

**LEGISLATIVE COUNCIL.****FRIDAY, 17th NOVEMBER, 1950.**

The Council met at 2 p.m., His Excellency the Governor, Sir Charles Woolley, K.C.M.G., O.B.E., M.C., President, in the Chair.

**PRESENT.**

The President, His Excellency the Governor, Sir Charles Campbell Woolley, K.C.M.G., O.B.E., M.C.

The Hon. the Colonial Secretary, Mr J. Gutch, O.B.E.

The Hon. the Attorney-General, Mr. F. W. Holder, K.C.

The Hon. the Financial Secretary and Treasurer, Mr. E. F. McDavid, C.M.G., C.B.E.

The Hon. Dr. J. A. Nicholson (Georgetown North).

The Hon. T. Lee (Essequibo River).

The Hon. W. J. Raatgever, (Nominated).

The Hon. V. Roth (Nominated).

The Hon. D. P. Debidin (Eastern Demerara).

The Hon. Dr. C. Jagan (Central Demerara).

The Hon. W. O. R. Kendall (New Amsterdam).

The Hon. A. T. Peters (Western Berbice).

The Hon. W. A. Phang (North Western District).

The Hon. G. H. Smellie (Nominated).

The Hon. John Carter (Georgetown South).

The Hon. F. E. Morrish (Nominated)

The Hon. L. A. Luckhoo (Nominated).

The Clerk read prayers.

The Minutes of the meeting of the Council held on Thursday, the 16th of November, as printed and circulated, were taken as read and confirmed.

**REPORT LAID**

The COLONIAL SECRETARY laid on the table the following: —

The Report on the accounts and administration of the Mitchell Trust Fund for the year 1949.

**COMPARISON OF SALARIES 1948-1950**

The FINANCIAL SECRETARY AND TREASURER: Sir, I beg to lay on the table a schedule showing a comparison of the actual salary of individual Government officers and employees paid monthly for the month of October in 1948, 1949 and 1950.

I should like to explain that this Schedule has been prepared from returns compiled by Departments with the object of indicating to Members of the Council the effects of the recent revision of salaries and wages of monthly servants as a result of the recommendations of the Public Service Salaries and Wages Commission. This Schedule contains typical examples of each class and category of Government employee with salaries not exceeding \$220 per month. It will, I think, be also of some use to the Advisory Committee which is now sitting.

**ORDER OF THE DAY****FIREARMS (AMENDMENT) BILL, 1950.**

The ATTORNEY-GENERAL: I move the first reading of a Bill intituled:

“An Ordinance further to amend the Firearms Ordinance, 1940, with respect to the registration of firearms dealers and for matters connected therewith.”

Mr. RAATGEVER seconded.

Question put, and agreed to.

Bill read the first time.



## DOGS BILL, 1950.

The Council resolved itself into Committee to resume consideration of the Bill intituled:

“An Ordinance to render the owners of dogs liable for injuries done to cattle by dogs; to provide better protection from dogs; and for purposes connected therewith.”

## Clause 2. — Interpretation.

The ATTORNEY-GENERAL: At yesterday's meeting it was agreed that poultry should be included in the provisions of the Bill. Consequently it is necessary to amend clause 2 to insert a definition of poultry. I have circulated to hon. Members a proposed amendment which reads:

“Poultry” means domestic fowls, turkeys, ducks or guinea-fowls.”

Consequential on that it was suggested yesterday that it would be necessary to include in clause 3 (1) the words “to any person, cattle or poultry.”

In regard to clause 3 (3) the hon. Member for Eastern Demerara (Mr. Debidin) raised the point whether it should not be made clause 4 (1), but I would point out to hon. Members that the English Act includes it as part of the provisions contained in clause 3, as it is in this Bill. It shows that a dog, having done damage to cattle, may be regarded as a dangerous dog, and I think it properly belongs to the clause in which it was first printed. Clause 3 (1) will therefore read:

“3 (1) In any proceedings for damages against the owner of a dog for injuries done to any person, cattle or poultry by that dog, it shall not be necessary for the person seeking such damages to show a previous mischievous propensity in the dog, or the owner's knowledge of such previous propensity.”

It will then be necessary to amend the long title by substituting for the words “injuries done to cattle by dogs” the words “injuries done to persons, cattle or poultry by dogs.”

Clauses 2 and 3 and the long title, as amended, agreed to.

The Council resumed.

The ATTORNEY-GENERAL: I move that the Bill be now read a third time and passed.

Mr. RAATGEVER seconded.

Question put, and agreed to.

Bill read a third time and passed.

CONSTABULARY (AMENDMENT)  
BILL, 1950

A Bill intituled “An Ordinance further to amend the Constabulary Ordinance by requiring Officers to take the Oath of Office; by making provision for taking the measurements, photographs and finger print impressions of persons in lawful custody; by extending the provisions of the Principal Ordinance relating to the discipline of the Force; by establishing a Special Reserve Police Force; and for purposes connected with the matters aforesaid.”

The ATTORNEY-GENERAL: In moving the second reading of this Bill I would point out to hon. Members that under section 24 of the Constabulary Ordinance, Chapter 30, sub-officers and constables are required to take the oath of office on appointment to the Force. The section provides:

“24. Every sub-officer and constable shall, on his first appointment to the force take and subscribe before the Inspector General, or an officer delegated by him for the purpose, the following oath:—”

The form of oath is set out. This provision does not apply to Officers of the Force, and clause 2 of the Bill seeks to require Officers to do likewise.

Clause 3 of the Bill seeks to give to Officers of Police, and non-commissioned officers authorised by the Commissioner of Police, the power to take measurements, photographs and finger print impressions of persons in lawful custody. Provision is made that where any such person is discharged or acquitted, such measurements, photographs and finger print impressions shall be destroyed or handed to the person concerned. I think hon. Members will appreciate the necessity for a provision of this nature, and particularly



having regard to offences in respect of which permission is being sought for police officers to take those finger print impressions of persons who are in lawful custody. This power is exercisable where a person is lawfully detained at any police station in connection with the commission of any of the following offences:—

- (a) any felony,
- (b) having false or counterfeit coin, or possessing counterfeit coin,
- (c) obtaining goods or money by false pretences,
- (d) conspiracy to defraud,
- (e) being found by night, armed, with intent to break and enter,
- (f) being found by night with house-breaking implements,
- (g) being found by night, disguised, with intent to commit a felony, and
- (h) being found in any building by night, with intent to commit a felony therein.

I may point out for the information of hon. Members that at present there are certain Regulations made by the Governor in Council for the measuring and photographing of prisoners. The Prisoners Identification Regulations, 1929, provide that "a criminal prisoner may be photographed and measured at any time during his imprisonment." The Regulations however state:

"6. An untried prisoner shall not be photographed or measured while in prison without the order in writing of the Attorney-General upon an application in writing signed by an Officer of the Police Force not below the rank of County Inspector. All such applications shall set forth that from the character of the offence with which the prisoner is charged or for other reasons to be stated, there are grounds for suspecting that he has been previously convicted, or has been engaged in crime, or that for any other cause to be stated his photograph and measurements are required for the purpose of justice."

Clause 3 of the Bill is in similar terms to section 22 of the Police Ordinance, Chapter 11, No. 1, of Trinidad which was passed in 1938. Section 22 of that Ordinance reads:

"22. (1) It shall be lawful for any non-commissioned officer authorised by the Commissioner or for any commis-

sioned officer to take and record for the purposes of identification the measurements, photographs and finger print impressions of all persons who may from time to time be in lawful custody;

Provided that if such measurements, photographs and finger print impressions are taken of a person who has not previously been convicted of any criminal offence, and such person is discharged or acquitted by a court, all records relating to such measurements, photographs and finger print impressions shall be forthwith destroyed or handed over to such person."

What we are proposing to do now is by no means new. The Criminal Justice Act, 1948, of England, section 40, provides:

"40. — (1) Where any person not less than fourteen years of age who has been taken into custody is charged with an offence before a court of summary jurisdiction, the court may, if it thinks fit, on the application of an officer of police not below the rank of inspector, order that the finger-prints of that person shall be taken by a constable.

(2) Finger-prints taken in pursuance of an order made under this section shall be taken either at the court or if the person to whom the order relates is remanded in custody, at any place to which he is committed; and a constable may use such reasonable force as may be necessary for that purpose.

