

**THE
PARLIAMENTARY DEBATES
OFFICIAL REPORT**

[Volume 5]

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

12th Sitting

2 p.m.

Tuesday, 24th June, 1971

MEMBERS OF THE NATIONAL ASSEMBLY

Speaker

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

Members of the Government

People's National Congress

Elected Ministers

The Honourable L.F.S. Burnham, S.C.,
Prime Minister

(Absent)

The Honourable P.A. Reid,
Deputy Prime Minister and Minister of Agriculture

The Honourable M. Kasim, A.A.,
Minister of Communications

The Honourable H.D. Hoyte, S.C.,
Minister of Finance
The Honourable W.G. Carrington,
Minister of Labour and Social Security

The Honourable Miss S.M. Field-Ridley,
Minister of Education

The Honourable B. Ramsaroop
Minister of Trade (Leader of the House)

The Honourable D.A. Singh,
Minister of Housing and Reconstruction

The Honourable O.E. Clarke,
Minister of Home Affairs

The Honourable C.V. Mingo,
Minister of Local Government

Appointed Ministers

The Honourable S.S. Ramphal, S.C.,
Attorney-General and Minister of State **(Absent)**

The Honourable H. Green,
Minister of Works and Hydraulics and Supply

The Honourable H.O. Jack,
Minister of Mines and Forest **(Absent)**

Dr. the Honourable Sylvia Talbot,
Minister of Health **(Absent)**

Parliamentary Secretaries

Mr. J.G. Joaquin, J.P.,
Parliamentary Secretary, Ministry of Finance

Mr. P. Duncan, J.P.
Parliamentary Secretary, Minister of Agriculture.

Mr. W. Haynes,
Parliamentary Secretary, Office of the Prime Minister.

Mr. A. Salim,
Parliamentary Secretary, Ministry of Agriculture

Mr. J.R. Thomas,
Parliamentary Secretary, Office of the Prime Minister

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

Other Members

Mr. J.N. Aaron
Miss. M.M. Ackman, (Government Whip)
Mr. K. Bancroft
Mr. N.J. Bissember (Absent)
Mr. J. Budhoo, J.P.
Mr. L.I. Chan-A-Sue
Mr. E.F. Correia
Mr. M. Corrica
Mr. E.H.A. Fowler
Mr. R.J. Jordon
Mr. S.M. Saffee
Mr. R.C. Van Sluytman
Mr. M. Zaheeruddeen, J.P.
Mr. L.W. Willems

Members of the Opposition

People's Progressive Party

Dr. C.B. Jagan, (Leader of the Opposition)
Mr. Ram Karran
Mr. R. Chandisingh
Dr. F.H.W. Ramsahoye, S.C. (Absent)
Mr. D.C. Jagan, J.P., (Deputy Speaker)
Mr. E.M.G. Wilson
Mr. A.M. Hamid, J.P., (Opposition Whip)
Mr. G.H. Lall
Mr. M.Y. Ally
Mr. R.D. Persaud, J.P.
Mr. E.M. Stoby (Absent)
Mr. R. Ally
Mr. E. L. Ambrose
Mr. L.M. Branco
Mr. Balchand Persaud
Mr. Bholā Persaud
Mr. I. R. Remington, J.P.
Mrs. R.P. Sahoye (Absent)
Mr. V. Teekah (Absent)

United Force

Mrs. E. DaSilva
Mr. M.F. Singh (Absent – on leave)

Mr. J. A. Sutton

Independent

Mr. R. E. Checks

(Absent)

OFFICERS

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

Deputy Clerk of the National Assembly - Mr. M.B. Henry

The National Assembly met at 2.00 p.m.

[Mr. Speaker *in the Chair*]

Prayers

ANNOUNCEMENT BY THE SPEAKER**LEAVE TO MEMBER**

Mr. Speaker: Leave has been granted to the hon. Member Mr. Feilden Singh for today's sitting.

