

THE  
PARLIAMENTARY DEBATES

OFFICIAL REPORTS

Volume 10/

PROCEEDINGS AND DEBATES OF THE THIRD SESSION (1983) OF THE NATIONAL ASSEMBLY OF THE FOURTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA

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12th Sitting

14:00 hrs

Friday, 1983-05-13

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MEMBERS OF THE NATIONAL ASSEMBLY (71)

Speaker (1)

\*Cde. Sase Narain, O.R., J.P., M.P.,

Speaker of the National Assembly

Members of the Government – People's National Congress (58)

Prime Minister (1)

Cde. Dr. P.A. Reid, O.E., M.P.,

Prime Minister

Other Vice-Presidents (4)

Cde. S.S. Naraine, A.A., M.P.,

Vice-President, Social Infrastructure

Cde. H.D. Hoyte, S.C., M.P.,

Vice-President, Administration

(Absent – on leave)

Cde. H. Green, M.P.,

Vice-President, Production

(Absent)

Cde. B. Ramsaroop, M.P.,

Vice-President, Party and State Matters

Senior Ministers (6)

Cde. R. Chandisingh, M.P.,

Minister of Education and Social Development

Cde. R.H.O. Corbin, M.P.,

Minister of Mobilisation

(Absent)

\*Non-elected Member

\*Cde. Dr M. Shahabuddeen, O.R., S.C., M.P.,  
Attorney General and Minister of Justice

\*Cde. R.E. Jackson, M.P., (Absent)  
Minister of Foreign Affairs

\*Cde. J.R. Thomas, M.P., (Absent)  
Minister of Home Affairs

\*Cde. H. Rashid, M.P.,  
Minister of Energy and Mines

Ministers (6)

Cde. U. E. Johnson, M.P.,  
Minister in the Office of the Prime Minister

Cde. Sallahuddin, M.P.,  
Minister in the Ministry of Agriculture

Cde. R.C. Fredericks, A.A., M.P.,  
Minister for Youth and Sports,  
in the Ministry of Education and Social Development

\*Cde. Y.V. Harewood-Benn, M.P.,  
Minister of Information and Public Service

\*Cde. R.A. Van West-Charles, M.P.,  
Minister of Health and Public Welfare

\*Cde. K.W.E. Denny, M.P.,  
Minister of Manpower and Co-operatives

Ministers of State (2)

Cde. M. Corrica, M.P.,  
Minister of State for Internal Trade  
and Consumer Protection

Cde. H.L.B. Singh, M.S., M.P.,  
Minister of State in the Ministry of  
Finance

Parliamentary Secretaries (4)

Cde. A.W. Bend-Kirton-Holder, M.P., (Absent)  
Parliamentary Secretary, Housing,  
Ministry of Health and Public Welfare

Cde. D.A.N. Ainsworth, M.P.,  
Parliamentary Secretary, Ministry of

Education and Social Development

\*Non-elected Member

Cde. B. Bhaggan, M.P., (Absent – on leave)

Parliamentary Secretary, Ministry of  
Foreign Affairs

Cde. J.B. Caldeira, M.P., (Absent)

Parliamentary Secretary, Ministry  
of Agriculture

Other Members (24)

Cde. M. Ally, M.P.

Cde. M. Armogan, M.S., J.P., M.P.

Cde. B. Beniprashad, M.P.

Cde. A.A. Chin, M.P. (Absent – on leave)

Cde. J.P. Chowritmootoo, J.P., M.P.

Cde. O.E. Clarke, M.P.

Cde. E. B. Davidson, M.P.

Cde. H. Doobay, M.P.

Cde. A.B. Felix, M.P. (Absent)

Cde. E.H.A. Fowler, M.P.

Cde. P. Fredericks, M.P.

Cde. E.F. Gilbert, M.P.

Cde. J. Gill-Mingo, M.P.

Cde. A. McRae, M.P.

Cde. E. Melville, M.P.

Cde. J.M. Munroe, J.P., M.P.

Cde. S. Prashad, M.P.

Cde. R.N. Primo, M.P.

Cde. P.A. Rayman, M.P.

Cde. C.G. Sharma, J.P., M.P.

Cde. S.H. Sukhu, M.S., M.P.

Cde. B. Tiwari, M.P.

Cde. C. Vandenburg, M.P.

Cde. R.E. Williams, M.P.

Members from the National Congress of Local Democratic Organs (2)

Cde. R. Bishop, M.S., M.P.

Cde. B. Latchminarayan, M.P.

Members from the Regional Democratic Councils (9)

Cde. K.N. Jones, M.P. (Region No. 1 – Barima/Waini)

Cde. K.V. Jairam, M.P. (Region No. 2 – Pomeroon/Supenaam)

Cde. C.A. Singh, M.P. (Region No. 3 – Essequibo Islands/West Demerara)

Cde. W. Bipat, J.P., M.P. (Region No. 4 – Demerara/Mahaica) (Absent – on leave)

Cde. H.I. London, M.S., M.P. (Region No. 5 – Mahaica/Berbice)

Cde. I. Chowritmootoo, M.P. (Region No. 6 – East Berbice/Corentyne)

Cde. N.R. Charles, M.P. (Region No. 7 – Cuyuni/Mazaruni)

Cde. D. Abraham, M.P. (Region No. 8 – Potaro/Siparuni)

Cde. D. Hinds, M.P. (Region No. 10 – Upper Demerara/Berbice)

Members of the Minority (12)

(i) People's Progressive Party (10)

Minority Leader (1)

Cde. Dr. C. Jagan, M.P.,  
Minority Leader

Deputy Speaker (1)

Cde. Ram Karran, M.P.,  
Deputy Speaker of the National Assembly

Other Members (8)

Cde. J. Jagan, M.P.

Cde. Reepu Daman Persaud, J.P., M.P.,  
Minority Chief Whip

Cde. N. Persaud, M.P.

Cde. C.C. Collymore, M.P.

Cde. S.F. Mohamed, M.P.

(Absent)

Cde. I. Basir, M.P.

Cde. C.C. Belgrave, M.P.

(Absent)

Cde. Dalchand, J.P., M.P.

(ii) United Force (2)

Mr. M.F. Singh, C.C.H., J.P., M.P.

Mr. M.A. Abraham, M.P.

OFFICERS

Clerk of the National Assembly - Cde. F.A. Narain, A.A.

Deputy Clerk of the National Assembly – Cde. M.B. Henry

PRAYERS

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National Assembly

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14:05 hrs

ANNOUNCEMENTS BY THE SPEAKER

Thirtieth Anniversary of Historical Parliamentary Events

The Speaker: Comrades and hon. Member, at this time of the year we are reminded of and recall some very important and historical Parliamentary events which took place three decades ago and more particularly the event of 18th May, 1953. Next Wednesday will be the 18th May, 1983 and will mark the thirtieth anniversary of that occasion. As it is not likely that the National Assembly would be meeting on or before that day, I would like to take this opportunity of making a few remarks concerning the occasion.

In the year 1953, a new and what was considered at that time as a very advanced Constitution was introduced in this country. The new Constitution provided for the first time for a Ministerial system of Government and for the transfer of responsibility for the direction and control of a large proportion of Government business to the elected representatives of the people. With the introduction of universal adult suffrage, elections for the new House of Assembly were held on the 27th April, 1953. Out of the seats for the 24 elected Members of the House, the People's Progressive Party won 18, the National Democratic Party gained 2 and the remaining 4 went to Independent Members. It was on Monday, 18th May, 1953, that the new House of Assembly met for the first time.

The 28 persons who comprised the House of Assembly, that is the 24 elected Members, the 3 Ex Officio Members and the Speaker, were present and made and subscribed the oath at that first Sitting. Today, four of those persons are still associated with our Parliament. In alphabetical order, they are Cde. Forbes Burnham, Cde. Cheddi Jagan, Cde. Janet Jagan, and Cde. Ram Karran.