(3) The provisions of this section shall be in addition to the provisions of any other enactment under which the finger-prints of any person may be taken.

(4) Where the finger-prints of any person have been taken in pursuance of an order made under this section, then if that person is acquitted or discharged under section twenty-five of the Indictable Offences Act, 1948, or if the information against him is dismissed, the finger-prints and all copies and records thereof shall be destroyed."

Clause 4 of the Bill seeks to make the provisions of section 49 of the Principal Ordinance apply to all members of the Force who assault their superior officers or sub-officers. It has been held by the Court of Appeal of this Colony that section 49 of the Principal Ordinance does not apply to a constable who assaults a sub-officer. That goes to the root of the discipline of the Force, and I am sure hon.



Members will agree that such a provision is essential to the proper control and exercise of discipline in the Force.

Clause 5 seeks to establish a Police Federation. Such a Federation exists in the United Kingdom and some Colonies, such as Trinidad and Jamaica.

Clause 6 seeks to establish in the Colony a Special Reserve Police Force for use in emergencies only. I am sure that both of these provisions — the formation of a Police Federation and the creation of a Special Reserve Police Force — will receive the support of all hon. Members. With reference to the establishment of a Police Federation clause 5 of the Bill provides:

5. The Principal Ordinance is hereby further amended by the insertion therein after section sixty-six of the following new sections —

66A. (1) For the purpose of enabling sub-officers and constables of the force to consider and bring to the notice of the Commissioner of Police and the Governor matters affecting their general welfare and efficiency, there shall be established an organisation to be called the Police Federation which shall act through Branch Boards, Central Conferences and a Central Committee as provided for by rules made under this Ordinance.

(2) All representations shall be made to the Commissioner of Police in the first instance, and the Commissioner of Police shall, if requested by the Federation so to do, submit such representations to the Governor.

(3) No representation shall be made by the Federation in relation to any question of discipline, promotion, transfer, leave or any other matter affecting individuals.

(4) The Police Federation shall be entirely independent of and unassociated with any body outside the Force.

66B. The Commissioner of Police may, with the approval of the Governor in Council make rules for the constitution and Government of the Police Federation and as to any matter appertaining to the Federation."

In other words this provision enables the Force as a body to make representations in connection with the Force as such a body, and not in regard to matters of discipline, promotion, transfer or leave

affecting any individual member of the Force. Obviously, such matters must be excluded because, as hon. Members will agree, it is a disciplined Force, the members of which must obey the orders of the superior officer.

As regards clause 6, as I have said before, I think it will commend itself to hon. Members. This is a large Colony, and the duties of the Police Force are very varied, and it is desirable that there should be an organised body of men who, in times of emergency, can be called upon to perform such duties as may be assigned to them, having regard to the circumstances at the time.

I think I have put before hon. Members the essential features of the Bill. I formally move that it be now read a second time.

Dr. NICHOLSON seconded.

Mr. DEBIDIN: My duty today is not so much to dispute the clauses of this Bill but to make what I regard as some pertinent remarks upon the measure now sought to be introduced into the law of the Colony. When I first read the Bill I could only regard it as being a very regrettable feature in the history of our Colony — regrettable from the point of view of the people of the Colony. It is true that we are facing times of stress, but it is a painful thing to think that at this enlightened period in world history this Colony should have to resort to measures to safeguard against civil disobedience by the people.

From the people's point of view I feel, Sir, that a note of warning must be struck, and I desire to issue that note of warning — if this measure is passed and a Reserve Force is established in this Colony — it will not be used in the same way as the people themselves are legislated against in respect of intimidation. In other words, I think of the sugar plantation, first of all, in this Colony. It will be very wrong, I think extremely wrong, for any display of arms and force at the time of any legitimate strike by the people, and it is only, to my mind, when there is definite knowledge of civil dis-



turbance and actual danger to property and life that we ought to bring out the military and advance them against the defaulters. But, Sir, I think of the Labour Department for which department my advocacy has been given in this Council and which has been given the opportunity to develop Trade Unionism in this Colony. It has in the years of its existence established for itself certain set principles of Trade Unionism. Let us hope that it has not established a Frankenstein which may gobble it up. But at the same time, if the work of the Department is a good one, it seems to me that we must give the people and Trade Unionism an opportunity to develop without making them feel or have any fear hovering around them in any legitimate desire on their part to establish what is being fostered by the Labour Department and the Government of this Colony.

From the Government's point of view it would be highly regrettable if the people of the Colony cannot conduct themselves with propriety and self-control, if they cannot listen to their leaders and if they cannot so conduct themselves that there will be no necessity for violence in their legitimate strikes or movements or demonstrations for their own advantages. So to me, it is a highly regrettable feature that the Colony has had to resort to measures which will tend to increase the cost of administration on the expenditure side of our budget from year to year. Sir, I do hope that the warning which I have issued on behalf of the people will be taken care of, not by you, Sir, as Administrator, because I feel that you will exercise good judgment and also those Officers of Government who are sitting around this table, but it is power put into the hands of those who may not sufficiently know and sympathize with the case of the people. I speak of the Police Force, the various ranks, some of whom have been just imported into the Colony. They may have very little regard for such a warning which I am issuing and there may be a catastrophe, as we have witnessed on more than one occasion. A measure of this kind may from the Government's point of view be thought fit and necessary. I do not know what reception it will have from this Council, and on that I am

not prepared to make any comment, but I would like to hear what other Members have to say. If this measure is accepted, it would certainly give more power to the Comissioiner of Police, more power to the military, and our population being what it is I hope that this power and this Force will not be out of proportion to the population or the necessity for the same. I leave this aspect of the Bill, trusting that what I say may be very closely considered, because this is the right time, the most opportune time, when any Member who has the interest of the people of the Colony at heart must voice the sentiments I have just voiced.

I come to another aspect of this Bill. I have always been completely worried over the manner in which selections to the Police Force have been taking place in the past. I can say very much on this point. I am most dissatisfied with the method of selection to the Force, because I feel that a better method might be adopted. This very promiscuous — and it seems to me to be somewhat wanton — way in which the selections to the Force are made is far from what is in keeping with propriety. The little I know is that the present holders of office in the Force, maybe a policeman of ordinary rank, are able to take relatives for selection and they are selected. There is the issue of notices to candidates to attend for selection and the selections are made, but I want to say that just as in the case of the Civil Service proper advertisement should be made calling for the right type of people for selection and giving the necessary idea of the standard of intelligence and qualification required. The Force must be improved. We want to avoid as much as possible any risk or danger of misconceived action on the part of any individual. There are far too many complaints today against units of the Force and, I think, too much cannot be done to ensure the proper selection of recruits for the Force. The same thing applies, to my mind, to the Fire Brigade. There, too, I think, there has been no set method of selection of recruits but just a haphazard form of selection. I do trust that in all selections as much effort as possible will be made to create a better balance and, at



any rate, to improve the Constabulary of the Colony.

Sir, in so far as one aspect of this Bill is concerned, and that is the finger print aspect, the first clause may be very necessary for introduction here, because we know that the employment of finger print today as an aid in the detection of crime is becoming more and more obvious. It seems to me that if people are convicted and their finger print is taken the possibilities are, that if a crime is committed and a criminal is held on suspicion or taken into custody he may be identified with the particular crime through the taking of his finger print. But when one peruses the other clauses there is, to my mind, some element of danger to the normal member of the public, who for no reason or semblance of a crime is taken into custody, being asked to give his finger print. As I have said, in this particular respect I am torn between necessity and possible right. I do trust that no indignity will be imposed on the public if this particular clause is accepted by this Council, that no person who is far from having committed a crime but is taken into custody on suspicion of a crime having been committed will be subject to finger print and measurements and all the other indignities which this clause of the Bill seems to suggest may be imposed. I do trust that due caution will be exercised in the carrying out of this particular clause. There is hardly anything more I need say on this Bill, though I can speak on, because it is a fairly well drafted Bill, and it is a matter for this Council whether it accepts the principle of the Bill or not.

