

NATIONAL ASSEMBLY

MINUTES OF PROCEEDINGS

OF THE 22ND SITTING OF THE NATIONAL ASSEMBLY OF THE FIRST
SESSION (1986) OF THE FIFTH PARLIAMENT OF GUYANA HELD

AT 14:00 HRS

ON FRIDAY 1986-11-07

IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, GEORGETOWN

MEMBERS OF THE NATIONAL ASSEMBLY (76)

Speaker (1)

*Cde. Sase Narain, O.R., S.C., J.P., M.P., Speaker of the National
Assembly

Members of the Government - People's National Congress (64)

Ministers in the Cabinet (9)

Prime Minister (1)

Cde. H. Greer, M.P., Prime Minister

Other Vice-President and First Deputy Prime Minister (1)

Cde. Dr. M. Shahabuddeen, O.R., S.C., M.P., Vice-President, First
Deputy Prime Minister and Attorney General

Other Vice-Presidents and Deputy Prime Ministers (2)

Cde. R. Chandisingh, M.P., Vice-President, National Mobilisation,
and Deputy Prime Minister (Absent - on leave)

Cde. Viola V. Burnham, O.R., M.P., Vice-President, Education and
Social Development, and Deputy Prime Minister

Other Deputy Prime Minister (1)

Cde. W.A.L.H. Parris, C.C.H., M.P., Deputy Prime Minister,
Planning and Development (Absent - on leave)

Senior Ministers (4)

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

*Cde. C.B. Greenidge, M.P., Minister of Finance (Absent)

Cde. S. Prashad, M.P., Minister of Manpower and Housing

*Cde. W.S. Murray, C.C.H., M.P., Minister of Trade

Other Ministers (14)

Senior Ministers (4)

Cde. J.R. Thomas, M.P., Minister of Regional Development

Cde. Dr. R.A. Van-West Charles, M.P., Minister of Health

Cde. Yvonne V. Harewood-Benn, M.P., Minister of Information and
the Public Service

*Cde. Dr. P.L. McKenzie, A.A., M.P., Minister in the Ministry
of Agriculture

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*Non-elected Member

Ministers (7)

- Cde. Urmia E.H. Johnson, M.P., Minister within the Ministry of National Mobilisation
- *Cde. R.C. Fredericks, A.A., M.P., Minister of Youth and Sport within the Ministry of Education (Absent)
- Cde. C.G. Sharma, A.A., J.P., M.P., Minister within the Office of the President (Absent)
- *Cde. D.M.A. Bernard, M.P., Minister within the Ministry of Education
- Cde. D. Sawh, M.P., Minister of Forestry
- *Cde. J.R. Kranenburg, M.P., Minister of Transport
- *Cde. V.V. Parvatan, M.P., Minister within the Ministry of Agriculture

Ministers of State (3)

- *Cde. D.A.N. Ainsworth, M.P., Minister of State within the Ministry of Manpower and Housing
- Cde. J.T. Kissoon, M.P., Minister of State within the Ministry of Health (Absent)
- *Cde. Dr. Faith A. Harding, M.P., Minister of State within the Ministry of Planning and Development

Parliamentary Secretaries (3)

- Cde. A.K. Habibulla, M.P., Parliamentary Secretary, Office of the President
- Cde. Stella Odie-Ali, M.P., Parliamentary Secretary, Home Affairs
- *Cde. Jean M.G. Persico, A.A., M.P., Parliamentary Secretary, Education

Government Chief Whip (1)

- Cde. Jennifer A. Ferreira, M.P., Government Chief Whip

Other Members (25)

- Cde. R.H.O. Corbin, M.P., (Absent - on leave)
- Cde. R.E. Williams, M.P.
- Cde. Agnes W. Bend-Kirton, M.P. (Absent - on leave)
- Cde. E.H.A. Fowler, M.P.
- Cde. Joyce Gill-Mingo, M.P. (Absent - on leave)
- Cde. M. Ally, M.P.
- Cde. Elaine B. Davidson, M.P.
- Cde. H. Doobay, M.P.
- Cde. Joyce M. Munroe, J.P., M.P.
- Cde. Edwina Melville, M.P. (Absent - on leave)
- Cde. Anna Ally, M.P.
- Cde. L.R. Arthur, M.P.
- Cde. J.R.L. Bovell-Drakes, M.P.
- Cde. N. Calistro, M.P.
- Cde. G.W. Chin, J.P., M.P.
- Cde. F.M. Cumberbatch, M.P. (Absent)
- Cde. M.I. Deen, M.P.
- Cde. Cyrilda A. DeJesus, M.P.
- Cde. Edith Deygoo, M.P.
- Cde. Clarice A. Edwards, M.P.
- Cde. C.L. Geddes, M.P.
- Cde. G. Marshall, M.P.
- Cde. B. Persaud, M.P. (Absent - on leave)
- Cde. E.W. Trotman, M.P.
- Cde. K. Sankar, M.S., M.P.

*Non-elected Member

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

Cde. E. Mohamed, M.P.
Cde. Rose I. Semple, M.P.

Members from the Regional Democratic Councils (10)

Cde. Nellie R. Charles, M.P. (Region No. 7 - Cuyuni/Mazaruni)
Cde. R. Bishop, M.S., M.P., (Region No. 4 - Demerara/Mahaica)
Cde. Bhagmatee Latchminarayan, M.P. (Region No. 5 - Mahaica/Berbice)
Cde. Y. Khan, M.P. (Region No. 2 - Pomeroon/Supanaam)
Cde. Enid E. Abrahams, M.S., J.P., M.P., (Region No. 3 - Essequibo
Islands/West Demerara)
Cde. I. Ally, M.P., (Region No. 6 - East Berbice/Corentyne)
Cde. B.L. Domingo, M.P. (Region No. 1 - Barima/Waini)
Cde. S.I. McGarrell, M.P. (Region No. 8 - Potaro/Siparuni) (Absent - on leave)
Cde. M. Stephens, M.P. (Region No. 9 - Upper Takutu/Upper Essequibo)
Cde. Joycelyn Thom-Lindie, M.P. (Region No. 10 - Upper Demerara, Berbice)

Members of the Minority (11)

(i) People's Progressive Party (8)

Minority Leader (1)

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

Deputy Speaker (1)

Cde. Reepu Daman Persaud, J.P., M.P., Deputy Speaker of the
National Assembly

Other Members (6)

Cde. Janet Jagan, M.P. (Absent)
Cde. C.C. Collymore, M.P. (Absent)
Cde. S.F. Mohamed, M.P., Minority Chief Whip
Cde. H. Nokta, M.P.
Cde. I. Basir, M.P.
Cde. C.C. Belgrave, M.P. (Absent)

(ii) United Force (2)

Mr. M.F. Singh, C.C.H., J.P., M.P., (Absent - on leave)
Mr. M.A. Abraham, M.P.

(iii) Working People's Alliance (1)

Mr. E. Kwayana, M.P.

OFFICERS

Cde. F.A. Narain, A.A., Clerk of the National Assembly
Cde. M.B. Henry, Deputy Clerk of the National Assembly

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14:05 hrs

OATHS OF NEW MEMBERS

THE Oath of Office was administered to and made and subscribed by Cde. Joycelyn Thom-Lindie.