RENEWAL OF PART II OF THE NATIONAL SECURITY (MISCELLANEOUS STATEMENTS BY MINISTERS**PROVISIONS) ACT**

The Minister of Home Affairs (Mr. Clarke): On 1st March, 1971, during the debate in this House on the Minerals Bill 1971 the Honourable Prime Minister intimated that it was not the Government's intention to renew Part II of the National Security (Miscellaneous Provisions) Act 1966 in June 1971.

This National Assembly had, by Resolution No. XI of 15th June, 1970, approved the extension of Part II of the National Security (Miscellaneous Provisions) Act 1966, for a further period of one year commencing on 28th June, 1970.

Part II of the said Act will, therefore, expire on 27th June, 1971, and I now formally inform this House that the Government will not seek a further extension.

PUBLIC BUSINESS**SUSPENSION OF STANDING ORDER 46(3)**

The Minister of Works Hydraulics and Supply [Mr. Green]: Mr. Speaker, I rise to ask for the suspension of Standing Order 46(3) to enable us to take this item listed on the Order Paper in my name.

24.6.71

National Assembly

2.10 – 2.20 p.m.

Question put and agreed to.

Standing Order 46(3) suspended.

2.10 p.m.

BILL - SECOND AND THIRD READING

SEA DEFENCE (AMENDMENT) BILL 1971

A Bill intituled:

An Act to amend the Sea Defence Ordinance and to make minor amendments to the Civil Law of Guyana Ordinance and the State Lands Ordinance. [The Minister of Works, Hydraulics and Supply].

Mr. Green: Your Honour, I beg to move that the Sea Defence (Amendment) Bill, 1971, be now read a Second time.

It has become necessary, as explained in the memorandum, because of the prevalence of the illegal practice of removing substances, in particular sand, from our foreshore to provide more severe penalties for such conduct. This Bill, therefore, seeks to increase the penalties provided by the existing Sea Defence Ordinance, Chapter 191, and State Lands Ordinance, Chapter 175. In addition, it is now sought to vest in the Minister assigned responsibility for sea defences the power conferred on the President by section 4 (3) of the Civil Law of Guyana Ordinance.

Question Proposed.

Mr. Balchand Persaud: Your Honour, the Government is at this time making amendments to the Sea Defence Ordinance, the Civil Law of Guyana Ordinance and State Lands Ordinance. Now that the Government is seeking to make minor amendments to various

enactments it is necessary for us to consider in some detail what are the facts the Government took into consideration before it decided to make the amendments.

Looking at the amendments, it seems clear that the Government is strengthening the hands of the magistrates to deal with persons who may contravene the laws of Guyana in relation to the Sea Defence Ordinance. The first impression one gets when one looks at the amendments is that the Government is really proposing harsh penalties for offenders in relation to these matters.

The Government spends vary much money on sea defences in the coastland areas but in some areas on the coastlands it is not spending any money at all. Money is spent chiefly here in Georgetown and in certain parts of the Corentyne and Essequibo. The Government does not pay attention to the problem in most places along the coast.

Because of this neglect one comes to the conclusion that the Government has not been paying very serious attention to all the breaches that arise from time to time. What it is trying to do is to make amendments to empower magistrates to impose harsher fines on persons who may contravene the law. Nobody has any great quarrel with that, but the fact is that the Government has been neglecting the sea defence works in Guyana. It has been putting emphasis on areas which enhance the prosperity of the rich and has not done very much in areas where farmers reside.

Let us take, for instance, the question of sea defences and river defences in the Mahaica area. For the past four years there have been continuous breaches of the river defence in the Mahaica, Helena and Supply district and the Government has not been paying very much attention to this. Because of its policies, generally speaking, it is clear that it is not thinking in terms of solving the problems. It was brought to our attention only a few days ago that because of the maladministration of the Government areas in the Mahaica River district are now to a great extent under five feet of water. The Government has not been looking into this problem and now that it confronts us we hear that the Government is thinking of putting down a very big

pump. The fact is that we have only been having promises from the Government from time to time.