Now for a few brief remarks on the Parliamentary service of these four persons. Dr. Cheddi Jagan. Dr. Cheddi Jagan who was present as a Member of the House of Assembly when it first met on 18th May, 1953, had first entered our Parliament and made and subscribed the oath in the Legislative Council on 18th December, 1947, following the general elections that year. He was the elected representative for the Central Demerara Constituency. With the introduction of the new Constitution in 1953, Cde. Jagan was, following the elections in April that year, elected to be a Member of the House of Assembly as the P.P.P. representative for the Corentyne Coast

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Constituency. He was at that first Sitting elected by the House to be one of this country's first Ministers and became the first Minister of Agriculture, Forests, Lands and Mines. He was also the first Leader of the House. He served as such until the suspension of the Constitution later that year. On his return to Parliament in 1957 as the elected representative for the Eastern Berbice Constituency he was appointed to be Minister of Trade and Industry, and in 1961 he became this country's first Premier and Minister of Development and Planning. He came back into Parliament in 1965, and in 1966 he became the first holder of the Office of Leader of the Opposition. With the introduction of our new Constitution in 1980, his new designation became and he is still the Minority Leader. The oldest Member here today, Cde. Cheddi Jagan is, at 65, the only Member who first entered Parliament over 35 years ago. Applause Our heartiest congratulations and best wishes to Cde. Cheddi Jagan. Applause

Cde. Forbes Burnham. Following his election to the House of Assembly as the representative for the Georgetown North-East Constituency, Cde. Forbes Burnham first entered Parliament and made and subscribed the oath in the House of Assembly on Monday, 18th May, 1953, at the age of 30 years. At that Sitting he was elected by the House to be a Minister and became one of this country's first Ministers and its first Minister of Education. He served as such until the suspension of the Constitution later that same year 1953. In 1957 he came back into Parliament as the elected representative for the Georgetown Central Constituency. In 1961 he again became an elected Member of Parliament for the Ruimveldt Constituency. On 14th December, 1964, following his election again as a Parliamentarian, he was appointed Premier, Minister of Development and Planning and Attorney General.

It was in 1965 that the new Constitution was amended to provide for the change in designation from Premier to Prime Minister, and on 22nd December that year Cde. Burnham became the first Prime Minister of this country. He served as such and as an elected Member of the National Assembly until 6th October, 1980, when he became the first President of the Co-operative Republic of Guyana with executive functions. Applause The achievements by Cde. Burnham and under his leadership as Head of the Government and as Head of State have been so many and some well known, but I would like to refer to a few of these.

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First and foremost must rank the achievement in restoring harmony to our society and the removal of tension. Next I would identify the restoration of the self-confidence of our people. Closely associated with this was the recovery of that sense of dignity which had been eroded by the colonial years. A sense of worthwhileness of our traditional heritage was given to us. Each religion was accorded a place of respect and honour in the national life with appropriate holidays to mark religious festivals. In the wider context it was Cde. Burnham and his Party that led the way in giving meaning and content to independence.

The change to a Republican form of Government was symbolic of our new awareness of ourselves as a nation State. It was Cde. Burnham's Government which first sought to assert the Permanent sovereignty of our people over our natural resources. There was the nationalisation of Demba, the Booker Group, Sproston and others. A bridge was built across the Demerara River and a new bridge across the Canje. There has been electrification nearly throughout the whole of Guyana. He was the author of Caricom. He holds a respected position in the Non-Aligned Movement and was in Vanguard in supporting the African Liberation Movement. He advocated the new economic order. The feed, clothe, and house programme was articulated by him since 1974. \_\_\_\_\_

\_\_\_\_\_ Recently there has been a more positive thrust in Agriculture and one can go on and on.

The many achievements of which I have referred to are but a few, redound to the credit and glory of all our people. It is but fitting and proper that we should at this time acknowledge the role under the wise and dynamic leadership of the President Cde. Sampson Burnham. [Applause] Today he is still our President, and under the Constitution, the Head of Parliament. Cde. Burnham who is now 60 years of age has been associated with our Parliament for half his life, that is 30 years. Our heartiest congratulations and best wishes to Cde. Burnham, our President. [Applause]



The Speaker: Cde. Janet Jagan first entered our Parliament on 18th May 1953. She was the P.P.F. representative for the Western Essequibo Constituency and was one of the first of the three women who became Parliamentarians. She was at that first sitting of the House of Assembly elected by the House to be the Deputy Speaker of the Assembly. Cde. Janet Jagan was therefore the first Deputy Speaker of this country and is the only woman Deputy Speaker so far. She served as a member of the House of Assembly and as its Deputy Speaker until the time of the suspension of the Constitution later that same year. She came back into Parliament in 1957 again as the representative for the Western Essequibo Constituency. She was appointed Minister of Labour, Health and Housing and served as such until September 1961. In 1963 Cde. Jagan became a member of the Upper House, the Senate and was Minister of Home Affairs until 1964. After a break of nearly twelve years Cde. Jagan re-entered Parliament in 1976 and has been a member of the National Assembly since that time.

Our congratulations and best wishes also go to Cde. Janet Jagan on the occasion of the 30th anniversary since she first entered Parliament.

Cde. Ram **Karran** has also first entered Parliament 30 years ago. It was on Monday 18th May, 1953 that Cde. Ram Karran as the P.P.F. elected representative for the West Central Demerara Constituency first made and subscribed the oath in the House of Assembly. He served as a member of the House until the suspension of the Constitution in December that year. He came back into Parliament in 1957 as the representative for the Demerara Essequibo Constituency and was appointed Minister of Communication and Works on his return to Parliament following the next election in 1961 as the representative for the Mahaica Constituency. He was appointed Minister of Works and Hydraulics and served as such until December 1964. He was an elected member of the Assembly from 1965 - 1968, from 1969 - 1973 and from 1976 - 1980 and again since 1980, he was elected by the National Assembly to be the Deputy Speaker in 1976 and was again elected to that office in 1980. Today, after 30 years of his first entry into Parliament Cde. Ram Karran the third oldest member of the Assembly is still a member of the Parliament and is our Deputy Speaker. Our congratulations and best wishes also go to Cde. Ram Karran.

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LEAVE TO MEMBERS

The Speaker; Leave has been granted to Cde. Hoyte from 13th May to 26th May, 1983.

PRESENTATIONS OF PAPERS AND REPORTS ETC.

The following report was laid:

"Annual Report of the Ministry of Finance for the year 1982". / The Minister of State in the Ministry of Finance on behalf of the Vice-President, Administration /.

INTRODUCTION OF BILLS - FIRST READING

The following Bill was introduced and read the First time:

Temporary Borrowings by Government (Amendment of existing laws and Validation) Bill 1983. / The Minister of State in the Ministry of Finance on behalf of the Vice President, Administration /.

PUBLIC BUSINESS

Bill - Second Reading

CHILDREN BORN OUT OF WEDLOCK (REMOVAL OF DISCRIMINATION) BILL 1983 -

Bill No. 12/1983.

A Bill intituled:

"An Act to amend certain enactments and to repeal the Bastardy Act". / The Prime Minister /.

The Speaker: Cde. Prime Minister.

The Prime Minister (Cde. Dr. P.A. Reid): Cde. Speaker, this afternoon, it is my special privilege and joy to move the second reading of the bill Children born out of wedlock, removal of discrimination bill 1983.

Cde. Speaker, the circle has travelled a full round and it must be of some significance that one who was born out of wedlock must now move a bill in the second reading to remove this discrimination. In Guyana, before the socialist constitution of 1980 and in many other parts of the world even now children are deprived of social status and some valuable rights, right to inherit property of their father for no fault of theirs but only because their parents did not go through the formal ceremony of marriage. I must say quickly marriage is to us still important. People of Guyana, however, consider the discrimination against those children not just and not justified

Therefore by article 13 of the Constitution, <sup>it is</sup> provided that children born out of wedlock are entitled to some legal rights and status as are enjoyed by children born in wedlock. All forms of discrimination against children born out of wedlock are declared illegal by that article. The Party and Government, however, Cde. Speaker, continue to have faith in marriage and even at this time as we examine the global crisis one can give thought to what probably is also a crisis - martial crisis or the family crisis.

The global crisis as we know has been organised with several objectives, one of which is to bring small countries like ours endeavouring to travel a path of true non-alignment to our knees so that we can return to the old status quo.

NATIONAL ASSEMBLY

14:25 hrs

(Cde. Prime Minister continues)

In such circumstances I am certain that marital crisis itself must be aggravated and so, in moving the Second Reading of this Bill, it might be well for us to take a short glimpse and look at marriage before I proceed any further.

During the second quarter of the twentieth century there was a good deal of concern about the state of the family in the western world. There was evidence that divorce rates had risen, that the family had lost family ties; it had lost certain functions to other social structures; that the birth rate had fallen to the great joy of some people in the world who are endeavouring to ensure that the population is reduced by one means or the other because the birth rate is allegedly too high, especially in the developing world; that certain regimes were trying to bring the disintegration of the family and that broken families were spawning delinquent children. Family disorganization was widely viewed as a social problem. Probably, for this reason, numerous studies were undertaken to discover the determinants, or, at least some of the causes of what was variously called "marital adjustment," "marital happiness" and "marital success."

Marriage itself involves the allocation of rights and obligations between the parties to the agreement. Anthropologists have attempted to classify the various rights which are known to be allocated in marriage in different societies. There is not enough time today to examine the situation much further but there are unions other than lawful marriage which have been known to have existed in both stateless societies as well as in states and which did not legalise marriages and did not see that as a special concern.

It seems particularly characteristic of modern societies that there are individuals who, for various reasons, do not accept the condition of marriage. Such is the case in various parts of the world where formerly autonomous, or semi-autonomous, political entities have come together to form modern nation states. Unions, however, other than lawful marriages are known to have existed by consensual arrangements and are sometimes described as "consensual unions." In some cases, such unions are part of a development process which generally and in marriage for economic reasons.

