but for their people. If we allow the people to decide to have their marriages solemnized under the Indian Labour Ordinance if they wish, it is logical we should allow the priests to solemnize these marriages too. The option can be in the people's hands.

The priests can, by themselves, without this amendment, nullify the effects of this Bill — they can refuse to be licensed as marriage officers. People would not then be able to get married under this Bill. You could hardly blame the priests for not taking a decision until they saw how things were going. I think Mr. Ramphal has accused me of being 'unduly fair'. I think one should try to be as fair as possible at all times. It seems to me the fair and logical thing to do is to permit the priests to marry people under the two systems, but they must only perform registered marriages.

**Mr. Ramphal:** I indicated when I spoke that I could not agree with the amendment. The fact is, as the Bill is printed, the marriage officer having made an election could not then operate under the two Ordinances. He has to remain under one. I feel it is fair and proper that we should improve the status of the priests, but at the same time I think they must be prepared to take on the obligations as well.

Now, I want the hon. the Chief Secretary and hon. Members to look at it this way: if you can satisfactorily answer this question I would not press my contention, but I doubt whether you can. If we accept this amendment, when do you know the priest is acting as a marriage officer under this Ordinance or he is acting under the other Ordinance; when do you know he is doing an illegal act; when do you know he is registering or not registering? I contend that if you accept this amendment you would be leaving the door wide open and a person need not register a marriage at all.

**The Chairman:** What form would you suggest they should give it?

**Mr. Ramphal:** Sir, I suggest notoriety is not in conjunction with validity. The law prescribes that it must be registered and if he does not, I do not think anything can be prescribed to make it registered.

**The Chairman:** Is there some form?

**Mr. Ramphal:** I am afraid, Sir, I did not hear the words of wisdom from you; but the contention is, that if a man is made a marriage officer under this Ordinance he is under obligation to register the marriage after it is solemnized, but if you accept the amendment, then he does not need to do it.

**The Chief Secretary:** Of course he does, Sir. We will never be able to stop a marriage officer from doing what the hon. Member fears. He will still be able to perform unregistered marriages on the sly, until he is caught. But once he is caught he is then struck off, and he will never be on the roll again.

That is the whole point of the Ordinance. We may get a dishonest priest solemnized a "trial" marriage even though he may be a marriage officer but we cannot include this possibility. All we can do is, when we catch him, strike him off the roll. But I don't think that that is going in any way to affect this Bill.

**Mr. Ramphal:** Under the Indian Labour Ordinance it is for the parties contracting the marriage to register the marriage. In the case of this amendment with which we are concerned the obligation rests on the Marriage Officer to register the marriage in the same way as any other Christian Marriage Officer.

If we allow a Marriage Officer who has that obligation to marry people under the other law, then he has no

obligation for registration under the Indian Labour Ordinance—the obligation falls back on the parties concerned. I would ask, when is he a Marriage Officer under this Ordinance? Or when is he a Marriage Officer under the other Ordinance? I did not make myself clear just now. I am now putting the problem squarely before the Council.

**The Chairman:** Mr. Singh, do you wish to say anything?

**Mr. Sugrim Singh:** Sir, we are running into trouble with regard to the question of Marriage Officers. Among Hindus there are two sections; the Samaj is only a Brahmin, and perhaps if you are an Aryan Samaj and you are educated you can be made a Marriage Officer. As long as you are educated you can conduct a marriage ceremony. Under this amendment you create Brahmins, non-Brahmins and others as Marriage Officers.

I am speaking in favour of the hon. the Chief Secretary's amendment. If the Brahmin is made a Marriage Officer he has no salary, and he will remain up there as a Marriage Officer while his colleagues will be making a good trade as Marriage Officers. As high as you set that pedestal you will not find one of them going up there merely to be named a Marriage Officer—it is a question of £. s. d.

If, as my hon. Friend, Mr. Ramphal, mentioned, a man is allowed to marry people under this Bill as well as under the Indian Labour Ordinance we will have to give careful consideration to this matter.

