

SECOND PARLIAMENT OF GUYANA

THIRD SESSION

1971

MINUTES of the Proceedings of the 22nd Sitting of the National Assembly under the Constitution of Guyana, held in the Parliament Chamber at the Public Buildings, Georgetown, Demerara,

AT 2.00 P.M.

ON

WEDNESDAY, 18TH AUGUST, 1971

PRESENT:

His Honour the Speaker, Mr. Sase Narain, J.P.

(a) Members of the Government

(i) Ministers

Dr. the Honourable P.A. Reid, Deputy Prime Minister
and Minister of Agriculture
The Honourable H.D. Hoyte, S.C., Minister of Finance
The Honourable W.G. Carrington, Minister of Labour
and Social Security
The Honourable Miss S.M. Field-Ridley, Minister of
Education
The Honourable B. Ramsaroop, Minister of Housing and
Reconstruction (Leader of the House)
The Honourable D.A. Singh, Minister of Trade
The Honourable O.E. Clarke, Minister of Home Affairs
The Honourable C.V. Mingo, Minister of Local Government
The Honourable W. Haynes, Minister of State for
Co-operatives and Community Development
The Honourable S.S. Ramphal, S.C., Attorney-General
and Minister of State
The Honourable H.O. Jack, Minister of Mines and Forests

(ii) Parliamentary Secretaries

Mr. J.G. Joaquin, J.P., Parliamentary Secretary,
Ministry of Finance
Mr. P. Duncan, J.P., Parliamentary Secretary,
Ministry of Agriculture
Mr. A. Salim, Parliamentary Secretary,
Ministry of Agriculture
Mr. J.R. Thomas, Parliamentary Secretary,
Office of the Prime Minister
Mr. C.E. Wrights, J.P., Parliamentary Secretary,
Ministry of Works, Hydraulics and Supply

(iii) Other Members

Mr. J.N. Aaron
 Miss M.M. Ackman, Government Whip
 Mr. K. Bancroft
 Mr. J. Budhoo, J.P.
 Mr. L.I. Chan-A-Sue
 Mr. E.F. Correia
 Mr. M. Corrica
 Mr. E.H.A. Fowler
 Mr. R.J. Jordan
 Mr. S.M. Saffee
 Mr. R.C. Van Sluytman
 Mr. M. Zaheeruddeen, J.P.
 Mrs. L.E. Willems

(b) Members of the Opposition

Mr. Ram Karran
 Mr. R. Chandisingh
 Mr. D.C. Jagan, J.P., Deputy Speaker
 Mr. E.M.G. Wilson
 Mr. A.M. Hamid, J.P., Opposition Whip
 Mr. G.H. Lall, J.P.
 Mr. M.Y. Ally
 Mr. Respu Daman Persaud, J.P.
 Mr. R. Ally
 Mr. E.L. Ambrose
 Mrs. L.M. Branco
 Mr. Balchand Persaud
 Mr. Bholu Persaud
 Mr. I.R. Remington, J.P.
 Mr. V. Teekah
 Mr. M.F. Singh

Clerk of the National Assembly - Mr. F.A. Narain
 Deputy Clerk of the National Assembly - Mr. M.B. Henry

Absent:

The Honourable L.F.S. Burnham, S.C.,
 Prime Minister
 The Honourable M. Kasim, A.A.,
 Minister of Communications - on leave
 The Honourable H. Green, Minister of
 Works, Hydraulics and Supply
 The Honourable E.B. McDavid, Minister
 of Information and Culture
 Mr. N.J. Bissember
 Dr. C.B. Jagan, Leader of the Opposition - on leave
 Dr. F.H.W. Ramsahoye, S.C. - on leave
 Mr. E.M. Stoby, J.P.
 Mrs. R.P. Sahoye - on leave
 Mrs. E. DaSilva - on leave
 Mr. J.A. Sutton
 Mr. R.E. Cheeks

PRAYERS

The Clerk read Prayers.

ANNOUNCEMENTS BY THE SPEAKERLeave

His Honour the Speaker announced that leave had been granted to Mr. Kasim for that day's sitting.

PUBLIC BUSINESSMOTIONSITEM 1 - MOTION TO REPEAL PROVISIONS RELATING TO DOCTRINE OF COMMON EMPLOYMENT

Mr. D.C. Jagan moved the following motion:

WHEREAS under the doctrine of Common Employment, a worker, except in a few cases, is unable to recover damages against his employer for injuries suffered as a result of the negligence of a fellow employee;

AND WHEREAS the said doctrine has caused and is causing great hardship to workers and/or their dependants:

BE IT RESOLVED:

That immediate steps be taken to repeal the provisions relating to the said doctrine of Common Employment.

Mr. Lall seconded the motion.

The Attorney-General and Minister of State spoke to the motion.

Thereafter Mr. Jagan replied.

The motion was then put and carried.

