

**THE**  
**PARLIAMENTARY DEBATES**  
**OFFICIAL REPORT**  
**PROCEEDINGS AND DEBATE**  
**[VOLUME 7]**

**PROCEEDINGS OF THE FIRST SESSION OF THE NATIONAL ASSEMBLY OF THE THIRD  
PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF GUYANA**

<b>2<sup>nd</sup> Sitting</b>	<b>2 p.m.</b>	<b>Tuesday, 14<sup>th</sup> August, 1973</b>
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**MEMBERS OF THE NATIONAL ASSEMBLY**

**Speaker**

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

**Members of the Government - People's National Congress (49)**

The Hon. L.F.S. Burnham, O.E., S.C.,  
Prime Minister

Dr. the Hon. P.A. Reid,  
Deputy Prime Minister and Minister of  
National Development and Agriculture

**Senior Ministers (7)**

The Hon. H.D. Hoyte, S.C.,  
Minister of Works and Communications

\*The Hon. S.S. Ramphal, S.C.,  
Ministers of Foreign Affairs and Justice

**(Absent)**

\*The Hon. H Green,  
Minister of Co-operatives and National Mobilisation

\*The Hon. H.O. Jack,  
Minister of Energy and Natural Resources

**\*Non-elected Ministers**

\*The Hon. F.E. Hope,  
Minister of Finance

\*Dr. the Hon. K.F.S. King,  
Minister of Economic Development

\*The Hon. S.S. Naraine, A.A.,  
Minister of Housing

**Ministers (5)**

The Hon. W.G. Carrington,  
Minister of Labour

The Hon. Miss S.M. Field-Ridley,  
Minister of Information and Culture

The Hon. B. Ramsaroop,  
Minister of Parliamentary Affairs  
and Leader of the House

\*The Hon. Miss C.L. Baird,  
Minister of Education

**(Absent)**

\*Dr. the Hon. O. M. R. Harper,  
Minister of Health

**Ministers of State (9)**

The Hon. M. Kasim, A.A.,  
Minister of State for Agriculture

The Hon. O.E. Clarke,  
Minister of State – Regional  
(East Berbice/Corentyne)

The Hon. P. Duncan, J.P.,  
Minister of State – Regional (Rupununi)

The Hon. C. A. Nascimento,  
Minister of State, Office of the Prime Minister

Mr. M. Zaheeruddeen, J.P.  
Minister of State – Regional (Essequibo  
Coast/West Demerara)

**\*Non-elected Ministers**

\*The Hon. C.V. Mingo,  
Minister of State for Home Affairs

\*The Hon. W. Haynes,  
Minister of State – Regional (Mazaruni/Potaro)

**(Absent)**

\*The Hon. A. Salim,  
Minister of State - Regional  
(East Demerara/West Coast Berbice)

\*The Hon. F. U. A. Carmichael,  
Minister of State – Regional (North West)

### **Parliamentary Secretaries (8)**

Mr. J.R. Thomas  
Parliamentary Secretary, Ministry of Housing

Mr. C.E. Wrights, J.P.,  
Parliamentary Secretary, Ministry of Works  
and Communications

Miss M.M. Ackman,  
Parliamentary Secretary, Office of the Prime Minister,  
and Government Whip

Mr. E.L. Ambrose  
Parliamentary Secretary (Agriculture),  
Ministry of National Development and Agriculture

Mr. K. B. Bancroft,  
Parliamentary Secretary (Hinterland),  
Ministry of National Development and Agriculture

Mr. S. Prashad,  
Parliamentary Secretary, Ministry of Co-operatives  
and National Mobilisation

Mr. J. P. Chowritmootoo,  
Parliamentary Secretary, Ministry of Education

Mr. R. H. O. Corbin,  
Parliamentary Secretary, Ministry of  
Co-operatives and National Mobilisation

### **\*Non-elected Ministers**

### **Other Members (18)**

Mr. J.N. Aaron  
Mrs. L. M. Branco  
Mr. M. Corrica  
Mr. E.H.A. Fowler  
Miss J. Gill  
Mr. W. Hussain  
Miss S. Jaiserrisingh  
Mr. K. M. E. Jonas  
Mr. M. Nissar  
Dr. L. E. Ramsahoye  
Mr. J. G. Ramson  
Mrs. P. A. Rayman  
Mr. E. M. Stoby, J.P.  
Mr. S. H. Sukhu, M.S., J.P.  
Mr. C. Sukul, J.P.  
Mr. H. A. Taylor  
Mr. R.C. Van Sluytman  
Mrs. L.E. Willems

**(Absent)**

### **Members of the Opposition**

#### **Liberty Party (2)**

Dr. G. Kumar  
Mr. M. F. Singh, Deputy Speaker

**(Absent)**

### **OFFICERS**

Clerk of the National Assembly – Mr. F.A. Narain

Deputy Clerk of the National Assembly – Mr. M. B. Henry, **AMBIM.**

14.8.73

National Assembly

2.20 – 2.30 p.m.

2.50 p.m.