ANNOUNCEMENTS BY THE SPEAKER

(i) Resignation of Cde. Robert H.O. Corbin, M.P., as a Minister

The Speaker: Comrades, and hon. Members, I have been informed that Cde. Robert Corbin, an elected Member of the National Assembly, who was a Minister designated Deputy Prime Minister, Agriculture, resigned as a Minister of the Government with effect from 9th October, 1986.

(ii) Election of Cde. Joycelyn Thom-Lindie as a Member of the National Assembly

The Speaker: At the last Sitting of the National Assembly I had informed you that Cde. Patricia Daniel had resigned as a member of the Regional Democratic Council for Region No. 10- Upper Demerara/Berbice and had subsequently vacated her seat in the National Assembly. On the 29th October, 1986, the Regional Democratic Council for Region 10 Upper Demerara/Berbice, elected Cde. Joycelyn Thom-Lindie to be a Member of the National Assembly in place of Cde. Patricia Daniel. Cde. Thom-Lindie was declared to be a Member of the National Assembly. She has just made and subscribed the Oath in the Assembly. I congratulate Cde. Thom-Lindie on her election and welcome her to the Assembly and extend best wishes to her.
[Applause]

(iii) Privilege Motions

(a) Appointment of Committee to Investigate evidence concerning Allegation against former Deputy Prime Minister

The Speaker: Comrades and hon. Member, on the last occasion on which this Assembly met, I referred to a letter dated 3rd November, 1983 in which the hon. Member Mr. Eusi Kwayana gave me notice of his intention to raise, with my permission, as a privileged question the following Motion:

“That this Assembly appoint a Special Select Committee to investigate all the evidence in possession of the police and/or the Director of Public Prosecutions concerning the allegations against the former Deputy Prime Minister.”

Having considered the matter I now make my ruling. I would make three observations on the proposed Motion.

First, it makes no specific allegation of any breach of any privilege of the Assembly within the meaning of the law included in Article 172 of the Constitution. Article 172 of the Constitution reads as follows:

- (1) Subject to the provisions of paragraphs (2), (3) and (4), Parliament may by law determine the privileges, immunities and powers of the National Assembly and the members thereof.
- (2) No civil or criminal proceeding may be instituted against any member of the Assembly or to a committee thereof or by reason of resolution, motion or otherwise.
- (3) For the duration of any session, members of the Assembly shall enjoy freedom from arrest for any civil debt.’

Secondly, in proposing the establishment of a special Select Committee and that the same be appointed by the Assembly, the proposed motion is at variance with the procedure prescribed by Standing Orders No. 26(4) which visualises that any matter of privilege would be referred to the Committee of Privileges and that such reference should be made by the Speaker and not by the Assembly.

And, thirdly, I have in the interval become aware of two libel actions filed in the matter alluded to, viz., Action No.3840 of 1986, filed on 3rd November, 1986, and Action No. 3862 of 1986, filed on 4th November, 1986. The Minority Leader is the defendant in the first case and Mr. Kwayana is the defendant in the second. As both matters are pending in court, it appears to me that it would be impossible for the subject in question to be discussed in the Assembly without prejudicing the interest of the parties.

For these reasons I am of the view that the motion does not raise any matter of privilege and it is otherwise out of order. I have accordingly decided to decline to grant that leave.

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(b) Rules of Conduct for Elections to Local Authorities

The Speaker: There is also another matter which was referred to me by the hon. Member, Mr. Kwayana, dated 3rd November, 1986 in which he notified me that he was seeking to raise a matter of privilege. I also indicated on that occasion that I will give my ruling today.

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The Speaker: Having considered the matter, I now proceed to give my ruling. In his letter, the honourable member referred to the fact that on the 30th July 1986, the Assembly passed a motion reading as follows:

“Be it resolved that Chapter 28:06 of the Laws of Guyana namely the Local Authorities (Postponement of the Elections) Act and any Act or Order providing for the further postponement of elections of local authorities are repugnant to Article 12 of the Constitution of Guyana and should be repealed; and be it further resolved that the rules of conduct for elections to local authorities and the conditions under which they shall be held be debated in this National Assembly and be subject to the vote of the Assembly.”

In his letter, the honourable member stated that contrary to the terms of the motion the Executive is proceeding with municipal elections under existing legislation as expressed in Chapter 28:03.

The honourable member added that he would argue that this is a major breach of privilege amounting to contempt. The honourable member’s letter suggests that in proceeding with the municipal elections, the action of the Executive is inconsistent with the motion in question and this constitutes a breach of the privileges of the House.

It appears to me that the inconsistency with a motion passed by this House is not enough to characterize action taken by the Executive in exercise of its undoubted statutory responsibilities as a breach of privilege within the meaning of the law, inclusive of article 172 of the constitution and I just read the provisions of section 172. The alleged inconsistency may be the subject of criticism but not by way of a motion for breach of the privileges of the House. In any event, an opportunity for debating the alleged inconsistency will in fact be available in the course of the debate which will ensure later on today.

In respect of the second reading of the Local Government Enactments (Amendment) Bill 1986 which includes provisions bearing on rules of conduct for elections to cities and town councils. The honourable member will therefore have full opportunity in the course of this debate to ventilate the matter, which he wishes to raise by way of a motion of privileges.

Mr. Kwayana: Point of order Mr. Speaker.

The Speaker: There can be no point or order.

PRESENTATIONS OF PAPERS AND REPORTS ETC

The following paper was laid:

(1) Annual Report of the Ministry of Health for the year 1985. /The Minister of Health/

PUBLIC BUSINESS

The Minister of Regional Development: (Cde. J. Thomas) Cde. Speaker, permit me to indicate that I do not propose to proceed with the Municipal and District Councils (Amendment) Bill 1986 at today's sitting, neither will I proceed with the Local Democratic Organs (Amendment) Bill 1986 at today's sitting and the Local Government (Amendment) Bill 1986.

BILL – SECOND AND THRID READING

LOCAL GOVERNMENT ENACTMENTS (AMENDMENT) BILL 1986 – BILL NO. 15/1986

A Bill intituled:

An Act to amend the Municipal and District Councils Act and Local Authorities (Postponement of Elections) Act and to validate certain acts of councilors. /The Minister of Regional Development/

Cde. Thomas: Cde. Speaker, in moving the second reading of this Local Government Enactments Amendment Bill 1986, I will like to proceed by observing that this is a relatively straightforward and simple measure aimed at removing some of the adjudities and at the same time trying to, as the explanatory memorandum states, trying to bring about some amendments which will allow for the seizure of operations of certain acts which now exist. The Bill has three parts and it has as its third part a mechanism which allows for the validation of all acts undertaken by Local Authorities ever since the last piece of measure which sought to amend the Act was brought to this House. Perhaps it is useful that I observe that under Chapter 28:01 we propose to amend section 23, 24, 31, 32 and 33a which really will remove the...which compels the Minister to name a date between the 1st November and the 7th December as the date when Local Government elections will be held. It is important therefore to note that the period of local government elections remains the same; that is three years as under the old provision. The section 23, 31 and 33a specifically stipulate that the interval between two acts of elections for city councilors and councilors from the other four towns shall not exceed the three year period. The amendment does not seek in any way to postpone local government elections but will allow for the proper coordination in the future insofar as arrangements for the holding of those

elections are concerned. At the same time, we are trying to dovetail the holding of these elections as situations or circumstances may dictate. With those and the other chairs in the local democratic process insofar as election of councilors and other members of democratic organs are concerned, part of the measure therefore propose to amend some aspects of the previous provision, for example, since sections 2, 10, and 12 allow for the elections to be held between the period that I mentioned 1st November and 7th December, the amendments flowing therefore are as a result of those changes, they are all consequential in nature. The schedule therefore for the assumption of office of those councilors elected, particularly the Mayor and Deputy Mayor and the determination of their office of necessity must be revamped and since assumption to these offices really begins on the first of January in the year proceeding the elections, this provision seeks to allow for a period of time before the new councilors take office.