I will refer to Cap. 164 and Cap. 104. There is no provision under Cap. 104 for anything like a Marriage Officer. Any Priest can get two forms and conduct a ceremony. If you accept an amendment that he can marry on both sides, does that prevent him from

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carrying on illegal marriages between Hindoos and Muslims which are going on at the moment? I propose to make an amendment "that no Hindu or Muslim marriage should be solemnized unless it is registered under Cap. 164 of Cap. 104".

**The Attorney General:** Mr. Ramphal drew a picture of two parties going to a Priest to be married, and intimated that it was the Priest who had the option to marry them under this Ordinance or under the Indian Labour Ordinance. The option is left to the parties concerned and they would tell the Priest under what Ordinance they wanted to be married. If the parties elect to marry under the Marriage Ordinance and the Priest does not register the marriage we should find him out very soon. The Priest does not do the electing.

**Mr. Ramphal:** The Priest has no legal obligation to register the marriage.

**The Chief Secretary:** Subject to what my learned Friend says, if the Priest marries people under this Bill he has to register the marriage. The proposed amendment does not take away anything from the Bill.

**Mr. Ramphal:** I want to suggest to the hon. the Chief Secretary that Clause 13 gives ample provision to any Hindu Priest who wishes to remain outside of the Ordinance to collect money all the time.

**Mr. Singh:** Is the hon. Member serious about that suggestion? Is he suggesting that a priest would contract an illegal marriage? If a Christian minister cannot contract an illegal marriage, why should a Muslim or a Hindu priest be given such a privilege?

**Mr. Ramphal:** All I am trying to say is that when a Priest elects to be a

marriage officer under the present Bill when it becomes law he is under an obligation to register the marriage. When he elects to remain under the Indian Labour Ordinance he has no such obligation, but the parties themselves are under the obligation of that Ordinance. If we accept that amendment and we give him the privilege of being on both sides, he might not be obligated under both Ordinances.

**The Chief Secretary:** I suggest that we adjourn for tea, Sir.

**The Chairman:** We will resume at 5 p.m.

*Council adjourned for tea at 4.42 p.m.*

#### RESUMPTION

**The Chief Secretary:** With Your Honour's permission, may I amplify the amendment which I have introduced by the addition of certain words? Perhaps we might defer the clause and come back to it later.

**The Chairman:** Clause 3 is deferred; the amendment is being considered.

Clause 3 deferred.

**The Chief Secretary:** With your permission, Sir, may I recommit clause 2?

Question put, and agreed to.

*Clause 2—Recommitted. Repeal and re-enactment of section 4 of chapter 164.*

**The Chief Secretary:** In the printed Bill there is a provision that the Governor may, in his discretion, "appoint any fit and proper person.....to be a marriage officer for the Colony". On reconsideration it is felt that the word "male" should be inserted between the words "proper" and "person" and I would like to have an amendment made accordingly.

**The Chairman:** Has Mrs. Dey heard this; or does any Member have any objection to the amendment?

**Mrs. Dey:** I have none, Sir.

**Rev. Mr. Bobb:** I should like to point out that in some Christian churches women are ordained as Ministers. So far as I am aware, there is no woman Minister in this country; there was one, but I do not think the keeping of this clause as it is, in the law, would interfere with the appointment of a woman Minister as a Marriage Officer under (b) or (c), but it would with respect to (a).

**Mrs. Dey:** For your information, Sir, I should like to state that the Pentecostal Mission has a woman Minister connected with it.

**The Chief Secretary:** Section (4) of the Principal Ordinance has, to use a cliche, "stood the test of time". All we are doing is to restore the section, we are not amending it.

**Rev. Mr. Bobb:** What I meant was that we are less and less supporting the idea that the ministry is excluded from women. For the purpose of the Statute Book I do not think the section would do any harm if it remains as it is.

**Mr. Gajraj:** The preservation of the *status quo* would not create any hardship on anyone. Under the Ordinance as it stands at present only a male Minister of the Christian religion is permitted to become a marriage officer and if we insert the word "male" between the words "proper" and "person" as proposed, it merely means that only a male minister of the Christian religion would be permitted to perform the marriage rite. I don't think there is any objection to that, but the point being made by the Rev. Mr. Bobb is that the view is being accepted more and more that more women should be ordained as Ministers of religion. When the time comes that there has been a

more universal acceptance of this idea the Ordinance can be easily amended.