ITEM 2 - MOTION ON ENACTMENT OF LEGISLATION FOR BENEFIT OF A REPUTED WIFE UNDER THE PROVISIONS OF THE ACCIDENTAL DEATHS AND WORKMEN'S INJURIES (COMPENSATION) ORDINANCE

Mr. D.C. Jagan moved the following motion:

WHEREAS under the provisions of the Accidental Deaths and Workmen's Injuries (Compensation) Ordinance, an action can be brought for the benefit of the wife, husband, parents or child of a person whose death was caused by the negligence of another;

AND WHEREAS under the Law Reform (Miscellaneous Provisions) Ordinance, it is provided that a person shall be deemed to be the parent or child of another person notwithstanding that he is or was only related to him illegitimately;

AND WHEREAS under the existing provision an action cannot be brought for the benefit of a reputed wife who was dependent on the earnings of the deceased although an action can be brought for the benefit of her illegitimate children of whom the deceased was the father;

AND WHEREAS the deprivation of such a benefit to a reputed wife has caused and is causing great hardship:

BE IT RESOLVED:

That legislation be enacted to enable an action to be brought for the benefit of a reputed wife under the provisions of the Accidental Deaths and Workmen's Injuries (Compensation) Ordinance.

Mr. Lall seconded the motion and reserved the right to speak later.

The Attorney-General and Minister of State spoke to the motion and moved the following amendments to the Resolve Clause:

- (i) Insertion of the words "the question whether" between the words "That" and "legislation".
- (ii) Insertion of the words "be referred for consideration by the Special Select Committee of the Assembly to which the question of the rights of succession of reputed wives has already been referred" after the word "Ordinance" at the end of the Resolve Clause.

Thereafter Mr. Jagan replied.

The amendments by the Attorney-General and Minister of State were put and carried on the following division:

<u>FOR</u>	<u>AGAINST</u>
Mrs. Willems	Mr. M.F. Singh
Mr. Zaheeruddeen	Mr. Teekah
Mr. Van Sluytman	Mr. Remington
Mr. Saffee	Mr. Balchand Persaud
Mr. Jordan	Mrs. Branco
Mr. Fowler	Mr. Ambrose
Mr. Corrica	Mr. R. Ally
Mr. Correia	Mr. Reepu Daman Persaud
Mr. Chan-A-Sue	Mr. M.Y. Ally
Mr. Budhoo	Mr. Lall
Mr. Bancroft	Mr. Hamid
Miss Ackman	Mr. D.C. Jagan
Mr. Aaron	Mr. Chandisingh
Mr. Wrights	Mr. Ram Karran
Mr. Thomas	
Mr. Salim	
Mr. Duncan	
Mr. Joaquin	

	<u>FOR</u>	<u>AGAINST</u>
Brought Forward:	18	14
Mr. Mingo		
Mr. Clarke		
Mr. Ramsaroop		
Miss Field-Ridley		
Mr. Carrington		
Mr. Hoyte		
Dr. Reid		
	—	—
	25	14
	—	—

The motion as amended was then put and carried.

ITEM 3 - MOTION ON THE ENACTMENT OF LEGISLATION IN CONNECTION WITH DIVORCE MATTERS, ETC.

Mr. D.C. Jagan moved the following motion:

WHEREAS the law relating to divorce and nullity of marriage can be regarded as out-dated;

AND WHEREAS the grounds for the dissolution of a marriage were enacted in 1951;

AND WHEREAS the grounds upon which a marriage may be declared void or voidable are vague and uncertain;

AND WHEREAS the procedure for the presentation of a petition for divorce or nullity of a marriage is complicated and expensive;

AND WHEREAS a marriage which has broken down cannot be dissolved because of the limited number of available grounds;

AND WHEREAS it is against the public interest that a marriage which has broken down cannot be dissolved although one or both parties may wish a dissolution of the marriage:

BE IT RESOLVED:

That legislation be enacted setting out clearly the grounds upon which a marriage may be declared void or voidable;

BE IT FURTHER RESOLVED:

That additional grounds for the dissolution of a marriage be enacted;

AND BE IT FURTHER RESOLVED:

That the procedure for the presentation of a petition for divorce or nullity be simplified

Mr. Ram Karran seconded the motion and reserved the right to speak later.

The Attorney-General and Minister of State spoke to the motion.

Thereafter, Mr. Jagan replied.