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Some have been because of the kind of event that takes place at the time of marriage. The demand for homes, for furniture and so on, usually causes the postponement of that date, notwithstanding two partners has agreed in a consensual arrangement.

In Guyana, therefore, in looking at the situation, there was appointed a Committee. In 1981, the Government appointed a Committee with the Honourable Justice Desiree Bernard as its Chairman to make recommendations for the implementation of the provisions of article 30 of the Constitution of Guyana and of article 29, which provides for equality of rights and legal status for women and men. The Committee recommended the amendment of a large number of Acts and subsidiary legislation for implementation of these two provisions of the Constitutions.

In view of the wide range of recommendations of the Committee it was considered that it would be desirable to take up the implementation of the recommendations in a phased manner and I hope that this would give satisfaction to those who are deeply interested and very closely involved in these changes which are to come about.

For implementing article 30 of the Constitution the Bill seeks to amend the following: the Evidence Act, Cap. 5:03, the Civil Law of Guyana Act, Cap. 6:01, the Maintenance Act, Cap. 45:03, the Infancy Act, Cap. 46:01, and the Legitimacy Act, Cap. 46:02. The Bill also seeks to repeal the Bastardy Act, Cap. 46:03.

My most recent examination of the word "bastard" was most informative and I feel obliged to share some of the findings in examining the definition of "bastard. It is said that bastard is "one begotten and born out of wedlock, an illegitimate or natural child." And then "By the civil and canon laws, a child born out of wedlock" can become legitimate "by the subsequent marriage of the parents." There are some harsher definitions of this word "bastard." I want to draw to your attention that it means "A mongrel." I have been associated with dogs for a large part of my life and when I saw that word "mongrel" I said, "What is this?" This is a word for a dog of no definable breed, so that term has been used to persons as a term of contempt.

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Here are some other definitions of interest – "A sweet, Spanish wine." – It also means "Anything of inferior quality or unusual make." They have even taken the word to mean "A large sail used in the Mediterranean" and those who are accustomed to or are familiar with sugar refining will interpret that word as meaning "A coarse brown sugar made from the refuse syrup," unwanted, poor quality, not good. Sometimes in times past, when it was difficult to find the father, then the term "bastard" was used.

(Cde. Prime Minister continues)

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National Assembly

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It would be of interest to look even further and there beat my understanding, for a bastard is something that is not genuine, spurious, debased, even having the appearance of something that is inferior in kind or quality, even abnormal, in shape. One can begin to see in those days when this world was fashioned, the objective was of determining that some children were born as bastards. Cde. Speaker, it is no wonder that in the system of slavery there was cultural bastardisation and in our own history – Centenary History of British Guyana – one Captain Hudson of the 19th Regiment on Foot writing in a book described as Truth from the West Indies says:

"To the stranger in the West Indies, few things occasion battle or so much surprise as the disproportion of the sexes, the male exceeding the female in a degree quite wonderful."

But if one proceeded to enquire into and analyse the causes, his marvel will be not that the proportion is so small but that it is not far less. I will not stop to enquire how far this state may have been brought about by attempts to procure abortions so prevalent before the Abolition Act, so that these masters in their own way in those days created a society where they would be sure that there will be many bastards. Today must be of some great significance that we the off-spring of slaves and indentured people have now been given the opportunity to make this significant change.

Cde. Speaker, no race can increase or even maintain its numbers without our women, without the mothers. Planters must have realised this, but for them it did not matter. They had no concern. In fact, it is the concern of the Government led by the People's National Congress that has seen it fit to have such a change and to set a Committee at work so that today, some of the recommendations can materialize. In those days they depended on new importations as that they can have workers for their fields. They forced upon people polyandry. People who were more accustomed to polygamy which was a more realistic way of increasing the population. But, Cde. Speaker, in the history of civilization, many societal code contained many sections dealing with marriage, divorce, the adoption and care of children and domestic relations generally.

I mentioned that so that you can realise how far distant in the past there has been this issue which we are now trying to correct. In those days everything was traced through the father. The code assumed that a man will have one wife. However, if there was severe sickness, then he was allowed to have another. All that is full of interest as we go through the story of bastardy. The woman, however, had some right even in those days, for the dowry was her property and she had the legal authority to pass that property on to her children. But men were able in those days to repudiate their wives at will and nothing happened after. So, Cde. Speaker, it is a remarkable fact that this code, and later the Babylonian regulations apportioned to married women more rights than they have enjoyed in many civilized countries almost until our time. For in that code wives were allowed to engage in business, to appear as witness and in certain cases to hold and dispose of property. However, they were still subordinate to their husbands and today as we deal with the questions of bastardy, let us not forget that there is the other part of it that women and men must have equal rights and the same legal status in all spheres of political, economic and social life. All forms of discrimination against women on the basis of their sex are illegal and that is written in the Constitution of the Co-operative Republic of Guyana, Section 29. In the days of Pharaoh, children took the mother's name and property was passed on in the female line and there are still a few things we can think about in those days. But throughout that history only two women had the privilege of ruling in their own right and for one of them to succeed she had to masquerade as a man. I am certain that is not necessary in these days.

Cde. Speaker, Section 5 of the Civil Law of Guyana Act, Chapter 6:01 deals with inter-estate succession and we can compare that with the days of Pharaoh when it was expected that the man had just a few responsibilities.



14.45 hrs

(Cde. Prime Minister continues)

One was to fill the stomach of the woman and clothe her back and the only medicine that was used for her was oil. Then it said man was to make her life joyful and he was to do that because in those days one wise man saw her as a field that is profitable unto its lord, referring to the male as the lord.

Cde. Speaker for children born out of wedlock or outside the purview of this section of the Civil Law of Guyana, Chapter 6:01 <sup>is</sup> in this Bill to be amended so that in determining relationships for the purpose of the Section no regard shall be had <sup>it</sup> whether any person is born in wedlock or out of wedlock. However, under the proposed amendment the father of a child born out of wedlock will be entitled to succeed to the estate of the child.

if before the death of the child he had been adjudged to be the father of the child by a competent court, or he had acknowledged the child to be his own and had contributed towards its maintenance. Then Section <sup>11</sup> of the Legitimacy Act, Chapter 46:02 deals with succession to the estate of the mother of a child born out of wedlock or to the estate of a child born out of wedlock by the mother of the child. In view of the amendment proposed in Section 5 of the Civil Law Act of Guyana the operation of Section 11 of the Legitimacy Act is proposed to be limited to cases of the death of a mother of a child born out of wedlock or of that child before the present Bill, after enactment, comes into operation, that is to get rid of certain anomalies to make sure that it is done smoothly.

Now we come to the Maintenance Act which has been a very troublesome one all through the years. Chapter 45:03 deals with the duty of a man to maintain certain children. It is proposed to be amended to remove the distinction between children born in wedlock and out of wedlock in respect of that duty. Under the proposed amendment to Section 4 of that Act the father of a person born out of wedlock will get a right to be maintained by that person whether at the time of birth of that person the mother openly cohabitated with his father or not. But there is a condition <sup>of the person</sup> and that condition is the father must have during the infancy/acknowledged him or her as his child and contributed towards its maintenance. By the amendment proposed to Sections 6 and 13 of that Act the maximum rate of maintenance payable under those provisions is sought to be increased to \$20.00 a week from \$10.00 a week. A significant move, but I think in time as our economy does better and better there has to be better facilities for the young children. In view of the amendment

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proposed in the Maintenance Act, Chapter 45:03 there is no need to continue in force that most wicked Act, the Bastardy Act, Chapter 46:03. The Bastardy Act is therefore proposed to be repealed by Clause 3 of the Bill with appropriate saving provision in respect of pending proceedings and others in operation.

Cde. Speaker, permit me to refer to the long journey of the emancipation of women and with them their young ones in many cases. Women's position in European Society a century and a half ago was with what it had been during the Middle Ages – a position of dependence on man. She received little or no formal education, seldom engaged in any gainful occupation and had for support relied before marriage on her father and after marriage on her husband. In Great Britain she could neither make a will nor enter into a contract without her husband's consent. All her possessions belonged to him and any money that she earned or inherited was his and might be taken to pay his debts. The law even deprived her of control over her own children. It was even said by Thomas Aquinas, "Man is the beginning of woman and her end just as God is the beginning and end of every creature." Cde. Speaker, in the past notwithstanding these conditions, humanitarian sentiments evoked by the French Revolution freed slaves and serfs but did not free women. The very National Assembly in those days which had framed the declaration of the rights of man paid scant attention to a declaration of the rights of women proposed by a few of that sex. It is therefore good to know that the Committee in Guyana that dealt with this matter was headed by a woman and the movement for emancipation in those days received a powerful impetus when modernization in industry came about. It is said that the invention of the typewriter played an important role in this development. Let me move on to the next act.