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(Cde. Thomas continue)

Because we sought to bear in mind that since elections may not necessarily be held during the period previously specified then we need to make sure that there is an envision of late, which will allow for councilors to assume Office at some period after they have been elected to serve.

Part two of the measure makes provision for the removal of any arrangement which seeks to postpone the Local Government Elections. As Members will recall, we have had cause to come to the Assembly seeking to have these elections postponed. We had as Members will agree the Local Authority Postponement of Elections Act of 1972 which extended the life of those Councils until the 21st October 1976. Then we had the Local Authority Postponement of Elections Act of 1974 which also gave an extended time to the other Councils until the date mentioned before. Then there was Order No. 94 which was taken from Section 6(1) of Chapter 28:06 and sought to extend the life of councils to the 21st October 1978. Then subsequently there was the Local Authorities Postponement of Elections Act of 1979 and that extended the life of those Authorities until 21st October 1980. This measure now in fact seeks to validate all acts undertaken by the Councils from the period 1980 until present until such time that the new Councils are put in place. These validations will take immediate effect after the elections for the municipalities are held whenever those may be. In the case of the Municipalities are held whenever those may be. In the case of the other Councils as soon as those elections are held. We propose therefore to remove the sections from the legislation and at the same time the validation act which were undertaken previously. There is perhaps one other observation I can make during the course of proposing the second set of measures and that is to say that this Bill seeks to further strengthen and develop the democratic process in the country. In furtherance of that objective, we are seeking to tidy up legislations exist to ensure that all our efforts towards improving and broadening the democratic base by allowing more people to participate in elections in the governance of their district authorities that we should seek now to put in place these measure to allow for people to participate in a meaningful way in the execution of measures which can bring about better conditions in the communities of which they are part.

Finally in the provisions of section 5(m) of the Local Democratic Act, caters for the preservation of the status quo of any existing city or town. It is those remarks I wished after this measure to be read for second time. [Applause]

The Speaker: Question proposed.

Cde. Reepu Daman Persaud: Cde. Speaker, as the Minister was speaking this afternoon, I was endeavouring to exploit every conceivable area of reason within my mental faculty to see whether I can find a cause with a suggestion that this Bill will further strengthen the democratic process. I want to begin my contribution to take issue with the statement and to state very strongly that this Bill will further subvert the democratic process. It is a highly controversial measure which we will strongly oppose and at the proper time call for division. I will allude you to reasons for reaching the conclusion as I proceed to discuss Cde. Speaker with your permission on the Bill.

Now, when the principal act is looked at there are specific functions, which impose on the administration the necessity to take action at particular time and period for election. It is useless. You say you believe in periodical elections and when one looks at measures that have to do with those elections we find that those utterances are not supported by these. In fact, we find the contrary. What I want to say Cde. Speaker, is if this had to be conducted at a particular time and those elected take office on January 1, those things that are specific are being removed by the legislation. And one must not be deceived into believing that the part which deals with elections should be held every three years should be changed because there are further provisions to subvert that particular section of the local municipal and district Council Act. I have gone through in some detail. I have gone through this amendment and I find that at this point in time when the Government should seek to alleviate fears to take such action that will remove complaint and process that elections in this country are rigged and not fair, we find that the legislator himself starts the protest of the Bill. I am led to conclude standing on my feet this afternoon that the Municipal Elections which should be held shortly from announcements, will definitely be rigged. It is going to be rigged and that is reflected and represented in this measure before the house. The government has to do a lot.

TAKE

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(Cde. Reepu Daman Persaud continues)

A specific position and I doubt whether the interpretation could be otherwise... Let me move to the second one and this is the second one, provided if I read that clause in conjunction with that proviso this is what I will get, provided that the interval between two elections of town councilors of any such town council shall not exceed three years. The interval between the two elections, that is the one which the three years has finished, the subsequent one to come, so there is an interval between those two, that interval should not be beyond a period of three years. If we have had occasion to question such provision, if it is otherwise the Learned Attorney General will set the record straight because Cde. Speaker, I had in my possession Act 1 of 1979 which was the first amendment to the Local Authorities Postponement of Elections Act, what was happening in when the period fell due the government had to bring an amendment to extend the period, seeing that we did not have elections for sixteen years they put themselves in order up to the year 1980. It would appear to me and from the words of the Minister that from 1980 to 1986 all these bodies were illegal and they were unconstitutional and an imposition on the people of this country. I am showing why this fear is no just, so reasonable, in that if a Government comes to this House and says we do not have a record or a history of postponing elections, of not holding elections and coming six years subsequently to validate action that were done within given period of six years, 1980 to 1986. That Mayor was no Mayor. That Deputy Mayor was no Deputy Mayor and that is so in all the bodies. They were there illegally, why they are still there, they should be removed, they have no right there. That seems to be the legal position when the law is examined. In order to take care of that provision, we have part three of the bill to validate because I was looking and my advice if there have been no subsequent to Act 1 of 1979, so from 1 of 1979 we now get 15 of 1986 to validate actions of people who were doing things illegally, unconstitutionally, obviously against the will and the aspirations of the people, now the government seeks to validate their position. Something is radically wrong with this government. Based on that background our fears are fortified and strengthened and thus we have got a position where this afternoon we are dealing with a legislation, which says in clear language elections must be held every three years but there is no imposition that that election be held

within a specific period, though the law as it stands, as I speak this afternoon in this Assembly puts a period for the holding of elections, that specific period is being removed which the government is calling rigidity and Cde. Speaker, elections must have legislations that are rigid. Our complaint is not circumvented to simply legislation. We have been talking about the total institution that has to do with elections. The personnel, we have been saying that it is wrong for any for any election in this country bearing in mind we have got a party system for any Minister in the government to be in charge of elections and we have advocated within the very walls of this House that elections should be placed in the hands of an independent Elections Commission so that all, at least we hope, can be reasonably fair but no, the Minister is in the race in that his party is in the race but he is the umpire and his two men are batting or playing or whatever it is in the whole game, so the Minister is the umpire in the whole things but he is a party to it, that is the situation which we have got in this country and the government goes all about and talk about democracy but fortifying and strengthening the democratic process, when I say Cde. Speaker is evidence of not supporting the democratic process so that both municipalities and city council, the Cde. Attorney General must tell us specifically in the House this afternoon whether it is not true that reading this bill that they have a period of three years when one three-year period expires.