**The Chairman:** I may recall that during a visit to a rural district some time ago I saw a woman minister perform the whole of a burial service from memory and I could not help wondering how she was able to do it. If I am right, then someone would have to explain to me why women should not be permitted to perform marriage ceremonies also.

**Mr. Gajraj:** I am sure the woman Your Honour saw was not a Muslim, otherwise she would not have been permitted to perform that ceremony.

**The Chief Secretary:** This clause only relates to marriage, Sir.

**The Chairman:** Is the hon. Mr. Ramphal pressing his amendment?

**Mr. Ramphal:** No, Sir.

**Rev. Mr. Bobb:** I was observing that this amendment, as it stands, is not quite in keeping with the situation existing in the Christian church.

Question put, and agreed to.

Clause 2, as amended, passed.

Clause 4 — *Application for Appointment as Marriage Officer.*

**Mr. Sugrim Singh:** I find myself thinking on this question — an application for appointment as a marriage officer must be made in writing. With respect to Hindus and Muslims I want to suggest an amendment. The Hon. the Chief Secretary in his opening remarks covered the question by saying that inquiries will be made into the integrity of the gentlemen. I would like a responsible Board of Hindus and Muslims to whom the applications may be referred rather than to the Registrar General.

**The Chairman:** The Registrar General as a public official has a certain amount of responsibility to Government, that is not the case with your Board.

**Mr. Sugrim Singh:** It will be a Board of qualified Hindu and Muslim priests who are just like the Christian denominational priests coming from the Universities. They are better qualified to make the appointment than the Registrar General.

**The Chairman:** Oh, no; the Registrar General does not make the appointment.

**Mr. Sugrim Singh:** As you say, Sir.

**The Chairman:** I thought the hon. Member was going to ask for a declaration of policy by the hon. the Chief Secretary, although he did state slightly in his opening remarks that it was thought in drafting the Ordinance that the application should be accompanied by a recommendation from certain stated bodies. With respect to the Hindu bodies certain of them are so constituted that I would not like to see that stated in the Bill because these bodies change from time to time. The hon. Member must realize that discretion will be exercised by the officer. He does not act arbitrarily. What I would ask for is an expression of policy, that the Chief Secretary would always consider the question of consulting the bodies that are most concerned because that would cover it very clearly. If an aggrieved person feels he has been treated unjustly he can go to the appropriate and proper place to have that settled.

**The Chief Secretary:** As you have pointed out, Sir, this clause deals with the question of making application. As

I have stated, after an application has been received, it will be fully investigated before any appointment is made. If the applicant claims to belong to any known organization, the Government would obtain a recommendation from it; if the applicant is an independent person, Government would go to the district where he comes from and make inquiries amongst various people as to the status of the individual concerned. I think we can be sure that there will be no abuse.

**Mr. Sugrim Singh:** My intention is to see that we have as much done as we can. Among the Hindoos we have a practice which we have been trying for years to stop. There is what is known as "tilac", where a man's son will not marry my daughter unless I deposit \$500, and in some cases the amount is as much as \$10,000. In other words, the girl has to pay the boy. I have known a case where a man with nine children made arrangements for the payment of \$500 and was \$75 short of the amount and had to give a promissory note for that amount before the marriage of his daughter was contracted.

**The Chairman:** How does that arise under this clause?

**Mr. Sugrim Singh:** I am coming to that. By having some central organization having control over the appointment of the marriage officers it will be easier to put an end to that practice. The rule is that you pay \$5 to have the marriage contracted, but leaving them to themselves they do as they like, and it is more than a hardship.

**The Chairman:** There should be somebody with some knowledge to assist the Governor in making the appointment. But the hon. Member's

[The Chairman]

point has nothing to do with the appointment. The hon. Member wants to limit the prescriptive right of the Governor to appoint proper officers to assist him and by giving him the assistance of a Board.

