

THE  
PARLIAMENTARY DEBATES

OFFICIAL REPORT

[VOLUME 1]

PROCEEDINGS AND DEBATES OF THE FIRST SESSION OF THE  
FIRST LEGISLATURE CONSTITUTED UNDER THE  
BRITISH GUIANA (CONSTITUTION)  
ORDER IN COUNCIL, 1961

*14th Sitting*

*Friday, 9th February, 1962*

LEGISLATIVE ASSEMBLY

*The Assembly met at 2 p.m.*

*Prayers*

**[Mr. Speaker in the Chair]**

*Present:*

**His Honour the Speaker, Mr. R. B. Gajraj.**

*Members of the Government  
People's Progressive Party  
Ministers*

<b>Dr. the Honourable C. B. Jagan</b>	<i>—Premier and Minister of Development and Planning (Member for Corentyne—East)</i>
<b>The Honourable B. H. Benn</b>	<i>—Minister of Natural Resources (Member for Demerara Coast—West)</i>
<b>The Honourable Ram Karran</b>	<i>—Minister of Works and Hydraulics (Member for Mahaica)</i>
<b>The Honourable B. S. Rai</b>	<i>—Minister of Home Affairs (Member for Demerara Coast—East)</i>
<b>The Honourable R. Chandisingh</b>	<i>—Minister of Labour, Health and Housing (Member for Lower Demerara River)</i>

**Dr. the Honourable Charles Jacob, Jr.** — *Minister of Finance (Member for Vreed-en-Hoop)*

**Dr. the Honourable F. W. H. Ramsahoye** — *Attorney-General (Member for Canals Polder)*

**The Honourable E. M. G. Wilson** — *Minister of Communications (Member for Boerasirie)*

*Parliamentary Secretaries*

**Mr. G. Bowman** — *Parliamentary Secretary to the Ministry of Natural Resources (Member for Corentyne Central)*

**Mr. L. E. M. Mann** — *Parliamentary Secretary to the Ministry of Works and Hydraulics (Member for Mahaicony)*

*Other Members*

**Mr. S. M. Saffee** — *(Member for Berbice—West)*

**Mr. G. L. Robertson** — *(Member for Leonora)*

**Mr. J. B. Caldeira** — *(Member for Pomeroy)*

**Mr. V. Downer** — *(Member for Berbice—East)*

**Mr. M. Hamid** — *(Member for Demerara—Central)*

**Mr. D. C. Jagan** — *(Member for Suddie)*

**Mr. H. Lall** — *(Member for Corentyne—West)*

**Mr. M. Shakoob** — *(Member for Corentyne River)*

*Members Constituting the Minority*

*(i) People's National Congress*

**Mr. L. F. S. Burnham, Q.C.** — *(Member for Ruimveldt)*

**Mr. W. O. R. Kendall, Deputy Speaker** — *(Member for New Amsterdam)*

**Mr. J. Carter** — *(Member for Werk-en-Rust)*

**Mr. E. F. Correia** — *(Member for Mazaruni-Potaro)*

**Mr. N. J. Bissember** — *(Member for Campbellville)*

**Mr. W. A. Blair** — *(Member for Berbice River)*

**Mr. R. S. S. Hugh** — *(Member for Georgetown—South)*

**Mr. J. G. Joaquim** — *(Member for Kitty)*

**Mr. C. A. Merriman** — *(Member for La Penitence-Lodge)*

**Mr. H. M. S. Wharton** — *(Member for Abary)*

*(ii) United Force*

**Mr. P. d'Aguiar** — *(Member for Georgetown—Central)*

**Mr. S. Campbell** — *(Member for North West)*

**Mr. R. E. Cheeks** — *(Member for Georgetown—North)*

**Mr. E. E. Melville** — *(Member for Rupununi).*

**Mr. I. Crum Ewing** — Clerk of the Legislature

**Mr. E. V. Viapiree** — Assistant Clerk of the Legislature.

ABSENT:

**Mr. M. Bhagwan** (Member for Essequibo Islands) — on leave.

**Mr. R. J. Jordan** — (Member for Upper Demerara River).

## ANNOUNCEMENTS

## DUKE OF EDINBURGH'S GRATITUDE

**Mr. Speaker:** Hon. Members, I have received a letter from Mr. James Orr, Private Secretary to His Royal Highness, the Duke of Edinburgh, which reads thus:

"Government House,  
Georgetown.  
8th February, 1962.

Dear Mr. Speaker,

The Duke of Edinburgh desires me to express his profound gratitude for the Ceremony which was arranged in his honour in the Legislative Assembly Chamber yesterday afternoon.

His Royal Highness was very pleased to meet so many members of the Legislature.

Prince Philip was most impressed with your beautiful Chamber and has asked me to reiterate his thanks for the charmingly mounted Loyal Address with which he was presented.

Yours sincerely,  
(Sgd.) James Orr."

## MINISTER OF HOME AFFAIRS EXCUSED

The hon. Minister of Home Affairs (Mr. Rai) has been granted leave to be absent from part of today's proceedings because he will be away from the City on public business. He however hopes to be present later.

## PRESENTATION OF PAPERS AND REPORTS, ETC.

The following Paper was laid:—

Order No. 3 of 1962 made under Section 8 of the Customs Ordinance, Chapter 309, on the 20th day of January, 1962, and published in the Gazette on the 27th of January, 1962. [The Minister of Finance.]

## STATEMENTS BY MINISTERS

## BUDGET DEBATE DEFERRED

**The Minister of Finance:** Your Honour, I wish to make the following statement: It was announced at the conclusion of the Budget Statement on

January 31st, that the debate on the Second Reading of the Appropriation Bill would be resumed on Monday, February 12. This period was thought ample to enable Hon. Members and the public to study the proposals.

Since then, however, representations on some of the proposals have been received from various quarters. In order that the Government may give careful consideration to all of the representations received, it is proposed to defer consideration of the Second Reading of the Appropriation Bill to a date to be announced.

Discussions will be held immediately with all persons and organisations so that the Budget may be debated in the House without undue delay.

## PUBLIC BUSINESS

## COMMITTEE TO CONSIDER DRAFT CONSTITUTION

Be it resolved: That a Committee of the Legislative Assembly comprising 8 Members of the Government and 8 Members constituting the Minority — 6 of whom shall be drawn from the Members of the People's National Congress and 2 from the Members representing the United Force — with the Speaker as Chairman — be appointed to consider a draft Constitution for an independent Guiana to be prepared and submitted by the Attorney-General for publication by the 28th of February, 1962, and to submit its report to the Assembly by the 20th of April, 1962;

And be it further resolved: That the public be invited immediately to submit memoranda on their views to the Committee by the 15th of March, 1962. [The Premier.]

**The Premier and Minister of Development and Planning (Dr. Jagan):** Sir, We have before us today in the House a matter of the greatest importance,—one dealing with the Independence of British Guiana. As you are aware, sir, this House, not too long ago,

[DR. JAGAN]

passed a Resolution requesting the Secretary of State for the Colonies to fix a date early in 1962 for the Independence of British Guiana. A similar Resolution was passed by the Senate. Subsequently, as a result of conversations which I had with the Secretary of State for the Colonies, it was decided that discussions should be held in London in May this year to fix a date for the Independence of British Guiana, and other relevant matters pertaining to Independence.

Because those steps have been taken it is incumbent on the Government to take steps so that a Conference could be held in London. A despatch from the Secretary of State for the Colonies suggested that it should be an all-party Conference. At one stage there was some question as to what would be regarded as a party. It was felt by the Government that only those parties which faced the Election should be considered as *bona fide* parties to be represented at this Conference. In other words, the People's Progressive Party, the People's National Congress, and the United Force. It will be seen in the Motion which is before the House that it is proposed to constitute a Committee of this House which will be entrusted with the task of producing finally a draft Constitution which will be submitted to the Secretary of State for the Colonies.