Mr. LUCKHOO: Sir, any legislation which is for the promotion of law and order will receive my unreserved support. I cannot see why the hon. Member, who last spoke, should fear that there is any threat involved in the formation of this Reserve Force. I take it, it is not a Force to be used indiscriminately but in accordance with the provisions of the Ordinance which says in section 123A it may be called out for service **in any case of actual threatened internal disturbance or external aggression, or in any case where additional police are required for the preser-**

**vation of good order"**. The formation of such a Force, Sir, should be regarded as a very welcome and necessary step to be taken in these times.

In respect of the taking of finger print impressions, there can be no denial that within recent years our own Police Force has advanced and made rapid strides in the detection of crime by means of scientific methods. This is then another step in that rather forward move. But what rather perturbs me is, there is not the machinery which should be present so that this can be executed in the best possible manner. What I refer to is this: Undoubtedly the taking of finger prints is something of a very highly technical nature — the analysis and classification of these prints. I have observed that in respect of the two Officers of the Police Force who were trained abroad at New Scotland Yard, one has resigned from the Force and the other has been transferred. There is presently in the Colony no trained officer, at least trained at New Scotland Yard. The Officer in charge of the department at the present time is, I think, a Corporal or Sergeant, whom I have heard giving evidence—evidence which has been accepted in the Criminal Courts. Officers of that nature and Sergeants who are now being trained locally should be provided with the opportunity to extend their knowledge and training abroad. That is an observation I make, because the machinery will have to be very specialized and opportunity will have to be given to those persons in charge to see that their training is of the type and standard which one will expect in such a department. On the whole, Sir, I think the Bill commends itself, and it is one that should, in my view, receive the wholehearted support of Members of this Council.

Mr. LEE: I am of the opinion that no unnecessary expense should be incurred by Government at the present moment, and the Special Reserve Police Force will certainly cause unnecessary expenditure of money that we want. For that reason, I do not think this Reserve Force should be put in an Ordinance now and be established now. I do admit that internal disturbances require force to quell them but, Your Excellency, with all



due respect to Government and this Administration the time is not such as to require a Volunteer Force to quell any disturbances in this Colony and, especially if it is aimed at that, the Reserve Force might be used in respect of strikes and the like. If education is to be taken as the foundation on which good citizenship is made, I feel that the money to be spent on this Reserve Force should be spent in educating those people who are to a certain extent misled by certain leaders. I feel that the Government can usefully utilize this money in that direction.

The PRESIDENT: I do not want to interrupt the hon. Member, but no expenditure whatever is being incurred by establishing this Force, unless such an emergency arises that it has to be called out. The establishment itself does not involve any expenditure. When any expenditure is involved it will be met from money to be voted by this Council. I hope hon. Members do not have the impression that by establishing this Force expenditure is necessarily involved

Mr. LEE: The mere establishing of a Reserve Force presupposes that expenditure will be involved, and I am glad the statement has come from the Chair that there will be no expenditure. But what is the necessity for this Reserve Force, when you have throughout the Colony rural constables who are sworn and can be used at all time in quelling any disturbance? What is the necessity for it when we also have the Volunteer Force which can be called out at any time to quell any disturbance? I am concerned in respect of the Reserve Force being established under an Ordinance in the Colony. The time is not yet ripe for that, and what is my reason for saying that? I am saying so because I am afraid it will incur expenditure and this Colony cannot afford it. We need more money for Education generally. The workers need to be educated in such a manner as to be able to realize what is wrong and what is right and to be good citizens. If the Commissioner of Labour would send one of his men throughout the Colony at regular times to educate the people, there would be no necessity for this part of the Bill. We are so far away from the war areas; our neighbours are very

peaceful towards us and we live in peaceful relationship with them that I do not see any necessity for this. I sincerely hope there will be no expenditure. I know the Bill will be passed. My only concern is that it may be aimed at using the Reserve Force against striking workers, and I would like it to be known that I do not agree at all that we should have any Reserve Force. The Police Force is quite sufficient with the Volunteer Force to quell any disturbance or strike.

As regards finger printing, I would like to say that I do not agree, save and except for a felony, any person should be subject to finger printing. I do not agree with that part of the clause of this Bill which says that for a misdemeanour it can be so done. Under section 2 of the Prevention of Crimes Ordinance, Chapter 19, if the definition remains that "crime" means "any felony" and it is left there, as that covers all felonious acts of the bad criminals, then I would agree to it. But to go further and say that because I obtained money by false pretence my finger print should be taken on the charge being made against me, I will never agree to that. I think it interferes with the liberty of the subject, and the liberty of a British subject is so very dear to him that many of us sacrifice now and again our lives when Great Britain is at war. I feel it should be so preserved, no matter what happens in dictatorship countries —

The COLONIAL SECRETARY: This has been done in Great Britain for some time now.

Mr. LEE: We disclaim those methods which compel or savour of anything like force and compulsion. We are a free people, and we like to be free. Let us remain free. That is my opposition to that part of the Bill.

Dr. JAGAN: On the surface of it this Bill seems innocent, but as one studies very carefully between the lines one senses what is the intention, what is the purpose behind the introduction of this Bill. Is the purpose the setting up of a Police State in the Colony of British Guiana? If that is so, well I can see that possibly the only solution to our employ-



ment problem is the recruiting of the people into the Police Force, into the Army as Hitler and Mussolini did, and let us prepare for a conflict. Sir, it is true that a Reserve Police Force may not entail the expenditure of money until such Force is used, but we do know as a fact that these people will have to be trained, because if they are not trained properly they would not be able to carry out the duties of police officers in the best possible way. The Volunteer Force is not used every day in the Colony. It is there for emergency purposes. Nevertheless it does cost the Colony several thousand dollars each year to maintain and train the Volunteer Force which we have in British Guiana. So when you say that it will cost nothing, I do not wholly agree with that, because money will have to be expended in the training of those individuals after they have been selected, and additional sums will have to be spent when they are employed for whatever duties they may have to perform. If we examine our estimates we would find that for the past 10 years the expenditure on the Police Force has been mounting rapidly. I do not have the figures before me, but during the last consideration of the Budget I quoted those figures which showed there was an alarming increase. The same thing can be said of the Prisons. The official figures which I got from the Chief Officer of the Prisons Department show that it is costing Government about \$400 to keep one individual in prison today.

Sir, I am suggesting for the consideration of this Council that what we have to do to prevent crime is not to have more means of detecting crime but to provide the wherewithal so that these people will not be encouraged to go stealing at every opportunity. I think, Sir, that if we accept this Bill as it stands, we are treading in the wrong direction. We have to look to other measures. The hon. Member for Eastern Demerara (Mr. Debidin) pointed out one, and so did the hon. Member for Essequibo River (Mr. Lee). What should be done is to find ways and means through the Labour Department and possibly other methods by which we can settle these disputes long before the situation arises whereby a great internal disturbance is on hand

and the Forces have to be brought into play, when in those critical periods we do not know what may happen, the people are armed, shots go off and people are killed. What is the reason for all these disturbances or so-called disturbances we have in British Guiana? There was no necessity before in the history of this country for such a Force and, I am sure, in the long history of this country there have been similar periods as these and yet we have not had the necessity to ask for the formation of a Reserve Force in the Police Department. Today it is true that we are faced with strikes, with lock-outs, with disturbances on the whole industrial front. That is being experienced not only in this Colony. We have that, Sir, in England. We have that in the U.S.A., in fact throughout the whole world today. My view is, the way to prevent these disturbances is to look at the situation objectively and not to say since there are disturbances let us bring force, hit the people on the head and put them back to work. Sir, I have had association with Trade Unions of the working people and I know as a fact that in many cases these disturbances reach boiling point merely because the employers refuse or use delaying tactics to meet the employees to discuss matters of wages.

In the sawmill industry I know that the Sawmill Workers' Union has a wage agreement with the employers. That agreement was signed in September, 1949, and was supposed to expire after six months when negotiations could take place with regard to wages. The Sawmill Workers' Union has been trying to enter into negotiations with the employers since July this year. The employers resorted to delaying tactics over a period of four months, during which time sawmill workers submitted a memorandum to their employers setting out their claims. After a long delay the matter went before the Commissioner of Labour only last week, but when we got there we found that the employers merely said that they were waiting on the report of the Committee which is now considering the question of a cost of living allowance to Government employees. I can say that even the Government officers present at the conference were somewhat dissatisfied,



the feeling being that the employers had given no consideration to their employees' claim for increased wages. They went to the meeting with no counter proposals, but merely hoping to delay the issue for a little longer period.