**Mr. Sugrim Singh:** There are indeed about four known organizations.

**The Chairman:** Would the hon. Member consider an amendment? The Bill is in Committee. The hon. Member must come with a proper amendment. I can defer the third reading to allow him to do so. The hon. the Chief Secretary has already asked for the postponement of consideration of clause 3. We, therefore, have to go back to it. I would allow that clause to be recommitted for him to amend it in the light of the views of the Committee, but that is not the case with this clause.

Clauses 4, 5 and 6 passed as printed.

Clause 7—*Amendment of Section 132 of Chapter 164.*

**Mr. Gajraj:** There is a typographical error in the spelling of the word "marriage" in subclause (2). The letter ("i") is in the wrong place.

Question put, and agreed to.

Clause 7, as amended, passed.

Clauses 8 to 10 passed as printed.

Clause 11 — *Person married under this Ordinance may not contract marriage under Indian Labour Ordinance, Chapter 164.*

**Mr. Sugrim Singh:** I have been speaking to the hon. the Attorney General about this clause. A person who

decides to come under this Amending Bill must get exemption from the Indian Labour Ordinance but having obtained that exemption he or she cannot go back to that Ordinance. It strikes me as unfair.

**The Chief Secretary:** The provision reads:

"No person who has contracted a marriage under the provisions of this Ordinance shall, upon that marriage being dissolved for any reason whatever be permitted to, contract a marriage under the provisions of the Labour Ordinance".

The construction put on the word "dissolve", I take it, is to the extent of divorce.

Clause 11 passed as printed.

Clause 12 passed as printed.

Clause 13.—*Saving Cap. 104.*

**Mr. Ramphal:** I do not know for certain, but I have been advised that a large section of the Pundits Council would like to see this particular clause expunged from the Bill. I would like to hear Mr. Sugrim Singh make an observation on this because I am not the spokesman of that body.

**Mr. Sugrim Singh:** Even if we removed this clause, we have already in a previous clause admitted that the marriage officers have the liberty to marry people under the Indian Labour Ordinance. I would pursue it with the Pundits Council. This clause reads:

"Nothing contained in this Ordinance shall preclude the solemnization or performance of a marriage under Part X of the Indian Labour Ordinance."

**Mr. Ramphal:** Perhaps we can take it a little further. What it means is that unregistered marriages can

[Mr. Ramphal]

still be performed. That is largely what it means, and it was put there out of the desire of Government to be fair.

**Mr. Sugrim Singh:** This has nothing to do with unregistered marriages.

**Mr. Ramphal:** The fact is, the priests do not have to register—it is the parties concerned under the Indian Labour Ordinance who must do that. So far as the priests are concerned, they do not have to register.

**The Chief Secretary:** I made it perfectly clear in my opening speech, we are not taking away from the people what they have already. I think it would be quite wrong to alter this clause at this stage without any form of notification.

Question put, and agreed to.

Clause 13 passed as printed.

**Rev. Mr. Bobb:** Before you take the Schedule, Sir, may I have permission to re-commit clause 5 ?

Question put, and agreed to.

Clause 5 re-committed. *Repeal and re-enactment of section 7 of Chapter 164.*

**Rev. Mr. Bobb:** In this clause the words "minister of religion" have been used. I suppose the intention was to refer to the Christian religion and those who profess that religion. Is that correct?

**The Attorney General:** Yes. It is a phrase used throughout the Principal Ordinance, meaning the Christian religion. Section 4 (1) states that

the Governor may in his discretion appoint a minister of the Christian religion, ordained, or otherwise set apart, to the ministry of that religion, to be a marriage officer for the Colony. Thereafter, there is reference simply to a "minister of religion". I think it is quite clear to anybody who wishes to interpret this that it is a Christian minister that is referred to.

**Rev. Mr. Bobb:** In clause 2, 4 (1) (a); we have "a minister of the Christian religion"—the same thing. I think that in order to be consistent throughout, clause 5 should read similar to the other one.

**Mr. Ramphal:** We are importing into the law two other religions than the Christian. I think nothing would be lost and something would be gained if we accept Rev. Mr. Bobb's amendment.