I therefore propose in this Motion that the Committee should be composed of 16 Members — 8 Members to be drawn from the Government Benches and 8 Members to be drawn from the Opposition. Since there are two Parties in the Opposition it is proposed that the Opposition should be made up of 6 Members from the People's National Congress and 2 Members from the United Force. As it is necessary to have a Chairman of such a Committee, it is proposed in this Motion that the most fit and proper person should be the Speaker. My Motion therefore pro-

poses that the composition should be eight Members from the Government Benches, eight Members from the Opposition, with the Speaker as Chairman.

There is some concern as to procedure. It is being suggested by the Government that the procedure should be as follows: that a draft Constitution will be prepared by the Government for submission to the Committee. It is hoped that this draft Constitution will be ready towards the end of this month when it will be tabled. In the meantime it is proposed that the Committee should be invited to offer their comments. Those views, if they are submitted before the end of the month, will be forwarded to the Attorney-General for consideration in drafting the Constitution. Opportunity will be given to the public also to submit memoranda after the tabling of the draft Constitution, so that anyone having views to express will also be given an opportunity to do so. Those views will, of course, be submitted to the Committee, so that the point which has been made by some people is being met in asking the public to submit memoranda both before and after the submission of the draft Constitution.

You will recall, sir, that on the last occasion when the whole Legislative Council was constituted as a Constitutional Committee, several months elapsed before the report was available for submission to the Secretary of State for the Colonies. Not only that, but after the London Conference in early 1960 several months again elapsed before the Orders in Council were ready, and this delay was caused by the fact that the Constitutional Instruments had to be drafted by the legal experts of the Colonial Office. Since we are all wedded to having Independence as quickly as possible, we are proposing that if this is to be done then it is better to have a precise document before the Committee. Indeed, on the last occasion when this matter was dealt with, the view was ex-

pressed then that possibly the Committee should have adopted the procedure of having a draft Constitution before it, a Constitution which was applicable to our then stage of development, so that the Committee could go through the draft Constitution clause by clause, amending it as necessary. By amending I mean, obviously, that the views of the several members of the Committee would be noted. Indeed this was done on the last occasion. On any issue appertaining to a matter of principle, whether it was a major principle or a matter of minor detail, it was subsequently taken and every person's point of view was registered. Finally, it was submitted to the Secretary of State for the Colonies.

2.15 p.m.

I know that objections have been raised in certain quarters about the Government proposing a draft Constitution. But since this is not going to be the final document which will emerge, and since three parties will have an opportunity to state clearly their opinions on each major or minor point of principle which will be cited in the various clauses in the draft Constitution, I can see no objections to this procedure. The draft will be tabled; the Committee will consider it; any amendments or suggestions made will be put in a separate report, and these will all be put before the Legislature and submitted to the Secretary of State for the Colonies. Indeed, it is hoped that if the report is tabled, the House will be given an opportunity to debate it before submission to the Secretary of State for the Colonies.

I therefore propose, for the acceptance of this House, the Motion standing in my name.

The Motion is self-explanatory. I have already said that a period up to the 15th March is set, so as to allow the public to make comments before and after submission of the draft Constitution. The report is to be submitted to

the Legislative Assembly by the 20th April, so as to give the Legislature an opportunity towards the end of April to debate the draft. Finally, the whole matter should be settled by the end of April, if the Conference is to take place in May. I, therefore, move this Motion, and would like to ask Members to support it, so that we can move forward to what is the desire of everybody in this country.

**Mr. Speaker:** The Motion has been duly moved, and it is now open to the House for discussion.

**Mr. Burnham:** (Ruimveldt): Mr. Speaker, I am in entire agreement with the hon. the Premier when, in his introductory remarks on the Motion, he said that this is a matter of great importance, for it seems to me that it is the cornerstone, so to speak, for the constitutional edifice which we would hope to erect for an Independent Guiana. Speaking for myself and on behalf of my colleagues of the People's National Congress, I would say, sir, that Independence is both desirable and necessary, and I may add inevitable, for there was no dispute in March, 1960, at the Conference at Lancaster House when varying shades of political opinion were represented and there was common agreement. To put it in a nutshell, "that within a year of the present Constitution under which we are now operating, Guiana should gain its Independence, provided it had by that time been decided that the West Indies Federation should be Independent."

In fact, it seems to me that the three parties that offered themselves to the electorate during 1961 had foreseen and anticipated Independence within a relatively short time. It is also to be noted that the party to which I have the honour to be the Leader was the first one to mention a date, the 31st May, which at that time was fixed as the date which the now crumbling Federation should have achieved its Independence.

[MR. BURNHAM]

Consequently, when on the 1st November, 1961, the hon. the Premier, fresh from his visit to the United States, moved a Motion calling upon the Secretary of State for the Colonies to grant Independence to Guiana during 1962, the People's National Congress, speaking through its elected representatives, supported that Motion. It was not a matter of vague principle, but a matter of conviction. There is no necessity at this stage to go into the arguments in favour of Independence. Indeed, he who has to be persuaded that a country must be Independent must suffer from a certain obscurantism or obtuseness of mind, and is not likely to be persuaded by us.

But may I remind the hon. the Premier, Mr. Speaker, through the Chair, of course, that when we of the People's National Congress gave support to that Motion, which I think every patriotic Guianese ought to have supported, we particularly made the point that, though there was no issue on the question of Independence, there would be many an issue on the question of the type of Constitution under which this country was to embark on the ship of Independence.

It would appear—and I am taking no note of the little darts that were fired by the smaller breed in criticism of our observations—that the hon. the Premier and his Party did not take seriously our strictures and observations with respect to the type of Constitution we thought necessary in the particular circumstances of Guiana. Of course, during the course of the debate we were told from the Government Benches that the Party, which though a minority holds the majority of seats in this House, believes in the same democratic principles about which we spoke.

It is to be recalled that we pointed out at the time that we would not be satisfied with mere lip-service to these democratic principles, and observed that

we thought certain clauses should be entrenched in the Constitution and be incapable of amendment, alteration or change, save on a 66 2/3 majority of the electorate. At the time we thought, and today we still think, that there was nothing unreasonable in the proposal; for if we are of one mind as to the democratic principles which should be honoured and embodied in the Constitution, difficulty of change of the clauses embodying these principles should not be an occasion for disagreement. It is just a question of acting *ex abundanti cautela*—out of abundant caution, because both sides agree, so we are told, that certain democratic principles should be embodied in certain clauses.

Shortly after that debate, however, the hon. the Premier was reported to have said—and he has not denied it, and I would submit that these are circumstances in which silence is an acceptance of the accuracy of the statement—that under no modern Constitution are to be found the safeguards which the People's National Congress asked for. I am not really interested in entering any disputations with a dentist on the question of Constitutional practice and traditions, but, for purposes of the present argument, I am prepared to concede the accuracy of his statement though not admitting it. But so far as the People's National Congress is concerned, it is not a matter of what appears in modern Constitutions; it is a matter of what we think is necessary for the protection of the freedom and the privileges of the people of Guiana.

2.30 p.m.

During the course of that debate, it was pointed out, from this side of the House, that we could not be forgetful of the things like the P.P.P. Congress Paper by its leader. It was a classic of subversion, hypocrisy and callousness. We cannot forget various incidents including that nefarious document which was submitted to the United Nations. If, indeed, we were to forget

it we would be unmindful of our duties to those who elected us; we would be forgetful of our obligation to 41 per cent. of the electorate.

I observe that, apparently, the hon. the Premier did not think seriously because, with no further attempt at consulting, it was announced by him that the Constitution was to be drafted by the Attorney-General and was to be submitted to the House, I quote: "late this year or early next year"; translated in terms of the present — late last year or early this year. It may not be unusual or discourteous, but certainly undemocratic; for I shall, perhaps, have reason to say, again: A Constitution is not a matter for a group, especially a minority group of 42.7 per cent. It is a matter for the whole country. And I do not know how long the P.P.P. had a monopoly of Constitutional wisdom for the P.P.P. leader to tell us that he will have his Attorney-General prepare a draft and submit for discussion in the House.