Mr. ROTH: Sir, may I inquire what this has to do with the present debate on the Constabulary Bill?

Dr. JAGAN: It seems to me that the older my friend gets the more he appears to be annoyed at anything I say, whether in this Council or out of this Council. Perhaps, if the hon. Member would use another earphone and listen carefully to what I have to say —

Mr. ROTH: I take strong objection to the personal remarks of the hon. Member and I ask the Chair's protection.

The PRESIDENT: Will the hon. Member proceed and keep to the subject of the Bill?

Dr. JAGAN: I will proceed to the point I am arguing but I must ask the hon. Member not to interrupt again.

The PRESIDENT: The hon. Member is entitled to raise the question of relevancy.

Dr. JAGAN: I was about to say that in many cases these labour disputes which do occur, and which tend to cause civil disobedience in this Colony, are encouraged by employers, and we cannot use the taxpayers' money to employ a Volunteer Police Force merely for the protection of employers.

The PRESIDENT: There is no such question as protecting the employers. It is for the maintenance of law and order in the Colony and the protection of the public. That is the object of the Special Reserve Police Force. It is not to protect any particular individuals. When the hon. Member suggests that it is to protect one party against another he is quite wrong.

Dr. JAGAN: I do not feel so. Law and order, yes. That seems to be a catch word.

The PRESIDENT: It is no catch word.

Dr. JAGAN: That seems to be where the money is going. I will give another example. Recently, at Manaka, the C.D.C. grant in Essequibo, because of similar delaying tactics certain employees were victimized and dismissed. Why is it the role of the Police to escort and to tell those people to leave the settlement? I would like to know if that is in the interest of law and order. I also would like to know whether, on the occasion of the last big strike on sugar estates, it was the duty of the Police Force to tell the workers that they were picketing in the wrong place, when even the Attorney-General could not tell me what was the real definition of the term "place"? We find that whenever there is picketing on sugar estates the Police Department takes it upon itself, in the name of law and order, to intimidate the workers and to use a threat of force. I say that the Police do so to protect the employers, and we find that everywhere and at every opportunity. I would like to know who pays for the services of the Police on such occasions. Every time there is a little disturbance we see the Police there in large numbers, no doubt because it is all provided for in the Estimates, and huge sums of money are being spent. The Police are there to protect law and order, and I do hope that the Special Reserve Police Force will be properly trained.

I am objecting to the formation of this Special Reserve Police Force because I do not see that it is necessary. We have a Volunteer Force in this Colony, and if there is any threatened disturbance or internal strife I feel sure that the Volunteer Force could be utilized. If Government feels that that Force is not adequate at the present time it can be enlarged, and we also know that the British Navy can always steam into the Demerara river for the protection of law and order in this Colony. I do not think it is necessary at this time to waste any money in the creation of a Special Reserve Police Force when there are many services in which money could be more usefully spent, such as hospitalization, education, and things of that sort. It is true



that many things are being done but people are still lying on the floors in the hospitals. People are still eating inadequate food, and it is from the workers that taxes are being collected. I am asking hon. Members to oppose this Bill because the sinister aim of this measure is to set up a police state in our Colony, and we do not want any such thing to happen here.

The PRESIDENT: Sheer nonsense; nothing of the sort. The hon. Member knows that nothing of the sort is intended. I cannot believe that the hon. Member believes what he says.

Dr. JAGAN: Well, Sir, that is my belief, and I do not feel that I can stand here or sit in this Council and allow the taxpayers' money to be wasted. God knows we are wasting a lot of it already, but I think the time has come when we must put an end to it.

Mr. KENDALL: There is one aspect of the Bill to which I would like to draw the Council's attention. It deals with the establishment of a Police Federation. I am very glad that Government has seen the necessity to introduce what I may call a union for policemen, something which was needed years ago, especially since the Commissioner of Police was given certain powers under the Emergency Regulations, but I feel that the real purpose of the proposed new section 66A is defeated when we look at sub-section (3) which states:

"(3) No representation shall be made by the Federation in relation to any question of discipline, promotion, transfer, leave or any other matter affecting individuals."

I received information before I joined this Council, and since that there is a certain amount of discontent among the members of the Police Force which has reduced its efficiency to some extent, because of certain measures carried out by the Commissioner of Police under those Emergency Regulations. I refer to discipline. Prior to those Regulations any member of the Force who may have done something wrong was given an opportunity to be represented by counsel.

Under the Emergency Regulations he is not allowed that privilege, but he is allowed to be represented by another member of the Force. In most cases that member of the Force who elects to represent him is victimized in some form, either by transfer or by some other means, a state of affairs which is not in the best interests of the Force. If this Federation is to be established I think sub-section (3) should be deleted in order that the Federation might have wider scope in its function.

As regards promotion I know there are many members of the Force who are not satisfied with the method employed. I agree that promotion does not always come through years of service, but should come in the main through efficiency. However, I know that there are many members of the Force who are efficient, and that fact is known not only by the public but by the Officers, but for some reason or another they are unable to get the promotion they deserve. If the proposed Federation is to be run on democratic lines I see no reason why, if certain members of the Force are dissatisfied about certain promotions or any disciplinary action, they cannot forward their complaint through the Federation to the Commissioner of Police. I would like the hon. the Attorney-General to reconsider sub-section (3) because, if the Federation is to improve the efficiency and general well being of the Force, it could only be achieved if that sub-section is deleted and members of the Force are given an opportunity to give vent to their feelings and have their grievances ironed out in a democratic manner. That is all I have to say on the Bill and I hope Government will see fit to make the necessary amendment.

Mr. MORRISH: Like the hon. the Seventh Nominated Member (Mr. Luckhoo) I cannot for the life of me understand why anyone with a genuine desire to see law and order maintained in the country should complain against this Bill. It seems to me just sheer nonsense. A great deal of play has been made of the fact that the Police Force is a body to protect the interests of one particular section of the community. That is too



utterly ridiculous to be even contemplated. During recent events in the Colony it came to my knowledge from several sources that many persons who would have wished to continue working in a normal manner would have done so had there been police in the neighbourhood, but they were fearful of doing so because of threats to their property—their cattle, rice farms, provision farms and so on. In other words many of them were openly told that if they worked on the estates their rice beds would be burnt or their cows' tongues would be cut out. Many complaints of that sort have been brought to my notice in recent weeks, therefore it appears to me very obvious that the Police Force as it exists, and as recent events have shown, was very much in evidence in helping and protecting—not those wicked employers but the employees who wished to go about their business in the normal way. Much can be said about it, but I think a great deal of stress has been laid on the present Police Force, and we have been straying rather away from the Bill which is largely connected with the formation of a Special Reserve Police Force. I do not think it is anything unusual; there are such Forces in other countries. I have had my name on a register for a Special Police Force even in England. I see nothing against it, and I see no reason why anyone who is a law-abiding person and wishes to see peace in the community should be afraid of it.

Mr. PETERS: There is undoubtedly in this Bill a fair attempt to improve conditions in our land, but I have my fear in respect of this apparent intention to limit the liberty of the individual and to violate the sanctity of his person in respect of the proposal in the Bill to take measurements, photographs and finger print impressions merely because a person is in lawful custody. I cannot but feel that this is a dangerous and atrocious innovation, because there is already provision in our law for taking finger prints and photographs, but generally they have been taken of persons who have already been adjudicated on. There is certainly in this provision with respect to photographs and measurements a feeling on the part of the framers of the Bill that there

is a lingering right which is sought to be preserved, yet at the same time there seems to be an attempt to violate that right. Why is it that in the event of the person being acquitted those photographs and measurements should be destroyed or handed over to the person? It is one of the principles of British law that a person is to be presumed innocent until found guilty. Why should a person not be presumed innocent when he is in custody, except where he happens to be a known criminal? A man might be falsely detained and kept in custody by the Police. It might be a case of mistaken identity.

We are giving a blank cheque to the Commissioner of Police to order that a person's finger print impressions and photograph be taken. I hesitate to support a measure of this kind, and I think we have to maintain in its perfect integrity that ancient and equitable principle of law that a person must be presumed innocent until he is convicted. I do not think we should invade the sanctity of the rights of an individual by these check-ups on him merely because he is held in lawful custody, and when all that has been done and he is acquitted we have to undo it all. The time has not come for us to embark upon such a dangerous innovation.