Coming back on the validation point Cde. Speaker, the government woes, not only this House but this country an explanation and probably they owe the Caribbean and the world an explanation to say how this government could sit idly by and allow these bodies, they are talking about devotion, bodies in which they are putting greater and greater power into to function illegally for six years and they come six years after to validate action done by them so that they are exemplified from any legal process, in fact you cannot take any action against them now, now that the bill has come, you cannot take any action against them because the bill is giving them all protection and the bill seeks to put them right in spite of the fact that they are wrongly holding on to the range of offices in the different bodies and institutions that are affected. Cde. Speaker, we had the assurance that the rules with respect to these elections would be debated in this House. That was a resolution. One would have expected that the government would have come to the House and place before it what is intended to do with respect to these elections. We have got a motion that calls for the votes to be counted at the place of poll. One would have

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expected that that motion would have been brought already, if not the government would have come to the House and tell us exactly how these elections are going to be conducted. I tell you Cde. Speaker, if the government did not intend to rig the elections, the government would not have taken the power to have perpetuity in office, and I am saying this bill clearly will allow the government to perpetuate people in office even after their period would have expired. In fact, the bill places, let me read the amendment to section 24, that would be clause 7 of the bill. Section 24 of the Municipal and District Council Act is hereby amended by the substitution for all the words beginning with first day to the end of the section of the words day after declaration under section 101 of the local Authorities Elections Act of the elections results for the city but the city councilor shall, notwithstanding and this is the part.

14:55 hrs

I am dealing with the Bill as I read and study it, "but the City Councillor notwithstanding the expiry of the term of office until their successor enter upon office". The reason for this is to save them big disgrace of coming to validate six years after. This is the reason in that the amendment says that your time will expire in these bodies. This is a fact. I cannot see what legal techniques will make it different. You are going to hold office until your successors are elected. Therefore, anything you do subsequent to the expiry of three years will be legal so the Government will not have to come to the Parliament to validate actions done subsequent to that period which expires a term of office. That is my clear interpretation and that will be so in so far as the municipality is concerned. /Cde. Thomas: Interruption./ That is what the Bill says.

The Speaker: Cde. Thomas, Cde. Persaud is right there is no amendment yet.

Cde. Reepu Daman Persaud: What the Bill had, Cde. Speaker, and it is an important area for consideration, the intention of the Government is clearly stated in this Bill as I discuss it in this Assembly this afternoon and the intention was to give them the right to keep people in office for a period of nearly three years before new elections are held. That would have been the major objection to the Bill. In fact, Cde. Speaker, when I found that in the Bill I was really surprised because --

The Speaker: Cde. Persaud while you are right, what Cde. Thomas is saying is later on this amendment will come up. You must address your mind to that as well. When it comes up you will have a right to speak.

Cde. Reepu Daman Persaud: Cde. Speaker, you have to look at these Amendments which are necessary legislations so that you can understand what are the intentions. I am dealing with the Bill as I read it up to this morning. So let us summarize this Bill and state clearly our objections. One would have expected legislations of this type to remove areas of various complaints and protest, instead when the Bill is looked at it increases the necessity for protest with respect to the Local Government Elections. Secondly that the Bill is widening the powers of the Minister giving him greater flexibility which will work at a disadvantage of opponents of the Government. That is our first protest and first objection in that the stated period should be retained in the legislation and that point

will be applicable to clause 3, clause 4 and then I come to clause 5. Clause 6 is highly objectionable because here you see again for City Councillors providing that the interval between two elections of the City Councillor shall not exceed three years. In my interpretation and I stand corrected, that means three years. That elections are due at a given date then those elections legally can be held and must be held within a period of three years and that is a fantastic flexibility within the legislation. I would like to hear the Hon. Attorney General on that.

Section 24 and clause 7 continues on the same vein and it has not changed save and except to bring as I said to the end of the Bill provisions to validate actions done by these bodies over the last 6 years. I feel that this Bill is highly objectionable. We must object to it and we must express our protest and at the proper time we must vote against it. Cde. Speaker, let me say now and Town Councils that if the elections for the municipalities/are fair the People's Progressive Party will win overwhelmingly. What we are sure about is that the People's National Congress cannot hold a free and fair election. Trinidad did it and the Opposition won, Jamaica did it and the Opposition won there too and if Guyana does it we will win too. I want strongly on behalf of the People's Progressive Party to oppose this Bill and to state now that at the proper time we will vote against it. Applause.

Mr. Kwayana: Mr. Speaker, I rise to make my contribution under the shadow of your very historic ruling of several minutes ago. I am sure that your ruling will go down into the annals of constitutional history and be subject either to apology or attack depending on the point of view of the investigator. I approach this Bill on your invitation is that on the 30th July 1986, this Assembly in the exercise of its privilege and power as a legislative body passed the following resolution and in particular the second resolve clause and be it further resolved that the rules of conduct for elections for Local Authorities and the conditions which they can be held be debated in the National Assembly and be subject to unanimous vote of the Assembly. This was amended by Government frontbencher and eventually passed as amended.. This Bill saying that the Bill before us does not reflect the spirit of this resolution I want us to examine very seriously what is the function of this Assembly. If you look at Article 50 that is the Supreme Organs of democratic power shall be the Parliament, The national Congress of Local Democratic Organs, The Supreme Congress of the People and the President and the Cabinet. The National Assembly is not the Parliament it is only a part of the Parliament, the other part being his Excellency the President.

TAKE

15:05 – 15:15 HRS

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(Mr. Kwayana continues)

but were he to veto a bill, no one could constitutionally object, the bill would be sent back to the Assembly within a certain time, the Assembly would have the right to vote on the bill and return it to the president and he according to 175 where the National Assembly so resolve that the bill be again presented for assent, the bill shall be so presented and the President shall assent to it within twenty one days of its presentation unless he sooner dissolves parliament. One constitution then so far as I can find makes no provision for the veto of a resolution and I think that is because a resolution does not really have the force of law but is an expression of opinion and as I said an order to the Executive and it should be regarded as an order to the executive especially in an Assembly composed as this one is. If the President or the executive generally had second thoughts about their support for this resolution, they are bound to express it formally to the National Assembly in the spirit of the constitution in the way they would do with a bill, since there is no clear provision on it. This is my argument. No such thing has been done. The resolution has been simply ignored and the rights of the Assembly have been trampled.

The Assembly cannot carry out executive function but it can certainly pass resolutions. There are Standing Orders providing, going to elaborate provision about how motions should be given in notice, how the notice should be published, how they should be debated and Mr. Speaker, you have had quite often bring me to order in some of these discussions, but what is the use of all of that provision, all of these Standing orders when the whole thing is not taken seriously and the executive of this country can take it to its head to come to Parliament with a patch work and select certain areas, certain areas which the honourable member Mr. Persaud found very controversial, area which compare to what I am arguing are of a lesser significance. The question of dates and the like come to the Assembly in the light of this motion and pass such insignificant amendments, when what the motion calls for was presentation clear of rules for the conduct of elections to local authorities without exception. We are taking a dangerous road and I really do not know what is the future of this Assembly and what is the practical function. I really do not know if the money spent on us here is well spent, if we are asked to come here, express opinion, win or lose and then the effects of the whole thing is that the National Assembly is a sounding brass and tinkling symbol, signifying nothing, like Shakespeare's idiots or the idiot's tail. Mr. Speaker, I call it a constitutional crisis, two parts of the constitution, two organs which are not mutually exclusive

because members of the executive sit here and participated in the passing of this resolution. Two organs of the constitution are in conflict. I cannot argue that the National Assembly by itself is a supreme organ of democratic so far as I know that does not legislate and the one that legislates in not the supreme organ of democratic power without the president. We came into this Assembly in full knowledge of those constitutional arrangements but we find that even that minimum of power prescribed to this National Assembly by the constitution and laws is being limited. The executive is extending its power, I think unnecessarily too because what does it have to fear by bringing its own laws to this National Assembly for debates governing the conduct of elections when it has such an overwhelming majority in this Chamber. I can find no explanation other than the fact that the government does not take the constitution seriously, does not take the Assembly seriously. That is the presidential system of a most objectionable type and that proof of this is the way this legislation of July 30th calling for a renewal of life at the local level has been abrogated and ignored.

