

**THE  
PARLIAMENTARY DEBATES  
OFFICIAL REPORT  
VOLUME 7**

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

**77<sup>th</sup> Sitting**

**2:10 p.m.**

**Thursday, 6<sup>th</sup> November, 1975**

**MEMBERS OF THE NATIONAL ASSEMBLY**

**SPEAKER**

Cde. Sase Narain, J.P., Speaker,

**(Absent)**

**MEMBERS OF THE GOVERNMENT**

**PEOPLE'S NATIONAL CONGRESS (50)**

**Prime Minister (1)**

Cde. L.F.S. Burnham, O.E, S.C.,  
Prime Minister

**(Absent – on leave)**

**Deputy Prime Minister (1)**

Cde. P.A. Reid  
Deputy Prime Minister and Minister of National Development

**(Absent)**

**Senior Ministers (9)**

Cde. H.D. Hoyte, S.C.,  
Minister of Economic Development

**(Absent)**

*Cde. H. Green, Minister of Cooperatives and National Mobilisation	<b>(Absent)</b>
* Cde. H.O. Jack, Minister of Energy and Natural Resources	<b>(Absent)</b>
* Cde. F.E. Hope, Minister of Finance	
* Cde. S.S. Naraine, A.A., Minister of Works and Housing	
* Cde. G.A. King, Minister of Trade and Consumer Protection	
* Cde. G.B. Kennard, C.C.H., Minister of Agriculture	<b>(Absent- on leave)</b>
*Cde. C.L. Baird, Minister of Education and Social Development	<b>(Absent- on leave)</b>
*Cde. F.R. Wills, S.C., Minister of Foreign Affairs and Justice	

**Ministers (5)**

Cde. W.G. Carrington, Minister of Labour	<b>(Absent – on leave)</b>
Cde. Miss S.M. Field-Ridley, Minister of Information and Culture	
Cde. B. Ramsaroop, Minister of Parliamentary Affairs and Leader of the House	<b>(Absent- on leave)</b>
*Cde. O.M.R. Harper, Minister of Health	<b>(Absent)</b>
*Cde. C.V. Mingo, Minister of Home Affairs	<b>(Absent)</b>

**\*Non-elected Ministers**

## **Ministers of State (9)**

Cde. M. Kasim, A.A.,  
Minister of State for Agriculture

Cde. O.E. Clarke  
Minister of State – Regional (East Berbice/Corentyne) **(Absent – on leave)**

The Hon. P. Duncan, J.P.,  
Minister of State – Regional (Rupununi) **(Absent – on leave)**

Cde. C.A. Nascimento,  
Minister of State, Office of the Prime Minister

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

Cde. K.B. Bancroft,  
Minister of State – Regional (Mazaruni/Potaro) **(Absent)**

\*Cde. W. Haynes,  
Minister of State for Consumer Protection **(Absent-on leave)**

\*Cde. A. Salim,  
Minister of State – Regional  
East Demerara/West Coast Berbice **(Absent)**

\*Cde. F.U.A. Carmichael  
Minister of State – Regional (North West) **(Absent)**

## **Parliamentary Secretaries (8)**

Cde. J.R. Thomas,  
Parliamentary Secretary,  
Ministry of National Development **(Absent)**

Cde. C.E. Wrights, J.P.,  
Parliamentary Secretary  
Ministry of Works and Housing

Cde. M.M. Ackman  
Parliamentary Secretary  
Office of the Prime Minister, and Government Chief Whip **(Absent- on leave)**

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

Cde. E. L. Ambrose  
Parliamentary Secretary  
Ministry of Agriculture

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

Cde. J.P. Chowritmootoo  
Parliamentary Secretary  
Ministry of Education and Social Development

Cde. R.H.O Corbin  
Parliamentary Secretary  
Office of the Prime Minister

Cde. M. Corrica,  
Parliamentary Secretary  
Office of the Prime Minister

### **Deputy Speaker (1)**

Cde. R. C. Van Sluytman, Deputy Speaker

### **Other Members (17)**

Cde. J.N. Aaron

Cde. L.M. Branco

Cde. M. Corrica

Cde. E.H.A. Fowler

Cde. J. Gill

Cde. W. Hussain

Cde. S. Jaiserrisingh

**(Absent – on leave)**

Cde. K.M.E. Jonas

**(Absent – on leave)**

Cde. M. Nissar

Cde. L.E. Ramsahoye

Cde. J.G. Ramson

Cde. P.A. Rayman

Cde. E.M. Stoby, J.P.