I also do not think the time is ripe for us to talk about establishing a Special Reserve Police Force. One of the thoughts that passed through my mind within the past four or five weeks, or since the strikes, is that we have good reason to commend ourselves on the measure of restraint that has been exercised on both sides. I have lived long enough in this land to be able to hark back upon instances of the past in which, as soon as there was a strike or something of that nature, one could look out for a riot, bloodshed and perhaps death, but in these last days we have so grown up in intelligence and in personal and communal restraint that we can endure the rather distressing and discomfiting incidents of a strike without any prospect of the Police being called in to suppress by force those who may be disposed to destroy law and order. Your Excellency has said that there is no question



of expense being involved in this Bill, but as one or both of my friends on my left have remarked, it is true that on the face of the Bill as presented there is no suggestion of expense—

The PRESIDENT: Oh yes, there is.

Mr. PETERS: I mean the expense of maintaining the Force as a going concern. My own feeling is that we should address ourselves to the very delicate task of seeking by all legitimate means to reduce the financial burden that the Colony is facing. I have a feeling that in the recent crisis the real trouble was not so much the fact that people were not getting enough to live on, but that the margin of saving is too small and sometimes very elusive for them to begin to feel comfortable with what they earn, because we are well aware that it is one of the principles of political economy that a man is not to be regarded as being well off merely because he earns a big salary. The question one has to consider is how much does it take him to live, for if a man earns \$100 per month, and after taking care of his family and domestic responsibilities he is able to save \$50 per month, he is better off than a man who earns \$500 per month but is only able to save \$10 per month. At the end of a year one man would have saved \$600 while the other would barely have saved \$120. Our problem today is the reduction of the cost of living. That is a challenge to us, and anything that gives me the feeling that we are embarking upon new ground where there is danger of inflicting a heavier burden of taxation upon our people I should be very chary about supporting any measure looking in that direction.

I think it is a wise provision that Officers of the Police Force should be made to take an oath of office, and it will certainly receive my full support.

Mr. SMELLIE In view of the remarks made by the last speaker and also by other Members on the subject of the taking of finger print impressions, may I suggest that the science of finger printing operates not only on one side but also on the other? It not only operates in

respect of the preservation of law and order and the bringing of criminals to justice, but has, since its establishment, operated on the other side. It has been the means on more than one occasion of preventing serious miscarriage of justice.

The FINANCIAL SECRETARY & TREASURER: I would like to mention in this debate, owing to remarks I have heard from the hon. Member for Western Berbice (Mr. Peters), that I have always listened to his very learned speeches, but what fell from his lips just now was seriously lacking in logic. He spoke of the infringement of the liberty of the subject and violation of the sanctity of the person merely by the taking of finger prints notwithstanding the fact that the person is in lawful custody. Speaking as a layman, I cannot understand how it is possible for one to agree with a law which permits an individual to lose his freedom and yet at the same time to feel it is a violation of the sanctity of his person if he is made to place his thumb on an ink pad in order that his finger print may be taken or made to expose his person to a camera in order that his photograph be taken. The greater includes the lesser. If it is right and proper for the protection of the public that an individual should be detained and deprived of his freedom in lawful custody, surely it is just and correct that he should be exposed to this other violation (which, as we know, is no violation at all) because it is the known procedure in modern countries. In the U.S.A. every person entering the country has got to submit to finger printing. Fortunately it is no longer regarded as the sign of criminology. It is regarded as a means by which one is identified and by which one is protected from being exposed to charges of a criminal nature. I just make that point, because I do like to hear the hon. Member speak, and I do think that much of his remarks on this occasion were a little illogical.

Mr. PETERS: To a point of explanation! My point is, there may be a case of mistaken identity, and if it comes to a question of having finger prints and photographs taken it should be a matter of voluntary expression of that person. As long as he has not been convicted it



should be done on the expression of his desire, his willingness to have it done. My objection is to his being compelled by law to do it.

Mr. ROTH: The hon. the Financial Secretary took the words out of my mouth. I was going to follow up the hon. the Fourth Nominated Member's remarks about finger printing. It cuts both ways fortunately. It originated in the Police Department and a sort of criminal stigma is attached to the idea of having one's finger print taken but, as the hon. the Financial Secretary has pointed out, it is not so at all. It is for one's protection. I was trying to remember what the hon. the Financial Secretary stated that in America it is compulsory that everybody's finger print be taken for his own protection for identity. I would like to see that happen here. It has nothing to do with criminal stigma.

The ATTORNEY-GENERAL: Sir, I gather from the observations and speeches of hon. Members that there are certain provisions of the Bill which are acceptable. The two main points around which criticism developed are the question of the finger prints and the Special Reserve Police Force. With regard to the question of finger prints, as has been observed by the hon. the Seventh Nominated Member followed by the hon. the Financial Secretary and the hon. the First Nominated Member, this is a measure which also assists the innocent person. It is to be looked at from both sides of the picture. As all hon. Members are aware, this matter of finger prints has grown and developed and is now regarded as a scientific approach to the question of identification. It is said that no two finger prints are alike. One can very well imagine that by taking a person's finger prints, having the thumb marked on glass or some other articles, the innocence of the suspect may be established. On the other hand I am sure it is not the desire of any hon. Member, resolute as we are in seeking the good and the interest of the community as a whole and in seeing that law and order should prevail not as a catch word but as an actual fact, to let crime go undetected; that those people who watch your premises by day and enter them by night when you are away

at pictures or somewhere else should not be detected; when the Police are called in and they find finger prints, that they should not be assisted in every way possible in their investigation. If this measure assists such investigation, the innocence of innocent ones will be established and perhaps the guilt of the guilty ones. This may enable the prosecution to establish whether a suspected person had gone into the premises or not. So I suggest to hon. Members that this is not a matter from which we must fly or about which we must have great fear. It is something, a procedure, which will enable those who are innocent to prove their innocence and those who are not so innocent to be convicted by having the evidence of the finger print to prove identification. I suggest to hon. Members there is no need to fear this measure.

One hon. Member, I think it is the Member for Essequibo River, (Mr. Lee), said that in our British way of life this is going too far, but, as the hon. the Colonial Secretary pointed out, it has been done in England for some time now, and I suggest that is the home of tolerance and sympathetic treatment more than any other part of the world. Our neighbour, Trinidad, has had it going since 1938, and why should we fear here in British Guiana? I suggest to hon. Members that this is a very necessary part of the machinery, enabling the guilt of persons to be established. As the hon. the Seventh Nominated Member (Mr. Luckhoo) said, in these days of modern scientific approach to all problems, this measure can be adopted in this Colony.

So far as the question of the Special Reserve Police Force is concerned I need hardly emphasize to hon. Members that this is a large Colony. We know it; the number of Police we have in the Colony is very small compared with the size of the Colony, and the variety of the duties which they have to perform are well known. If in time of emergency it becomes necessary to have men, who have the interest of the Colony at heart and who are willing to serve the Colony and who are prepared to come out in a case of emergency, this provides for it. Why should there be fear of it? It is objected to on the ground of expense, but very



often not having the Force to stop things at the beginning may bring about greater expense in the long run. We talk about expense when we wish to, but I would suggest to hon. Members that this is not a case involving any expenditure at all, as His Excellency has already observed. That only arises when the occasion makes it necessary that the Reserve Force should be called out, and those things are not done lightly or wantonly or inadvisably. Serious consideration is given to matters of this sort before steps of this nature are taken, such as calling out a Reserve Force. But you are having the machinery. You are providing for the machinery, and this is necessary, if one has the interest of the Colony at heart and has regard to the circumstances and conditions. The hon. Member for Central Demerara (Dr. Jagan) has observed that not only in this Colony but throughout the world disturbances are being experienced -- that being so we should have by legislation enabling power to have such a Reserve Force and in case of emergency to call such Force out in the interest of the Colony.

Those are the salient points, and I suggest to hon. Members that it is in the interest of the Colony, in the interest of the preservation of law and order which, I again emphasize, is not a catch word but a fact and a condition precedent to any appreciation of the things which we have around us. It is the duty of every legislator to see law and order preserved and maintained and to provide the machinery or the maintenance of that law and order.

Question put, and agreed to.

Bill read a second time.