To go back to the Bill proper. The Government is seeking to amend Chapter 191, the Sea Defence Ordinance, section 18 (2). It is increasing the penalties from \$100 fine or three months' imprisonment and \$250 fine or six months imprisonment to \$1,000 fine or six months' imprisonment. Surely this can be considered a very drastic increase. Many persons have not really been contravening the law.

Actually it is a Government department that has been guilty of this. Shells have been fetched from the foreshore to build up the railway tract. On another occasion when the Transport and Harbour Department was fetching ton loads of shell the fine was very small, but now the fine is to be very severe.

There is also the question of cattle found on the foreshore and sea defence works. Previously the Ordinance provided that a person could be fined \$5 if his cattle strayed into this area. What is the position now? The fine is \$100. If the cow of a farmer, a working-class man, is found on the sea-wall, on the foreshore or on the river defence system the Government is going to impose a fine of \$100. The owner would no doubt think in terms of not paying any fine at all. He would say, "Let the Government keep the cow."

The Government is making provision for harsher and harsher fines for the working class and I think that this matter should be reconsidered so that the fine may be smaller. In principle we do not think what the Government is doing is wrong, but the fines imposed by this amendment are very harsh.

2.20 p.m.

Mr. Speaker: The hon. Member Mr. Hamid

Mr. Hamid: Mr. Speaker, this Bill seeks to impose such heavy fines on persons who remove from the foreshore materials - sand, clay, mud, etc. To remove materials from the

foreshore is, in fact, a very serious thing; it should not be encouraged, one would agree. But there are many features which one has to consider in terms of this bit of legislation which the Government intends to impose. People who more or less live along the foreshore may sometimes collect a basket or a bucket of shells to put on their little frontage of land which would act as a fertiliser. Hardly any charges were brought.

There are the other important factors, for example, that Government officers and Ministers take away large quantities of clay and sand to fill their yards and no charges have been brought against them. [**Hon. Members (Government):** "Call names."] It is not a case of calling names; these persons know that they are guilty.

Apart from Ministers and Members on the Government side, many members of the City Council, ex-legislators, have been using their power to take away large quantities of clay and sand from the seashore to build up their yards. The land on which the Prime Minister has his country house where he spends his weekends has been built up by sand, shell and clay from the seashores.

Apart from that, one has to consider the Government's attitude even in Cane Grove where large quantities of mud and clay have been escalated to build that very yard which is not Government property. I am told by the Government that it is rented. I see that no charges were made against the people in that particular area. We find that the sugar estates have been escalating large quantities of shell from the seashore and the Government, the police and everybody knew about this. They were using this to fertilise the estate lands to get higher yields and more productivity out of it. Nothing was done. I cannot see that the Minister did not impose charges.

This Bill shows clearly that this Government has other motives and as such I will call upon the Minister to see that some charge be laid against those defaulters who took away large quantities of materials from the foreshore of Guyana. This, in fact, is what is causing the erosion and the hon. Minister is aware of it; something should be done about it. The Government is

afraid to charge Bookers Sugar Estates Limited because the Minister and Bookers are working hand in glove. The Minister also has had a big part to play in taking away large quantities of stuff from the foreshore. These people are doing things and are trying to put the blame on the small man. I think the Government should reconsider the whole situation and take action against these people.

Mr. Speaker: The hon. Member Mr. Roshan Ally.

Mr. R. Ally: Mr. Speaker, according to this Sea Defence (Amendment) Bill before the House the Government is asking Parliament to give the magistrate greater powers so as to impose heavier fines and imprisonment on people who take away things from the seashore. In the Upper Corentyne, the Government has taken away lands from very poor people and they prepared the sea dam. This Government took away these people's land and they were not even compensated. These people will be denied the right to go on their own lands. I feel that the Government should compensate the poor people who have just a half share of land.