The hon. the Premier, during the course of his travelling towards Tanganyika, called on the Secretary of State for the Colonies, and it is reliably reported that he purported to speak on behalf of 83 per cent. of the electorate. He had no mandate, I know, of 41 per cent. I will assume that he did have a mandate from the 42.7 per cent.; and my experience of recent history leaves me to believe that the remaining 16.3 per cent. gave him no mandate either. Then, he wandered or went on his way to the United Nations and there, I understand, he was listened to by a Committee as a humble petitioner, there again, purporting to speak on behalf of the 83 per cent. The P.N.C. did not give any permission to the P.P.P. to speak on behalf of the 41 per cent. It is a piece of temerity and impudence for anyone except the P.N.C. to speak on behalf of the 41 per cent. who voted for the P.N.C. Whatever may be our

faults or shortcomings, we have never been guilty of the inability to speak or to represent our own views. *En Passant*, although the Premier had come fresh from Tanganyika, it did not appear that the Tanganyika delegation voted in favour of his petition.

Then, on the 14th January — Mr. Speaker, I crave the indulgence of this House to show the history and to explain what I shall give as the continuing attitude of the P.N.C. — there was an announcement from Government House to the effect that the Rt. Hon. the Secretary of State for the Colonies was prepared to call an all-party Constitutional Conference in London in May, this year, to discuss arrangements and the fixing of a date for the Independence of Guiana. Then and only then did the hon. the Premier think it necessary to consult anyone outside of the cabal which he calls his Government.

On the morning of Monday 15th he inquired after my health over the telephone. I was fresh from an accident. [*Interruption.*] It was the 15th, the accident was the 14th. And I was invited as, I understand, also was the leader of the United Force to call on the Premier to discuss arrangements. Naturally, I had to consult the governing body of the Party of which I am leader, and after consulting with the governing body I communicated with the Premier that my executive saw no purpose in such a meeting, on the basis of what he told me on the Monday morning, because it would appear — [*Interruption.*] It is a fact that the Premier did tell me, at the time, about presenting some draft by the Attorney-General who, I understand, now, is described as the most brilliant Constitutional lawyer in the West Indies. My sense of legal camaraderie may prevent me from expressing disagreement with that description, but I may be forgiven for asking the Attorney-General whether he was a Prizeman in Constitutional Law or ever presented a thesis in that field.

[MR BURNHAM]

The P.N.C., through me, put up, quite clearly, a proposal that the Constitutional Conference must be preceded by the drafting of a Constitution. We were *ad idem* on that; and, further, that the draft Constitution shall be drafted by a Select Committee on which every Party was represented in proportion to its own popular votes. A Constitution is not a matter for a Government. If, perchance, the Government happens to speak for the majority of the people, then the two concepts coincide. A Constitution is a matter for the people; and even if this Government had a popular majority, this is not the time to push any Constitution down the throats of the people. And to make any reference to the Constituent Assembly in India would be out of place and inaccurate. As I had to remark in my letter to the Premier, in the case of India, it was the Constituent Assembly elected for that specific purpose to which the matter was referred, not its Legislature.

I pointed out, quite clearly, that, so far as we were concerned, a draft Constitution would have to be written in relation to Party votes. The Premier entered into an argument and said that no one quite understood the strength of the People's Progressive Party because it did not contest six of the seats. You cannot eat your cake and have it. You have to stand by the statistics of your tactics.

Since I am a man of peace and like to concede the greatest to my opponents, I pointed out to the Premier that I would grant him, the most, 10,000 votes for the six seats that were not contested by the P.P.P.; and on the results of the last election, 10,000 votes are equivalent to two per cent., which still leaves the P.P.P. as a minority Government. These were the statistics. At the same time, I asked the Premier to be good enough to allow the P.N.C.

an opportunity to put forward its point of view on this most important matter of the Constitution over the radio, as it was entirely within his patronage, control and power, because it was his portfolio under which broadcasting came. The self-styled democrat replied that Government did not see that any purpose would be served by giving radio time to political parties; when he, unapologetically, gets on the radio and gives P.P.P. as distinct from Government broadcasts. I was surprised. That is why we on this side insist on these safeguards — that they be entrenched. He will say, today, he is in favour of freedom of the radio, tomorrow when he gets power he will say "my Government does not think it fit or no purpose would be served giving radio time to political parties save and except my own."

On Monday, 15th January, the Premier made an appeal over the radio, speaking not as the Government —. I have a transcript of his speech. He talks about "we" and "my Party". To that we have no objection. The leader of a Party should have the right to speak on behalf of his Party. That is democracy. As leader of my Party I would know what my Party has done and what it proposes to do. It is in that context we requested radio time.

But there was further significance in that broadcast. In that broadcast, the Premier said he was prepared to submit a draft by the Attorney-General for consideration by the House and for criticism, and would make such concessions as were consonant with the basic principles of the P.P.P. 42.7 per cent. as against 57.3 per cent.! "We will make such concessions as are consonant with our basic principles!"

2.45 p.m.

On the draft Constitution for the independence of British Guiana which, I understand, will affect 100 per cent. and not 42 per cent., what did the hon.



Premier mean when he said "The Government does not intend to force upon this country a Constitution drawn by us" while at the same time insisting that the Constitution drafted by the Attorney-General be presented to this Assembly for ratification?— an Assembly in which 42.7 per cent. of the electorate is represented by 19 Members (let us say 20 for the time being), and 57.3 per cent. of the electorate is represented by 15 Members. That is for the simpleton to accept. We made it quite clear that that was totally unacceptable, as also the proposal that the Legislative Assembly be resolved into a Constitution Committee. Then we had another bit of transparent chicanery. He says "If you do not want the whole of the Assembly, as it may be too large, let us then have 10, 6 and 2 or 5, 3 and 1." In other words, not only is the P.P.P. insisting on starting off on the wrong foot in presenting a draft Constitution for discussion, but they also want to ensure that in whichever Committee the draft Constitution is debated they have a predominance of votes — 42.7 per cent. must dictate by their votes how 57.3 per cent. should live.

But even more exasperating in its concept is the proposal in a letter to me of the 22nd of January from the hon. Premier. The People's National Congress was asking that not only should the Select Committee have representation in proportion to the popular votes of respective Parties, but also that the public should be given an opportunity to express their views orally or by memoranda. The Premier pretends to be making a concession, and says in his letter to me of the 22nd of January that the Committee will be invited to submit memoranda by the 15th February, which would then be considered by the Attorney-General in his cloistered Chambers—not the Committee but the Attorney-General. We remember the statement of the Premier when the proposals for the present Constitution were

being discussed in 1959. Said he "I am not prepared to sit down here and listen to "crackpots", when the People's National Congress suggested that evidence should be taken from the public. His Honour the Speaker was then a Member of the Legislative Council, and I am sure that although he has changed his capacity he has not changed his memory, and would have corrected me if I were wrong.

That is why we were so insistent on the question of taking evidence from the public, because what obviously the P.P.P. wanted to do was to sit down and write its own little Constitution, drafted by the Attorney-General, and then use its preponderant numbers in the Legislative Assembly and the Senate to have that carried out and presented to the Secretary of State for the Colonies as the opinion of the people of Guiana. I will concede that since the 15th of January the hon. Premier has been attempting to give the impression of making concessions to the point of view of the People's National Congress. He says that those concessions are great concessions because they are contrary to what was agreed on between the People's Progressive Party and the United Force. I do not know; I was not there. But there is a conflict of evidence as to what took place at that ill-advised conference between the leader of the United Force and the leader of the People's Progressive Party. But those concessions are on the surface; still 42.7 per cent., according to the Premier, must dominate. But understand, the majority lies here (*pointing to the seats of the Opposition*)

The Premier, in his pre-election rally on the Corentyne, asked for a vote of 80 per cent. They gave him 42.7 per cent. How uncharitable and unco-operative they were. I can see why he wanted 80 per cent. — so he could say "I speak for the people." He says he speaks for the masses. Which masses?

[Mr. BURNHAM]

Everyone knows that the P.N.C.'s support had more masses than the P.P.P.'s support. A certain P.P.P. Member of the House admits that the P.P.P. was supported by a lot of "big shots". We are poor; we do not have "big shots". So you do not speak for the masses; you do not speak for the people or for the majority, and it is nothing short of impudence to suggest that 42.7 per cent. should have its say against 57.3 per cent. — obviously advised by someone skilled. I do not know the name of the person; I do not know his country of origin; he may, for all I know, be a Guianese, either by adoption or birth. The Premier appeared to make — but only appeared — a concession.