The Council resolved itself into Committee to consider the Bill clause by clause.

#### COUNCIL IN COMMITTEE.

Clause 3—*Power to take measurements, photographs and finger prints.*

Mr. LEE: I desire to move an amendment — the insertion of the word ‘felonious’ between the word ‘any’ and the word ‘crime’ in paragraph (3). Your Excellency, as I have said, a felony is a very serious offence in law. When you

are in lawful custody in respect of a felony the Police should have that power but not for a misdemeanour. I do not think the law should be so far extended. I have given my reasons for objection before.

The ATTORNEY-GENERAL: In order that the hon. Member should appreciate the point with regard to this question of misdemeanour I would refer him to Chapter 19, section 2 which says:

“Crime” means any felony, or the offence of uttering false or counterfeit coin, or of possessing counterfeit gold or silver coin, or of obtaining goods or money by false pretences, or of conspiracy to defraud, or any misdemeanour under section 227 of the Criminal Law (Offences) Ordinance.”

Section 227 of the Criminal Law (Offences) Ordinance, Chapter 17, deals with housebreaking and burglary and provides that everyone found by night armed, with intent to break and enter a building and commit felony therein shall be guilty of a misdemeanour. I want to emphasize the word “misdemeanour”. From the nature of the particular offence it is a very serious offence generally committed by night. I have read out the offences in the Objects and Reasons.

Mr. LEE: I do admit that under section 227 of Chapter 17 these offences are deemed misdemeanours, but what I am thinking of is, if a person is charged for any other misdemeanour he may be made to have his finger print taken. I object to that. I am thinking that there is a distinction between felony and misdemeanour. On a charge for a felony his finger print should be taken.

The CHAIRMAN: The Attorney-General has pointed out that a misdemeanour is a very serious crime.

Mr. LEE: I am suggesting that that section of Chapter 17 should be amended and it be deemed a felony.

The ATTORNEY-GENERAL: The point the hon. Member is endeavouring to make is not necessary. All that is done, is to indicate specifically the types of offences for which **finger prints may** be taken. Those are types which, **I am** sure, in the hon. Member's view and in



the opinion of all hon. Members should properly come within the provision for those offences in respect of which finger print should be taken.

The CHAIRMAN: It is set out in the Objects and Reasons!

Mr. LEE: But in the section under which finger print impressions are provided for it states:

“(3) For the purposes of this section a person shall be deemed to be in lawful custody where he is lawfully detained at any police station in connection with the commission of any crime within the meaning of section two of the Prevention of Crimes Ordinance.”

But it deals with misdemeanours on the whole as well.

The CHAIRMAN: The types of misdemeanour under section 227 are set out in the Objects and Reasons so that hon. Members can see. I think the hon. Member is labouring under a misapprehension.

Mr. LEE: I accept the explanation by the hon. the Attorney-General.

Clause passed.

Clause 5—*Constitution of Police Federation.*

Mr. LEE: If we are going to have a Police Federation the members should be permitted through this Federation to make representations in respect of themselves. If its Executive Committee feels that something wrong has been done to a particular individual it should be able to make representation to the Commissioner of Police. It will not undermine the discipline of the Force but will give the men the privilege to say through their Federation that some wrong has been done and to ask for an enquiry. I would certainly ask if that section is in the English Act. If it is not, I shall certainly move its deletion.

The ATTORNEY-GENERAL: The English Act amending the law relating to the Police in Great Britain was enacted in 1919 — Chapter 46, section 11. Hon. Members must appreciate the fact that this is a Force and you cannot have in-

corporated in a Federation, which deals with this Force as a Force, matters which affect the general life of the whole Force, and matters which affect a particular individual such as whether he should be promoted from Corporal to Sergeant, or whether any particular constable should not be transferred from Berbice to Morawhanna. Those are matters for the consideration of the Commissioner of Police; and questions of discipline are matters for consideration of the Commissioner of Police and his Officers. I suggest to hon. Members that what is being done here is to provide the Police Force with machinery for making representations in regard to the body as a whole and not with regard to individual members and to a particular something that bothers a particular member. He can do that otherwise and not from the point of view of the Federation.

Mr. KENDALL: In other words, the hon. the Attorney-General is against it being a Police Trade Union. If it is not to be a Police Trade Union its value would not be felt. As it stands now, the Commissioner of Police when he goes to Berbice would call the men and ask them if they have any grievances. Why make an Ordinance when that is working already? I am going to cite a case. This is what happened in Berbice. An N.C.O. was charged with having done something wrong in his district and the Sub-Inspector of that district sat in judgment against that N.C.O. at the Court held in New Amsterdam. Although that Officer had brought the charge he sat with the other Officers conducting the trial. With a thing like that you can never get the justice one is looking for. That is due to these Emergency Regulations. In a matter like that, if the Federation was functioning that N.C.O. would have had an opportunity of asking the Federation to deal with his matter. I think there is much right in that. It is no use creating a body and then telling that body it will only look after the welfare of the Force. The welfare of the Force is bound up in all these things, and certain matters which are regarded as disciplinary are against the welfare of the Force because they are not done in a proper manner. If you are going to give them something to afford them the opportunity of expressing their grievances, why put in a section



as contained in paragraph (3), which precludes that? I feel that it will not interfere with the discipline of the Force.

The ATTORNEY-GENERAL: The provision reads:

“(3) No representation shall be made by the Federation in relation to any question of discipline, promotion, transfer, leave or any other matter affecting individuals.”

Even though it may be something arising out of an individual matter, if it can be shown in the representation that it affects the general work and working of the Force, then that is a different matter. I would like to say that I do not know the incident the hon. Member has alluded to, but is the hon. Member aware of what part the Sub-Inspector took, whether he was only present, or whether there were Superior Officers present at the meeting? Unless you know the full circumstances these matters fall down. Unless you have all the circumstances before your mind in order to enable you to come to a balanced judgment on such incidents, you cannot determine them.

Mr. KENDALL: My judgment is balanced, because I know the facts and I know as a truth that this matter had been brought before this Council by the hon. Member for Western Berbice (Mr. Peters). It has been discussed here. This is the opportunity, when the Ordinance is being amended in order to make certain provisions, that this thing should be aired again. If sub-section (3) is deleted sub-section (1) would be affected. I think that under the Emergency Regulations no constable can resort to the Governor if he is not satisfied with the decision of the Commissioner of Police.

The CHAIRMAN: The hon. Member is entirely wrong. I get representations from constables very often.

Mr. KENDALL: If the Commissioner dismisses a man has he a right of appeal to the Governor in Council under the Emergency Regulations?

Mr. LEE: The point I wish to make is that out of individual cases questions

of principle arise. Is the Federation not to make representations in individual cases when questions of principle arise out of such cases?

The COLONIAL SECRETARY: I think it is a recognized principle in the Regulations of all Civil Service associations, both here and in the United Kingdom and elsewhere, that bodies of that kind are not permitted by their statutes to take up individual cases with Government. Much more so should that be the case when we are dealing with a disciplined force like a Police Force. The situation would become intolerable, not only for the Commissioner of Police but also for the Federation itself. It would soon find itself in very serious difficulties. On the other hand a general case on a matter of principle can be made out on the basis of a number of individual cases, and there would be nothing to prevent the Federation, if it is satisfied that the individual cases have not been dealt with properly, raising the matter of general principle with the Commissioner.

Mr. KENDALL: I would like to know from the hon. the Attorney-General what prompted the inclusion of this provision in the Bill. Was there any matter affecting the welfare of the Force which could not be dealt with under the provisions of the Ordinance?

Mr. LEE: I would suggest to the hon. Member for New Amsterdam (Mr. Kendall) that he accept the assurance of the hon. the Colonial Secretary that questions of principle can be raised on individual cases. If after the Federation is established we find that that principle is not adhered to we could fight the matter out in Council. I withdraw my opposition to the provision.

Dr. JAGAN: Whilst it is true that the Federation can argue on points of principle a question of principle cannot arise until an individual is affected. Therefore the Federation may find itself advocating for the first time the case of an individual on a question of principle which may not have been thought of before. That is why I say that sub-section (3) contradicts sub-section (1), because the welfare of the Force is the



welfare of each individual in that Force. There would be no cohesion in the Federation if we leave sub-section (3) as it is in the Bill. Members of the Force would soon lose interest in the Federation and the Commissioner of Police or his Officers would be able to do whatever they liked. A favourite who could chop wood, polish shoes or pump water might be promoted regardless of the Federation. I think that sub-section (3) should be deleted.

