

MINUTES of the Proceedings of the 30th Sitting of the Legislative Assembly of the Colony of British Guiana under the British Guiana (Constitution) Order in Council, 1961, held in the Chamber of the Legislature at the Public Buildings, Georgetown, Demerara,

AT 2.00 P.M.

on

MONDAY, 30TH APRIL, 1962.

PRESENT:

Mr. W.O.R. Kendall, Deputy Speaker - In the Chair.

(a) Members of the Government

People's Progressive Party

(i) Ministers

Dr. the Honourable C.B. Jagan,
Premier and Minister of Development and Planning.
The Honourable B.H. Benn,
Minister of Natural Resources.
The Honourable Ram Karran,
Minister of Works and Hydraulics.
The Honourable B.S. Rai,
Minister of Home Affairs.
The Honourable R. Chandisingh,
Minister of Labour, Health and Housing.
Dr. the Honourable Charles Jacob, Jr.,
Minister of Finance.
Dr. the Honourable F.H.W. Ramsahoye,
Attorney-General.
The Honourable E.M.G. Wilson,
Minister of Communications.

(ii) Parliamentary Secretaries

Mr. G. Bowman, Parliamentary Secretary to the
Ministry of Natural Resources.
Mr. L.E.M. Mann, Parliamentary Secretary to the
Ministry of Works and Hydraulics.

(iii) Other Members

Mr. S.M. Saffee
Mr. G.L. Robertson
Mr. M. Bhagwan
Mr. J.B. Caldeira
Mr. V. Downer
Mr. M. Hamid
Mr. D.C. Jagan
Mr. M. Shakoor

(b) Members Constituting the Minority

(i) People's National Congress

Mr. J. Carter
Mr. E.F. Correia
Mr. N.J. Bissember

Mr. R.S.S. Hugh
Mr. R.J. Jordan
Mr. C.A. Merriman
Mr. H.M.S. Wharton

(ii) United Force

Mr. P. d'Aguiar
Mr. S. Campbell
Mr. R.E. Cheeks

Clerk of the Legislature - Mr. I. Crum Ewing.
Assistant Clerk of the Legislature - Mr. E.V. Viapree.

Absent:

His Honour the Speaker, Mr. R.B. Gajraj - on leave.
Mr. H. Lall - on leave.
Mr. L.F.S. Burnham, Q.C. - on leave.
Mr. W.A. Blair.
Mr. J.G. Joaquim.
Mr. E.E. Melville.

PRAYERS

The Clerk read prayers.

Alleged Non-receipt by some Members of Notice of Sitting.

Mr. Bissember stated that certain members of the People's National Congress had not received notice of the sitting, while others had received it very late. In the circumstances he felt that Members should be given some time to study the matter for consideration.

The Deputy Speaker stated that notice had been given in time as provided in the Standing Orders, and pointed out that the only new item on the Order Paper was the motion to authorise expenditure to carry on the recurrent services pending enactment of an appropriation law, and that the terms of the motion were self-explanatory.

ANNOUNCEMENTS BY THE SPEAKER

(i) Leave

The Speaker announced that leave had been granted to Mr. L.F.S. Burnham, Q.C. from the 27th April until the 27th May, 1962.

(ii) Election Petition - Decision by Mr. Justice Fraser.

The Speaker referred to the Report of Mr. Justice Fraser in the Election Petition of Hamilton Green versus George McLinton Henry and Lloyd Lennox Goddette which was communicated to the House on 20th December, 1961, and read the following letter received that day from Mr. Justice Fraser:-

" Your Honour,

I wish to inform you that upon the hearing of a motion made before me pursuant to the provisions of section 37 of the Legislature (Appointment, Election and Membership Controversies) Ordinance, 1961, No. 34 of 1961, I have today ordered that the

incapacity to which Mr. Ashton Chase is subject by virtue of my report to the Speaker on 30th November, 1961, shall henceforth cease.