**Mr. Speaker:** You need a Motion for extension at this stage.

**Mr. Correia** (Mazaruni-Potaro): I move that the hon. Member be granted an extension of 15 minutes to continue his speech.

**Mr. Joaquim** (Kitty): I beg to second the Motion.

*Question put, and agreed to.*

**Mr. Burnham :** Still, as the hon. Premier told me, his Government is not prepared to permit a majority, a non-P.P.P. majority, on the Committee. But if the electorate did not give you a majority, it is not for you to behave like Mussolini and convert a minority into a majority— [Mr. Ram Karran: Rule Britannia.] Britannia rules the waves — not this side, look lower down.

**Mr. Speaker :** Please!

**Mr. Burnham :** It is not for you to attempt to make that minority into a majority. Once you accept that the Constitution is a matter for the entire country, once you are going to use the representatives of the people you must reflect

on that Committee the proportions in which the people voted for the respective parties. That is our contention, and this proposal of 8, 6, 2, so that there should be equality between the P.P.P. and the Opposition parties, is not an acceptance of the people's will as expressed at the election. But even while the hon. Premier was attempting to be most reasonable, making concession after concession, he always reminded me in his letters that his Government was not prepared to go further. It is not a question of the Government; it is a question of parties. It is not the Government that has to write the Constitution. I am not interested in the Government in this context. It is your right to govern, but it is not your right, constitutional, democratic, or else, to write the Constitution that you want. While the hon. Premier was attempting to be the epitome of patience and concessions, here is what the Attorney-General, the draftsman of the Constitution, said on Wednesday, 31st January, at the corner of Princes and Russell Streets —

**Mr. Speaker :** What he said, or what he is reported to have said?

**Mr. Burnham :** What he is reported to have said. The hon. the Attorney-General will have his opportunity to deny if he cares to deny, and who knows, this House may find that my allegation against him is not proved beyond reasonable doubt. (*Laughter*). Said the Attorney-General, on the date and at the time and place mentioned before;

"Even if I die tonight, the draft Constitution prepared by me as British Guiana's first political Attorney-General is the Constitution that will definitely rule this country. It is the only Constitution you will have — the only Constitution Maudling will give you, whether you wish to accept it or not."

Out of the dark recesses of the most criminal and cynical minds sometimes comes forth truth. The reason for this truthful outburst on the part of the Attorney-General on Wednesday, 31st January, I cannot explain. I do not know why he was so truthful and frank, but he goes on to say that since the P.P.P. was elected at the last General Election—now a *non sequitur follows*—“it was therefore their inalienable right to dictate the type of Constituion that should be operable in an independent British Guiana, provided it was in the best interest of all Guianese.” Of course it is claimed that this 42.7 per cent. are the sole and absolute judges, the final court, when it comes to deciding what is in the best interest of the people. I quote:

“The People’s Progressive Party says so, and though we can support it by reason, we will support it by authority, if necessary.”

I think it was the Romans who had a descriptive phrase for such people — *novus homo*. The Attorney-General goes on, and I quote:

“By virtue of our majority seats we will not have any Constitution or Select Committee where we are asked to share the same number of representatives as the losers.”

This is what the Attorney-General says. Of course his Premier, on better advice, is more suave, attempting to put the silken glove over the mailed fist, but we still see the mailed fist underneath. They want to have a Select Committee of 8-8, and in his letter to me the Premier kept on talking about the Government. The Government is not involved in this; it is the P.P.P., the P.N.C., and the U.F. that are involved. This is not a matter of governing; not a matter of a motion as a result of which there will be expenditure from the revenues, or as a result of which some administrative action will be taken. This has nothing to do with governing as a result of the results of the election. This is a matter of a group of people coming together and reasoning as

to what aegis or panoply they would like to live under, after Independence, which is our inalienable right, is granted.

3.00 p.m.

This Motion today is a hypocritical one in the context of the hon. the Attorney-General’s remarks, and the hon. the Attorney-General is a learned Gentleman. The hon. the Attorney-General belongs to my profession; the hon. the Attorney-General comes from that group of lawyers who do not lightly say things; and if the hon. the Attorney-General, the architect of this Constitution, says that, am I to believe the hon. the Premier, or must I believe my learned friend and legal colleague? Says the hon. the Premier, however, “It is not possible to have all this evidence taken, because on the last occasion we took nine months and on this occasion we are likely to take nine months.” The period is significant. We cannot have all of this time to be delivered of the Constitution with which the hon. the Attorney-General is pregnant. So according to the Premier, let us, therefore, have a constitutional miscarriage; let us call a Committee together, presided over by the Speaker — I make no complaint about the Speaker. But this proposed Committee, Mr. Speaker, is not as in the case of the Committee set up in Jamaica to prepare proposals for a Constitution; it is a Committee which is to consider a draft.

Between the 31st October, 1961, and the 11th January, 1962, the Select Committee of the two Houses of the Jamaica Legislature were able to meet, take evidence, consider memoranda and put up proposals for a Constitution in draft form, and that Committee did not boast of having the most eminent constitutional lawyer in the West Indies. It is a camouflage to suggest that this Committee cannot, within a reasonable time, take evidence, receive memoranda, make decisions and put up draft proposals.

[Mr. BURNHAM]

In any case, even if we were to concede that the length of time between February and May is too short, whose fault is it? May I borrow from Shakespeare and adapt him: The fault, Mr. Premier, is yourself and not in your stars. On the 1st November you knew where we stood not only on the principle of Independence, but on the type of Constitution. You should have begun to work from then, instead of galivanting all over the world and bringing back no money.

In these circumstances, it is to be noted that we still think the proposals today in this Motion moved by the hon. the Premier do not embody our idea of the Committee, which should be finally responsible for the production of the draft, getting the advantage of hearing from the public. What sort of makeshift nonsense is this? Says the hon. Mover of this Motion:

“... the public will be invited immediately to submit memoranda on their views to the Committee by the 15th March, 1962.”

But if the views are submitted before the end of February, the hon. the Attorney-General will look at them and note them. He (the Attorney-General) who has said that if he died on Wednesday, 31st January, the Constitution that he was drafting would be the Constitution under which we have to live and die, is going to note the representations from the public, not the Committee. Who will know what is received, save the hon. the Attorney-General? Who will know what he has noted, save the hon. the Attorney-General? That is putting the cart before the horse.

You are going to present a draft on the 28th February, but memoranda may be submitted up to the 15th March! But realising the false position in which his Party now finds itself, says the Premier, as a sort of concession: “If you send in your memoranda before the end of February it will be noted, not considered, by

the hon. the Attorney-General.” How can he, if he is to promulgate this, we hope, unsuspecting document by the end of the month, make any note for the purpose of affecting his draft as a result of having seen memoranda which came in on the 28th February?

This is nonsense. Where is it going to stop? Where is the line going to be drawn? Either the draft must take into account all evidence and memoranda, or it will ignore such evidence and memoranda. Do not give those who have a facility with pen and paper the opportunity of having their memoranda noted, and have those who take literally your invitation to send memoranda by the 15th left out.

The hon. the Premier can rest assured that the People's National Congress is dedicated to immediate Independence. He can also rest assured that the People's National Congress is anxious, if permitted, to take part in the drafting of a Constitution, but the members of the Party will not do that on terms dictated by the People's Progressive Party. We repeat our proposals: (i) A Select Committee for the drafting of the Constitution on which each political party that presented itself to the electorate will be represented in proportion to the popular votes gained; (2) Further, each Party will choose its own representatives and not have happen again what happened in February, 1960, where, after a lot of intrigue and chicanery, the Majority Party even dictated what representation the political parties in the Opposition should have.