The CHAIRMAN: It is a question of conditions of service. The Federation could make whatever representations it likes but the law says that they must not apply to individual cases. I know of lots of corporals who think they ought to be sergeants, but a man is not a judge of his own fitness for promotion. He appeals to the Federation to take his case up, and they may or may not do so. We cannot have all that sort of thing going on. If a corporal has a grievance because he has been passed over he has a right of appeal to me and to the Secretary of State, and I can assure this Council that that right of appeal is exercised. This does not deprive an individual of his rights at all. He has all his rights, but it says that the Federation shall not take up individual cases.

Dr. JAGAN: If the Federation was given the right it may not take up individual cases where there was no merit in them.

Clause 5 put, and agreed to.

Clause 6.—*Establishment of Special Reserve Police Force.*

Dr. JAGAN: I want to appeal to Government to endeavour to find some ways and means for the avoidance and settlement of labour disputes in the Colony before they give rise to internal strife. I am thinking of a Wages Board or some such device.

The CHAIRMAN: I do not think the hon. Member is quite relevant in raising that general question in Committee. I understand what he says is that the law relating to arbitration and the settlement

of disputes should be strengthened. He can bring that up at another time.

Mr. DEBIDIN: I would like to reply to my friend, the hon. the Seventh Nominated Member (Mr. Luckhoo) who disagreed with what I said. There is one thing he does not know,—and apparently that is the foundation for his disagreement — that only a few weeks ago we had on the East Coast the spectacle (and I was thinking of that when I made my remarks) of a large force of police regimented on every estate, travelling in lorries with all sorts of accoutrement. I do not know what is the exact number of a regiment, but it was a very large force.

The CHAIRMAN: We only have about a thousand police in the whole Colony. What does the hon. Member mean by his reference to a regiment?

Mr. DEBIDIN: It seemed to me that the whole Force must have been on the East Coast during the strike.

The CHAIRMAN: Nothing of the sort. There were about 30 or 40 men.

Mr. DEBIDIN: They marched up and down the road with all their military display. I challenge my friend to say that that was a desirable thing, if he is a true trade unionist.

The Committee divided on clause 6 and voted :—

**For**—Messrs. Luckhoo, Morrish, Phang, Raatgever, Dr. Nicholson, the Financial Secretary and Treasurer, the Attorney-General and the Colonial Secretary — 9.

**Against**—Dr. Jagan, Messrs. Carter, Peters, Kendall, Debidin and Lee — 6.

Motion carried.

Clause 6 passed as printed.

Council resumed.

The ATTORNEY-GENERAL: I move that the Bill be now read a third time and passed.



Dr. NICHOLSON seconded.

Question put, and agreed to.

Bill read a third time and passed.

COCONUT PRODUCTS (CONTROL) (AMENDMENT) BILL, 1950.

The ATTORNEY-GENERAL: I move the second reading of a Bill intituled

“An Ordinance further to amend the Coconut Products (Control) Ordinance, 1935, by the repeal of those provisions relating to copra brokers and by the abolition of the Copra Brokers Board.”

Mr. DEBIDIN: May I be permitted to move an adjournment of the second reading of this Bill?

The PRESIDENT: I think the Attorney-General should move his motion for the second reading and say what he has to say. Then the hon. Member can move an adjournment.

The ATTORNEY-GENERAL: The Bill seeks to repeal those provisions of the Principal Ordinance relating to copra brokers, and to abolish the Copra Brokers Board as a preliminary step to the enactment of comprehensive legislation when agreement has been reached after consultation with all sections of the coconut industry. Some time ago a Sub-Committee of the Food Production Committee was appointed to examine conditions of the coconut industry and to recommend what should be done to increase the production of oil and copra meal. The Committee, which consisted of the Hon. John Fernandes, Mr. W. O. Fraser, Mr. G. B. Kennard, and the Hon. Dr. C. Jagan, made the following recommendations:

(a) The following sections of Ordinance No. 36 of 1935 be immediately repealed for the reasons given:—6, 7, 8, 9, 12, 13, 14, entire Part II, 25, 27, 29, (re inspection of Broker's premises).

(b) That the price to be paid for copra be brought into line with the price fixed by the Fats and Oils Conference recently held in Barbados, on a graded basis. This price is £45 per ton (9.6 cents per lb.) After allowing for shipping charges the local price of 'A' grade copra should be 9 cents per lb.

(c) That the Defence Regulations dealing with coconut industry be amended to provide that copra be sold only to persons licensed by the Controller of Supplies to purchase the article

(d) The price of edible oil to be increased in order to cover the increased price of copra.

(e) That part of the sum of \$200,000 earmarked under the Development Plan for the establishment of a machinery pool in the Department of Agriculture be utilised for (i) the importation of copra driers and bush clearing and other cultivation machinery for re-sale to farmers on the hire-purchase plan (ii) financing the erection of copra driers by small farmers, repayable also on hire-purchase plan.

(f) That early steps be taken to enact the draft Ordinance proposed by the Director of Agriculture for the organisation of the coconut industry.”

The first step in this matter is, as this Bill seeks to do, to abolish the Copra Brokers Board. Action is being taken simultaneously with this legislation, and it is proposed to appoint a Committee immediately with the following terms of reference:

“(a) to make recommendations concerning the organisation of the Coconut and Copra Industries and for the legislation necessary for implementing those recommendations;

(b) to make any other recommendations for the improvement and expansion of the coconut and copra industries.”

Consideration is also being given to price increases in regard to copra and edible oil, and price decreases in regard to margarine and compound lard, and also the question of the decontrol of crude oil, but all that will be brought in as soon as possible when the effect of price changes can be properly assessed. It is also proposed that copra buyers should be licensed by an Order under the Defence Regulations, the licencees being the proprietors of the two mills now operating, the Marketing Officer of the Department of Agriculture and their accredited agents. It will be seen, therefore, that the first step is to pass this legislation which proposes to abolish the Copra Brokers Board, and action is being taken with regard to the other matters to



which I have referred. So that in the end we hope that as a result of the investigations of the Committee to be appointed shortly, recommendations will be made and legislation enacted with a view to putting the industry on the best possible footing in the interest of the whole community. I formally move that the Bill be read a second time.

Mr. RAATGEVER seconded.

Mr. DEBIDIN: I am still moving that the debate on the second reading of the Bill be deferred. Much has been said about the rice industry, and equally as much can be said about the coconut industry of this Colony. Personally I think the principle is wrong to break down something that is established before new proposals are put forward. There is chaos in the coconut industry and too much of a monopolistic tendency in certain directions. Someone of very high rating and with some knowledge of economics, referred to the case of St. Lucia where the coconut industry is so well controlled that they are able to export a certain percentage to dollar countries. We should have an export market even if we have to import cheap soap. There is no question that there has been too much juggling with the question of the control of edible oils. At one time crude oil was controlled and edible oil not controlled, and the result was that a vast number of industrious people throughout the Colony were hampered in making a living by the production of crude oil. The tendency is to close down those people, and I am going to fight the matter if any effort is made to close those people down. I do not know where it is being put forward, but it is a sinister move.

The PRESIDENT: What is being put forward? Will the hon. Member inform the Council if he knows?

Mr. DEBIDIN: There has been clear indication that the movement is to close down the industry of the small producers of crude oil, and they are not a few. They run into thousands throughout the Colony. In my constituency they produce crude oil and engage in the useful industry of pig and poultry rearing

which provides essential food in this Colony. I am asking that there should be no dislocation or change in the present set-up until the Committee puts forward suggestions and amendments of the Bill. I do not think it is right to change anything before Government brings forward what it intends to introduce later. When those proposals are brought forward and accepted by this Council then we can say that it is necessary to remove obsolete sections of the Ordinance. Let us defer consideration of the Bill until the Committee meets and proper proposals are put forward.

Mr. PHANG seconded.