The Vice President, First Deputy, Prime Minister and Attorney General (Cde. M.

Shahabuddeen): Cde. Speaker, one of the things that Cde. Persaud said I believe was that this bill would subvert the democratic process and I think I should begin by confessing my difficulty is understanding quite how a bill which is proposing the resuscitation of the electoral process and the Local government Appeal and in fact preparing the ground for the holding of municipal elections can be characterized as intended to subvert the democratic process. Perhaps somebody does not quite see the holding of elections as part of the democratic process. This bill is looking forward to the holding of elections and hence my little difficulty in understanding how it can properly be classified as intended to subvert the democratic process. I come now to Cde. Persaud's major objection of the bill. It is a term he used more than once so he must attach some weight to it. Therefore, it is right that I should attempt to assist him with his problems. However, much of the House on this side may feel that there is no necessity for me to do so, I speak of his contention that this bill effectively provides for the continuation of tenure in elected positions for a period of some three years after the legal termination of the elective period. I understood him to be saying that come the end of the period of elective office, the bill perpeted to authorize Mayors and town councilors to continue in office for a non elective period. I thought your contention was after the normal term has expired the bill is perpeted to authorize them to continue for a further three years.

NATIONAL ASSEMBLY

15:25 hrs

(Cde. Shahabudden continues)

So the problem he is putting to the Assembly is this. Here people will be elected for a three year period but in fact they will be holding the seat suffice that period. Now if that were true, we on this side would immediately propose a corrective amendment because that certainly is not the intention. I am puzzled as to how my good friend could have come to that interpretation in view of the clear words which he himself read in the Proviso which Clause 6 of the Bill is proposing to Section 23 of the Municipal and District Council Act. That Section 23 of the Act is saying as it now stands that the City Councilor shall be elected in accordance with the Local Authority Elections Act at elections held every three years during the period commencing on 1st November and then on 7th December. So what the Bill is proposing is that the words "at elections held every three years during the period November 1st and ending on 7th December" be deleted and that a proviso be added reading as follows: "Provided that the interval between two elections of City Councilors shall not exceed three years." I should have thought that that was very clear that nobody could sit in a Town Council for any period which exceeds three years between two elections. Now then what has led to this interpretation being proposed by my learned friend? It seems to me that the way he is reading it is this: That the Bill proposes to authorize a City Councilor or Mayor whose term has expired to continue to hold office for a further period provided that that further period does not exceed three years. Now, the Bill is not doing that. That is a provencal of the clearest language of the Bill. That is the way my friend is reading it. He is reading it the way I just suggested that the Bill is authorizing a time expired member to continue to sit in the seat provided the extended period does not exceed three years. If he does that then what that means is that the interval between the original election and the very next election will be six years and that clearly would be a violation of the proposed proviso and will run obvious to everyone and one which has, I should take the opportunity of finding out what the Hon. Member, Mr. Kwayana did not quite support. I have taken down the language which he so carefully used. He referred to certain provisions which the Hon. Member, Mr. Persaud found very controversial that is how Mr. Kwayana was very careful to frame his reference to Mr. Persaud's contention. He did not quite say that he supported those contention and I...

ENDING OF TAKE

15:25 – 15:35 HRS

MISSING

TAKE
15:35 – 15:45 HRS
MISSING

NATIONAL ASSEMBLY15:45 hrs

(Cde. Shababudden continues)

So we are really well on the way to implementing a scheme which was fully presented to this House and fully adopted by it, we are not as it were writing on a clean slate but Cde. Speaker, there was one feature of the whole system which was intended to be safe under the scheme presented in the state paper and accepted by the House and this is to be found in section four, subsection 4a of page 12 of the state paper which as I extracted reads as follows. This was from the state paper which was accepted by House in 1980, the extract reads this way:

“The legal status of existing times, Georgetown, New Amsterdam, Linden, Rose Hall and Corriverton will be preserved. They will continue to elect their own Mayors and town councilors as in the past and discharge their existing duties and responsibilities, however, they will assume the larger and more dynamic role with which they constitution has invested local democratic organs”

and correspondingly, Cde. Speaker, section 53a of page 14 of the same state per went on to read as follows:

“The existing electoral procedures for the towns will be retained subject to any necessary modification to ensure congruence with the provisions of the constitution and the new concept of local democratic government.”

My colleague Cde. Persaud has clearly lost interest at this stage. As I said Cde. Speaker, these proposals have already been accepted by this honourable House and a number of elements in the new system have already been established. What we should be really talking about now therefore is the implementation of the remaining elements of the new system. Perhaps I should ask this that before going back to the motion, I should submit this to the House that really when one considers the motions and the presentations which have been made against the background which I have been seeking to recall to the House, it seems to me that it would be placing a fair construction on the motion in question to interpret it as being directed to the implementation of the remainder of the new systems and not to the holding of municipal elections since the House has already agreed that this should be done on the old basis and if this is right Cde. Speaker, then there can of course be no question of any inconsistency between the motion and the steps currently being taken by the executive to hold municipal elections because all of this was extracted and exempted away from the proposed establishment of the system so it seems to me that this approach is – I must put that because of the way the matter was put, the matter was put as if all of this was entirely something

new, it is not, we are continuing with proposals which were advanced long before to this House and approved in principle and it seems to me Cde. Speaker, that this approach is confirmed by certain additional considerations which I will now seek to lay before the House. I do want to say in a very courteous way how much I appreciate the...in this honourable House this afternoon by the honourable member Mr. Kwayana and how much I valued what he has said about the nature of an order and the differences between one kind of motion and another. I think he said that there were motions of a kind which the House was called upon to accept or reject and could legally modify and they had binding effect.

The distinction I would like to lay before the Chamber in this, motions of that kind, which have the kind of binding effect are motions passed under some statutory enactment, the Customs Act for example may say that the Minister of Finance may make certain orders and those orders must be brought to this House and this House may accept or reject or may make modification. When the House deals by motion with something of that kind, the motion passed by the House has binding legal effect because that motion is passed under an Act of Parliament but there is another kind of motion which is not passed under any enactment and here I want to say I agree with the honourable member Mr. Kwayana when he said that a motion of this kind has no binding legal effect. He is quite right and he was citing a case and I believe the case is a well known legal case of Stock deal and Hansard of 1839 so in these areas I am in agreement with him but what follows from all of this. It seems to me Cde. Speaker, that there are two elements of a motion under reference. The first element deals with the postponement of local government elections, while the second element deals with the relevant electoral rules. Now it does seem to me that the steps now being taken by the executive to terminate any further postponement of the holding of municipal elections not only is not in conflict with the first part of the motion. The bill is seeking in this respect to do the very thing that is visualized by the first part of the motion. It is seeking to terminate the postponement of the holding of election so there can be no contravention so far the first part of the motion is concerned. The honourable member I believe is not to be understood as suggesting that the executive is acting incorrectly in terminating the further postponing of the holding of these municipal elections but Cde. Speaker, once it is accepted that the motion does not prevent the government from terminating the further postponement of the holding of municipal elections then the consequence needs to be recognised that postponement can only be terminated on the basis that the government will be

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15:45 – 15:55 hrs

discharging its statutory responsibilities to hold these elections. In this respect the responsibilities being statutory the government really cannot plead any ground for not discharging them once the postponement is brought to an end. In this respect I recall again to the attention of the House the point which I believe the honourable member will concur that no motion can relieve the government of its duty to discharge a statutory duty for the simple reason that as he correctly pointed out that however persuasive the motion may be it does not have binding legal force. The government for example could not rely on a mere motion of the House if litigation were brought on in defense of any particular action of its own or in defense of any non-action by... and these I submit are additional reasons for interpreting the motion as not being in fact intended by this Assembly to be directed to the holding of municipal election.