**The Chairman:** Well, you must make up your minds what expression you will use.

**The Attorney General:** Yes.

**Rev. Mr. Bobb:** I would just like to observe before we leave this matter that a man may be set apart and not ordained to the Christian religion. He may be licensed or given special dispensation.

**The Attorney General:** This reference to people who are married under the Indian Labour Ordinance, and the phrases "minister of religion" and "personal law" occur in the Indian Labour Ordinance. They are therefore repeated here. As Mr. Ramphal said this afternoon, this particular phrase "personal law" does not have much relevance now because for those who actually came from India with the intention to return, personal law is the law of this country, but it may be there are still some

[The Attorney General]

people who have a personal law which is the law of India, and therefore it can do no harm to leave it in.

Clause 5 deferred.

Schedule passed as printed.

Title and enacting clause deferred.

**The Chief Secretary:** Before we resume, I move that clause 3 be recommitted.

Question put, and agreed to.

Clause 3 recommitted—*Amendment of section 5 of Chapter 164.*

**The Chief Secretary:** I move that this clause be amended by the deletion of the full stop at the end of the clause and the addition of the words:

“or of the Indian Labour Ordinance:

Provided that if a marriage officer solemnizes a marriage in accordance with the provisions of the Indian Labour Ordinance, he shall, within seven days thereof, give written notification of the fact to the immigration agent for the district in which the parties to the marriage reside.”

Also the addition of the marginal note:

“Cap. 104.”

**The Chairman:** Does that suit the hon. Member, Mr. Ramphal?

**Mr. Ramphal:** It does not meet the objection which I raised, but I am a man of compromise. Anything for peace! It does not meet my objection fully, but I am accepting the newly-worded amendment. I wish to congratulate the Attorney General and the hon. Mover for being so fair.

**Rev. Mr. Bobb:** As a matter of procedure, will these marriage officers be required to give notification by a separate form?

**Mr. Ramphal:** My understanding is that as soon as it comes under this Ordinance a certain form is used.

Question put, and agreed to.

Clause 3, as amended, passed.

Council resumed.

Further consideration of the Bill deferred.

## POLICE BILL

**The Chief Secretary:** I rise to move the second reading of a Bill intituled:

“An Ordinance to amend and consolidate the law relating to the British Guiana Police Force.”

At first sight this Bill may appear to be a lengthy and formidable piece of legislation. I should like to emphasize straight away the first sentence of the objects and reasons which reads as follows:

“The bill seeks to consolidate and amend the law relating to the British Guiana Police Force.”

In other words the main purpose of this Bill is to bring the existing Police legislation up to date. Many of the provisions which are contained in it are merely repetitions of the existing law suitably modified to meet present conditions.

When it is remembered that the present law was introduced in 1929 it is hardly surprising that some modernization is now considered to be necessary. There are, however, Sir, a number of new clauses in the Bill which I should like to refer to briefly.

You may remember, Sir, that last week when I was moving the second reading of a Bill to amend the Volunteers Ordinance I referred to a headline which appeared in one of the daily newspapers during that week and of the possible misconception which that head-

[The Chief Secretary]

line might have created in people's minds. I am referring to the issue of the "Daily Argosy" which was published on the 19th June and which carried on its front page a headline reading "Police To Be Made Into Military Body If War Comes".

Strictly speaking, Sir, that headline was an accurate precis of clause 13 of the Bill, but as a headline and taken out of the context of the rest of the Bill it could be extremely misleading. It could give the idea that this Bill was designed to create a military force, whereas in fact one of the intentions of this Bill and also the Bill which I moved last week is to divorce the Commissioner of Police and the Police Force from their military connections as far as possible.

As the law now stands, Sir, under Cap. 77—with your permission I will quote Section 3 which states:

"The police force established by the Police Ordinance, 1891, is hereby continued as an armed semi-military force...."

That Ordinance goes on to state in several places that the duties of the Force shall be, amongst other things, the protection of the Colony against external aggression. Section 23 (f) also states that one of the duties of the Force is to defend the Colony against external aggression. The whole theme of the existing law is that the Police Force is a semi-military force.