What is this Government doing at No. 63? This Government, just to find jobs for the boys, hired contractors and some P.N.C. supporters who went to Union Village to cut courida woods which were taken to No. 63 beach. They stuck up a few posts and tied some of this wood against posts and they collected black sage brambles and stuck them there as if someone was preparing a fence for a garden. When I asked what they were doing, they said they were preparing sea defences.

Instead of doing this, I should like to advise that the Government should build a seawall now. In 1945, the distance from the No. 63 Public Road to the highwater mark was one mile, today the sea defence is just about 80 rods from the public road. It means that over 240 rods have been eaten up already. The lands that were there in 1945, high reef and sand, have been washed away. Today when there is high tide the water comes right up to the Government Rest House at No. 63. I do not know whether the Government intends to allow the same thing to happen at Mahaica. Then the Government will say it is sorry. I should like to ask the hon. Minister to see

that a seawall is prepared from No. 59 to No. 63 Village. This is very important and it should be done now.

2.30 p.m.

Another important point is that this Government prepared the sea defences from Springlands to Skeldon, but there is a small portion which was left unfinished. It is just within the area of Rahaman's sawmill. Is it because Rahaman's sawmill is supporting the PNC that the Government exempted that part? From the No. 78/79 koker to Rose Hall sea defence, and from Springlands up to the sea defence, when the tide is high, the water comes up to the road and the residential area on the eastern side of the public road is under 1 foot to 1½ feet of water. This water is also affecting the road. I should like the hon. Minister when he replies to tell us the reason why the Government left that part of the sea wall unfinished.

I wish that the Minister will also bear in mind that from No. 47 right back to No. 65, there is no sea defence dam. There are reefs. What has happened within the area from No. 65 to No. 66 can happen in another area also. The land is becoming narrower. The sea is moving towards the residential area and I ask Government to do something about this. I am asking the hon. Minister to see to it that from at least a sea dam wall is prepared from No. 69 to No. 65. As matter of fact, a sea dam cannot be prepared there anymore because it would not help. A sea wall is needed.

Dr. Ramsahoye: Your Honour, one cannot doubt that in the course of the administration of the sea defences, Government has problems, but this legislation which we have before us for consideration does indicate that the Government is more concerned with the imposition of harsh penalties than with the realities of the situation. No one would deny that it is wrong for people to mutilate sea defence works at any time but what is happening is that there are many cases in which the systems are so inadequate and are so much in need of improvement that people, in order to protect their crops, panic and do these things. No man is going to maliciously cut the sea defences. No man is going to do damage to sea defence works just for the sake of doing damage to sea defence works.

In my experience inside the courts and outside the courts, when people have gone to cut sea defence works, it is when their crops have been in danger. We have therefore, to look at the history and the reality of the situation. The imposition of a harsh penalty is not necessarily going to work. No Government can police these sea defence works up and down the breadth of the coastland of Guyana. For these cases to be proved, someone will have to swear that he saw someone cutting the sea defence or doing damage to the sea defence. The sea defence works are too big, they cover too wide an area for the Government to have effective control over this area.

As far as I know, certainly in my experience as a lawyer for 17 to 18 years, practising in the courts, there has never been recorded one single case of a conviction under this section. Assuming that there are convictions recorded and I do not know of them, it is very clear that very many offences have been committed over the years and the people responsible have not been brought to justice.

The thing for the Government to do is to try to effect adequate drainage and irrigation facilities and then people would have no cause for panic and to cut a canal or cut some other drainage system in order to get water. The imposition of harsh penalties is not going to save what is really a fault in the administration. The Government is obviously meaning to impose penalties when people act in defiance of the provisions of the Sea Defence Ordinance. Well, with the same assiduous proposition, the Government ought to consider other matters which arise out of this Ordinance and which also vitally affect the public.