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

Cde. C. Sukul, J.P.

Cde. H.A. Taylor

Cde. L.E. Willems

**Members of the Opposition – Liberator Party (2)**

Mr. M.F. Singh, Leader of the Opposition

Mrs. E. DaSilva

**(Absent – on leave)**

**OFFICERS**

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

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

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National Assembly

2:10 – 2:20 p.m.

**PRAYERS**

**ANNOUNCEMENTS BY THE SPEAKER**

**Leave to Members**

**The Deputy Speaker:** Cde. and hon. Members, I wish to inform you that Cde. Speaker is indisposed and is unable to be present at this Sitting.

Further, leave has been granted to Cde. Prime Minister for today's Sitting, to Cde. Kennard up to the 23<sup>rd</sup> of November, to Cde. Baird up to the 18<sup>th</sup> of November, and Cde. Zaheeruddeen for today's Sitting.

**PRESENTATION OF PAPERS AND REPORTS**

The following report was laid:

“Audited Accounts of Guyana Airways Corporation for the year ended 31<sup>st</sup> December, 1974. [**The Minister of Trade and Consumer Protection on behalf of the Prime Minister**]

**BILLS – SECOND READING**

**LEGAL PRACTITIONERS (AMENEMENT) BILL**

**The Minister of Foreign Affairs and Justice** (Cde. Wills): Cde. Deputy Speaker, I beg to move the Second reading of:

“A Bill intituled:

“An Act to amend the Legal practitioners Act.”

Cde. Deputy Speaker, the practice of the law has always been divided between the radicals and the conservatives, the Jennings and the Asquiths, as the British would have it, and the Precullians and Serviles, as the Romans would have it. I do not think anybody in the August Assembly will doubt the side to which the hon. Leader of the Opposition belongs.

What has always been a disquieting feature of legal training in the Caribbean was this need to trace the steps of a triangular trade and go to Britain and join the Inns of Court and there eat what are euphemistically called “Dinners” which in my time, just after the War, certainly had no relationship whatsoever with a satisfying meal. Having gone there, and having been subjected to the crippling constraints of British conservatism, to come back armed with precedents, armed with legal learning according to the British books, and try to apply that the alien society which comprised Guyana at that time, that has always been so.

But as part of the bigger question what is needed, in my opinion, is a new appreciation of the function of law, lawyers, and legal institutions in developing countries, especially developing countries whose strategy for the transformation of their societies is socialism. It is clear that the old order must go away; the most convinced conservative must admit that there is need for change. The current debate has been about the pace of the change and the direction of the change. But I think we are all agreed that it is the general consensus in Guyana that there is need for change. We must no longer be confined to the uninhibited and uncontrolled advance of the individual where very often private spite in our courts is considered a public virtue.

What we have to aim for is the kind of collective well-being of the community and a recognition that every right has to be exercised within a certain social, political and economic context; and that there are no absolute rights, no uninhibited rights, and that the most fundamental thing is the duty of the individual to his fellowmen within the society. I think that is the direction in which we have to move.

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But having said that, I must not let you leave this Assembly with the impression that the task is a very light one. The most stalwart defenders of the ancient regime in any country at any time of history have always been lawyers. Paradoxically too, the most stalwart attackers of regimes throughout history has also been lawyers, though a minority. This kind of schizophrenia is something which we have come to live with for centuries. This present Government in Guyana is aware of its responsibilities, we must be the prime initiator of change and we must be the final arbiter of human relations under the paramountcy of Party. **[Applause]**

Having said that I must tell you, Cde. Speaker, that we propose to undertake a thorough study of our legal system so as to make the system more consonant with the needs of Guyana in the last quarter of the 20<sup>th</sup> century. We propose to initiate such legislation as may be necessary to effect this change. We recognise, mind you, that legislation is limited and there must be vast programmes of education and reorientation, but we have never been deterred - this Government, this Party - by the enormity of any task. We shall not be discouraged now.