## PRAYERS

### PRESENTATION OF PAPERS AND REPORTS

The following paper was laid:

Annual Reports and Accounts (3) of the Guyana Airways Corporation for the years 1969, 1970 and 1971. [**The Prime Minister**]

## PUBLIC BUSINESS

### BILL- SECOND READING

#### CONSTITUTION (AMENDMENT) BILL

Assembly resumed debate on the following –

A Bill entitled:

“ An Act to alter to Constitution in accordance with article 73 thereof for the purpose of reducing the age of majority for electoral and other purposes, and for abolishing appeals and references to the Judicial Committee of the Privy Council.” [**The Minister of Energy and Natural Resources**]

**Mr. Speaker:** Honorable Members at the previous sitting during the debate on this Bill before the House the honorable Minister of Energy and Natural Resources, the honorable Deputy Speaker, the honorable Member Miss Jaiserrisingh and the honorable Member Mr. Jonas had spoken. The honorable Prime Minister.

**The Prime Minister (Mr. Burnham):** Mr. Speaker, The honorable Minister of Energy and Natural Resources, in introducing this bill, pointed to the fact that it is, as I understood it, a psychological declaration of independence.

It is true, Mr. Speaker, that for reasons of their own there is a number of Commonwealth countries that have achieved Independence and still retain the Privy Council as the final Court of appeal. It is not for me, sir, to attempt to say whether they are right or wrong in their own particular circumstances. What, however, I think may be said is that in the circumstances of Guyana there is a palpable inconsistency between Independence and having the Privy Council as our final Court of Appeal.

There is, Mr. Speaker, a palpable inconsistency between our status in Guyana of a Co-operative Republic and having as the final Court of Appeal, the Judicial Committee of Her Gracious Majesty's Privy Council which tenders advice to her Gracious Majesty on matters involving the rights Of Guyanese citizens of the Co-operative Republic.

As I have said on previous occasions, Mr. Speaker, and in other forums and places, I personally, and my party do not for one moment question or doubt the erudition of the members of the Judicial Committee of the Privy Council. We do not do not for one moment question their impartiality, but mere erudition and impartiality are no the vital desiderate.

If we, sir, are to make a reality of independence at all levels it will be necessary for us to use many of the concepts which we have known in the past, but at the same time it would be equally necessary for us to seek positivity to develop new concepts, new approaches, which are relevant both to our physical and circumstances and our ideological and political trusts. And, no one, I repeat, no one gifted with a modicum of logic would think that the judicial Committee of the Privy Council is the tribunal which can give the *imprimatur* to our new concepts which we are developing and which we hope to develop.

May I observe that we in some cases will be borrowing from the past but that borrowing from the past will not be restricted to the principles of English jurisprudence which we, who have practiced at the bar in Guyana, have inculcated over the years?

I remember, at a very personal level, doing a case in which a community of people on the West Coast had for well over a century used a large tract of land at one time for agriculture and at another time for recreational purposes. The tract of land had become part of the community's joint holdings and the Judicial Committee and the Privy Council hold that, that community at Stewartville was incapable of owning the large tract of land, with respect to the occupation of which by the community, the youngest witness was seventy-six, who could attest to the fact of the occupation by that community, Stewartville. But the principles of the English jurisprudence relevant, Mr. Speaker, to the principles of English land law, relevant to the principles of primogeniture on which we had been lectured *ad nauseam* as undergraduates and students, dictated that Stewartville could not own that and though the land the people of Stewartville over succeeding generations had occupied it and used it and used it without let or hindrance and by the virtue of the fact they belonged to Stewartville.

How can we develop our own jurisprudence? How can we develop our concepts which are relevant to our circumstances if our final Court of Appeal were to be ignorant of our facts, history, and mores I am quoting Mr. Speaker, from a book shortly to be published:

The Legal Systems of Guyana” by Dr. Shahabuddean. I am reminded that way back in 1828, Lord, Lord Brougham himself said these words about the Privy Council:

“It is obvious that, from the mere distance of these colonies and the immense variety of matters arising in them, foreign to our habits and beyond the scope of our knowledge, any judicial tribunal in this country,”

to wit, England,

“must of necessity be an extremely inadequate court of review. In 1841, Burge and likewise lamented the entire absence of any opportunity for many members of the Judicial Committee to acquire any intimate knowledge of the systems of jurisprudence, which they were called upon to administer.”

2.30 p.m.

The Roman-Dutch system is part of our heritage. The occupation of lands by committee is part of our culture. When we talk about backlands and back dam, the use of lands for communal activities these are all part of our way of life, but the principles of English jurisprudence, in the case to which I referred, said that there could be no ownership by a community in those circumstances unless it had a legal personality, as directed by the principles of English jurisprudence. In other words, it had to be a corporation set up by the statute of character to be able to own, so in that particular case, land that a community had occupied was taken away by a successor owner of the adjoining sugar estate.

I really cannot understand how any Guyanese, who respects Guyanese citizenship, can be so colonial in his attitude as to want to have the Judicial Committee of the Privy Council give decisions on matters arising in Guyana. If we are that backward, we should have opposed Independence, and the one speaker, that there has been against this Motion, was very active at the independence Conference in 1965, very active in the drafting of the Constitution for Independence, very active in the Independence Celebrations, and accepted with a fatalist attitude our transforming the Monarchy into a republic 1970. How could he be heard to oppose in any circumstances, the abolition of the Privy Council as our final Court of Appeal?