Each Party must choose its own representatives. Then, following the practice that is usual in such circumstances, let the Committee invite evidence and memoranda. Having heard the evidence and considered the memoranda, then let it present a draft. May I remind the hon. the Premier that less fortunate Jamaica, whose governing Party did not boast of an eminent Con-

stitutional lawyer as the Parliamentary Secretary to the Ministry of works and Hydraulics has done, was able to do everything between the 31st October and the 11th January. The Committee took evidence, considered memoranda, put up a draft, and then submitted the results of its deliberations in a draft Constitution.

In this context, with all due respect to my learned friend the hon. the Attorney-General, contrary to what appeared in last week's *Thunder*, this is not a matter for the hon. the Attorney-General *per se*; this is not a matter for the Government. He cannot be a draftsman of the Constitution by the Select Committee, unless the Select Committee commissions him for that purpose. Of course, the Select Committee would not be so obtuse as not to take advantage of his learning and legal ability in this context; but he is not serving the Committee, he is serving the members of the P.P.P.; they put him there and he is their servant. The People's National Congress will find its own legal brains to serve it.

Therefore, let the hon. the Premier understand, let the P.P.P. understand, let this country understand that we are not going to be pulled into any Committee where there is no representation in proportion to the number of votes cast. When the P.P.P. is prepared to agree to a Committee in which the parties are represented in their true proportion and perspective, we will sit. If the P.P.P. wants to have more representatives than the P.N.C., it can appoint a Committee of 100 so as to be able to take advantage of the 1%, but this principle we hold dear. So far as we are concerned; so far as those for whom I can speak and on whose behalf I speak here today are concerned, we will have nothing whatsoever to do with this bit of hypocrisy, cynicism and chicanery.  
[*Applause from the Gallery.*]

**Mr. d'Aguiar** (Georgetown Central):  
*rose* —

[*At this stage Mr. Burnham followed by the other members of P.N.C. bowed to the Chair and left the Chamber.*]

**Mr. Speaker :** The occupants of the Gallery must not keep any noise. If there is any more noise, I may have the Gallery cleared.

[*At this stage almost all of the occupants in the Gallery left the Chamber.*]

#### ALLOCATION OF SEATS IN THE PUBLIC GALLERY.

**Mr. Speaker :** Before calling on the hon. Member for Georgetown Central to speak, I would like to say a few words to hon. Members. For some time now the question has been exercising my mind as to the way in which we should allocate or adjust the permission for members of the public who desire to sit in the Public Gallery.

3.15 p.m.

Today, it bothered me considerably when I realized that, apparently, it had been planned for a considerable number of the adherents of one of the Parties in this House to arrive at the Council Chamber and press against the door long before the average visitor would arrive here in order to listen to the discussion of the House. What we have seen, now, is an indication that we cannot and should not permit the indiscriminate use of our seating accommodation.

In the British House of Commons, tickets are issued for the Public Gallery as well and when the visitors' seats are all occupied, they are not permitted to be occupied for the whole of the sitting but a part, perhaps, 45 minutes or an hour as the case may be, so that a larger number of people, who are desirous, could listen to the debates of the House. They occupy the seats for a short time and move out of the way so that others may come in.

[MR. SPEAKER]

It would seem, hon. Members, that the assistance of the Clerk and Assistant Clerk will be needed to deal with this matter. When I shall have worked out a system whereby the matter, to which I have referred, could be avoided, hon. Members would be informed.

**Mr. d'Aguiar** (Georgetown-Central): Mr. Speaker, if I may be permitted to do so, before speaking to the Motion I would like to comment, too, on your suggestion and offer one, that is, that these debates should be broadcast as they are in Trinidad, so that it would not be necessary for the public even to have to come here to hear the debates. They would hear them in the comfort of their own homes.

**Mr. Speaker :** We could discuss that on the basis of a substantive Motion.

#### COMMITTEE TO CONSIDER DRAFT CONSTITUTION

**Mr. d'Aguiar:** With reference to this debate, I would like first to make quite clear to those of this Assembly, my views and the views of my Party, in general, on the subject of Independence. These views have, I know, been deliberately misinterpreted by the Government Benches. I believe, and my Party believes, that Independence is a useful and desirable thing. But there are some contexts in which useful and desirable things become undesirable. I would say that flour is normally very useful and desirable, but in a recent context in our country, it appeared poisonous. There are many people in Guiana, I honestly believe, who are afraid of Independence that may be poisoned by the theories of Marxist Leninism which do not allow or tolerate freedom but only operate in totalitarian dictatorship and cannot, in fact, operate in any other way.

I believe that the P.P.P. won the elections and have a mandate to govern within the framework of the Constitu-

tion which was made public before the elections. I do not believe that this Assembly has a right to change the Constitution under which it rules. I do not believe that it has a right to appoint even a Committee to change the Constitution, but I do believe it has a right to recommend changes that might be considered desirable. But before such changes are to be effected, it is necessary to have a mandate from the people. The power to govern derives from the consent of the governed. The power to change a Constitution derives from the people governed. And that power can only be made truly effective by a further mandate from the people which comes only and rightly through one of two methods — either by referendum or by new elections. It is simply not democratic to attempt to change a Constitution willy-nilly in midstream either without a referendum from the people or without new elections. Those are the basic, logical views of my Party in regard to the general principles of Independence.

As regards the position of a Committee to consider the new Constitution, the Government has proposed a Committee consisting of two, six and eight, and I cannot understand any logical reasoning whatever for such a Committee to be composed in that manner. Even if you were to take the wrong idea and suggest that such a Committee should be composed in proportion of the Parties in this Assembly, then you will have a proportion of 4, 11 and 19; and on such a proposition, the Committee would consist of two, five-and-a-half and nine-and-a-half. If you will cut out the fractions, it will be two, five and nine.

But, clearly, the hon. the Premier has abandoned any such proposition of constituting a Committee based upon proportions of representation in this Assembly, and clearly the only other alternative available is to compose the Committee in proportion to the popular vote.

This is the argument that the Premier himself has used in the United Nations. He has said there, that on this particular subject he speaks for 83 per cent. of the people of Guiana. The hon. Member for Ruimveldt (Mr. Burnham) has rightly, I think, instructed him that he has no right to speak on behalf of 83 per cent. of the people. He did not tell the United Nations that he represents 20 out of 35 seats or 19 out of 35 seats in this Assembly. He said he represents so many people and, therefore, that is the proper way in which to compose a Committee of this nature — in proportion to the number of votes cast and that would give approximately, 16, 41 and 42, and if you divided that by five you will get  $3\frac{1}{5}$ ,  $8\frac{1}{5}$  and  $8\frac{2}{5}$  and therefore you will have a Committee of three, eight and eight.

So, Your Honour, we also, cannot even sit to consider such an endeavour on the part of the Government to bulldoze a Committee into formation, purely to further its own ends.

*[At this stage Mr. d'Aguiar and the other United Force Members bowed to the chair and left the Chamber.]*

**The Attorney-General** (Dr. Ram-sahoye): Your Honour, even within the political intrigues of Roman time it would have been difficult to find—

*[Interruption.]*

**Mr. Speaker:** Please wait until the noise has subsided. It seems that we will have to air-condition the Chamber so as to keep out the noise.

3.30 p.m.

**The Attorney-General** (resuming at the invitation of the Speaker): Your Honour, I was saying that even within the political intrigues of Roman times it would have been difficult to find such a concerted attack against the freedom of the State. The hon. Member for Ruimveldt (Mr. Burnham), in a long dissertation, quoted from what I believe to be a newspaper printed and published

on behalf of the lesser of the minorities within the minority Opposition. In that perverse report which was published of the speech I delivered at a public meeting, there was a significant line to the effect that I said that the People's National Congress should have no objection to the Constitution because the safeguards for which they were calling were entrenched in the Constitution which was being drafted, and that they knew it. The hon. Member for Ruimveldt read the identical words in every case which appeared in that report, but with criminal dishonesty he scrupulously avoided reading that sentence. He has since taken his leave, but he will not succeed in taking his leave of Independence for this country which, to his own mind, must be inevitable.