The motion was then put and negatived on the following division:

<u>FOR</u>	<u>AGAINST</u>
Mr. M.F. Singh	Mrs. Willems
Mr. Teekah	Mr. Zaheeruddeen
Mr. Balchand Persaud	Mr. Saffee
Mrs. Branco	Mr. Jordan
Mr. Ambrose	Mr. Fowler
Mr. R. Ally	Mr. Corrica
Mr. Reepu Daman Persaud	Mr. Correia
Mr. M.Y. Ally	Mr. Chan-A-Sue
Mr. Lall	Mr. Budhoo
Mr. Hamid	Mr. Bancroft
Mr. Wilson	Miss Ackman
Mr. D.C. Jagan	Mr. Aaron
Mr. Chandisingh	Mr. Wrights
Mr. Ram Karran	Mr. Thomas
	Mr. Salim
	Mr. Duncan
	Mr. Joaquin
	Mr. Haynes
	Mr. Mingo
	Mr. Clarke
	Mr. Ramsaroop
	Miss Field-Ridley
	Mr. Carrington
	Mr. Hoyte
	Dr. Reid
— 14 —	— 25 —

ITEM 4 - MOTION ON THE ENACTMENT OF LEGISLATION CONCERNING
SUCCESSION OF REPUTED WIVES AND ILLEGITIMATE CHILDREN

Mr. D.C. Jagan moved the following motion:

WHEREAS under certain laws a reputed wife and illegitimate children of a reputed husband or father are entitled to certain benefits on the death of the reputed husband or father;

AND WHEREAS on the death of a reputed husband and/or father intestate, his reputed wife or an illegitimate child is not entitled to any part of his estate;

AND WHEREAS the absence of legislation to take care of the interests of reputed wives and/or illegitimate children has caused and is causing great hardship to a number of persons:

BE IT RESOLVED:

That legislation be enacted to enable reputed wives and illegitimate children to share in the estate of their reputed husbands or fathers, respectively.

Mr. Wilson seconded the motion.

The Attorney-General and Minister of State, and Mr. M.F. Singh spoke to the motion.

Thereafter Mr. Jagan replied.

The motion was then put and negatived on the following division:

<u>FOR</u>	<u>AGAINST</u>
Mr. M.F. Singh	Mrs. Willems
Mr. Teekah	Mr. Zaheeruddeen
Mr. Remington	Mr. Saffee
Mr. Balchand Persaud	Mr. Jordan
Mrs. Branco	Mr. Fowler
Mr. R. Ally	Mr. Corrica
Mr. Reepu Daman Persaud	Mr. Correia
Mr. M.Y. Ally	Mr. Chan-A-Sue
Mr. Lall	Mr. Budhoo
Mr. Hamid	Mr. Bancroft
Mr. Wilson	Miss Ackman
Mr. D.C. Jagan	Mr. Aaron
Mr. Chandisingh	Mr. Wrights
Mr. Ram Karan	Mr. Thomas
	Mr. Salim
	Mr. Duncan
	Mr. Joaquin
	Mr. Haynes
	Mr. Mingo
	Mr. Clarke
	Mr. Ramsaroop
	Miss Field-Ridley
	Mr. Carrington
	Mr. Hoyte
	Dr. Reid
— 14 —	— 25 —

ITEM 5 - MOTION TO AUTHORISE THE GOVERNMENT TO TAKE STEPS TO RECOGNISE AND DECLARE CERTAIN PERSONS GUYANESE CITIZENS FREE OF COST

Mr. Reepu Daman Persaud moved the following motion:

WHEREAS it appears that under section 4(1) of the Guyana Citizenship Act persons born in Commonwealth countries but brought to Guyana by their parents or guardians are Commonwealth and not Guyanese citizens and that it will be necessary for them to apply for registration as Guyanese citizens under the said section at a cost of \$8.20;

AND WHEREAS, if this interpretation is correct, its implementation will impose physical and financial hardship on very many persons who have lived in Guyana from infancy or early childhood, who have worked and contributed to the development of Guyana and who have voted in many local and general elections, and have done so even in the post-independence general elections in December, 1968:

BE IT RESOLVED:

That this National Assembly authorises the Government to take such steps as may be necessary to enable all such persons to be formally recognised and declared to be Guyanese citizens free of cost.

Mr. Persaud was still speaking to the motion when the time for the suspension of the sitting was reached.

SUSPENSION OF SITTING

At 4.03 p.m. the sitting was suspended for tea.

RESUMPTION OF SITTING

At 4.27 p.m. the sitting was resumed.

Mr. Persaud concluded his speech.

Mr. Lall seconded the motion.

Mr. Wilson and the Minister of Home Affairs spoke to the motion.

Mr. Hamid moved and Mr. M.Y. Ally seconded the following amendment:

Deletion of the words "such persons" in the Resolve Clause and substitution of the words "persons who arrived in Guyana on or before 1920 and still alive".

Mr. Reepu Daman Persaud and the Minister of Home Affairs spoke to the amendment.

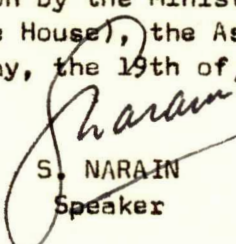
Thereafter, Mr. Reepu Daman Persaud replied.

The amendment was put and negatived.

The motion was then put and negatived.

ADJOURNMENT

At 5.35 p.m., on a motion by the Minister of Housing and Reconstruction (Leader of the House), the Assembly was adjourned to 2.00 p.m. on Thursday, the 19th of August, 1971.


S. NARAIN
Speaker

PARLIAMENT OFFICE,
Public Buildings,
Georgetown.
19th August, 1971