2. I enclose herewith a copy of my decision.

I have the honour to be,
Your Honour,
Your obedient servant,

(sgd.) H.A. Fraser
Puisne Judge. "

PRESENTATION OF PAPERS AND REPORTS, ETC.

(i) By the Minister of Finance:

Interim Estimates of Expenditure, 1962.

(ii) By the Minister of Communications:

Motor Vehicles and Road Traffic (Amendment) Regulations, 1962. (No. 7).

(COMS. 2/2/3(8)(Circulated).

QUESTIONS TO MINISTERS

Question No. 9

Mr. Cheeks asked the Minister of Labour, Health and Housing the following question:

QUESTION: Bearing in mind that shallow wells tap water from the first impervious layer of earth and are therefore always liable to contamination, will Government state what precautions have been taken to purify, or prevent contamination of, the system of shallow wells being laid down at Les Beholden, Black Bush Polder?

The Minister of Labour, Health and Housing gave the following reply:

ANSWER: The so called "shallow wells" at Black Bush Polder do not tap water from an impervious layer. They are not really shallow since they tap an artesian aquifer at a depth of over 150 feet in nearly all cases. The term "shallow" came into use because these wells tap the upper sand aquifer which can only be considered as shallow from a geological standpoint and certainly not by public health standards.

Consequently, there is a thickness of impervious clays for contamination to penetrate before entry into the well. However, the area around the well is cemented as a further safeguard to preclude contamination. The well casing comprises 20 foot lengths of 2 inch

plastic/^{pipe}cemented together, the bottom length of which is slotted to permit water to enter the well from the sand bed. These wells are all capped on completion and a tap fitted in order that the water may be obtained direct from the well in which there is no possibility of contamination.

Question No. 10

Mr. Bhagwan asked the Minister of Home Affairs the following question:

QUESTION: Will the Honourable Minister of Home Affairs state what measures are being taken to protect the public from the daring and increasing attacks by the "choke and rob" gangs operating in the city?

The Minister of Home Affairs gave the following reply:

ANSWER: It is unfortunate that since the arson and looting of Friday, 16th February, cases of larceny from the person and robbery with violence have increased.

Every effort is being made to provide more policemen on the streets of the City and to increase their mobility. For obvious reasons it will not be advisable to publicise in detail how these will operate but already they are having a deterrent effect on the situation.

I am much concerned about this matter and would appeal to citizens to give all co-operation to the Police in ridding the country of these lawless elements. In view of apparent widespread misunderstanding I wish to add that a person who "chokes and robs" another is liable to imprisonment for life and to flogging or whipping and it is gratifying to note that Judges of the Supreme Court have shown a commendable readiness to order flogging in appropriate cases.

PUBLIC BUSINESS

MOTION

Item 1 - MOTION TO APPROVE ONE-SIXTH OF THE EXPENDITURE PROVISION OF THE ESTIMATES OF EXPENDITURE.

The Minister of Finance moved the following motion:

WHEREAS article 109(4)(b) of the Constitution limits to four months ending 30th April the period during which public funds may be expended in pursuance of the provisions of the Financial Administration and Audit Ordinance, 1961, in anticipation of the passage of the appropriation law; and

/ WHEREAS..

WHEREAS the appropriation law for the year 1962 will not be passed before the expiry of the said period and it is necessary to provide for expenditure on the public services pending the passage of this law:

BE IT RESOLVED:

That this Legislative Assembly approves in accordance with Article 109(4)(a)(ii) of the Constitution one-sixth of the expenditure provision proposed under each of the subheads of the Estimates of Expenditure which have been laid on the Table, to a total of nine million, three hundred and ninety-one thousand, seven hundred and forty-three dollars as detailed by heads in the undermentioned Schedule.