It is bad enough when one has to listen to the semantics of the *soi-disant* leftists who have now, at least temporarily, relieved us of their presence and who, in their arguments, said at least there are some colonial institutions where you can get justice. Of course, the leader of that group also said in 1963, when he signed a significant document, over the B.B.C. Television, “I have great faith in the English sense of fair play and justice.” Naiveté to the nth degree! But, I suppose, a cup of tea and a bit of weekend hospitality could cause people to change their postures as well as their minds.



How can a Guyanese lawyer, by inference or implication, Mr. Speaker, show so little confidence in the learning of our own jurists who are flesh of our flesh and blood of our blood? How can a man ever respect himself if he does not respect his colleagues? Let us suppose that in the evening of his days as a politician, the only person who spoke on this motion- and it is quite possible, Mr. Speaker- were to be appointed to the High Court of Guyana. How would he take it, if some fledgling lawyer, fresh from the Inns of Court in London, were to suggest that he is incapable of being amongst those who could hand down decisions as part of final Court of Appeal in Guyana?

Let me just refer to a few of the countries within the Commonwealth which have abolished the Privy Council as a final Court of Appeal. The Irish Free State, and, I think, in many respects they are identical with the English; Canada, and significantly, Canada still maintains the Monarchy, for Queen Elizabeth II of England is Queen Elizabeth of Canada; I had the great pleasure of seeing her recently, in Canada speaking to her loyal subjects in Quebec, Ontario, and the West, that they were all part of his great Commonwealth country of Canada, of which she was the Queen; Tanganyika, Nigeria, Ceylon. Of course, do I need to take rum to Guyana by reminding all of my colleagues that India, since 1949, removed the Privy Council as the final Court of Appeal? Australia has done the same with respect to appeals from the federal Court of Australia. I was in conversation with Mr. Gough Whitlam, the Prime Minister of Australia, who was very concerned about the fact that under their constitution, though appeals from the Federal Court of Australia cannot go anywhere else, in other word, there are no appeals, yet appeals from the High Court of the States could go the Privy Council.

What more do we want? Mr. Speaker, when the election campaign was being fought, and those who now enjoy and still continue to enjoy, freedom to organize and freedom of speech, sought to tell the electorate that the party which I lead and led wanted a two- thirds majority to be able to establish a dictatorship, we were quite open to public and said: “ yes, we want two-thirds majority, and one of the main reasons for wanting it”- the other one I shall deal with- “was to be able to make the Guyana Court of Appeal to final Court for all matters arising in Guyana.”

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**National Assembly**

**2.30 – 2.40 p.m.**

Maybe if the opposition had not refused to agree with us, we would not have had to decimate them at elections. If they had agreed that we should have the vote at eighteen, if they had agreed that we should no longer have Privy Council as a final Court of Appeal, we might have save some of our energy and saved for some of their followers their emoluments.

**2.40 p.m.**

Maybe, but the Lord works in a mysterious way his wonder to perform. It was an election undertaking and the introduction of this Bill is an indication that the governing party honors is undertaking in all respects and all levels. But perhaps it is prayer that I should deal with the point raised by the leader of the Opposition, the honorable Member Mr. Marcellus Feilden Singh. The point which he made, I am reliably informed and verily believe, is that if there was to be substituted for the Privy Council another final court- and I am subject to correction- a Caribbean Court, he would be willing to go along with this. Well, there is time for that if there is to be a Caribbean Court acceptable to us because, Mr. Speaker the Government of Guyana has made it quite clear that it will only accept a Caribbean Court as a final Court of Appeal in the context of political unity of the Caribbean.

Everyone knows our position on Caribbean economic integration and everyone knows our position with respect to political unity in the Caribbean. If there is political unity, and we hope that someday it will come, then we will accept a Caribbean Court of Appeal as the final Court, but we are not going out of the political unit to find any other final Court. If we are part of a political unit of the Caribbean we will be at home. But if there is no political unity we wish all the best in the world to those who will use any Caribbean Court of Appeal, but if I have some little say in the matter we shall not use it unless and until it is the Court of Appeal within a politically unified Caribbean of which Guyana will be a part.

It is not for me, Mr. Speaker, to accuse anyone of fancy footwork or headwork but it seems to me there has been a little intellectual gymnastics because certainly he who said he would only agree to the abolition of the Privy Council as the final court if a West Indian or a

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**National Assembly**

**2.30 – 2.40 p.m.**

Caribbean Court of Appeal is to be set up knows that a Caribbean Court of Appeal is not around the corner, unless he has more information than I do. I am not a claimant to omniscience. I will concede that perhaps he has some information which I do. But as at present advised I am inclined to think that this is a mere indulgence in semantics. Hypocrisy is a word that is banned and best synonym can find say is “sometimes”, though it does not accurately describe what I think, But one is limited by the rules of this House.