The hon. Member for Georgetown Central (Mr. d'Aguiar) delivered an oration remarkable for its political subversion. He said that he did not feel that a new Constitution should be entered upon unless there were new elections. It is regrettable that at this stage of the constitutional history of the country there is still a leader of a political party who does not understand the structure of government and the functions of a political party elected to govern. It is not that elections must be held before a new Constitution can be used. The question is, at any given time, what are the powers to be vested in the hands of the elected representatives of the people?

The hon. Member for Ruimveldt scrupulously avoided this approach to the constitutional problem which faces us. He scrupulously avoided to say what he must know—that an amendment of two articles in the present Constitution would bring independence to his country now. He scrupulously avoided saying that the issues on which there could possibly be disagreement in an Independence Constitution must be extremely narrow and restricted. He scrupulously

[THE ATTORNEY-GENERAL]

avoided saying that there were proposals put forward by the Opposition with which the P.P.P. or the Government, for that matter, would be in agreement. He assumed that on every issue there would be disagreement, and that the Government is out to use its majority on the Committee or in the House to force its will upon the people.

The hon. Member for Ruimveldt is bent on misleading his followers. He cannot explain to them what is a Constitution. He dare not tell them that it is merely a simple document providing for the structure of Government, and the powers of the Legislature and the Executive in a democratic society. He must make them believe that it is a strange document, a document on which there can be so many ideas and so many feelings that every man in the street must be able to have his say, and that the political party representing him cannot speak for him. This is all implicit in the speech made by the hon. Member, and he had to do this because his objection to the proposals of the Government on this occasion amounts to no more than political manoeuvring.

He says that parties must draft the Constitution, but if I had to write an epitaph to the oration which he delivered it could easily be *Facilis est descensus averno*. For so easy is the descent into confusion when one comes forward to say that it is not for the Government, it is not for the duly elected representatives of the people to write or to suggest or make proposals for a new Constitution, but that this must be done on a party basis. This cannot be right in any theory of government. The elected representatives of the people have full right to call for powers to be vested in them in respect to those areas of government in which power is for the time being denied. What the Government is asking is very simple. It is that

power for foreign affairs and defence should be handed over to the Guianese people and be exercised by their duly elected representatives. This is all this controversy is about. There is nothing more to it. The present Constitution gives full power to govern internally. The only thing it has not got is responsibility for foreign affairs and defence. Independence for British Guiana, therefore, cannot be fairly clouded by issues involving the drafting of the Constitution.

We do not know whether the Opposition Members will go to the United Kingdom in response to the call for an all-party Conference, but if they do, it would be difficult for them to explain to the Secretary of State for the Colonies, Mr. Reginald Maudling, the reason for their attitude in the present context. They cannot argue that it was wrong to present a draft Constitution for consideration. They cannot deny that they were offered every opportunity to put forward their proposals. They cannot deny that the Government has always expressed willingness to consider their proposals and they cannot deny that the Government is willing to give effect to them so long as they are proposals which are necessary or desirable in a democratic society.

The hon. Member for Ruimveldt says that he would not wish to enter into a discussion with the Premier on an observation the Premier made with respect to certain proposals which have been voiced by the hon. Member in connection with the amendment of the Constitution. He cannot enter into any discussion because the Premier is correct. Why is it that the hon. Member has proposed for the Constitution of British Guiana an amendment which is unknown to any society in the Western world, and which would give a preponderant influence to a very small minority of votes when the Constitution is to be amended, if it is to be amended at all? He would not be able to explain to the Secretary



of State for the Colonies, or to any other authority, his reason why, if the electorate is to give a vote on a proposal, the will of the majority should not prevail. He will never be able to explain this, and that is why I fear he may not want to argue and to put forward the same argument which he addressed to the House today before the forum which is really responsible for returning the liberties of the Guianese people to them.

The march to freedom must therefore continue; it cannot be stopped by men who wish in their hearts to keep their people in colonial servitude while they mouth the words of freedom. It cannot be stopped by men whose greed for political power, and the fact that that greed has not been satisfied, has caused them to act with malice and vengeance towards the working classes.

3.40 p.m.

In this category I put both of the Opposition Parties. The Leader of the P.N.C., the hon. Member for Ruimveldt (Mr. Burnham), must be aware that only upon the achievement of Independence will the necessary international economic aid come to this country in order to remove the suffering of the working class. He must be aware also that for every day Independence is delayed in this country the suffering of the working people must continue. The hon. Member for Georgetown Central (Mr. d'Aguiar), the Leader of the United Force, must be aware that no movement in the world can prevent the working people from having governments of their own choice.

The Leader of the United Force, and the hon. Member for Ruimveldt represent a privileged class—a class which would endeavour by all means to preserve their privileged position; a class which would subvert society; a class which would endeavour to use untutored working people—people untutored in the intrigues of a political struggle—to fight their causes.

No society can develop, Your Honour, unless the privileged and intellectual classes are prepared to make sacrifices in order to assist the working people. That has been so throughout our history, and it has to be so. And if there are people who now occupy positions in the privileged class who cannot see this, then the working people must organize themselves so that they can force them to see it.

Your Honour, on our side we have no fear that the arguments which have been put forward today against consideration of draft proposals for a Constitution for British Guiana will bear the weight of judicious analysis in the forum which is responsible for granting Independence to British Guiana. I hope that this House would not feel for one moment that the actions which we have seen today will prevent the attainment of Independence by the Guianese people. Independence will come just the same as if there were no objections from the other side of the House. The people who have to consider this matter must realize that the attainment of Independence by British Guiana and the transfer of sovereign powers to the elected representatives of the people in this country are absolutely necessary on this occasion, if only to bolster the rule of law and to protect decent people in Guianese society from the further consequences of hooliganism and disruption which must be dealt with by a very firm hand.

STATEMENT BY THE PREMIER  
**ALLEGED PLANS TO OVERTHROW  
THE GOVERNMENT**

**The Premier:** Before I crave my right to reply to the Motion, I would like to make a statement with your permission, sir. It has come to the knowledge of the Government that violence is actually being planned on a general scale by certain elements acting for a minority group. In addition, it is understood that attempts against the Premier's life and the lives of certain of his Ministers and supporters are contemplated.

[THE PREMIER]

These acts of violence are intended to secure the overthrow of the legally elected Government by force and the tax proposals in the budget are being used as a screen for the general plan.

These plotters intend to call a general strike for Monday, February 12. Since there is no likelihood of this strike call being widely supported by the workers, certain elements of the business community plan to shut down their business houses. The intention is in effect to stage a general lock-out on the excuse that strike has created conditions which prevent continued business operations.

Every step possible is being taken to bring the Civil Service in on this strike, and if these designs are successful the total result will be to cause widespread dislocation of the Colony's economy.

Such a course of action will be very likely to end in riot and violence. The people who plan this operation must be aware of this. It seems that they are seeking to cause turmoil and unrest in order to halt our march to Independence and economic well-being for all.

This small clique are determined to preserve their positions of privilege. They want to create another Congo here. They talk about freedom and democracy, but are determined to use unconstitutional means to achieve these ends. They feel that they can depend on foreign support.

In the circumstances the Government will take comprehensive steps to forestall this plan, and I am now appealing to all reasonable public-minded citizens not to allow themselves to be persuaded or fooled into taking part in what can only be a disastrous and futile effort on the part of a small, misguided and selfish element in the community to turn back the clock of history.

### COMMITTEE TO CONSIDER DRAFT CONSTITUTION

It is regrettable that hon. Members of the Opposition, who spoke on the Motion, did not remain to listen to what I have to say about some of the points they have raised. Many points were raised which, fundamentally, do not affect the question which is involved, that is, the question of preparing a report — a draft Constitution — which will be tabled in this Assembly and which will be submitted to the Secretary of State for the Colonies prior to the discussions which are to take place in May. By raising a series of red herrings, attempts have been made to confuse people and to detract their attention from the fundamental things which we are engaged in today: that is, to get on with the business of preparing a draft Constitution.

First of all, I think, one needs to go into the question of principles, because the Leader of the P.N.C., in his speech, was trying to give the impression that the P.P.P. was prepared to ram down the throats, not only of the Opposition but of the people of this country, the Constitution which it wants. I want to make it very clear that there was never any such intention on the part of the P.P.P. or the Government. Indeed, this point was made very clear at the beginning. I am sorry it was not as clear as it should have been or as we intended it to be.