We propose to immediately redress such glaring anomalies and anachronisms that remain in law books through a servile and intellectually pusillanimous reverence for all those relics of English history which we seem to love so dear, all those feudal remains that one can still read in the newspapers being reverently applied by some of our brothers whose job it is to adjudicate over a dispute.

We propose to abolish unacceptable attributes of status symbols, those symbols that are repugnant to our political thrust. In this connection, we propose to initiate legislation for the removal of discrimination against women because this is International Women's Year. **[Applause]** We propose to stop this nonsense that makes the women of the country feel that they are second-class citizens, indeed second-class humans, that they can be deemed rogues and vagabonds and in matters of matrimonial cause they are mere second wicket batsmen. We propose to remove all constraints on the acquisition of citizenship that operate against women, the humbugs, the hindrances – a woman cannot get a passport unless her husband signs; nonsense like that. We intend to remove all these things because discriminatory measures have



been too long with us, they belong to the times that are described in Exodus, in the Twelve Tables in Rome, but they certainly do not belong to the world and, of course, to Guyana in the fourth quarter of the twentieth century.

We propose, early in the new year – and I say this for the information especially of my friend, the right hon. Leader of the Opposition – to initiate legislation for a fusion of the professions between the barristers and solicitors. That kind of legal dichotomy which operates has too long sullied and stained our society. Fusion is the target that we intend to achieve very, very early. In this context then Cde. Speaker, I am pleased to place this Bill before this House.

I started my remarks by saying how thoroughly fed-up- I had been with the necessity of going to Britain and the Inns of Court. This has been acted upon and the University of the West Indies and the University of Guyana have both been having degree courses for lawyers. Consequent upon a report of the Wooding Committee led by the late Chief Justice of Trinidad it was decided to form the Council of Legal Education. There would be a system whereby anyone who holds a law degree from either U.G. or U.W.I would then obtain a certificate of the Council. This certificate would entitle him to practice in the particular region where he chooses to make his contribution. We have recognised the validity of this certificate in our laws by Section 4 of the Legal Practitioners Act.

The problem we had was, should we wait until we bring in the legislation for fusion before allowing these young lawyers to practice or should we bring them some form of interim relief now? The draftsmen of the Government, through no fault of their own, I can assure you Cde. Speaker, are heavily overburdened with a backlog of work for it is a tiny nucleus of people having to perform the job that perhaps would require thirty or forty people. I do not think very often we are thankful and grateful to them enough for the efforts that they have put into the job in service to the people of Guyana. **[Applause]**

So, faced with this problem, we have decided to bring in this Bill right now permitting the young lawyers to practice in the courts of Guyana. They have an option; they can register as

barristers or solicitors and they can change back after a number of years. But I emphasise, we know it is a temporary measure because the target is fusion, and when the profession is fused this necessity of electing whether on is a barrister or a solicitor would not arise, and that would be very soon in the New Year.

But were we to sit still and deny these young graduates, these young lawyers, the opportunity to contribute to the country we all love so dear, were we going to rob the country of skill acquired at great expense of time and money because of some academic and intellectual propensity for perfection and say let us wait until we square the corners of wait until we fuse the profession, I would think, if we were to do so, we would be justly accused of being inconsiderate of the true needs of the people of Guyana and of the true need of the lawyers themselves.

We, therefore, bring this Bill to the House and I am quite sure that it has in it nothing that will offend the sometimes very thin, superficial dignity of my friend, the Leader of the Opposition. I know that I do not need to woo his support for it. I know that he will appreciate that opposition does not mean that one must have *carte blanche* to oppose everything said by the other side, but there is always some, I would say, consensus, to which we can agree. I also know that he has been robbed of his own slogan of “critical support” by others who are too short-sighted to appreciate the value of a forum of this kind.

With those remarks Cde. Speaker, I move the Second reading of this Bill.