The Privy Council will go. I have already formally intimated to the British Government through its diplomatic representative here, that is our proposal if the thirty-six members of the P.N.C here present vote for this Bill- if they vote, because you never can be sure. The theory of Parliament is that thirty-six members mean thirty-six consciences; that is the theory of Parliament, a very good theory, which we have learnt.

And Mr. Speaker, will you permit me one little digression. We must learn the facts of life. As a lawyer, not without some distinction, I know that Lord Haw-Haw according to the law should never have been hanged but the facts of life dictated that Lord Haw-Haw should be hanged, and a majority decision of the House of Lords said he should be hanged, but my learned friend the “Leader of Opposition”, knows as well as I do that Lord Haw-Haw could not be guilty. How can a man be guilty of treason against a country of which he is not a citizen merely because to use a Guyanese- “he thief a passport”? Those are some of the facts of life that some of us have to learn. On the facts of life I say no more.

But, Mr. Speaker, may I turn to question of the vote at eighteen. It had to come. It was inevitable and you will remember perhaps, Mr. Speaker, that some months ago, during the course of a debate a former member of this house, urged upon the Government that the vote should be given to eighteen- year olds in Guyana and speaking on behalf of the Government I conceded not only that the vote of eighteen should be enacted or should become part of our legal system but also that we should have majority at eighteen.

I said then that it was not necessary to persuade us that it is a good thing because this progressive country or that progressive country had lowered that voting age from twenty-one or twenty-five to eighteen and again I said that Ghana under the late revered Kwame Nkrumah could not be described as anything but a progressive country but yet the voting age was coincident with that age; the capacity to contribute; the ability to make decisions. And I said, and I say that in Guyana there can be no doubt about the fact young persons of eighteen are capable of making decisions, contributing, participating in all the important aspects of our life. Therefore they deserve the vote. I conceded that. And yet, if you will forgive my penchant for historical, lo and behold, that piece of legislation was rejected because under the Constitution a two-thirds majority had to be obtained.

I have reason to believe that because of his background and his upbringing that had the present “Leader of the Opposition” been present when that vote was taken we would have got the thirty-six. He may, Mr. Speaker, rationalize his objection to the removal of the Judicial Committee of the Privy Council as our final Court of Appeal. He may wish things like the Caribbean Court of Appeal, but I cannot see how a person of his proved intelligence and perception and perspicacity if not also perspicuity, could possibly have been lured by others to vote against such a piece of legislation.

**2.50 p.m.**

And let me say here, what I said in a broadcast. It was nothing but a confession of impending defeat by the then opposition, a confession that the young people in this country, regardless of what might have been their parents’ political loyalties, could not accept a political party that had obviously fallen into desuetude. The Attorney General gave an undertaking with a mandate from the Prime Minister, that if it was suggested that some eighteen-year olds had been left off the rolls, they would have had an opportunity to have their names included. So it was either dishonesty, and ignorance, or both to have voted against that. I am not talking about the “Leader of the Opposition”. We are giving him a chance, Mr. Speaker, to redeem himself.

**Mr. Speaker:** Hon. Prime Minister, you were not here when he said he would vote for that provision but not for the provision dealing with the Privy Council.

**The Prime Minister:** Very well, Mr. Speaker, I suppose that with your approval and in accordance with the Standing Orders, we can get the correct division on each clause, so that history will record not the conversion but the consistency of my hon. and learned friend Mr. Marcellus Feilden Singh.

I was saying that the members of the major Opposition obviously voted against it because they had discovered in the course of their campaigning, that they did not have the youth with them. **[Applause]** They were a spent force. You see, it is more difficult. The youth do not have the history of the charisma of the 50's to look at. They do not have the imbedded traditions, perhaps of ethnicity, to guide them. They have only the intelligence as a beacon. The Opposition had discovered this fact, sought to disenfranchise the eighteen-year olds, and did so. But thank God, even the over eighreens, even the twenty-ones and over, have rejected the Opposition, as they had done in 1968 and in 1964, for the Opposition had sealed its fate November, 1963, when its Leader wrote a little letter.

It was part of our election undertaking that we would introduce this provision for giving the vote at eighteen, and I am proud to say that my own experience during the campaign was that as far as they could participate they could not vote, but they could canvass, they could be agents, they could be organizers, they could be speakers, they could be writers- those between eighteen and twenty-one, did no effectively and efficiently. And not only out of conviction, but out of gratitude, I owe them this provision which is before the House today. I am sure that neither the party which I lead nor the nation of Guyana will have any reason in the future for regret.

Of course, I may mention *en passant* that there is under consideration now the necessary Order under the legislation that we did pass in June, to make those as young as eighteen, adults in respect marriage, the holding of licenses, and things like that. Of course, as I see it the eighteen year olds will soon have the opportunity to exercise the franchise, because we are going to have local government elections, and we shall see them even more dramatically the reason behind the

rejection of the vote at eighteen by that Opposition which sat here in the last Session of Parliament.