TAKES

15:55 – 16:40 HRS

MISSING

and be the precursor of the introduction or other sub-divisional Local Democratic Organs within the various regions.”

The final paragraph:

“The legislation to provide for the establishment of these other sub-divisional Local Democratic Organs and elections therefore, will be laid in the National Assembly pursuant to the undertaking given by the Government during the last session.

I do wish to point out that as it appears from the questions issued by the Ministry of Regional Development that the Government has all times been very aware of the motion of the 30th July and will be very prepared to give the fullest respect. In fact, it was specifically mentioned here.

In conclusion, Cde. Speaker, it appears to me that in so far as the Hon. Member interprets the motion as encompassing the subject of municipal elections, he has overlooked the fact that this Hon. Assembly is already on record as agreed that such elections are to be held on the basis of existing rules and are accordingly excluded from the terms of the motion. Equally, it appears to me that in so far as the motion applies to the implementation of the remainder of the new system, the Hon. Member’s observations are premature for these reasons.

The first reason is that after pending elections do not relate to the remainder of the system and for the further reason that when the elements comprising the remainder of the system are eventually put in place the relevant rules will in fact be brought before this Hon. Assembly for debate as already been publicly notified in the press release issued by the Ministry of Regional Development. In the circumstances, Cde. Speaker, I emphasize as I began by reaffirming that the Government rejects any suggestion of inconsistency with the motion and on the contrary stand, and will continue to stand by every word of that motion properly understood. [Applause]

The Speaker: The Minister has rounded up the debate.

Cde. Dr. Jagan: I did not know that the Minister was winding up.

The Speaker: These things happen when people are not prepared, when they are not listening.

Even Cde. Reepu was saying he wanted to hear the Attorney General.

Suspension

NATIONAL ASSEMBLY

16:40 hrs

(Cde. C. Jagan continues)

It is not Jagan along who is giving the country a bad name. Lord...he is not a communist, he is not a Marxist.

The Speaker: Dr. Jagan don't worry with those people.

Cde. C. Jagan: Cde. Speaker, a leading Senator the other day referring to South Africa said that it is untenable that then percent of the population must hold down ninety percent of the population and that is the issue is Guyana. That is really the issue in Guyana. Ask this gentleman over here if he never used to say that. It is a minority regime, the previous bill which they did not discuss, number eight. They are now going to impose penalties. I am only showing where we are going. We will set up a set of informers in this country now, to inform on every neighbor to see how to catch him to pay his rates and taxes that is if he has not run out of the country long before. Cde. Speaker first of all we start out with the voters list, we have to see an independent organisation to be in charge of the voters list, this was the position of Mr. Hoyte when he was a member of the Elections Commission in 1968, that the Elections Commission will be in charge, that is its function, to be in charge of the compilation of the voters list. He is not doing that now, what happens at the last election. The Elections Commission said to use, that is the opposition parties that it had nothing to do with the appointment of all the officers dealing with the elections. We showed him the constitution report for the 1964 elections when the Election Commission appointed all the agents, the Chief Elections Agent and all the other officers. He did not do that, the Minister of Home Affairs did it in Guyana, that is why we had the practice in the last election, when a lot of agents behaved like PNC tugs, brutalize people, push them out of the polling station, agents who had a legal right to be there. One British journalist said he want to many countries, El Salvador, Guatemala, Nicaragua, he was involved in many guerilla wars as a journalist but this is the first time he was near to being linched. I made a point two nights ago at a meeting when Nixon in 1971 made a big grand stand, laid down your arms communist in Vietnam, we are giving you elections, Vietnamese were not agreeing and everybody could not understand why they were not agreeing to elections when they have the eighty percent support of the people behind them, so everybody was flabbergasted why the Vietnamese were not going to elections. Nixon says you can have elections. The Vietnamese said

yes we want elections. We will vote at elections but let the government resign first and appoint an interim government with an interim agency which will be in charge of elections, and I went to the conference in Paris and I told them of the machinery and the change of the laws in 1967 and the elections of 1968, how it was rigged because the machinery and everything was changed, the laws and everything compared to what existed in 1964 with an independent elections commission. So that is the first question we have to reconcile ourselves with in this country, if you want to proclaim to the world that you have a free and fair elections (1) an independent elections commission. Why can't we have a Caricom of which Mr. Hoyte is Chairman, why can't this government agree to ask Caricom to appoint an Elections Chairman. The first point we want as regards the rules of procedure is that the independent commission must be established and ask your friend Sonny Ramphal to hold you, he is your boy, Secretary General of the Commonwealth. The Commonwealth sent a team of observers here in 1964, ask Sonny Ramphal to send, appoint somebody, let us have an independent commission in which the whole world will have confidence. Caricom and Commonwealth, P.P.P. and WPA don't control the Commonwealth and Caricom, let us have, at least three institutions...

The Speaker: Dr. Jagan, suppose Mr. Ramphal appoint the present Elections Chairman, what would you do then.

Cde. Jagan: I am talking about an independent person, we want an independent commission. Second point is we want an independent commission to be in charge of the conduct of elections including the compilation of the voters list and the appointment of all the personnel.

TAKES

16:50 – 17:10 HRS

MISSING

NATIONAL ASSEMBLY

17:10 hrs

(The Prime Minister continues)

In 1961 again, the PNC was not in office, we were not in control of the electoral system, we did not have the right to appoint officers and the very British and American he just quoted as Senator, he quoted the British system as being good, he then accused the British of fraud. You will recall Cde. Speaker, when Sir Hugh Hallet arrived in this country, he arrived to the trumpets of the People's Progressive party, led by Dr. Jagan saying he has come to jerry mangle the constituency. Cde. Speaker, I recall that Dr. Jagan at a meeting in the middle of January in Berbice in 1961 boasting that there were winning the elections but if they lost because but if they lost because of the jerry mangling, the word he used was crookery, the records are there. If they lost by crockery that the British will carry on without them, even then he anticipated fraud. In 1955 why did the split with the PPP take place, because of electoral fraud, alleged electoral fraud. Cde. Speaker, when Dr. Jagan spoke to the Royal Institute on International Affairs, the main parts of his speech was to complain about fraud...

Interruption by Dr. Jagan

The Prime Minister: But, Cde. Speaker, this question of electoral fraud is a serious matter for Dr. Jagan because and I know you were around in 1959 as leader of the People's Progressive party, you will recall what happened and for the Comrades who were not around, let me remind this House what happened in 1959 when the thing was so blatant, a certain group led by a certain person, the thing was so bad they had to revoke the elections results within the PPP. Cde. Speaker, remember the remarks made by Balram Singh Rai, a man who Dr. Jagan held closely to him and was the New Messiah to the PPP said that Dr. Jagan should hang his head in shame. Can he come to this House and tell us about fraud, but because Dr. Jagan made a mistake...