*Question proposed.*

**The Deputy Speaker:** Hon. Leader of the Opposition.

**Mr. Singh:** Mr. Deputy Speaker, the proposed legislation before this honourable House is very necessary indeed to enable persons holding the Legal Education certificate of the Council of Legal education of the Commonwealth Caribbean to be admitted to practice in the Courts of

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Guyana either as barristers or solicitors as they may elect, as is embodied in the explanatory memorandum. Even though I regard some of the remarks of my learned and honourable friend as facetious, let me assure him that I am very pleased that this honourable House will give this Bill its unanimous approval. **[Applause]**

To my mind, Mr. Speaker, this Bill takes Caribbean integration a step further. I am a firm believer in Caribbean integration and in these days when it is recognised the world over that “in unity there is strength”, when even the so-called “great powers” are getting together with their neighbours to form powerful economic and other blocs, to my mind it is essential for survival that we in Guyana should get together with our Caribbean neighbours in every conceivable field. We have done so, to a great extent, indeed, in many fields in Caricom. We are now, in the proposed legislation, putting some of the final touches to integration in the legal field, and as my hon. and learned Friend has said in his contribution to Parliament, this is a very important field. History has proved how important it has been, particularly in political circles.

I repeat again, I am a firm believer in Caribbean integration. The tragedy is that too often in the Caribbean we seem to be guided by emotions, by clichés, by “isms” and by ideologies foreign to the native Caribbean. What we need is for each of us to make a fervent commitment towards Caribbean integration, towards building a strong and a lasting Caribbean community on a solid foundation of freedom, justice and fair play for all of us; a society where the rule of law is upheld. No matter how colonial we may consider the rule of law the basic concept is there, the principle is there. Like the English language which we speak, the rule of law is there and I am sure that there is no one of us who can find fault with the rule of law as we learnt it.

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That is why I would like to see a society where the rule of law is upheld and where no one need fear discrimination on the grounds of politics, race or religion. I would like to see a society devoid of either the evils of the western exploitative capitalism or indeed the eastern

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repressive communism. Let us face it; we are living today in a very troubled world, a world full of turmoil, a world which seems to be full of ever-increasing conflict in spite of their talk. I, therefore, call especially on the new Caribbean lawyers, trained as they are, in their own environment in the Caribbean to exert every effort at their disposal to see that the universal declaration of human rights, adopted by the General Assembly of the United Nations on the 10<sup>th</sup> of December, 1948, is upheld. Theirs is a special duty, trained as they are in their own environment, and I would like them to dedicate themselves to carrying out their duties.

I welcome the hon. Minister's undertaking that a thorough study of the legal system in Guyana will be undertaken with a view to change, a change which, let me reiterate, I hope will recognize and fervently uphold the Universal Declaration of Human Rights of the United Nations.

I welcome, also, the assurance that there would be fusion of the separate arms of the profession, barristers and solicitors, early in the new year and, perhaps, in this direction I may mention that contrary to what appeared in the only non-government newspaper, this Bill does not merge barristers' and solicitors' professions. It does not do that. As my hon. and learned Colleague has said, we will wait next year for that to come. I certainly look forward to that. I look forward with great interest to legislation in general next year and I look forward to making constructive criticism and meaningful contributions to the proposed legislation next year.

**The Speaker:** Cde. Minister of Foreign Affairs and Justice do you want to reply?

**Cde. Wills (replying):** Cde. Speaker, my hon. and learned Friend of the Opposition has been so gracious that he has taken the wind out of any retaliatory sails I might have had. As a tribute to his charm, and as a tribute to the trend I have had since my arrival to this Assembly, in supporting everything I say, I will on this occasion refrain from the temptation to make another speech.

*Question put, and agreed to.*

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*Bill read a Second time.*

*Assembly in Committee.*

*Bill considered and approved.*

*Assembly resumed.*

*Bill reported without amendment, read the Third time and passed.*

#### **ADJOURNMENT**

**Resolved,** “That this Assembly do not adjourn to a date to be fixed. [**The Minister of Information and Culture on behalf of the Minister of Parliamentary Affairs and Leader of the House**]

**Adjourned accordingly at 2:40 p.m.**

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