I have reason to believe that we shall get through both the Committee Stage and the Third Reading expeditiously, and it is not for me, Mr. Speaker when the Dear Lord has been so kind as to give me the opportunity to honor my debts, to seek to postpone the time when I may pay in full. And in those circumstances, winding up the debate for Government, I beg to move the Second Reading of the Bill under consideration. **[Applause]**

*Question put that the Bill be read a Second time.*

**Mr. Ramsaroop:** Division.

*Assembly divided: Ayes 36, Declined to vote 1, as follows:*

**Ayes**

Mrs. Willems  
 Mr. Van Sluytman  
 Mr. Taylor  
 Mr. Sukul  
 Mr. Sukhu  
 Mrs. Rayman  
 Mr. Ramson  
 Dr. Ramsahoye  
 Mr. Nissar  
 Mr. Jonas  
 Miss Jaiserrisingh  
 Mr. Hussain  
 Miss Gill  
 Mr. Fowler  
 Mr. Corrica  
 Mrs. Branco  
 Mr. Aaron  
 Mr. Corbin  
 Mr. Chowritmootoo  
 Mr. Prashad  
 Mr. Bancroft  
 Mr. Ambrose  
 Miss Ackman  
 Mr. Wrights

**Declined to vote**

Mr. Singh - 1

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**National Assembly**

**2.50 – 3 p.m.**

Mr. Thomas  
Mr. Zaheeruddeen  
Mr. Nascimento  
Mr. Duncan  
Mr. Clarke  
Mr. Kasim  
Mr. Ramsaroop  
Miss Field-Ridley  
Mr. Carrington  
Mr. Hoyte  
Dr. Reid  
Mr. Burnham - 36

*Agreed to.*

*Bill read a second time.*

**3 p.m.**

*Assembly in Committee*

*Clause 1*

*Question that Clause 1 stand part of the Bill.*

**Mr. Ramsaroop:** Division.

*Assembly divided: Ayes 36, Declined to vote 1, as follows:*

**Ayes**

Mrs. Willems  
Mr. Van Sluytman  
Mr. Taylor  
Mr. Sukul  
Mr. Sukhu  
Mrs. Rayman  
Mr. Ramson  
Dr. Ramsahoye

**Declined to vote**

Mr. Singh - 1

**14.8.73**

**National Assembly**

**3 – 3.10 p.m.**

Mr. Nissar

Mr. Jonas

Miss Jaiserrisingh

Mr. Hussain

Miss Gill

Mr. Fowler

Mr. Corrica

Mrs. Branco

Mr. Aaron

Mr. Corbin

Mr. Chowritmootoo

Mr. Prashad

Mr. Bancroft

Mr. Ambrose

Miss Ackman

Mr. Wrights

Mr. Thomas

Mr. Zaheeruddeen

Mr. Nascimento

Mr. Duncan

Mr. Clarke

Mr. Kasim

Mr. Ramsaroop

Miss Field-Ridley

Mr. Carrington

Mr. Hoyte

Dr. ReidMr.

Burnham - 36



*Clause 2.*

**Mr. M.F. Singh:** Mr. Chairman, I just wanted to take this opportunity to make it abundantly clear that the position of the United Force was when this measure was before the House during the last Parliament. It was that the United Force would not support the vote at eighteen in isolation to the other demands of electoral reform. Now that a General Election is not imminent the party is supporting this measure.

*Question that Clause 2 stand part of the Bill put.*

**Mr. Ramsaroop:** Division

*Assembly divided: Ayes 37 Noes 0, as follows:*

<b>Ayes</b>	<b>Noes</b>
Mr. M. F. Singh	None
Mrs. Willems	
Mr. Van Sluytman	
Mr. Taylor	
Mr. Sukul	
Mr. Sukhu	
Mrs. Rayman	
Mr. Ramson	
Dr. Ramsahoye	
Mr. Nissar	
Mr. Jonas	
Miss Jaiserrisingh	
Mr. Hussain	
Miss Gill	
Mr. Fowler	
Mr. Corrica	

Mrs. Branco  
Mr. Aaron  
Mr. Corbin  
Mr. Chowritmootoo  
Mr. Prashad  
Mr. Bancroft  
Mr. Ambrose  
Miss Ackman  
Mr. Wrights  
Mr. Thomas  
Mr. Zaheeruddeen  
Mr. Nascimento  
Mr. Duncan  
Mr. Clarke  
Mr. Kasim  
Mr. Ramsaroop  
Miss Field-Ridley  
Mr. Carrington  
Mr. Hoyte  
Dr. Reid  
Mr. Burnham

- 37

*Clause 2 agreed to and ordered to stand part of the Bill.*

*Clause 3.*

**The Minister of Energy and Natural Resources (Mr. Jack):** Mr. Chairman, we are asking for the deletion of Clause 3. An Amendment to this effect has already been circulated. As

a result of that, there will be the necessity for a renumbering of the rest of clauses to take into effect to deletion to clause 3.

*Amendment –*

That clause 3 be deleted and clauses 4,5,6,7 and 8 be renumbered as clauses 3,4,5,6 and 7 respectively.