3.50 p.m.

The hon. Member made the statement that our procedure was unusual and undemocratic, even discourteous, that no consultation took place with them. But how can you consult with people who refuse to co-operate? One remembers that, prior to the sitting of this Assembly, attempts were made by the Majority Party to meet the Opposition to decide certain questions. For instance, the selection of the Speaker and Deputy Speaker, and they refused to meet us; and they were shocked in their chairs

when the Government nominated the Member for New Amsterdam as Deputy Speaker. They were shocked because they were working on the assumption, as they are now doing, that the Majority Party wants to ram things down the throats of the people. There can be no consultation with people who do not want to co-operate. We are always prepared to consult with the Opposition along the lines that are laid down, but we can do no more than try. We have tried.

Great play was made about the fact that we speak for so many people—they speak for 41 per cent., another speaks for 16 per cent., and we speak for 42.7 per cent, or something like that. Take it to its illogical conclusion—we may as well dissolve the Government and call all the people to govern. Again, I reiterate, we are merely trying to get a draft.

When I went to the United Nations I did not presume to speak for the Opposition or the people they represent. I was merely stating a fact, that was, that all the Parties, during the course of the elections, had said that they wanted Independence. The P.N.C. made capital about what is, indeed, an irrelevant issue by talking about the percentage of votes cast, for during the elections, their members got at the street corners and said they wanted Independence and Independence date must be 31st May, this year. How, then, if I go to the United Nations and say that the P.N.C. wants Independence and that the United Force, which is now talking about a referendum, had also talked in its manifesto about Independence, they say that I am appropriating their rights to speak for their supporters? I was speaking for Independence for British Guiana, and I have every right, therefore, to speak what is public knowledge, that is, the Parties spoke very strongly on behalf of Independence for this country.

The hon. Member threw in a side kick. He said Tanganyika voted against us even though I went all the way to Tanganyika. It is surprising! These are the kind of lies which are being peddled all over the country. The *Daily Chronicle*, which is the mouthpiece of the United Force, gave the voting figures to show how many people voted against the P.P.P. in the United Nations and came to the conclusion that we had no support there. What it had failed to point out was that the voting which it cited was on the question of a Closure Motion on procedure. Before the Fourth Committee agreed to have me address it, there was a wrangle as to the capacity in which I should speak—whether as a representative of the British Government from the chair of the British Government or a distinguished visitor or a distinguished invitee as Premier of British Guiana or as a Petitioner. It was on this issue that debate ensued, which lasted for nearly three-quarters of an hour. And it was at the end of this period that one delegate got up and moved a Motion of Closure. It was on the Closure Motion that the voting and division took place, and this was what was reported in the Press here, and this is what the hon. Member was referring to when he said that Tanganyika voted against British Guiana's Independence and did not support it. On the question of British Guiana's Independence, almost all the delegations spoke in favour, so that it is not right to say, as the hon. Member said a little while ago and as the impression is created outside, that British Guiana had very little support in the United Nations on this question of Independence.

I am not going to spend a great deal of time in debunking the propaganda which he mentioned about my voting against freedom of the Press at Maracai because this was fully clarified before. These are the lies which are being spread outside. We have said, clearly, that the

[THE PREMIER]

principles in which we believe will be incorporated in the Constitution of this country.

One hon. Member, the leader of the P.N.C., said that I was contradicting myself when I said that we do not want to push our views down the throats of anyone and in the same breath that we would compromise so long as it did not conflict with our own principles. When the hon. Member, the leader of the United Force, came to see me he asked me what I meant by "basic principles". I said that we believe in simple fundamental freedoms, for instance, and I gave him this example: In this country, today, some people are parading under the name of freedom, restricting the freedom of individuals very severely in wood grants, in quarries, in Government-owned lands leased to these so-called freedom fighters. In these areas one finds that trade union organizers and trade union leaders cannot go. Why? They said that their property rights are involved. That is their principle.

4.00 p.m.

I said that we do not say that people do not have rights to property, but property rights cannot take precedence of certain other fundamental rights — human rights, such as the right to organise. And that is why we said that as long as they did not conflict with our principles we would be prepared to compromise with them.

There is no doubt about it that while some people talk about freedom they really do not mean it. We were the ones who saw to it, initiated it, that a Bill of Rights be made part and parcel of our Constitution. They are there, and they are going to be taken over into the new Constitution. Where, then, is the area of disagreement? How are we going to ram our views down the throats of the Opposi-

tion, the minorities? Our Bill of Rights provisions were taken from other Constitutions. As you know, the Jamaica Constitution, a draft of which I have before me, has a Bill of Rights which they never had before in their Constitution. They now have it in their draft Constitution which is being considered by the Colonial Office. Those Bill of Rights are more or less in identical terms with what we have now. We are not seeking to take those out of our Constitution.

The hon. Member for Ruimveldt talked about principles as regards the question of fundamental rights. We are in agreement; there is no dispute among us. There will be dispute, however, if some of the Fascist chaps want to insist that there should be none. The hon. Member referred to entrenched positions. He was referring to the question of provisions in the Constitution which would make for amendment of the Constitution. I do not say that we must have the right willy-nilly to amend the Constitution the day after it is made. If that is the fear of the minority, certainly we have to take cognizance of such fear. But while we do not want to make it easy for the Constitution to be amended, on the other hand we do not want to make an amendment of the Constitution so difficult and unwieldy for every single thing, that it would become virtually impossible to amend the Constitution, or it becomes so costly that one would not want to amend it at all.

Again I refer to the fact that whatever difference there may be between us on any issue, whether in the composition of the Legislature—how many seats there should be, whether there should be a unicameral or a bicameral House, whether elections should be on the first-past-the-post system or proportional representation—I do not say that what we want will finally be the order of the day. We have never said this, and I cannot see how such imputations can be made. I did not

go to London and say to the Secretary of State for the Colonies that he must receive a report from a Constituent Assembly in which the People's Progressive Party will have a majority. I did not go to him with that. I asked the Secretary of State for the Colonies (1) to arrange to fix a date for Independence, and (2) to arrange for a Conference. He did not fix a date for Independence but he fixed a date for an all-party Conference.

We can go to London without having the Committee that we are proposing, without having any work done. All the parties can go up with their own views, and we can spend two months in London. Some of the fellows may want to have a little holiday, or they may want to delay Independence even though they say they want Independence. Sometimes I wonder whether what they say, they really mean. The longer the discussions are prolonged, say by another six months to draft a Constitution, the longer Independence will be delayed for British Guiana. Maybe that is their objective, but they do not say so.

**Mr. Speaker:** It is now four o'clock and I think I should suspend the sitting for tea, and you may resume after. This sitting is suspended for half an hour.

4.40 p.m.

*On resumption*

**Mr. Speaker :** When we suspended for tea, the hon. the Premier was replying to the remarks made on the Motion.

**The Premier:** When I concluded my remarks before tea, I was referring to the fact that what the Government was proposing to do through the Attorney-General was mainly to submit proposals in the form of a Constitutional Instrument, and that this would be considered by the persons who sat on the Committee and, indeed, all Members of the House

subsequently, after which the various points of view would be submitted to the Secretary of State for the Colonies.

The hon. Member for Ruimveldt made a statement that we intended to submit to the Secretary of State for the Colonies a report from a Committee dominated by the P.P.P. as representing the views of the people of British Guiana. Surely, the Secretary of State is not a fool. Even if the Committee were dominated by the P.P.P., and that is not going to be so—even if that were to be the case, the Secretary of State certainly knows to which party each Member of this House belongs. The question, ultimately, would have to be resolved. If there are divergent points of view between the different parties, they would have to be resolved by the Secretary of State for the Colonies. That is the procedure we followed on the last occasion.

The hon. Member referred to Jamaica, but he did not tell us that in Jamaica, Committees were appointed from the two Houses and on each of those Committees the Majority Party, the People's National Party, had a majority of one. From the House of Representatives a Committee of eleven members were appointed, of which the P.N.P. had six. Among those were the Chairman, Mr. Manley, and five members were from Mr. Bustamante's party. In the Upper House there were five members on the Committee of which, again, the majority belonged to Mr. Manley's party. The nominees were, of course, appointed by him.