The Speaker: Cde. Prime Minister, I think you have had enough about fraud.

The Prime Minister: Cde. Speaker, I would like...

Interruption by Dr. Jagan

The Speaker: This thing is getting ridiculous. I have given you a lot of chances. I respect your age and everything. I have a lot of patience. Sometimes, I am surprise at myself and I think you are really over doing it now.

Cde. Jagan: I don't think so.

The Speaker: Well, if you don't, I think so.

The Prime Minister: Cde. Speaker, I want to make this point that we must not come to this House, plot issues by attempting to accuse a government and a party that has tried over the years to really stabilise conditions in this country. Nothing is perfect. We are attempting by this process. We are introducing in this House to ensure, alright we did not have elections for a number of years, this is regretted but we have good reasons. There were things that were happening. We were trying to produce a new reform. We hope to improve the democratic process and the interaction of the people at the community level. What I would like to see the Parliamentary Minority and other side do is to encourage optimum participation at the level of what we know as the grass roots, that is our concern. Let us go out there and persuade the people to take an interest in their community affairs, to take interest in their municipal affairs and help them to execute what the government has said 'peoples power and government.' Really Cde. Speaker, we are concerned that at the municipal level people will assume a greater level of responsibility by controlling their municipality and doing what we have asked them to do, to take care of their community. It is consistent with the national constitution. I would urge this honourable House to accept the motion moved by my honourable friend Cde. Jeffrey Thomas and let us ignore these side issues. Some people never learn, some people want to use this House to say what they say outside and instead of bucking down to deal with the problems that face our society, because of the way the world economic order is organised, the way pressure is being put upon small nations that have attempted as we are to make independence something that is real and lasting. Help us to maintain our dignity and independence in very difficult circumstances, help us to make our non-alignment a reality, help us to say to the super powered as we have said, we pause neither east nor west and we shall be no one's stooge and as Cde. Speaker, I commend this bill to this House and hope that some of us will learn that what is important to this honourable House is we speak the truth and attempt in every way to bring and do justice to the people we claim we represent here in Guyana.

Division

Assembly divided: For 38, Against 7 as follows:

FOR

Cde. Thom-Lindie
Cde. Stephens
Cde. Domingo
Cde. I. Ally
Cde. Abrahams
Cde. Khan
Cde. Latchminarayan
Cde. Bishop
Cde. Charles
Cde. Semple
Cde. E. Mohamed
Cde. Sankar
Cde. Trotman
Cde. Marshall
Cde. Edwards
Cde. Deygoo
Cde. DeJesus
Cde. Deen
Cde. Chin
Cde. Calistro
Cde. Bovell-Drakes
Cde. A. Ally
Cde. Munroe
Cde. Doobay
Cde. Dividson
Cde. M. Ally
Cde. Fowler
Cde. Williams
Cde. Ferreira
Cde. Odie-Ali
Cde. Habibulla
Cde. Johnson
Cde. Harewood-Benn
Cde. Van West Charles
Cde. Thomas
Cde. Pershad
Cde. Shahabuddeen
Cde. Green

Motion carried

AGAINST

Mr. Kwayana
Mr. Abraham
Cde. Basir
Cde. Nokta
Cde. S. F. Mohamed
Cde. R. D. Persaud
Cde. C. Jagan

TAKE

17:20 – 17:30 HRS

MISSING

TAKE

17:30 – 17:40 HRS

MISSING

NATIONAL ASSEMBLY

17:40 hrs

(Cde. C. Jagan continues)

So I want to come back and say that that particular practice in the colonial period was quite sound and quite okay, nobody complained, the PPP in those days never complained about it. We fought municipal elections on that basis and there was no complaint and if they want to hold elections this year and this have some problems about the date, that this period would not suit them, then obviously we are prepared to allow an amendment on that for this year, but don't leave it open until the Minister can write anytime he feels like it and so on and that is what is causing all these consequential changes and so on to be made as in clause 3.

The Speaker: Cde. Shahabuddeen

Cde. Shahabuddeen: Cde. Speaker, I really thought there should have been no need for me to have to deal a second time with a point which I do believe was fully discussed in the main debate but I really cannot tell why it has been raised again except for the reason that there are colleagues who subscribe to the view that an argument gains additional force either through repetition or through the application of additional energy and vehemence for stating it a second time. I have been searching very carefully for the words used by the last two speakers for any additional matters of reasons which might require for treatment from this side of the House. I have not found any, the position is reasonably clear to my mind. It seems to me that my colleague Cde. Persaud is under the impression that there is something hypnotically concealed somewhere in the formulation of this bill and the proposed amendment which will enable a mayor to extend his term of office beyond the normal one year period. This bill does not do that, under the main section in the section 10, it is stated clearly that the term of office is one year and that one year term still stands. All that happens is that the benchmark from which one would count the one year now change as a result of the element of flexibility which it is now proposed to inject into this structure of the Act by way of replacement of the element of rigidity that is all and what the bill is seeking to do is to ensure that where the results of the operation of this new element of flexibility there is necessity for it, well then the current Mayor will continue transitionally and only transitionally for a short period which will enable all the cares of the office to be transferred to his successor. If one reads section 12 of the parent Act one will see that the town clerk has to call annual elections to elect a mayor and Deputy

and that position will still in substance stand, so there are two things which will continue to stand, the first thing which will continue to stand in that the term of office of the mayor will still be one year. It will be completed now from a different bench mark, that is all and the second things which will stand and this is supportive of the first is that the town clerk will continue to be under his regional obligation to convene annual meetings of the town councilors to elect a mayor, so how my friend allow himself to fall under the impression that there is some secretive mechanism in this bill which will enable the mayor to hold on to office in perpetually in something which my limited intellect cannot find possible. I would for those reasons resist the proposed amendment.

Cde. Reepu Daman Persaud: Cde. Chairman, with the greatest respect to the Attorney General, if the Mayor and Deputy will be holding office not one single day exceeding the period as provided for in the law, why is it in very clear and simple language and in my own humble opinion is the necessity to put into this law, notwithstanding everything, that is, he has to come out within twelve months or whatever it is, notwithstanding all of that, shall notwithstanding the expiry of his term of office expires and the bill anticipates the possibility of the expiry of the office, the terms of office of the Mayor and Deputy. That would be my argument, therefore, if that happens and it can happen and we are speaking against the background that it has happened for too long a period, not within reason or logic for which no explanation was given by none of the speakers this afternoon in this House. That is the one validating these bodies for a period of six years, not a word said by the very capable and I respect his ability as a lawyer, the very capable articulate Attorney General. Very nicely he did not bother with that because there is no answer, but I speak with that background that it has happened and it can happen again. It is not simply an expiry of one year or two years, it went down to sixteen years nonstop. I am no lawyer, probably you have to conceive a constitutional motion if it is felt, I don't know, to go to the court and move the court to compel the Minister to hold elections within the framework of the particular statute. It would be an expensive process and Parliament must so frame its legislation that there would be very few of necessity for recourse of that kind of expenditure and time. It is based on that kind of presentation that my amendment seems abundantly clear. We argued first and Dr. Jagan alluded to that, that there was no need, leave it so the Minister must fix it, I agree with that and I argue that in my own self contribution, coming to the amendment Cde. Chairman, my point is very clear with the greatest respect to him. There can be no

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17:40 – 17:50 hrs

answer if I argue this afternoon. Why do you want in the law words to that effect to allow people to continue in office when their term has been expired?