*Put, and agreed to.*

*Clause 4, (Renumbered as clause 3)*

*Clause 4, renumbered as clause 3, agreed to and ordered to stand part of the Bill.*

**Mr. Ramsaroop:** Mr. Chairman, we would ask that clause 4, as renumbered be recommitted.

**Mr. M.F. Singh:** These are two points I wanted to make, Mr. Chairman. One was a short point which I should have made before. It is that I must advert the Members of this honorable House of the fact that on the last occasion when we were dealing with Second reading of this Bill, I did object to the suspension of the Standing Orders. A reason was given and I said at the time that I am sure that the members of the public would understand that the Prime Minister's commitment would be met but there was no need to break the Standing Orders, My point has been proved here today because we need not to have has a suspension of the standing Orders; we are still debating the bill. We could have done it today.

**The Chairman:** Hon. Member Mr. Singh, are you speaking on Clause 3?

**Mr. M.F. Singh:** I am going to speak to Clause 3. But I must make that point. It is a very valid point for the proper functioning of this House.

In respect of Clause 3, Mr. Chairman, I should like the Government to reconsider its position in respect of this proposal to abolish appeals to the Privy Council, particularly in respect

pronouncements which have been made by a supporter of the government to delete this Clause in the entirety, to delete all the provisions dealing with abolition of appeals to the Privy Council.

On the last occasion I had said, very forcibly, that we did not have any objection at all to the abolition of appeals to the Privy Council but that we should not deny the litigant the additional chance which he now has of a reversal of a decision, the extra opportunity that he has of having a decision changed.

**3.10 p.m.**

I have said that the Government should not exacerbate the position, but indeed, with its two- this majority, should try to appease the public and allay their fears. I spoke on the last occasion of the establishment of a Caribbean Court of Appeal. And I ask the Government now, to withdraw this section particularly in view of what one of its own supporters wrote on the *Guyana Graphic* of Sunday 5<sup>th</sup> August 1973. I speak of no less a person than Archie Codrington, the Treasurer of the Prime Minister's trade union.

**The Prime Minister:** On a point of order. The Prime Minister does not own a trade union.

**Mr. M.F. Singh:** I stand corrected, sir. I refer to the Guyana Labor Union which the Prime Minister is still president. This goodly gentleman, former Mayor, prominent member of the community agreed with me. He said that the abolition of appeals to the Privy Council was bound to arouse misgivings among the public. He said:

“... we should not brusquely dismiss these people as folks who have refused to accept Independence to accept freedom, as the acting justice Minister Hubert Jack rather huffily said last week.”

And he made the point.

“... abolition of the Privy Council and the substitution of final courts of appeal in all the different ‘independent’ small nations in these parts, human nature being what it is, and the many ‘strong men’ we are developing as Prime Minister and Premiers are bound to arouse misgivings among the really thoughtful in our communities.

The comparison made with Canada, Australia and India are hardly fair, as these nations count their people by the millions and the vast extent of their land area make friends and family connection with litigants for more rate and difficult from what is a regular and almost stereotyped situation among ourselves and the Caribbean Islands.”

And he asked a question, which I am asking also.

Another question we may seriously ask ourselves is why this almost indecent haste to abolish appeals to the Privy Council. We stick out our chests, beat our breast and proudly say much proudly say such a proceeding as appeals to an English court is incompatible with our independence, and we can’t wait to set up a Caribbean Court of Appeal as this will take too long, while the glittering escutcheon of our independence is being tarnished by appeals heard in a truly unbiased court in London.

While we are declaring how proud and fiercely independent we are, we gladly take all manner of handouts from those people overseas, and I am not referring to loans which have to be repaid.

Books, crutches, ambulances, trucks, a microphone hook-up, microphone unto which I am now speaking in Parliament itself and the myriad other gifts which I can’t recall, all these we accept without thinking these things carry the odor and stigma of mendicancy and are derogatory to our independence.

Until we in these parts of the Commonwealth develop as much trust and confidence in each other to set up a Caribbean Court of Appeal as the final legal arbiter of our criminal matters and civil dissensions, and so keep our judges as far away as it is humanly possible within our geographical limits of the matters they arbitrate on, then let justice not only be done, but seen to have been done.

This I want to commend to the Government as coming from one of its own people, a worthy gentleman, who said in the newspaper you must support the People's National Congress at the last election. He said that they deserved a chance. We must support them. Yet he asks here: "why the indecent haste to do this?"

**The Chairman:** Hon. Member Mr. Singh, I wish to draw your attention to standing Order 50 (1).

"Any committee to which Bill is committed shall not discuss the general merits and principals of the Bill but only its details."

You had your opportunity. You have made all these points before. If I knew this was going to be your contribution, I would not have been permitted the recommitted. It simply says we must deal with the Bill. We will have to go through the Bill clause by clause, Amendments or deletions, or whatever you may propose, but net the merits.

**Mr. M.F. Singh:** It is the deletion I am talking about. I am saying that the government must delete this.

**The Chairman:** Well, move the deletion.

**Mr. M.F. Singh:** Even if I say in the very loudest voice that I am in favor of the deletion, you will listen to the "Ayes" will have it. I am aware of the facts of life, and the facts of life are, if I move a deletion Mr. Chairman will give it to the "Noes" obviously. I am alone here.