It is clear in terms of section 12 of this Ordinance, that the Government has power to acquire lands for the purposes of sea defence, and there is a provision in section 12 of the law which says that the State or the Court is not obliged to pay compensation when land is acquired for sea defences and when such land is vested in the State. It is a bad thing and a highly immoral position to take. The reason there is no outcry against this provision is that Government has always been paying for lands taken from people. In recent years, certainly during the regime of this Government, there have been complaints, and I personally know of such cases where the

Government has acquired lands for the purpose of sea defences and has not paid compensation to the people from whom the lands have been taken.

When we talk about fundamental rights - and the hon. Attorney-General has recently been talking about this country's concern at the United Nations about fundamental rights and the country's active involvement on the question of fundamental rights - the Attorney-General should no longer countenance what is a definite violation of the fundamental rights of people who hold properties. We hold no brief for those people who are wealthy and can give land for the purpose, but we on this side are concerned with small people with small holdings and who have come to complain.

I have already mentioned this to the hon. Minister and he has asked me to detail the complaints - which I intend to do shortly - of those persons with five acres of land who have complained that lands have been taken away and they have not been given compensation. I am sure the hon. Minister does not want such a situation to pass and I am sure he will want to rectify that situation, but if the Government is really serious in saying it will compensate small people, I will say, let us amend the law, and the civil servants who will deal with these matters will know that when they take lands and build structures on them, they will have to arrange for the executive authority to pay compensation.

2.40 p.m.

The compensation need only be reasonable. The Government does not have to pay whatever is requested, but let the provision be there. It savours well for the Government and it inspires confidence in the ordinary people if they are sure they are protected by law and that they are not left to rest their causes in the exercise of the ministerial discretion which may never be exercised. There is every case for protecting a small landowner whose land or property is acquired by the Government for any sort of public project. Once we violate that principle of protecting them when the Government acquires land, we must get into difficulty.

Mr. Speaker: The hon. Member Mr. Sutton.

Mr. Sutton: My contribution here will be very short because I think that the general purpose which the Government is seeking to achieve by this Bill is a very good one. A large amount of money has to be spent on sea defences and every opportunity must be taken, and every deterrent built into the regulations, to prevent people causing any deterioration in the foreshore either from ignorance or otherwise as this could have very expensive results.

We speak on the amendment of this Ordinance purely on the question of penalties. Straight away one asks the questions: "When people acquire property in sea defence areas, what is the position when a significant portion of their property is lost through no fault of their own but because of deterioration of the sea defences in those areas?" One wonders whether serious thought should not be given to this. Possibly the Minister will say he agrees. I should like to be sure it is covered under the Ordinance as it now stands but I do not claim to be a lawyer. I am just an enquiring citizen and if the Minister can assure this house that the point under examination is adequately covered under the Sea Defence Ordinance then a certain amount of relief will be felt by the people concerned.

I think, at the moment, of the area well known to all members of this House who have seen the river defences at Glasgow on the East Bank of the Berbice River. In some cases people have lost, through erosion, nearly as much as 30 per cent of the land they originally owned. Possibly the Minister will clarify this point and say whether the people who have lost, and are losing, significant portions of their land by erosion are entitled to any compensation. Where there is a loss of land because of breaches and so on, as the hon. Member Dr. Ramsahoye said, one's concern must primarily be with the small landowners who are not in a position to take care of themselves.

What is the position when a small landowner who owns an acre or two loses his land by a failure of the sea defences where protection against erosion is inadequate? Perhaps the Minister would like to develop this point and let us know whether the question of compensation is at any time entertained. Apart from that, it is obviously necessary to prevent people from taking things

from the foreshore. The removal of those things may cause serious damage and it may end up as a very costly exercise.

The Ordinance speaks all the time about permission from the Board. I would presume that where a person gets permission from the Resident Engineer in the district, permission from that engineer will be deemed to be permission from the Board. I presume he will be regarded as a representative of the Board when he is resident in certain districts.