Infancy Act, Chapter 46:1 which is proposed to be amended mainly to achieve the following objectives: (i) The mother and father of an infant it is proposed are to be given equal right in the various matters relating to guardianship and custody of the infant. This will include the right to appoint a guardian for the infant by will or other document.

(ii) The distinction between a child born in wedlock and out of wedlock in the matter of guardianship it is proposed to be revoked.

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Cde. Speaker, our women in Guyana have earned equal right by their performance in our country. Guyana possesses a cultural and historical heritage in which the role of women has been that of active partnership in the process of production and in the turmoils of revolutionary struggle, not only now but in the past as well. The culture of indigenous Amerindians was one in which women played an active role in the planting, tending and reaping of crops. They did not merely cook food. Rather the food they cooked was part of the results of their productive activities. Same can be said of many other places. So much so that the great agricultural revolution that we sometimes talk about, that historical revolution, came about because of the industry of women. It was their task to search for the roots and seeds and grains that were good for food.

14:55 hrs

(The Prime Minister continues)

And by such search they were able to discover that falling seeds and grains that they were taking home grew and thus began the domestication of plants and the production of food.

The world itself at this time especially must recognise how important that development has been over the years. Cde. Speaker, while it would and must be accepted that the female input into production is a proud heritage which is and has always been significant, those who are still ostrich-like would wish to blind themselves to the fact that women of Guyana have long earned the equality which it is now the P.N.C.'s bounden duty and the Government led by the P.N.C. to confer upon them in legalistic terms. There might still be some who will argue that the success of the female productivity was ultimately due to the men. Let us not be fooled by these chauvinistic pretensions. Let us test it and thereby convince everyone of the earned equality of our Guyanese womenfolk by looking back at slavery, that most unjust and pernicious system. Slavery came to an end as a result of the revolutionary struggle of the slaves as indicated in the late Dr. Eric Williams' capitalism and slavery which makes the point that the slaves, however, were not prepared to wait for freedom to come to them as a dispensation from above. The frequency and intensity of slave revolts after 1800 reflect the growing tensions which reverberated in the stately halls of Westminster.

In 1833, therefore, the alternatives were clear, emancipation from above or emancipation from below. Wherever it should come from it was a must and so we find that in this road, the struggle in slavery, women played such an important part. Sometimes when we do a task we make a lot of noise and it is therefore of interest for us to recognise how one cook in those days was involved in the revolution and what was her achievement. This <sup>was</sup> pointed out by the Rev. Brankhurst in his writings -- among the Hindus and Creoles of British Guiana. He pointed out that the main role in the performance of this revolutionary act had been undertaken by a female cook whose involvement was only discovered through her death-bed confessions made years after slavery had been successfully cast off. From her kitchen she was able to prepare for the revolutionary struggle. They participated in the slave riots, they undertook the field task, they were able to destroy some of the fighters on the

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otherside because they remained silently but effectively the "good cooks" in the mansion. After emancipation they were able to give positions to women far in a advance of many countries in the world that were described then as developed. But when the village of Queenstown was bought, women were shareholders and their legislation in that exercise was to allow women the opportunity not only to be part of the village but to be qualified to vote in the village. The contribution of women in their revolutionary struggle against slavery and the recognition by their male counterparts of their right to equality had forced the colonial system to validate their participation in village affairs.

In our present revolutionary struggle they are no less vigilant. Last week only one expressed what probably is so common to us that in our very political struggle they out-number the menfolk. If we believe in life hereafter, one woman has observed that probably in heaven there will be only women.

Cde. Speaker, women have always been a motivating influence even in the days of Crichtlow and before and so as we move the Second Reading of this Bill we must allude to these facts. It may, however, be pointed out that over the proposed amendments to this Act the father of an infant born out of wedlock will be able to exercise rights of guardianship or custody in relation to the infant only if he had been adjudged by a competent court to be the father of the child or only if he had acknowledged the infant to be his child and had contributed to his maintenance. The amendment to 61(2) of the Evidence Act, Chapter 5:03, though it does not alter the law, is nonetheless significant. The references to a bastard child are sought to be changed to a child born out of wedlock. We had, when we adopted our Constitution in 1980, resolved to establish the state and foundations of social and economic justice. By this Bill we are taking one more step and from what I have said about this step even though it is just one more step it must be described as a giant step to redeem the pledge we have made. Though we are taking notice of certain social realities at this time, I would like to reaffirm the faith of this Government in the institution of marriage and the recognition of the advantages for social and economic purpose that may result from the institution.

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(The Prime Minister continues):

Cde. Speaker, permit me to indulge in a few rare observations about marriage. It is an art. A sculptor must know two things as he sets to work. He must understand the stone he is working with or faults will spoil his statue and he must have in mind the ideal picture of what he wants to create. In this sense marriage is an art. You can hardly begin without knowing something of persons – the way their minds, their feelings, their bodies actually work. You must also have an idea of family life, a picture of what you want your marriage and home to be. In what ways are men and women unlike each other? How does marriage affect them? The differences between them can never be fully explained, but that is no reason why husbands and wives should be always at cross-purposes using such terms as "these woman again" or "just like a man."

As we proceed in making these changes we must also discard certain terms and I have given you two of them. I am certain you can think of many many more. "These women again" and "just like a man." Let us forget about them. They were handed down to us by our colonial masters, so that we can always be in conflict even in that kind of union.

Cde. Speaker, marriage is a partnership of two personalities, not of parts of two personalities and I hope that when this legislation is enacted people everywhere in our country will accept this responsibilities and the role they have to play. Again we emphasise that unity is important and if we learn it at that beginning then it will help us in the process of the development of our country.

Cde. Speaker, with those remarks and observations I move the second reading of Bill No. 12 of 1983 Children born out of wedlock, removal of discrimination bill 1983.

Motion proposed.

The Speaker: Cde. Johnson.

The Minister in the Office of the Prime Minister (Cde. U. Johnson): Cde. Speaker, the distinct honour and privilege is mine to speak in support of the Bill which is being adopted today. The children born out of wedlock, removal of discrimination Bill 1983. A bill which is being put forward to amend certain enactments to certain laws of Guyana to remove discrimination against children directly and women in an indirect sense and to repeal the bastardy act.

The debate which is taking place today on this bill which could be termed as being revolutionary has only been possible because of the People's National Congress Government sensitivity to the concern of all our people and because of its association with a man of the people Linden Forbes Sampson Burnham. It is therefore timely and appropriate that the debate and pending passing of this bill is associated with the 30th Anniversary Celebrations of his association with Parliament.

The children of Guyana therefore would remember that it was the People's National Congress Government led by Forbes Burnham which led this country into independence and subsequently republican status so that equality for children became a fact not only in practice but in legal terms as well. We should also recognise the importance given to this bill by the Government through its able presentation by the honourable Prime Minister Dr. Ptolemy Reid. With the passing of this bill one more fundamental step of throwing off the remnants of our colonial past – a past which relegated all our citizens, men, women, workers, children to a second class status and which cycled the abilities, initiatives and talents of our people. It represents a break which a class ridden society some traces of which still exists in more a covert than overt terms.

Since the People's National Congress Government came into power in 1964 many progressive policies have been effected and deliberate steps taken to remove discrimination against children, against women and against other sections of the population in the religious, educational, productive and social spheres. Notwithstanding this, there still existed traces of discriminatory legislation in the laws of Guyana which perpetuated inequalities against children born out of wedlock, and which put women on an equal footing with men and which were obstacles to the exercise of a woman's legal right in exercising her responsibilities to her children. There is therefore some fundamental interrelationships with the status of children and the status of women. The Bastardy Act itself is reflective of some of these relationships. It is basically true Cde. Speaker, to...to carry out certain functions on behalf of a child born out of wedlock.....of the economic well being of the country and to ensure that there.....in the political, economic and social right of the country.

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For many years several women organisations in Guyana, among them,.....Council of Affairs and Status of Women in Guyana and the Women's Revolutionary Socialist Movement and a number of individual women have been making representations to Government and agitating for changes to be made to laws which were discriminatory to women and children as well as for Government to ensure the removal of factors affecting the status of both women and children. The Government has always responded positively in all circumstances and in 1976 there were public manifestations of these demands when on Thursday 15th January 1976 Cde. L.F.S. Burnham, then Prime Minister presented to this honourable House a state paper on equality for women.

The debate on the state paper was concluded by Cde. Shirley Field-Ridley who was then Minister of Information and who monitored matters affecting the integration of women in Guyana. The state paper indentified some aspects of the legislation which are being dealt with in this bill today. Consequential to this in the promulgation of the People's New Constitution in 1980 there was a clear commitment to the policy position of the Government on this issue.



Cde. U. Johnson continues

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This was demonstrated by the inclusion in the Constitution of the Co-operative Republic of Guyana article 30 on the "status of children." This was referred to by the hon. Cde. Prime Minister in his presentations with reference to the same legal entitlements for children born out of wedlock and those in wedlock and the removal of all forms of discrimination against children born out of wedlock.