**14.8.73**

**National Assembly**

**3.10 – 3.20 p.m.**

What are the facts of life over on the other side? I recommend to the other side of the House that they must delete it; they must rethink their position, that the government must honor the advice given by this gentleman. It is not too late. I say further, Mr. Chairman, that it is not beyond the capacity of men who saw Caricom come into being to have come into being also, a Caribbean Court of Appeal.

**Mr. Jack:** Mr. Chairman, I would like to take the opportunity of replying to one of the things which were quoted by the hon. Member of the Opposition. First of all, I would like to say that the fact that the article was written is an indication of that freedom of speech which we on this side of the House have been accused of trying to do away with. We recognize the gentleman's right to comment, as he thinks fit, upon this Bill and whether he is, or is no, a supporter of the ruling party, is, at, the moment, irrelevant. The fact is, that he has exercised his right.

There is something of particular importance that I have risen to speak on, that is, the belief that justice is something or other, a function a large numbers, because the burden of the writer's statements seem to be that if we had twenty million people, we could do assured of justice, but that if we had smaller number as we do have, we cannot. I think that what we are discussing here is not population but the administration of justice in our courts of law. Thank you.

**The Prime Minister:** Well you just have given me an opportunity to put on record the fact that one of the countries that have removed the Privy Council as a final court of appeal is a country by the name of Guyana which has a population of about one-third the size of Guyana's population.

**3.20 p.m.**

**Mr. Ramsaroop:** Division

**14.8.73**

**National Assembly**

**3.20 – 3.30 p.m.**

*Assembly divided: Ayes 36, Noes 1 as follows:*

**Ayes**

Mrs. Willems  
Mr. Taylor  
Mr. Sukul  
Mr. Sukhu  
Mrs. Rayman  
Mr. ramson  
Dr. Ramsahoye  
Mr. Nissar  
Mr. Jonas  
Miss Jaiserrisingh  
Mr. Hussain  
Miss Gill  
Mr. Fowler  
Mr. Corrica  
Mrs. Branco  
Mr. Aaron  
Mr. Corbin  
Mr. Chowritmootoo  
Mr. Prashad  
Mr. Bancroft  
Mr. Ambrose  
Miss Ackman  
Mr. Wrights  
Mr. Thomas  
Mr. Zaheeruddeen  
Mr. Nascimento  
Mr. Duncan

**Noes**

Mr. Singh - 1



**14.8.73**

**National Assembly**

**3.20 – 3.30 p.m.**

Mr. Clarke

Mr. Kasim

Mr. Ramsaroop

Miss Field-Ridley

Mr. Carrington

Mr. Hoyte

Dr. Reid

Mr. Burnham - 36

*Clause 4, as Clause 3, ordered to stand part of the Bill.*

*Question that Clause 5 renumbered as Clause 4 stand part of the Bill put.*

**Mr. Ramsaroop:** Division.

*Assembly divided: Ayes 36, Noes 1, as follows:*

**Ayes**

Mrs. Willems

Mr. Van Sluytman

Mr. Taylor

Mr. Sukul

Mr. Sukhu

Mrs. Rayman

Mr. ramson

Dr. Ramsahoye

Mr. Nissar

Mr. Jonas

Miss Jaiserrisingh

Mr. Hussain

Miss Gill

Mr. Fowler

Mr. Corrica

Mrs. Branco

Mr. Aaron

Mr. Corbin

Mr. Chowritmootoo

**Noes**

Mr. Singh - 1

Mr. Prashad  
 Mr. Bancroft  
 Mr. Ambrose  
 Miss Ackman  
 Mr. Wrights  
 Mr. Thomas  
 Mr. Zaheeruddeen  
 Mr. Nascimento  
 Mr. Duncan  
 Mr. Clarke  
 Mr. Kasim  
 Mr. Ramsaroop  
 Miss Field-Ridley  
 Mr. Carrington  
 Mr. Hoyte  
 Dr. Reid  
 Mr. Burnham

- 36

*Clause 5, renumbered as Clause 4 ordered to stand part of the Bill.*

*Question that Clause 6, renumbered as Clause 5, stand part of the Bill.*

**Mr. Ramsaroop:** Division.

*Assembly divided: Ayes 36, Noes 1, as follows:*

**Ayes**

Mrs. Willems  
 Mr. Van Sluytman  
 Mr. Taylor  
 Mr. Sukul  
 Mr. Sukhu  
 Mrs. Rayman  
 Mr. ramson  
 Dr. Ramsahoye  
 Mr. Nissar  
 Mr. Jonas  
 Miss Jaiserrisingh  
 Mr. Hussain  
 Miss Gill  
 Mr. Fowler

**Noes**

Mr. Singh - 1

Mr. Corrica  
 Mrs. Branco  
 Mr. Aaron  
 Mr. Corbin  
 Mr. Chowritmootoo  
 Mr. Prashad  
 Mr. Bancroft  
 Mr. Ambrose  
 Miss Ackman  
 Mr. Wrights  
 Mr. Thomas  
 Mr. Zaheeruddeen  
 Mr. Nascimento  
 Mr. Duncan  
 Mr. Clarke  
 Mr. Kasim  
 Mr. Ramsaroop  
 Miss Field-Ridley  
 Mr. Carrington  
 Mr. Hoyte  
 Dr. Reid  
 Mr. Burnham - 36

*Clause 6, renumbered Clause 5, ordered to stand part of the Bill.*

**The Chairman:** Hon. Members, we are going on to Clauses 6 and 7. There are certain consequential corrections in Clause 6, second line, change the figure 6 to read 5 and in Clause 7, subsection 2, second line, change the figure 5 to read 4, and in the fourth line change 5 to read 4.