As is well known, there are certain country areas - I think at the moment of East of the Mahaica River and West of the Berbice River - where large sections of the people depend on wood gathered from the foreshore for use in their homes. I should like to know whether the Minister feels that the gathering of this wood by the people in these areas could be covered by an over-all permission from the engineer on behalf of the Board in question. I should also like to know whether it is contemplated that the permission should totally cease or merely cease where removal of material is considered to be dangerous. Possibly the Minister will be able to cast light on this.

Up to comparatively recently, cordia on the foreshore was believed to be a liability rather than an asset because it encouraged squirls along the roots and crab holes. Wood was very often gathered on the foreshore by people in the area. Presumably these people were not normally molested for gathering wood. They may have gathered wood without permission and perhaps were allowed to do so. In other words, the authorities would appear to have winked their eyes on it. Perhaps the Ministry now thinks this should only continue where specific permission for the removal of wood is given by an engineer resident in the area. Perhaps removal of material considered dangerous from the sea defence point of view.

If these things are aired I am sure that members of the public, will accept their responsibilities and will avoid removing from the foreshore material that should not be removed as long as they are given on assurance that firewood can be removed when it is removed without danger to the sea defences and that they will be permitted to remove it in the future.

Mr. Speaker: The hon. Minister of Works, Hydraulics and Supply.

Mr. Green (replying): There is one fortunate thing about what my friends across the Table have said so far this evening. I think, without exception, they have conceded the fact, to use the words of the hon. Member Mr. Sutton, that the general purpose of the amendment is good. They have not attempted to suggest that there is no need for a penalty.

Perhaps if I attempt to bring to the attention of this House some of the difficulties surrounding the existing Sea Defence Ordinance we will all understand. My friends are aware of these things and I think have merely said what they have said as a posture for the mere sake of opposing,

2.50 p.m.

The Bill was enacted on the 1st July, 1953. When this Bill was enacted and the penalties agreed there was not the type of vandalism on our seashores that is evident today. In fact, in those days I suspect that this Ordinance was put into operation more or less as a precaution to control the removal of substances, and in particular sand and wood, from the sea shore. At that time there was no detailed hydro graphic information as we have today. I do not think that the Government or the authorities in 1953 recognised how serious the removal of substances from our seashores could be.

Perhaps I should tell this House how much land could be lost if things like sand and wood are removed indiscriminately from the seashore. What we see outside of the seawall in Georgetown a century ago was a cotton plantation, but because of the fact that at that time there was no understanding of protecting the land from the sea we had the erosion we witnessed over the years and over the past decade the situation has worsened. In addition, the techniques used today demand much more land in protecting the sea. More sand is required, more soil is required, and more space for the movement of equipment and machinery is required.

Apart from the fact that removal interferes with the stability of the foreshore and accelerates erosion the greatest danger is that removal of these substances causes the drop of the sea—level of the foreshore. Those of us who know Guyana and those of us who went as far as primary school will recall that we were taught - and indeed it is a fact - that our coast is below sea-level. Therefore, if the accretion of sand and substances are removed it means that we are exposed to the levels of the sea.

In 1953 when this Act was put into operation there was little use for sand as there is today and consequently there was no threat. We had the situation the other day where we discovered a private operator who tendered for the supply of sand to the Ministry of Works, Hydraulics and Supply and to our horror we discovered shortly afterwards that he was removing the sand from the seashore. He was selling sand to us from that part of the foreshore which we did not remove because we recognised that it was dangerous to the land behind the coast.

Despite what my hon. Friend Dr. Ramsahoye has said namely, that there have been no convictions, the record will allow that we have had several convictions under this Ordinance. The position is that in certain areas these indiscriminate, and I say disloyal, people are so selfish that they are not really concerned with the damage that they do to the economy and to the coastlands.