As a result of the inscription of article 30 in the people's new Constitution an eleven-member committee, referred to earlier, headed by hon. Justice Desiree Bernard was constituted in February 1981 to consider proposals and to make recommendations for amendments to the laws of Guyana to give effect to article 29, Equality for women, and article 30, Status of Children.

The Committee was composed of a number of members of the legal profession and I think it is only fitting that we pay tribute to the able work which has been done by the Committee so that the Bill which is before us today has been made possible. The members of the Committee included - (and I would like to identify these) - in addition to hon. Justice Desiree Bernard, who was the Chairman, the others were Cde. Kenneth Benjamin, Attorney-at-Law – Member; Cde. Mortimer Cumberbatch, Attorney-at-Law – Member; Cde. Elvy Edwards, Attorney-at-Law – Member; Cde Doreen Dunn-Carvon, Attorney-at-Law – Member; Cde. Myrtle Dundas, Mayor, Corriverton – Member; Cde. Hyacinth Thomas, Headmistress – Member; Cde. Shirley Field-Ridley, Attorney-at-Law – Member and Cde. James Bovell-Drakes, a representative of the Young Socialist Movement. The Committee received memoranda from various organisations including the largest organisations in Guyana, as well as from various interest groups.

When the Committee submitted its report to Government, Cabinet appointed a three-man Committee, headed by Vice-President Ramsaroop, to look into the recommendations and to circulate the findings of the Committee. Out of the recommendations and subsequent circulation to a number of organisations and interest groups, we have the result today which is the Bill which is before us.

The policy declaration in the People's New Constitution and the presentation of this Bill are honest and sincere responses of the People's National Congress Government and demonstrate its belief in the principles of egalitarianism. Advanced steps to the legal changes have been taken previously by this Government in the areas of education with the implementation of free education in 1976. Every child, regardless of social status, economic considerations, class or creed benefits as a citizen in keeping with the policy of equality of opportunity for all Guyanese.

There was a time, Cde. Speaker, when Children born out of wedlock were denied opportunities to enter certain educational institutions. There was a time when a child born out of wedlock was deemed to be a second-class citizen and felt ashamed of his or her origin and status. That child, even though he or she would have possessed unlimited ability, was deprived of opportunities to exploit those abilities because of the fact that he or she was branded "a bastard" or as being illegitimate. If one wanted to degrade another, during an exchange of words, one called that person "a bastard" as an act or a mark of degradation.

While the Desiree Bernard's Report emphasises the importance of the family unit and the sanctity of marriage, there is also a recognition of the right of persons to live in stable unions without being married. In our society it is a fact that there are thousands of women who head family units. This Government, therefore, condemns the degradation which children experience from one family unit to another because of his or her illegitimate status. It was accepted for a widow to head a one-parent family but when an unmarried woman legitimately exercised her right as head of a family in which children were born out of wedlock she was regarded as not being a proper woman and those children were stigmatized even though her commitment to the care of her children was unquestionable.

Today, however, many of those erroneous views which have been held have been changed, but I think it is important to make reference to them. The discriminatory laws tended to promote divisiveness among women themselves who are part of a large struggle to change laws which affected them by virtue of their sex.

One could has: Why should our statute book have a law which openly support and champions the rights of a man not to support the child who was born out of wedlock, to wit, the Bastardy Act, Cap. 46:03, section 7? I quote:

"Every woman able wholly or in part to maintain her illegitimate child who neglects to do so, shall be punishable as an idle and disorderly person; and every woman who so neglects to maintain her illegitimate child after having been once before convicted of that offence, or who deserts her illegitimate child, shall be punishable as a rogue and vagabond."

No similar condition was prescribed for the man. Section 8 further identified that the women shall be fined, if convicted, the sum of one hundred and fifty dollars or be imprisoned for three months if she misapplied money paid by the putative father for the support of the child or withheld proper nourishment from the child, or otherwise abused or ill-treated the child. Yet, even though the woman would have been fined one hundred and fifty dollars for so doing, the amount which was identified for the upkeep of an illegitimate child, as sanctioned by law, was \$7.50 per week, a sum which I think we are very glad to hear is being raised to not exceeding \$20 a week. It is in this context of the references made earlier that the repeal of the Bastardy Act is therefore of significance to women as mothers, to children and to the genuine desire of fathers to take responsibility for all their offspring without unnecessary reference to discriminatory laws.

The amendments proposed to certain enactments will provide equal opportunities for both parents to exercise responsibility for their children. Both men and women will not have equal rights for the care and upbringing of their children whether born in wedlock or whether born out of wedlock. No longer will men be able to shirk their responsibilities because of the fact that their claim to inheritance of children born out of wedlock was nullified by discriminatory law. Once they are prepared to shoulder their responsibilities, the Bill stands in their favour as well. The Bill will enhance by over 100 percent increase to \$20, the economic status of the woman who many times has to use every trick of the trade to obtain support for her children born out of wedlock, and even sometimes for those born in wedlock.

While a legal framework does not provide automatic change in attitudes, I am confident that with the passing of the Bill there will come about a changed position in relation to the responsiveness of fathers to children born out of wedlock and that there will be a solid framework within which positive change can be conditioned so that these children will be given the support which will be complementary to the rights which are ascribed to them in the People's New Constitution and which are being put into practice by the government of the day.

Notwithstanding the national significance of this Bill, the Bill also has international significance because it responds to the achievement of some of the articles which have been identified in the Convention on all Forms of Discrimination against Women which was adopted by the General Assembly of the United Nations on the 18th December, 1979. Guyana signed and ratified the Convention on July 17, 1980, and its entry into force for Guyana came into being on the 3rd September, 1981. Article 1 of the Convention describes discrimination against women as

"any distinction, exclusion or restriction on the basis of sex which has the effect or purpose of impairing or restricting or mollifying the recognition enjoyment exercised by women, irrespective of their marital status on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

(Cde. Urmia Johnson continues)

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The Convention also refers to special actions which should be taken to eliminate discrimination against women such as the embodiment of the principle of equality of the men and women in the National Constitution or Appropriate legislation to ensure the practical realisation of the principle of equality. Article 16 refers to the obligation of state parties to ensure that appropriate measures are taken to ensure that women and men have the same rights and responsibilities as parents irrespective of their marital status in matters relating to their children and in all cases the interest of the children shall be paramount. The pending passing of this Bill today emphasised this Government's belief that the interest of the children in Guyana are paramount. Some of the appropriate measures referred to in the convention are the modification and abolition of laws or the repeal of national penal provisions which discriminate against women. Some of the legal enactments to which changes are proposed today discriminated against women and as such there is support on this side of the Assembly for the Bill which is before us. It is, therefore, to the credit of Guyanese that Hon. Justice Desiree Bernard is a member of the 23 member prestigious Committee on the Elimination of All Forms of Discrimination Against Women and it is to the credit of Guyana that when in August of this year, the committee is assembled to receive an update on the progress made in relation to the legal status of women which has a linkage to the legal status of children, that Guyana will be able to report to the Committee the positive steps which that have been taken to remove discrimination against women and against children. We also look forward, Cde. Speaker, in the not too distant future to the other phases of the recommendations of the Desiree Bernard's report being implemented and being brought before this Assembly. Today is a red letter day in Guyana. Today is a day when all Guyanese children have achieved economic and social justice, when all mothers feel a sense of pride, when fathers of children born out of wedlock will have achieved the right to honour and exercise their responsibilities without any inhibitory factor. The significant and revolutionary Bill was achieved because of our belief that in our country we need relevant laws and we strive for aspirations that are Guyanese.

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The proposal of this Bill has come about because of the will of our women to ensure the removal of discriminatory laws in Guyana. It has come about because we in Guyana control our own destiny and we determine the goals to which our independence must lead. Let us therefore, Cde. Speaker, in similar fashion and with the will demonstrated by our womenfolk commit ourselves in similar vain to casting off any other irrelevant attitudes, legal barriers and tastes which inhibit our development.