Under the new Bill which I am now introducing all reference to the Police Force being a semi-military force is deleted. All we have done is to reserve in Clause 13 the power whereby the Governor may by proclamation in time of war or other emergency cause the Force or part of the Force to be turned into a Military Force to be used for the defence of the Colony. It is felt that that provision should be retained to meet extreme emergencies, otherwise the Police Force will now be an entirely civilian force.

Clause 5 of the Bill makes legal provision for the first time for the Militia Band to be part of the Police Force. Administratively the Band has been treated as part of the Force for some time now, but it is now being made legally a part of the Force. This Clause gives it legal status.

The next Clause to which I should like to refer is Clause 29. This is an important Clause as it provides members of the Police Force with a good deal more security than they have at present. Under this Clause when a person first joins the Police Force he will serve on probation for two years. Thereafter if his service is satisfactory he will be confirmed in his appointment and he will be entitled to serve in the Police Force until the age of retirement, unless, of course, he commits an offence or becomes inefficient. He will have very much the same security as a member of the Civil Service has at the moment.

Under the present law the members of the Police Force sign up for a limited number of years at a time, and when that period expires their services can be dispensed with without further ado by the Administration. This Bill gives a good deal more security, and provides as good a career as possible.

Next, Sir, I should like to turn to Clauses 33 and 34. I have just referred to the fact that we have made provision for greater security for the members of the Police Force. It must be remembered that the Police Force is a disciplined Force and, therefore, the terms of service in it must inevitably be different from that of the Civil Service. Clause 33 deals with withdrawal from the Force. In this Clause no inspector, subordinate officer or constable can withdraw from the Force unless he gives at least six months' notice in writing of his intention to do so. He may also with the Governor's consent or the Commissioner's

consent, as the case may be, be allowed to dispense with the notice. In practice I may say that in almost one hundred per cent. of the cases notices would be dispensed with by the Governor or the Commissioner. But it is a disciplined Force and we must maintain that six months' notice be given because we cannot afford to have a mass withdrawal at short notice, otherwise the preservation of the law and order in the Colony might be prejudiced.

Clause 34 deals with the question of discharge. This is a new provision which does not exist under the present law. At first sight it might be considered to be a penal Clause operating to the disadvantage of members of the Force. That is not so; it is in fact just the opposite. In this Clause the Commissioner will be able in future to discharge a member of the Force who has become inefficient and is no longer able to do his duties, but when a member is so discharged he will be able to enjoy any superannuation benefits for which he is eligible under the Pensions law now in force or then in force.

At the present moment there is no way other than dismissal whereby the Commissioner can dispense with a man's service. If a man becomes too inefficient to continue his duties there is no alternative than to dismiss him. In that case he loses all of his rights to pension benefits, and he has the stigma of dismissal on his record forever.

This is a form of honourable discharge. Just in case anyone may feel that this new power can be abused, you will note that there is the right of appeal to the Governor within fourteen days.

Finally, Sir, the provisions of this Bill make it abundantly clear that the Pensions law of the Colony applies to the Police Force, and also that, unless

otherwise provided, the Colonial Regulations and General Orders apply as well.

Clause 105 sets out the various matters upon which regulations can be made, and it is noteworthy that included among these matters are the penalties which may be inflicted for offences and also the procedure for interdiction, suspension and dismissal of officers and so on.

I think those are the main, new provisions in the Bill. As I have said, the primary object of this Bill is to consolidate and bring up to date the existing law of the Police Force. At the same time, I have no doubt whatever that the Bill is improving the conditions of service in the Force. By passing this piece of legislation we shall be providing the country with modern and up-to-date Police regulations and the Police Force with improved conditions of service. The Police Force Federation has agreed with it. I have no hesitation in commending it to the favour of the Council and I move that the Bill be now read a second time.

**The Attorney General:** I beg to second the motion.

#### COUNCIL IN COMMITTEE

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

Clauses 1 to 48 passed as printed.