We are even going beyond that in proposing that the Government should have equality with the Opposition. I do not know if it is being alleged that the Speaker is going to cast his vote on the side of the Government. If that is their argument, let them say so. If they say so, we will say that they impeach the Speaker for partiality, and will then say

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that the Speaker should have no vote, so that when we go to London we will be speaking for political parties.

Reference was made to evidence and memoranda. We are not living in the days when there were no parties functioning in British Guiana and it was necessary to know what were the views of diverse people in the country. Today we have three distinct parties. In politics there are not a hundred set of principles. We have gone out of our way to say that we will accept memoranda. Even this we do not think is necessary, because we feel that each party should know what the position of the people will be through its own supporters and through its own machinery.

Indeed, sir, on the last occasion may I remind the House that the P.N.C. set up what was then called a Constituent Assembly. We did not hear anything then about proportional representation. We did not hear it said that some people hand-picked a few individuals and appointed them as a Constituent Assembly. Now, we are hearing that the members of the Committee must be appointed in proportion to the votes secured at the last Elections. We say that it is unnecessary to take evidence because we are drawing from experience.

When the Hallett Boundary Commission was here, it was clearly stated in the Press that there was general disappointment that enough people did not come forward to give evidence, or to submit memoranda. That was mentioned by Sir Hugh Hallett. Besides the political parties, there was very little submitted by way of new ideas.

Mention was made that, on past occasions, I regarded the people as crack-pots and so on. Surely we know that there are certain crack-pots in this country like Ifill, Tommy Bourne and others. Why

should the Members of the Legislature waste their time listening to such people? If the hon. Member for Ruimveldt wants to waste time, and he has the time to waste, then he can do so. We on this side of the House have not that much time to waste. That does not mean to say that we deny the right of people to be heard. We are saying that, today, we have three parties well organized in the country, and the leaders of these parties must be able to know what their members want and be able to speak before a Committee and say what are the wishes of their followers.

The hon. Leader of the United Force wanted to enter into a discussion about ideology and so on and so forth. I do not want to go into the whole issue of what is Marxism at the moment, and to indulge in a long debate on this matter. So far as the Majority Party, the Government Party, is concerned, our points of view will be clearly expressed as they were on the last occasion either in the draft proposals, or in the form of a memorandum which will be submitted to the Committee so that it will be clear what we stand for.

Reference has also been made to dictatorship—Marxist dictatorship. The hon. Member for Georgetown Central seems to have swallowed those words. He is opposed to Marxist and Leftist dictatorship, but he does not say anything about Salazar dictatorship, Franco dictatorship or the dictatorship of Jimenez. Jimenez dictatorship in Venezuela was one of the most cruel. The same hon. Member spoke in laudable terms about that dictatorship. But today he poses as a great democrat and an opponent of dictatorship. He accuses us now because we are speaking for the people. "Have a referendum on independence", he says. Aneurin Bevan in 1953 attacked the British Government for suspending the Constitution. He puts it this way: "If the results of the Election did not bring

out what you want, then scrap the Election". That is what they are trying to do now. This is what they call democracy.

4.50 p.m.

It is clear that the hon. Members intend not to adopt constitutional means anymore. They are resorting, as I said already in a statement, or want to resort, to violence.

I heard one Member very sarcastically speak about my Private Secretary—about his being from a foreign land and made other insinuations. He it was who, in 1960, went to the Constitutional Conference and said that British Guiana must not get Independence; it must only get Independence through the West Indies Federation. I did not hear him talk about West Indians as foreigners a few mornings ago. Because I choose to get someone from Trinidad they are exhibiting these fascist tactics. Hitler and Mussolini did the same thing. Hitler made the Jews the scapegoat. "Jagan is all right, but it is Brindley Benn, Janet Jagan and Jack Kelshall who are dominating him." Let me say here and now: I am fully responsible for everything done in this country. I take full responsibility, and whatever they do, we are determined to rule in this country. [*Applause.*]

It is clear that they intend to use fascist methods, now—Jingoism—working up the people emotionally so that there will be trouble in the country. Well, the people must know what are the consequences of such action. They have the Congo before them. I saw a picture a few days ago of what is the present situation in that unfortunate country. Why did it come to pass? Why do you have the present situation in the Congo? Because the reactionary elements from abroad, supported by some at home, want to continue to reap the spoils from that unfortunate country. One hundred and fifty million pounds a year was being taken out of that unfortunate country. That is why

Lumumba was murdered. That is why so many people are starving today in that country. But, history is on the march. We saw where attempts to restore the old order in the Congo have failed. They succeeded for a few months. Ultimately, they have failed, and wherever these attempts are made they will fail. We are not saying there may not be temporary setbacks, but this country will go forward regardless of what some do. Some talk about Independence but they do not mean it. Some talk about freedoms but only mean their kind of freedom to continue to mislead and exploit the people.

In view of the fact that the hon. Members have walked out of this House, I have some reservations about proceeding with this Motion. The hon. Member for Ruimveldt (Mr. Burnham) seems to have the Attorney-General's name or designation stuck in his throat. I do not know if it is a question of professional jealousy, but if it would have suited his interest any better we were prepared to substitute, in the Motion, for "Attorney-General" the word "Government" so that the draft proposals would have been submitted, not by the Attorney-General, but by the Government of British Guiana. But that is of no avail at the moment because it is clear that these individuals do not want Independence.

Let us get down to brass tacks. The leader of the People's National Congress did not want Independence in 1960 when we went up to London. They only said "Independence" during the elections because this was expedient and wise during the campaign; but, having said that, they now do everything possible to sabotage the effort. The leader of the United Force said in his election manifesto that he was for Independence, but now he talks about a referendum.

In view of all the considerations; in view of the fact that the Members have shown that they are unwilling to co-oper-

[THE PREMIER]

ate, in spite of the fact that it is abundantly clear that the Government does not want to ram down the throats of the people of the country a Constitution which the people do not want. I would like to withdraw this Motion. If the Opposition does not want to sit with us to write a Constitution, then the Government of British Guiana would have to advise the Secretary of State for the Colonies to ask the People's National Congress and the United Force to submit their own drafts. Let them submit them! If they want a Constituent Assembly, let them have it. They had it the last time. We will submit our draft. We will amend it if necessary. Let them do the same. We will continue to ask for a day in May to be set when we will go, as we had on the last occasion, to discuss the principles.

I have before me, the last Constitutional Committee's Report. Towards the end of the Report there were reservations—a minority report by Mr. Fred Bowman, a reservation by Mr. Rupert Tello, a reservation by Mr. Stephen Campbell, a reservation by Mr. Gajraj, a reservation by Mr. Davis and a reservation by L. F. S. Burnham, A. L. Jackson and W. O. R. Kendall. If they do not want to sit with us and make their points of view very clear as they did on that occasion, let them have their Constituent Assembly. Let them have memoranda, let them take evidence and do everything they want, but the Conference will go on.

5.00 p.m.

We will ask the Secretary of State for the Colonies, having fixed the date for the Conference, to proceed on that date, and to invite them immediately to put up their proposals. If it takes a month or two months I will sit in London with my colleagues to debate each head of disagreement. The Secretary of State can do it as we are proposing—take our draft Constitution or anyone's, and let us consider it article by article. If he does not want to do that, let us follow the procedure adopted on the last occasion, that is, to take major principles and decide on them. In view of that I beg, with the leave of the House and Your Honour's permission, to withdraw the Motion.

**Mr. Speaker :** Hon. Members, the hon. Premier has asked for the leave of the House that the Motion which he moved be withdrawn. I have no doubt that the House will grant him permission. The Motion is therefore withdrawn.

There is no other business on the Order Paper for today, and most probably the Leader of the House will indicate to what date we shall adjourn.

**ADJOURNMENT**

**The Minister of Natural Resources** (Mr. Benn): I move that the House do adjourn to a date to be fixed.

*Adjourned accordingly at 5.05 p.m.*