It is on this note, Cde. Speaker, that I support the children born out of wedlock removal of discrimination of this honourable Assembly. /Applause/

Cde. Reepu Daman Persaud: (Minority Chief Whip): Cde. Speaker, it is not my intention this afternoon to examine the institution of marriage or in contributing to this Bill, to get too deeply involved in the role of women. But suffice to say, sir, that we support equality of all. We are strongly opposed to discrimination in all its names and forms. We welcome legislation not simply in letter but in spirit to accord with those of the United Nations Charter. In fact, if those secret provisions of the Charter, particularly those dealing with rights and liberties, those which have been written to ensure equality are adhered to and observed. We will have not only a better community in the world but indeed a better and more respected community here in Guyana. We have a history of common law marriages. Historically if we were to look at the composition of our population, the development of our people, we will find that so many people who lived actually as husband and wife under a single matrimonial roof because of the fact that those marriages were not legalized suffered when their father particularly died inter-estate. Our history will also show sir, that marriages that were subject to ceremonies – I am referring here merely to Hindus and Muslims – because of those marriages were not legalized, children of what I would like to describe as emerging from the sacred institutions of marriage gravely suffered. In fact this bill has a history. This whole question of illegitimacy, and persons being born out of wedlock being affected is not as recent as the 1980 constitution. Sir, I recall in the early 60s when the People's Progressive Party was in office a committee was appointed then headed by Dr. Fenton Ramsahoye to look at this same question. I recall, sir, very vividly this afternoon as I contribute on this Bill that I was part of a delegation headed

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by one Mr. Sase Narain who met that committee and expressed a view on behalf of a particular organization. Our views were represented then and that meeting was recorded. The Government since then, recognised that there was a problem with marriages where children were being born out of wedlock – illegitimacy, common law marriages – marriages which took place in accordance with certain rights and rituals and ceremonies, but marriages which were not subsequently or at the time when those marriages took place, legalized. Of course, soon after that, the People's Progressive Party was out of the Assembly. I recall sir, that a hon. Member speaking on behalf of the People's Progressive Party tabled a motion on the same question, Cde. Dereck Jagan. As a result of his initiative, a committee was set up and several meetings of that committee were held. Either the Assembly was soon prorogued or dissolved. But as far as my memory goes, the committee never reported to this Chamber.

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(Cde. Reepu Daman Persaud continues)

I am advised the House was dissolved and hence the Committee went out of existence. Whatever may have led to the non-presentation of a report we, this afternoon, are able to seek the link from as early as the early 60s showing concern of the Government then of the same Government in opposition based on the initiative of Dr. Deryck Jagan and indeed the subsequent action taken by his Government to appoint the Desiree Bernard Committee. The only unfortunate thing with respect to that committee is that this Assembly was not extended the common courtesies of being presented or circulated with that report which I am sure involved a great deal of research and time and I am sure those who constituted the Committee wanted to look objectively at the situation and make recommendations. I think this is a discourtesy which must be discontinued. In an area which has a history, I think Members of the Assembly ought to have been extended the courtesy. In fact I see it as an obligation to be presented with that report so it can be perused and probably raised from time to time and comments probably sent to the Head of that Committee, who was legally qualified and was a woman and surely she would be able to appreciate the views from all section of this Assembly as she has appreciated the view from all sections of the community that have made representation.

Coming to the Bill proper, Cde. Speaker, we support it. We support the Bill and as I have said before it is nothing new that we are supporting because it does appear historical that we have initiated, more or less, this legislation. I do not intend this afternoon to go into every section of the law that has been amended because I think they were all consequential. But we on this side of the Assembly are opposed to any stigma being placed on any person and particularly an innocent child, who hitherto society look down upon when the stigma of a bastardy child was used so wantonly to describe people who were obviously human beings like any other person. No sane person, no thinking person would oppose legislation to remove such a stigma. Let me then herein now say that we support the repealing which makes provision for all children to be treated in the same manner.



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Thus I come to the Amendment of the Maintenance Ordinance which provides for the Court to make an order for a sum not exceeding \$10.00 per week for a child. No exceeding \$10.00 I have looked at it very carefully. No person should be entitled to receive more than the aggregate of \$10.00 a week from any person or persons required by this Act to maintain him. Not exceeding \$10.00. I am sure that Cde. Minister made an error when she said \$20.00 was a minimum. She said something to that effect. No big point. When she said it I said we were at one because I do not think we should tie the hands of the court. We should give the court more flexibility because when the Maintenance Ordinance is read one sees the whole question as a kind of means test taken into account before the Order is made and if a person is able because of his means to pay more than \$20.00 then the law must not be such as to prevent him from paying more. \$20.00 in today's context of inflation and cost of living to say the least is ridiculous. There may be cases of exception and this is why I want to advocate on behalf of the Peoples Progressive Party, the widening of that section and/or recommendation by probably changing the wording from 'not exceeding to not less than \$20.00' in which case the court will have a wider scope to look at each case on its merit and make an order in keeping with the means of that person against whom the complaint has been made. I do not think this will in any way affect the fundamental principle of the legislation but in fact it will bring it more in reality with the situation in which children have to live and grow up in. I trust that when the Cde. Prime Minister replies he will accept the proposal made by me to give the Magistrates wider scope.

Cde. Speaker, dealing with this whole question of legitimacy and particularly with section 5 which gives effect to Article 30 of the Constitution that permits all children born in wedlock or out of wedlock, provided there is the necessary evidence to satisfy those who will be called upon to adjudicate that the person has a legitimate right. I wish to make this point that it is still within the right of the father who dies intestate to make a will and include all those whom he wishes to exclude from right into the estate. The legislation itself is clear. It is restricted to those reading it. It is restricted to those who die interstate.

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(Cde. Reepu Daman Persaud continues)

What is public opinion? The Government has fallen down greatly on this matter of educating people. All those who are children of a father born in wedlock or out of wedlock, once the father has been adjudged putative father, are entitled to inherit the estate of their father if he dies intestate. It is not really wholly true. The law only takes effect if he dies intestate and I think that is a fundamental point to the Bill.

The Speaker: That applies to legal children as well.

Cde. Reepu Daman Persaud: Fine. I make the point simply for information.

He can exclude anybody. He can exclude all those he wishes to exclude but we must not in any way create the feeling that the legislation is so wide in scope because this is what is the people's belief, that if a father of a home does somebody will turn up with a number of children <sup>this is</sup> -/purely for discussion - to tell the legal wife that these are all children of her husband. In fact, that husband continues to enjoy the right, it looks like from all the amendments taking place, to decide ultimately and finally what he wants, only if by chance or by circumstances he may die without exercising the right of preparing a will and deciding what he wants to happen to his estate. Then and only then, of course, the law will be effective.

I want also to say a word about this whole question of women rising to the position of equality. We support that. We have advocated that. We have, through our own Women's Progressive Organisation, called for that, struggled for that, battled for that. Many women have ruthlessly lost their lives and have been so badly treated in their battle and struggle for equality. I need only to mention the name of K..... <sup>ed</sup> at this point. But Cde. Speaker, when I listen/to you this afternoon and you said that in 1953 - from among a majority of men the P.P.P., on which Party's behalf I speak this afternoon, had the courage then to propose as a Deputy Speaker, a woman. It shows that since those days we were willing to open the doors of equality to our women in this country when Cde. Janet Jagan was named Deputy Speaker of this National Assembly.

We do not believe in rehtoric, we will never ever be a part of any effort or attempt to falsify history but we will always endeavour to strive diligently to ensure that we have legislation and moreover that we can build a society where there is equality for all people and there is no evidence or trace, whether by legislation or action, that there is or there should be permitted discrimination against people because of their religious persuasions, political beliefs or association and, last but not least, because of their sex. I do not think that at any stage of our own history and even this afternoon in contributing that a of evidence can be produced to show that we have not carried on over the years of our presence in the political life of this country, both inside and outside of the Parliament, a battle for equality and a battle to end discrimination in all phases and spheres of life. With those remarks I think I can, on behalf of the People's Progressive Party, say we support the Bill.

I want to reiterate my appeal and I will be prepared to move the amendment if the Prime Minister is so inclined. If he moves it, no big problem. What we want is to see that the proper course is taken this afternoon. I wonder, Cde. Speaker, in making that positive proposal to this legislation, if I am not echoing the feeling of the Committee and probably echoing the feeling of the last Member who spoke. I hope I am because she, whether knowingly or unknowingly, said it was the minimum and I thought she was on the right tract. But then I quickly moved to the green books and I saw it was not so. As it is and as it was \$10 was the maximum but \$20 would now be the minimum. Let this legislation be passed this afternoon and let the amendment also receive the unanimous accord of Parliament.

Mr. M.F. Singh: Mr. Speaker, I would have liked this afternoon to begin by complimenting my good friend and colleague sister in law Justice Desiree Bernard on what I was told was an excellent report submitted by her. Unfortunately I have not myself seen the report and I hope this omission would be remedied as early as possible.

The Speaker: Comrades and hon. Members, there seems to be some castigation that this Report should have been circulated to Members. As far as I am aware it is not a Parliamentary Report or a Parliamentary Committee that sat. Certainly I think copies could have been obtained elsewhere. But the onus is not on any Members here,

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certainly not the Leader of the House, to provide copies. Maybe it would have been a good thing if he had circulated it. It is going on as if there was a commitment or necessity on his part to submit it.