<u>Head</u>	<u>SCHEDULE</u>	
	<u>Annual Estimate</u>	<u>Provision required</u>
	\$	\$
Governor	5,300	883
Governor's Office	52,492	8,749
Volunteer Force	117,306	19,551
Supreme Court and Deeds Registry	369,597	61,600
Magistrates	437,470	72,912
Legislature	59,442	9,907
Premier's Office, Council of Ministers and Ministry of Development and Planning	565,380	94,230
Ministry of Natural Resources	1,038,870	173,145
Agriculture	2,130,193	355,032
Lands and Mines	614,199	102,366
Forest	681,653	113,609
Ministry of Works and Hydraulics	44,359	7,393
Public Works - Establishment	1,960,405	326,734
Public Works and Sea Defences - Annually Recurrent	4,625,937	770,990
Public Works - Non-Recurrent	550,000	91,667
Drainage and Irrigation - Establishment	668,401	111,400
Drainage and Irrigation - Annually Recurrent	725,250	120,875
Ministry of Home Affairs	95,469	15,912
Local Government	632,326	105,008
Interior	282,161	47,027
Police	3,704,857	617,475
Prisons	603,296	100,549
Fire Prevention	570,525	95,088
Printery	562,586	93,764

<u>Head</u>	<u>Annual Estimate</u> \$	<u>Provision Required</u> \$
Probation	92,797	15,466
Essequibo Boys' School	99,268	16,545
Ministry of Labour, Health and Housing	237,707	39,618
Medical - Establishment	1,567,268	261,211
Medical - Bacteriological	204,581	34,097
Medical - X-Ray	108,201	18,034
Medical - Hospitals & Dispensaries	4,916,922	819,486
Town and Country Planning	89,553	14,926
Registration of Births, Deaths, Immigration, etc.	88,987	14,831
Analyst	78,912	13,152
Labour	211,653	35,276
Ministry of Trade and Industry	555,728	92,621
Ministry of Finance	568,942	94,824
Accountant General	1,567,712	261,285
Central Registry	34,967	5,828
Customs and Excise	781,258	130,210
Inland Revenue	191,415	31,902
Licence Revenue	70,895	11,816
Post Office Savings Bank	64,314	10,719
Ministry of Education and Social Development	4,126,107	687,684
Ministry of Education and Social Development - Schools, Institutions and Miscellaneous	8,338,158	1,389,692
The Palms	365,746	60,958
Attorney General	120,138	20,023
Crown Solicitor, Public Trustee and Official Receiver	36,976	6,163
Ministry of Communications	71,497	11,916
Post Office	1,618,289	269,715
Post Office - Telecommunications and Electrical Inspection	1,046,414	174,402
Transport and Harbours	2,199,300	366,550
Civil Aviation	558,211	93,035
Audit	209,361	34,894
Public Prosecutions	45,943	7,657
Public Service Commission	170,740	28,457
Pensions and Gratuities	505,624	84,271
Public Debt	3,969,401	661,566
Loans from Public Funds	340,000	56,667
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	\$56,350,459	\$9,391,743
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In terms of Standing Order 21, the Governor's recommendation, signified by the Minister, was laid over.

Consideration of Motion deferred.

Mr. Carter on a point of order under Standing Orders 21 and 37 questioned the propriety of the motion and in this connection was supported by other members of the Opposition.

The Deputy Speaker in the circumstances deferred further action on the motion pending consideration of the several points raised. He promised to give a decision on the matter at the next sitting on Wednesday, 2nd May.

BILLS - Second and Third Readings.

Item 2 - TAX (AMENDMENT) BILL, 1962 - L.A. Bill No. 57/1962.