The ATTORNEY - GENERAL: I would like to point out to hon. Members that I do not think anything can be gained by deferring consideration of the Bill until the Committee reports. As I pointed out in the course of my remarks in moving the second reading, the first step is the removal of the section of the Ordinance relating to the Copra Brokers Board, and I also stated that certain action is proceeding which will take place almost simultaneously with the enactment of this legislation. The hon. Member is seeking an adjournment until the Committee has made recommendations and the proposals are put in the form of legislation. I would suggest to hon. Members that we proceed with the Bill immediately.

The PRESIDENT: I understand that the Copra Brokers Board is not functioning. What is happening at present is quite illegal. Isn't that the position?

Mr. RAATGEVER: You are quite right, Sir. The present legislation is not functioning at all.

Mr. DEBIDIN: It is still a Board which may spring into action at any moment if something wrong is done. The fact of its existence may be a safeguard.

The PRESIDENT: It does not function; it is obsolete.

The COLONIAL SECRETARY: In the meantime people are breaking the law.



Dr. JAGAN: I wonder if I can get any light on this matter. The Copra Brokers Board, as we know it, is the sole agency for the purchase of copra in this Colony. This Board deducts a certain percentage as its buying fees from the producers; aside from that deduction there is also a great deal of discussion about whether the copra producers should pay for the bags or the copra brokers. It is felt in many quarters that because the charges which the Copra Brokers Board is presently making are too high it is discouraging the farmers from producing copra. Whether we agree that copra should be made or that crude oil or deodorised oil should be made from the copra is a different question altogether. I agree with the hon. Member that this matter should be thrashed out fully, and I will support him to have it discussed fully, but I want to tell him that at the present time the Copra Board is an obsolete Board. It is not performing a useful function, and few copra producers today are accepting it as good. Therefore I do not think that it will help to convert more coconuts into copra. I do not think that is the intention, but that whatever copra is produced it will not go through the same channels of the Copra Producers Board where the fee charged is directly on the copra producer, but that thereby the copra producer will get a better price for his copra and in that case he is encouraged to go in for more production.

The FINANCIAL SECRETARY & TREASURER: There is another point. When the Copra Board was originally established there was only one manufacturer of oil. Now there are two and consequently there is an element of competition in buying copra. That copra is being sold locally to the manufacturers directly and, as the hon. Member has rightly said, the Board has ceased to function. Consequently all that this Bill seeks to do is to regularize something that has already taken place. The Board is already defunct. On the merits of the question raised as to whether the coconut producers of this Colony should continue to waste their substance in producing crude oil rather than copra, that is a question on which a good deal can be said, and I have myself very strongly urged that in the interest of the Colony and the producers themselves the present

process be gradually developed into the normal method of producing refined oil out of copra. That is one of the questions to be thrashed out, and I hope it will be finally answered.

Mr. DEBIDIN: May I to a point of explanation ask the hon. the Financial Secretary this? He is saying that this Bill is to regularize something. In other words, it is to make legal illegal acts after the removal of the Copra Board. It does not seem, therefore, that the Copra Board is something necessary to prevent illegal acts, because in any case the committing of an illegal act is something wrong. The provision seems to suggest that. The very argument used that there has been illegality seems to suggest the reason why the provision should stand. The hon. Member for Central Demerara referred to disputes over bags. It all makes me feel that there is something funny.

Mr. RAATGEVER: The hon. Member for Central Demerara gave, what I consider, a clear explanation and, perhaps, I can add a little more for the benefit of the hon. Member for Eastern Demerara. The people were dissatisfied over the Copra Board deducting 40 per cent. of the price fixed by Government and were not taking their copra to the Board. The mills in order to get copra to make oil, which the people would have supplied, had to go and buy copra direct from the producers. Then there was competition. Other mills seeing that those mills got copra went and offered a greater price. In order to get a supply of copra they had to give a higher price. So the producers benefited to a large extent as the result of that. This Bill will regularize that position and to the benefit of the producers as they will get all the money fixed by Government as the price for copra. There will be no reduction for the expenses of the Copra Board.

Mr. DEBIDIN: May I ask whether that does not mean the manufacturers of oil can go and buy directly from the producers? That is what the small mill-owners, the crude oil producers, are saying. They are unable to get coconuts to carry on their mills because the big manufacturers encourage the production of copra.



The PRESIDENT: That will come up in the comprehensive legislation. The hon. Member can rest assured that no ulterior motive is behind this whatever. As the hon. the Attorney-General has said, we will set up a comprehensive committee at once. I hope to be able to announce all the names this afternoon. I assure Members that it will be comprehensive and fully representative of all interests. It will be set up at once and will advise on the draft legislation which in fact has already been prepared. The hon. Member mentioned just now the rice producers and the Government Bill and urged that in this case the industry should be consulted very fully before any legislation is enacted. I first intended to put the comprehensive draft Bill to which I have referred before the Council, but I decided subsequently it should go to this representative Committee and those concerned would have the fullest opportunity to put their representations on its provisions. A good deal of spadework has been done on the legislation, and I do not think the Committee will take very long in informing their views on it. Then we can put this comprehensive measure before this Council. It is a very important matter, everyone in this Council will agree—the coconut industry—what it ought to be, what it can be and what it should be. Personally I think a great deal of importance should be attached to this industry, and it can be of far greater importance and value to the Colony but it wants reorganization. I hope when this legislation is enacted we will be able to bring that reorganization about.

The hon. Member referred to St. Lucia. I know they have an organization there. Jamaica has its own organization which is working extremely well. Trinidad has got its organization which is working extremely well too, but here we have no organization of any kind. Although our circumstances may be somewhat different and we do not want to slavishly follow their system in toto, yet I do feel that we must do something to try and put this most important industry in a proper state. It certainly is not at the moment. Does the hon. Member wish to press his motion in the light of what I have said?

Mr. DEBIDIN: I have a right to

reply. I must say this in withdrawing this motion, that I am taking the assurance you have given that this comprehensive legislation will be brought forward early. But whatever will be contained in this comprehensive legislation, it will not strike against the industry which I have referred to—crude oil making in this Colony by the small concerns—I hope.

The PRESIDENT: The hon. Member can appear before the Committee if he so feels.

Mr. DEBIDIN: It means I will have to whip up the interest of the people and bring them down in a demonstration, but we must have a look at the legislation first. It seems clear from what is being done, that the opportunity is being given to the manufacturers of edible oil to go and buy *carte blanche* from every producer. They will operate against these people's chances of buying from the very producers of coconuts. They will offer such nice prices without the brokers' fee that copra will be made and the producers will be loth to sell coconuts to the small mill-owners I have referred to. I do not know when this Committee will conclude its labours, but that may be the time required to put these people out of existence. It is something this Government must take the responsibility for if this Bill is passed today.

The PRESIDENT: This Bill does not affect them in the slightest as far as that is concerned.

Mr. DEBIDIN: It will have an affect as far as I see.

Question put, and agreed to.

Bill read a second time.

The Council resolved itself into Committee and considered the Bill clause by clause without amendment.

The ATTORNEY-GENERAL: With the consent of the Council I move that this Bill be read a third time and passed.

Mr. RAATGEVER seconded.



Question put, and agreed to.

Bill read a third time and passed.

### POST & TELEGRAPH (AMENDMENT)

The ATTORNEY-GENERAL: I beg to move the second reading of a Bill intitled—

“An Ordinance to amend the Post and Telegraph Ordinance, Chapter 185, with respect to the grant of licences to instal, use or work amateur wireless stations.”

Under sub-section (1) of section 61 of Chapter 185 licences to use, instal or work amateur wireless stations can only be granted by the Governor-in-Council. Clause 2 of this Bill seeks to empower the Postmaster General to grant such licences in order to facilitate quick action on the part of the Postmaster General to suspend licences, warn licencees or take other appropriate action in cases of breach of licence conditions. It will be appreciated by hon. Members that in matters of this sort quick action is very necessary from every point of view, and accordingly the object of this Bill is to make the neces-

sary amendment so that the Postmaster General can take any action which is required in the circumstances. I beg to move that the Bill be now read a second time.

Mr. RAATGEVER seconded.

Question put, and agreed to.

Bill read a second time.

The Council resolved itself into Committee and considered the Bill clause by clause without amendment.

The ATTORNEY-GENERAL: With the consent of the Council I beg to move that this Bill be now read a third time and passed.

Mr. RAATGEVER seconded.

Question put, and agreed to.

Bill read a third time and passed.

The Council adjourned until Thursday, 23rd November, 1950.