Mr. M.F. Singh: I did not intend to suggest that it was a commitment. I merely wanted to suggest that it was a courtesy that might have been extended to us. However I have it on good authority that it was an excellent report and I would like to say that knowing Justice Desiree Bernard as I do a lot of hard work must necessarily have gone into that report which was completed in such a relatively short space of time. We have had reports, we have had studies which we heard of before which should have been made. I was on the committee which was headed by the then Foreign Minister and Attorney General Ramphal. But as was mentioned earlier that never came to fruition because Parliament was dissolved. I am really glad to see that something concrete has now been done.

I can say now without hesitation that the Bill has our support. I am not going to go into the institution of marriage or the sanctity of marriage or to people who wander out of the institution of marriage. Suffice it to say that we agree that the child must not be made to suffer. I remember as far back as when I was a young Clerk in the Deeds Registry having to deal with a case where a woman came applying for Letters of Administration for the Estate of what she thought was her legal husband, only to find that they had been married under bamboo. Herself and her eight children were entitled to nothing, but the brothers and sisters with whom he had not been on terms were entitled to everything under the existing law. In fact, until this comes into force that was the existing law. She had taken care of that man for about five years before his death and all this possessions went to the brothers and sisters.

15:55 hrs.

(Mr. M.F. Singh continues)

That will obviously not happen after this bill is passed and we have had a clear indication that this bill has the support of all the members of the House. I would like to stress that that is in fact so. I am really glad about this because it was creating some confusion in that recently in respect of an estate there was a caveat entered on the basis that the constitution provided that illegitimate children should inherit in their father's estate. The problem was the Constitution provided it but the substantive law had not been changed. Now it is being changed by the amendment to section 5 of the civil law of Guyana Act, Chapter 6:01. So now that position would be rectified but we had the difficult situation where perhaps the court might well have been put into a quandary as to how to decide on a caveat entered in respect of an estate on behalf of illegitimate children. The Constitution said one thing but the machinery and the substantive law said something else. Well happily that position will now be put to an end with the passing of this bill.

Mr. Speaker, I would like to support the last speaker in respect of what has been pointed out as the maximum maintainance for a child. The legislation is being sought to be amended to say that the maintainance for a child should be not exceeding \$20.00. In respect of wives right now when there is a divorce and they go to the courts for maintainance that is decided on not as a result of any limit imposed by Parliament but as a result of the Judge sitting and assessing what the husband can pay as maintainance to his wife or indeed what the wife can pay as maintainance to her husband depending on the status, the wealth, the position of which one is claiming. Why should it not be the same in the case of a child? Why should we tie the hands of the court down to a maximum of \$20.00. I certainly would like to see it decided on on the basis of what the husband, the father can afford rather than a limit. If he can afford - what is \$20.00 in these days - nothing. So if the man can afford more, he is father of the child, if he has been found to be the father of the child or if he accepts being father of the child and he can afford \$100.00 a week, why shouldn't the child be allowed to receive as much as the father can pay. Right now, even if the father offers more, I am not sure what would be the

position if the father is willing to pay more. The law seems to confine the limit to \$20.00 and no more, so to that extent I do support the last speaker and would like to see the figure changed. If a man wants to go and father a child okay, let it be that he must pay a minimum of \$20.00. Let him find it, if he wants to go and father a child, he must find the \$20.00. If he can pay more, then the Magistrate must decide on how much more he can pay. Leave it to his discretion to do that. That certainly is our stand on the matter.

Last point Sir, is a repetition of what I said last week and I repeat it because I was invited to repeat it by the honourable Vice President last week and this is in respect of separate assessment of income tax for wives.

The Speaker: Cde. Ramsaroop, it is four o'clock.

The Vice-President, Party and State Matters (Cde. Ramsaroop) Gdc. Speaker, may I move the adjournment of Standing Order 9 so that we can go beyond 16:00 hrs to complete consideration of both measures before us this afternoon.

Motion proposed.

The Speaker: Mr. Singh, I am not allowing that. Do not worry with the Vice President.

Mr. Singh: I am talking about equality of women. We have heard so much about equality, let us . . . . equality in one aspect. That is what I want to say and that is one aspect of equality which this bill deals with, this bill deals with the equality of women, it deals with the section of the . . . . it deals with article 29 of the Constitution equality of women and I am merely saying this is one aspect of it . . . . and we certainly hope that all the other amendments suggested by the Desiree Bernard report would be put into operation soon. In the meantime, we heartily support this measure before the House.

The Speaker: Mr. Singh, what about if the man cannot afford \$20.00.

Mr. M.F. Singh: Very well, I certainly . . . discretion on the part of the Magistrate, but I merely made the point that if a man wants to father a child . . . . that it can be left to the entire discretion of the Magistrate. That certainly would be acceptable to me Sir. Thank you.

The Speaker: Cde. Attorney General.

1983-05-13

15:55 – 16:05 hrs

The Attorney General and Minister of Justice (Cde. Shahabuddeen): Cde. Speaker, I would like to say on behalf of the Government that we are indeed indebted to the two speakers from the Opposition benches for the support which they have given to this Bill. In doing so, they have displayed sound judgment. It is an occasion of history which we witness today, as the Cde. Prime Minister pointed out. We do not wish by any means to deprive the major Opposition party of any credit which they may consider is rightly theirs by reason of the long historical process through which these measures have gone. At the same time, I think they would appreciate that there is a little difference, if only just a little, between thinking and acting, and I do feel that somewhere within their generous bosoms they will find the necessary quality of warmth to applaud this Government and this Party for having brought the matter from the stage of thinking and gestation to the stage of birth and action.

Cde. Speaker, we have also listened to two fine contributions, if I may say so respectfully from the Cde. Prime Minister and from Cde. Urmia Johnson. I think she has made a valuable contribution to the proceedings this afternoon, and I don't think that my friend Cde. Reepu Daman Persaud would on reflection, consider it chivalrous to rely on a small point of detail to disfigure the outline of what really was a substantial effort on her part. I think the House will appreciate that she has easily made a major contribution.

NATIONAL ASSEMBLY

16:05 hrs

(Cde. continues)

/Interruption/I forego my right of reply.

Now, by contrast with that fatuous remark made a while ago, my two colleagues who spoke from the Opposition made some points which it is really worth reflecting on. One of them concerns the level of the financial support which the court might order. I understand very well the point, as revised, which is to the effect that we should really leave it to the court to probe the circumstances and the conditions of the father and to order support at a level which is commensurate with his economic condition. It is something that I for one would like to think of, but I think it is right to say that it is not something that I am personally capable of thinking through to a final position this afternoon. There are some difficulties which stand in the way and which need careful reflection. One of them was pointed out by you, Cde. Speaker, namely that really if we were to fix a minimum limit that would be, as it were, a legislative usurpation of the jurisdiction of the court to consider whether the man could pay that minimum limit. In the light of that, my friend the hon. Feilden Singh has thought it right to revise his proposition.

Then there is another problem which needs to be considered. We are dealing here with an inferior court, a magistrate's court, and all of us who have had any association with an inferior court would know that the whole structure of the magistrate's jurisdiction with the courts would know that the whole structure of the magistrate's jurisdiction is based on certain limitations. I don't know where the total abolition of limitations may take us if we were to do so this afternoon. So, I would think that we should reserve that as something which we can think upon and come back to the House, if need be.

Meanwhile, I believe that the House would appreciate that, this measure being really limited to the removal of discrimination, we have done as much as we reasonably could in actually doubling the existing limit and moving it from \$10 to \$20, but I do not by any means wish to deny that the point made is worthy of serious reflection and I certainly for one would like to give it further thought.



Before I pass from that point, may I add this thought to it that, as arose out of the contribution by Mr. Feilden Singh, the position in relation to the High Court is really different. There are no limitations, but then that is the High Court whose jurisdiction is, in any event, unlimited, and I think that is enough to mark a significant contrast and comparison between that court and the lower court with which we are dealing today.

A question was raised by my colleague Cde. Reepu Daman Persaud about the circumstances in which the amendments made by the Bill in relation to succession come into force. He is right in a sense. Those provisions of the Bill are directed to cases of intestacy. He has asked why could we not provide for those benefits to be so redesigned as to confer some degree of protection on children in relation to the testamentary capacity which parents have, fathers in particular. I would think that the answer to that lies in this: that we are concerned in this measure with removing discrimination and we must be careful not to proceed in such a way that we create a new discrimination. I don't think we want to create a discrimination against legitimate children. At the moment, as you have pointed out, Cde. Speaker, the father of legitimate children does have this testamentary capacity to do precisely what Cde. Persaud is referring to in relation to illegitimate children. So I don't think we can whittle away that authority in this Bill in relation to illegitimate children or children born out of wedlock. Were we to do so, we would have created a new discrimination against legitimate children on this occasion.

Now, in England and elsewhere, there do have legislation relating to family inheritance, as lawyers here would know, and I am glad to be able to say that in fact the Ministry of Justice has been and is looking into this question with a view to making proposals before the requisite for a in due course. I hope whatever proposals emerge will go some way to meet some of the understandable concerns expressed by Mr. Persaud.