*Clause 49 — Persons acquitted by Court not punishable on same charge under this Ordinance and if convicted liability of Member of Force to dismissal or reduction in rank.*

**Mr. Ramphal:** I am a little disturbed over this clause and must

[Mr. Ramphal] therefore seek the advice and guidance of others. It says:

"49. (1) No person who has been acquitted by a court of any crime or offence shall be tried on the same charge or suffer any punishment on account thereof under this Ordinance.

(2) If any member of the Force has been convicted of any criminal offence, in addition to any penalty awarded by the Court, he shall be liable to dismissal from the Force or a reduction in rank, but shall not otherwise be liable to be punished under this Ordinance for the same offence."

I take it that this Bill is for the control and discipline of the Police Force and I notice that this Clause deals with criminal acts. I was wondering whether the proper place for that is not in the Summary Jurisdiction (Offences) Ordinance rather than in this Ordinance which deals with the establishment of the Police Force.

That is a fundamental principle of law. I can understand subclause (2) but not subclause (1).

**The Attorney General:** I think the point is that certain offences prescribed in respect of members of the Police Force can be taken to the Court and if there is an acquittal they are also subjected to disciplinary action, and disciplinary charges are provided for by Regulation. This ensures that if a man is acquitted in a Court of an offence under the Ordinance that charge should not have something prejudicial to the good order of the Force. It refers to the same circumstances.

**Mr. Ramphal:** If you refer back to Clause 44, "any person" appears to relate to somebody other than a member of the Force, but it is likely it really means a member of the

Force, in which case it is better to say "any member of the Force," particularly in 44. That will put it beyond all doubt.

**The Attorney General:** There are offences brought by members of the public against members of the Force. If they are acquitted on technical points, the offence under this Ordinance would go in the ordinary way. What the hon. Member, Mr. Ramphal, is referring to, I suggest, in clauses 44 and 45 it is right to have "any person" as the offence may be committed by members of the public, whereas subclause (1) of clause 49 and particularly subclause (2) relate to any member of the Force. Subclause (1) may well be for any member of the Force.

**Mr. Ramphal:** That is the point. My point is, he should not be subjected to a second charge before some disciplinary Committee. You cannot charge a member of the public for discipline in the Guard Room.

**The Attorney General:** The hon. the Financial Secretary has drawn my attention to the fact that there is in the list of offences under this Bill "impersonation." It is also an offence under the ordinary law. Therefore impersonating a policeman under the ordinary criminal law cannot be a charge made under this Ordinance. That being so we may as well leave it.

**The Chief Secretary:** It may be redundant but it is necessary.

**The Chairman:** It is really harmless.

Clauses 49 to 59 passed as printed.

Clause 60—*Interpretation of constable.*

**The Attorney General:** Another "p" is needed in the word "appointed".

Question put, and agreed to.

Clause, as amended, passed.

Clauses 61 to 68 passed as printed.

Clause 69—*Powers to make orders with respect to property in possession of Police.*

**The Chief Secretary:** I wish to move an amendment deleting the words "by virtue of any search warrant" in the second and third lines of this clause and substituting therefor the words "as the result of any search carried out by a member of the Force."

Question put, and agreed to.

Clause, as amended, passed.

Clauses 70 to 107 passed as printed.

#### *Schedule*

**The Chief Secretary:** After item 6, I would like to move the insertion of a new item, 7, which reads as follows:

"For the attendance at any muster to a subordinate officer or constable per diem . . . \$2.00"

Clause 7 will be renumbered as 8 and clause 8 renumbered as 9.

Question put, and agreed to.

Schedule passed as amended.

Items 7 and 8 renumbered as 8 and 9, respectively.

Title and enacting clause passed as printed.

**The Chief Secretary:** I move that the Schedule be re-committed.

Question put, and agreed to.

**The Chief Secretary:** In the first line of the new item 9 (a) there is reference to "item 7". I move that this numeral be changed to "8", making the reference, "item 8".

Question put, and agreed to.

Schedule passed as further amended.

Council resumed.

**The Chief Secretary:** I beg to move that the Bill be now read a 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.

Council adjourned until Thursday 27th June 1957 at 2 p.m.