Amendment put

Cde. Thomas: Cde. Speaker, actually, I want to say for the benefit of the member that this amendment really represents a transitional arrangement. During the course of my presentation I did indicate to the House that ten days after these councilors are elected they would meet and select a mayor and a deputy. Immediately after that, the mayor will take office on the first day of the month following. As a result there must be in place some mechanism to allow them to continue in office during the transitional period, in the say way how Regional Chairman and Deputy Regional Chairman and Ministers of Government continue in office until the succeeding officer takes our office and in second place, the original legislation did not really take into consideration the fact that mayors and deputies were likely to be there. At present the mayors of Georgetown and New Amsterdam and their deputies are being paid and that is why we seek to regularize the area.

TAKE

17:50 – 18:10 HRS

MISSING

NATIONAL ASSEMBLY

18:10 hrs

(Cde. C. Jagan continues)

I am saying in the history of man's struggle for progress, all scholars will say it was in the state of historical progress, the American revolution was the state of the national democratic resolution under control where they had slaves, that was admitted, Jefferson and all of them, that was admitted, but in no revolution you fight all your enemies at one time, this was a revolution to free the colonies from foreign revolution and they set up a democratic constitution based on their experience with dictatorship not only in Britain, that is why they had the cheques and balances between the legislature and the Judiciary and the Executive and so on. The black people fought in the civil war, the white people. /Interruption/

What about Lincoln and the civil war, that had to do with slavery, white people were on both sides of the line, you are distorting the history, the Prime Minister needs to be a little educated, you must come to PPP classes.

Amendment Put

Division

Assembly divided: For 38, Against 7 as follows:

FOR

Cde. Thom-Lindie
Cde. Stephens
Cde. Domingo
Cde. I. Ally
Cde. Abrahams
Cde. Khan
Cde. Latchminarayan
Cde. Bishop
Cde. Charles
Cde. Semple
Cde. E. Mohamed
Cde. Sankar
Cde. Trotman
Cde. Marshall
Cde. Edwards
Cde. Deygoo
Cde. DeJesus
Cde. Deen
Cde. Chin
Cde. Calistro
Cde. Bovell-Drakes
Cde. A. Ally

AGAINST

Mr. Kwayana
Mr. Abraham
Cde. Basir
Cde. Nokta
Cde. S. F. Mohamed
Cde. R. D. Persaud
Cde. C. Jagan

Cde. Munroe
Cde. Doobay
Cde. Davidson
Cde. M. Ally
Cde. Fowler
Cde. Williams
Cde. Ferreira
Cde. Odie-Ali
Cde. Habibulla
Cde. Johnson
Cde. Harewood-Benn
Cde. Van West Charles
Cde. Thomas
Cde. Pershad
Cde. Shahabuddeen
Cde. Green
Amendment negatived

Clauses 8 to 12 as amended stands part of the bill.

Clauses 12

Cde. Reepu Daman Persaud: Cde. Chairman, there is no answer on the part of the government with respect to this particular clause. My interpretation of this clause is that it is retroactive and validating an illegality and that point is supported by Act 1 of 1979. I think the government owes this House an explanation. I cannot see how they can persuade us to be silent on a question which is so disgraceful. I think it is a disgrace for everybody that the government sits idle by and allow illegality to be perpetuated for a period of six years without intervention. In that as I said and I think I should repeat it that all these bodies were there illegally and so clause 12 has to validate all their actions, wrong or right and probably to free them from any kind of legal proceedings for any errors or omissions or some things which can be mounted on a proper cause of action. I wonder if we can stay idle and don't draw it to the attention of the House and on this occasion persuade the government for an answer. I would thereby discharge and indemnify against all persons from all legal proceedings in respect of or consequence on such act, in that if a citizen was persuaded to say that you have been shocked by constitutional rights by remaining in office for a period longer than the law provides. It would appear to me that with the passage of this Act, of course, it is subject to the constitution and all of that that no one can take any proceedings against these people for things which may have been grossly wrong. I think we would have been failing in our duty if we did not allude to it and I would like to ask why the government did not put themselves in order before now and why they wait six years after to push this amendment in a bill which in the final analysis is not totally recorded. Why? I think this one is beyond answer. I would like to know

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what is the answer for imposing this body...to the people of this country without elections. Not only elections were not held...

The Speaker: Cde. Persaud if there is no validation what would happen.

Cde. Reepu Daman Persaud: I must question this, I am sure if you were in my position you would have done exactly what I am doing and if any one of them over there were standing over here they would have been probably more vehement than I am but when we raise a point they say why you don't stop. Don't we have a right to say things, I think this one has no answer, but it is not a case where only elections were not held, they did not even seek recourse to the National Assembly Cde. Chairman, so that the Assembly could pronounce, so the Assembly could ventilate. They just sit unilaterally and in the usual big stick method allow these people to carry on and then come six years after and want us in the Parliament to say okay, validate everything. We cannot do that, we will not do that, we will vote against the clause.

Mr. Kwayana: I would like to ask some different questions. When did they discover that these Local Authorities were not legally founded and why did they not take steps when they discovered it. This is the light in which we have to view that state paper of 1980, all these clauses now being brought after six years after to be corrected and we are expected to sit down and put our tails between our legs and so pass a motion in this National Assembly, bow down to the wisdom of this six year old paper. When did they discover it, why did they do nothing? Have they only now discovered it? Those are relevant questions. They could have brought something here to validate past periods and use the existing laws to postpone the elections but they did none of that and have come now at this late date pleading long sighted wisdom and asking to validate.

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(Mr. Kwayana Continues)

They have done none of that and have come now at this late stage pleading long-sighted wisdom and asking to validate.

Cde. Shahabuddeen: Cde. Speaker, it does happen from time to time in even the best regulated public system that parts of the machinery became unstuck, action proceeds without due authority of law and later it becomes necessary when this is recognised to come very friendly to the Assembly in whatever country you are operating and say this has happened, please could you regularize, could we validate what has happened, what has been done? We are unique in this and the major Minority Party cannot pretend that this never happened before in the regime or the period of office which the People's National Congress has served. I think it has happened. I think if one search the records of our statute laws for the period before December 1964, one is likely to find some interesting bits of validated legislation extending over a very long period. So, I come now as to why this matter was not discovered before.

I would like to say this, at least the People's National Congress, discovered it and having discovered it have come to Parliament to make peace with the legislature. [Applause] Let us see now who may not have discovered it or who if they discovered it has done nothing about it. I cannot speak for all the local authority entities. But I have it on book the reliable information that the PPP has been having representatives in the Georgetown City Councils these years. [Laughter] So it means, Cde. Minority leader, your party has been participant to the operations of the system in the way in which it has been operating. It means that your party has been an aider and abettor in the operations of the systems beyond this period in which we could properly have operated and we are entitled to have your full support on this occasion. [Applause] You will know better than whether or not participation was limited only to the Georgetown City Council. I will not hazard my impressions but I will leave it to more knowledgeable members of the Assembly who came from other parts of the country to say whether Georgetown was the only place in which you helped to operate this machinery beyond the 1979-1980 elections. But participation in the operation of the councils was not the method or the only way open to the major Minority Party to express its dissatisfaction with

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what has happened. If you had discovered it before and wished to do something about it, well then, Cde Reepu.

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