On a motion by the Minister of Finance the BILL intituled AN ORDINANCE TO AMEND THE TAX ORDINANCE was read a second time on the following division:-

<u>FOR</u>	<u>AGAINST</u>
Mr. Shakoor	Mr. Cheeks
Mr. Jagan	Mr. Campbell
Mr. Hamid	Mr. d'Aguiar
Mr. Downer	Mr. Wharton
Mr. Caldeira	Mr. Merriman
Mr. Bhagwan	Mr. Jordan
Mr. Robertson	Mr. Hugh
Mr. Saffee	Mr. Bissember
Mr. Mann	Mr. Correia
Mr. Bowman	Mr. Carter
Mr. Wilson	
Dr. Ramsahoye	
Dr. Jacob	
Mr. Chandisingh	
Mr. Rai	
Mr. Ram Karran	
Mr. Benn	
Dr. Jagan	

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Assembly then resolved itself into Committee to consider the Bill clause by clause.

Clause 1 - Short Title - was passed as printed.

Clauses 2 to 4 - were passed as printed.

Clause 5 - Amendment to new section 28

Substituted - the word "four" for the word "five" in the eighth line;

the words "one hundred and twenty" for the words "two hundred" in the last line.

Clauses 6 to 11 - were passed as printed.

Clause 12 - Substituted - a colon for the full stop at the end of subsection (1);

Inserted - the following proviso to subsection (1) -

" Provided that -

- Cap. 303.
- (a) notwithstanding anything to the contrary provided in sections 29, 31 and 23 of the Stamp Duties (Management) Ordinance, no person shall be liable to any penalty under such provisions in respect of any instrument executed prior to the enactment of this Ordinance and which, by reason only of the coming into operation of section 4 of this Ordinance, is not duly stamped;
- (b) no criminal proceedings shall be instituted against any person in respect of any instrument where prior to the enactment of this Ordinance, by reason only of the coming into operation of section 4 of this Ordinance, such instrument is not duly stamped."

Thereafter the Bill was read the third time and passed as amended in Committee.

Item 3 - AUCTIONEERS (AMENDMENT) BILL, 1962 - L.A. Bill
No. 6/1962.

On a motion by the Minister of Finance the BILL intituled AN ORDINANCE TO AMEND THE AUCTIONEERS ORDINANCE was read a second time and was thereafter taken through its remaining stages and passed as printed.

MOTIONS

Item 4 - MOTION TO APPROVE REGULATION NO. 1 OF 1962.

On a motion by the Minister of Finance the following Resolution was adopted:

RESOLVED, That the Legislature in terms of section 98 of the Motor Vehicles and Road Traffic Ordinance, Chapter 280, approves Regulation No. 1 of 1962 which was made on the 29th day of January, 1962, and published in the Gazette on the 31st of January, 1962.

Item 5 - MOTION TO CONFIRM CUSTOMS ORDER NO. 5 of 1962.

On a motion by the Minister of Finance the following Resolution was adopted:

RESOLVED, That the Legislature in terms of section 9 of the Customs Ordinance, Chapter 309, confirms Order No. 5 of 1962 which was made on the 30th day of January, 1962 and published in the Gazette on the 31st of January, 1962.

Item 6 - MOTION TO CONFIRM CUSTOMS ORDER NO. 15 of 1962.

On a motion by the Minister of Finance the following Resolution was adopted:

RESOLVED, That the Legislature in terms of section 9 of the Customs Ordinance, Chapter 309, confirms Order No. 15 of 1962 which was made on the 21st day of February, 1962 and published in the Gazette on the 22nd of February, 1962.

BILL - Second and Third Readings.Item 7 - BRITISH GUIANA CREDIT CORPORATION (AMENDMENT) BILL, 1962 - L.A. Bill No. 10/1962.

On a motion by the Minister of Finance the BILL intituled AN ORDINANCE TO AMEND THE BRITISH GUIANA CREDIT CORPORATION ORDINANCE, 1954 was read a second time and was thereafter taken through its remaining stages and passed as printed.

ADJOURNMENT

At 6.45 p.m. and on a motion by the Minister of Natural Resources (Hon. B.H. Benn) the sitting was adjourned to 2.00 p.m. on Wednesday, 2nd May, 1962.

Deputy-Speaker.

PUBLIC BUILDINGS,
British Guiana.

2nd May, 1962.