*Clause 7 renumbered as Clause 6.*

*Question that Clause 7, renumbered as Clause 6, stand part of the Bill.*

**Mr. Ramsaroop:** Division.

*Assembly divided: Ayes 36, Noes 1, as follows:*

**Ayes**  
 Mrs. Willems

**Noes**  
 Mr. Singh - 1

Mr. Van Sluytman  
Mr. Taylor  
Mr. Sukul  
Mr. Sukhu  
Mrs. Rayman  
Mr. ramson  
Dr. Ramsahoye  
Mr. Nissar  
Mr. Jonas  
Miss Jaiserrisingh  
Mr. Hussain  
Miss Gill  
Mr. Fowler  
Mr. Corrica  
Mrs. Branco  
Mr. Aaron  
Mr. Corbin  
Mr. Chowritmootoo  
Mr. Prashad  
Mr. Bancroft  
Mr. Ambrose  
Miss Ackman  
Mr. Wrights  
Mr. Thomas  
Mr. Zaheeruddeen  
Mr. Nascimento  
Mr. Duncan  
Mr. Clarke  
Mr. Kasim  
Mr. Ramsaroop  
Miss Field-Ridley  
Mr. Carrington  
Mr. Hoyte  
Dr. Reid  
Mr. Burnham

- 36

*Clause 7, renumbered as Clause 6, ordered to stand part of the Bill.*

*Clause 8 renumbered as Clause 7.*

*Question that Clause 8, renumbered as Clause 7, stand part of the Bill put.*

**Mr. Ramsaroop:** Division.

*Assembly divided: Ayes 37, Noes 0, as follows:*

<b>Ayes</b>	<b>Noes</b>
Mr. Singh	None
Mrs. Willems	
Mr. Van Sluytman	
Mr. Taylor	
Mr. Sukul	
Mr. Sukhu	
Mrs. Rayman	
Mr. ramson	
Dr. Ramsahoye	
Mr. Nissar	
Mr. Jonas	
Miss Jaiserrisingh	
Mr. Hussain	
Miss Gill	
Mr. Fowler	
Mr. Corrica	
Mrs. Branco	
Mr. Aaron	
Mr. Corbin	
Mr. Chowritmootoo	
Mr. Prashad	
Mr. Bancroft	
Mr. Ambrose	
Miss Ackman	
Mr. Wrights	
Mr. Thomas	
Mr. Zaheeruddeen	
Mr. Nascimento	
Mr. Duncan	
Mr. Clarke	
Mr. Kasim	
Mr. Ramsaroop	
Miss Field-Ridley	
Mr. Carrington	
Mr. Hoyte	
Dr. Reid	
Mr. Burnham	

- 37

*Clause 8, renumbered as Clause 7, ordered to stand part of the Bill.*

14.8.73

National Assembly

3.30 – 3.35 p.m.

3.30 p.m.

*Assembly Resumed.*

Bill reported by the hon. Minister of Energy and Natural Resources with amendments.

*Question -*

That the Bill be read the Third, as amended,

*put.*

**Mr. Ramsaroop:** Division.

*Assembly divided: Ayes 36, Declined to vote 1 as follows:*

**Ayes**

**Declined to vote**

Mrs. Willems  
Mr. Van Sluytman  
Mr. Taylor  
Mr. Sukul  
Mr. Sukhu  
Mrs. Rayman  
Mr. ramson  
Dr. Ramsahoye  
Mr. Nissar  
Mr. Jonas  
Miss Jaiserrisingh  
Mr. Hussain  
Miss Gill  
Mr. Fowler  
Mr. Corrica  
Mrs. Branco  
Mr. Aaron  
Mr. Corbin  
Mr. Chowritmootoo

Mr. Singh - 1

14.8.73

National Assembly

3.30 – 3.35 p.m.

Mr. Prashad  
Mr. Bancroft  
Mr. Ambrose  
Miss Ackman  
Mr. Wrights  
Mr. Thomas  
Mr. Zaheeruddeen  
Mr. Nascimento  
Mr. Duncan  
Mr. Clarke  
Mr. Kasim  
Mr. Ramsaroop  
Miss Field-Ridley  
Mr. Carrington  
Mr. Hoyte  
Dr. Reid  
Mr. Burnham

- 36

*Agreed to.*

*Bill read the third time and passed as amended.*

### **ADJOURNMENT**

**The Speaker:** Hon. Leader of the House.

**Mr. Ramsaroop:** Your Honor, I move that this honorable House do now adjourn to a date to be fixed.

**The Speaker:** Hon. Members, before we take the adjournment I would like to remind you that there is a meeting of the C.P.A immediately after the adjournment. The sitting of this House is adjourned to a date to be fixed.

**Adjourned accordingly at 3.35 p.m.**

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