The Speaker: Cde. Attorney General, Mr. Persaud's concern was that people were under the impression that the coming into effect of this law would give them the right under all circumstances to get a benefit. I think perhaps dissemination of that information has not reached the public that it is merely in respect of illegitimacy. Mr. Feilden Singh: "And intestacy."/

Cde. Shahabuddeen: I think we have made a very good beginning this afternoon because in the course of his own presentation Cde. Persaud recognised that that was not so.

The Speaker: He is saying that people outside of this forum are under a misrepresentation.

Cde. Shahabuddeen: Then it becomes a public relations problem and, of course, it will have to be dealt with that way. The lawyers will do their own part of the work, I expect.

We have the point made by my friend Mr. Feilden Singh about the problem which he had in relation to one particular matter in which a caveat was entered on the assumption that these rights began to bite as from the time the Constitution came into force. If there is any dispute, if there is any issue of interpretation on that question, there is nothing that this Bill does that prevents the courts from exercising their normal constitutional function to interpret the law and to set that matter right.

The position we have taken here in this Bill is that it will be convenient and expedient to lay down precise machinery in a measure of this kind for the guidance of people who are interest in implementing those provisions of the Constitution to which we have referred in the course of this debate this afternoon. Thank you very much.

The Speaker: Cde. Prime Minister.

The Prime Minister: Cde. Speaker, there is not much more than I have to say at this time except to mention that in our dealings with people it is a two-way passage. In respect to those who would have liked to see the Report when it was finished, I am certain if they were sincerely and earnestly disposed to see that Report they would have taken the opportunity of the involvement that was offered all the people of Guyana and then there would have been no regret at this time. It probably might be a signal to them that if they deal with the world as a two-way passage, then they would not see themselves as swans.

With that remark I want to present the Second Reading of this Bill and ask that it be committed to Committee.

Question put. and agreed to.

National Assembly

16:15 hrs

Bill read a Second time.

Assembly in Committee.

The Chairman: I want to make a few corrections. On the front page the word schedule was omitted over clause 3. On page 6, Section 12, subsection 2(a) "no person" should be substituted for "the person." Under subsection 2(b) the letter "y" should be substituted for the letter "f" in the word may.

Bill considered and approved.

Cde. Reepu Daman Persaud: Cde. Chairman, I wish to make a proposal to the Cde. Attorney General on his intervention that the matter requires thought before the Bill is finally reported to the Parliament. I want to propose that it should be postponed or be referred to a Select Committee because I think it is a substantial question which can be dealt with in this same legislation instead of seeking to amend this Bill further on a subsequent occasion. If the Government is so disposed or the Cde. Attorney General is inclined, I am sure that we will support a postponement of it for some thought on the part of the Government, if the Government has been taken by surprise by the proposal, I want to very humbly, Cde. Chairman, make that proposal.

The Speaker: The proposal is made, Cde. Attorney General.

Cde. Shahabuddeen: The question to my mind Cde. Chairman, should be approached by endeavouring to make a comparison between two things. When regard is had to the substantial character of this long awaited measure, can we say that the convenience of passing it now is exceeded by the convenience of passing it later? The \$20 limit really does no additional harm. It merely reproduces a principle now within the law. It creates no new hurdle where that specific point is concerned. It is more convenient now to pass the law as it stands rather than to postpone it, refer it to the Committee and then at some time in the future bring it back to this Assembly.

The Chairman: I understand that you had undertaken to look at it earlier.

Cde. Shahabuddeen: I had undertaken to look at it.

Assembly resumed.

Bill reported without Amendment, read the Third time and passed.

The Speaker: Cde. Denny.

The Minister of Manpower and Co-operatives (Cde. Denny): Cde. Speaker, I feel very happy and honoured to move the second reading of this Bill No. 13 of 1983 which is described as the Accidental Deaths and Workmen's Injuries (Compensation) (Amendment) Bill of 1983. It must be noted that at present there is The Accidental Deaths of Workmen's Injuries Compensation Act, Chapter 99:05. This Bill seeks to amend, this Bill seeks to effect changes because the Bill under the present Act, a workman or worker is prevented from recovering damages from his employer for personal injury caused to him, if the injury was caused by the negligence of a fellow worker, a fellow workman. This is known as the doctrine of common employment and so what this Bill seeks to do is to bring an end to this form of discrimination where negligence can result in one employee causing injury against another resulting in the employer being such that he cannot be touched. It must be noted, Cde. Speaker, that this has come about mainly because of the Labour Code condition that was set up some years ago by one of my predecessors, Cde. Winslow Carrington. The Labour Code Commission was set up to update laws in keeping with circumstances, in keeping with socialist thrust, in keeping with our economic, social and political situation to bring about a codification of laws and then it must be noted also that this Bill today, this report of the Labour Code Commission....is prepared after there had been discussion with workers and organizations in this country to implement the type of legislation that is for the benefit of the workers. Having said that, Cde. Chairman, it must be noted that this doctrine of common employment would no longer exist. It has been removed out of the laws and it is felt that in our own circumstances based on our own true situation that the workers must be protected. This Bill also does not allow the state to remain in the position where it can ride rod shod over the rights of workers. As a matter of fact this Bill treats the state as a person.....removes the distinction between the private and public employer.

16.25 hrs

(Cde. Denny continues)

The State as the public employer, especially as in our circumstances, controls and owns on behalf of the people over 80 percent of the economy. So what the Bill seeks is to render the state liable to insure loss to persons employed by the State in the same way as a private employer will be liable to perform. So Section 12 is designed to take care of that. Also, Cde. Speaker, it has to be noted that under Section 4 of the existing Act, Chapter 99:05 damages could be brought for the benefit of the wife, husband, parent and child of the injured person. What this Bill seeks to do is . . . . . to include people like the reputed wife, reputed husband, the adopted parent and the adopted child . It is somewhat closely linked to what we discussed earlier. So, Cde. Speaker, it must be noted that in keeping with our concern for people, our approach to people, the women and the men, the Bill seeks to widen that right to the reputed wife, reputed husband, adopted parent and adopted child. It is true to say this Bill is not discriminatory I do not have to speak much but to make two points and that is really to say there are certain matters that the Bill seeks to introduce and may or may not take into consideration certain debates . For example, the question of funeral expenses. These must not be considered as . . . . .

The final point, Cde. Speaker, is that this piece of legislation, this Bill which we hope would become an Act of Parliament has come about as a result of the fact that many workers felt that they are being discriminated against and this Government in its attempt to create a just society has introduced this Bill which would be put into legislation. In such circumstances it is pleasurable for me to move the second reading of the Bill known as the 'Accidental Deaths and Workmen's Injuries (Compensation) (Amendment) Bill of 1983.

Question proposed.

Cde. Ram Karran: It is also pleasurable for me on this 13th day of the month to support the honourable Minister for presenting this Bill, No. 13 of 1983 which brings about relief to a question that has been for a long time engaging the attention of Trade Unions and Lawyers when persons travelling in one vehicle might get injured as a result of an accident but because of the doctrine that since the Driver would be the insured person where both are

employees of the same person that the employer is not liable. It gives a clear . . . . that these people can claim compensation. As far as this measure is concerned I think that some assistance in some cases will be treated but there is another aspect to this, Cde. Speaker, perhaps involving employees of Government but more particularly employees of public corporations who are not treated in the same way as this Bill proposes if they become victims of an accident of/vehicles. I am sure the honourable Attorney General is here this afternoon because on many occasions this Assembly has not been given the assurance that in the event of such accident that those people will not have to seek . . . . from the Attorney General to be able to claim compensation from the Court. The Attorney General has stressed the point that the Constitution, we do not know if it is the Sase Narine Constitution or the one we had from the colonial days, . . . . the right for successive Acts and Statutory to withhold the right of giving employees of public or Government agencies the right to sue. I wish the Attorney General will be a in a more relaxed frame of mind than in relation to the other Bill so that . . . . can be amended in the law so that the workmen who are . . . that the same thing will apply to those who are unfortunate to be struck down as they are struck down so many times either by vehicles owned by Government or public corporations, the Police, the Army and so on. I am sure the Attorney General will once again give us the assurance and as I am sure the amendment will come to the Assembly.

The Speaker: Cde. Denny, you would like to say anything?

Cde. Denny: No, Cde. Speaker.

Question proposed, and agreed to.

Bill read a Second time.

Assembly in Committee.

Clauses 1 to 8 agreed to and ordered to stand part of the Bill.

Clause 9

The Chairman: Comrades, on page 4 Number 13 should really read Number 9.

Clause agreed to and ordered to stand part of the Bill.

Assembly resumes.

Bill reported without Amendment, read the Third time and passed as printed.

1983-05-13

16:25 – 16:35 hrs

ADJOURNMENT

Resolved, "That this Assembly do now adjourn to a date to be fixed."

/The Vice-President, Party and State Matters/

Adjourned accordingly at 16:35 hrs.