In fact, if you look at the Ordinance, at the moment a man who removes sand from the foreshore is not really mindful if he is caught everyday or if he is given the maximum fine daily because the cost of a ton of sand varies dependent on the area from which it has come. When you take into consideration that we have trucks which carry between 5 and 8 tons, it means that if a man makes two or three trips per day at \$20 per trip and he is fined \$20 or \$30, simple mathematics will tell you that he has made a profit. In fact, there are two gentlemen on the West Coast - I understand from my Parliamentary Secretary that they are both very strong supporters of the P.P.P. - who have a number of convictions recorded against them. They persist in their anti-national behaviour. We have sought assistance from the Commissioner of Police but the Police and the rangers employed by the Ministry are themselves frustrated. These people remove

the sand when they know that the maximum fine is less than the profit. I shall read a paragraph from Mr. White one of our Superintendents in the Vergenoegen area. He refers to a Mr. Hamid. It is stated here:

“Mr. Hamid has been fined for removing sand from the seashore and he is still removing sand and supplying departments and other agencies.”

It is not a question of the harshness of the penalty, and when we talk about imposing a fine to prevent this sort of thing one has to look at the serious effect of erosion. If the coast is not protected the land where this building now stands could be part of the great Atlantic in a few years. Until we have fully developed our hinterland there will be need to protect the coast of Guyana.

Perhaps some of my friends are not particularly concerned because while they were in office between 1957 and 1964 \$2,557,961.33 was spent on sea defence which, I submit with respect, because of the seriousness of the situation was a most inadequate sum. The cost of the present sea defence project is \$30 million. The next project is to extend over the next two years. It is already with the engineers and the Government and it will cost \$6.8 million. This includes not only protecting the foreshore, but, in some circumstances, providing the necessary channels which, in addition to preventing the necessary defence against the sea, is to improve the critical drainage and irrigation problem.

3.p.m.

I mention those figures because the first speaker from the Opposition, the hon. Member Mr. Balchand Persaud, commenced with the inaccurate and wicked assertion that this Government had neglected sea defence works. The P.P.P. Government spent between 1957 and the time the people removed it from office, \$2½ million on sea defences. This Government has spent over \$30 million and we propose to spend \$6.8 million over the next two years.

When we say the penalties are harsh, it is suggested by some speakers that at no time and at no stage will persons be allowed to remove material from the foreshore, but the position is that in certain areas it is not unsafe to remove sand, shell, and other material, from the foreshore, and, in such circumstances, the Sea Defence Board and the Ministry have given, and will continue to give permission, provided it is not unsafe to remove material from the particular part of the sea defence.

The hon. Member Dr. Fenton Ramsahoye painted a rather interesting picture when he suggested that people were removing sand for fertilising purposes and that they only remove sand when they are in a state of panic. The efforts which will result from the new enactment are not intended to deal with those persons who panic, but to deal with those rapacious persons who damage the seadefences in order to fill their own pockets, while causing deterioration of our foreshore and causing the Government to spend unnecessary and substantial sums to protect the coast. As far as the foreshore is concerned, if nature were left in its form, there would be little or no problem.

One hon. Member asked about the removal of wood from the foreshore, if it is not unsafe. Of course the Ministry will grant permission to remove the wood, but if it is unsafe, permission will not be granted.

The hon. Member Dr. Ramsahoye said that police alone cannot police that entire foreshore and therefore suggested that increasing the penalty will be ineffective. I want to assure this House that I have already established an institution to deal with this particular problem because we do not want our children and our children's children to have the burden of spending millions of dollars when, with a little bit of vigilance and foresight, we could have avoided the situation.

We have established an institution with the help of the police, and once this Bill is enacted, authority will be granted for vehicles to be seized and confiscated. There is the matter of fines to be settled and I hope that members of the Opposition will tell their friends who have

been perpetrating this for years. Unless we do these things, one will hear the Opposition come here and ask why all this money is to be spent on sea defences.

There is, I understand, a suggestion from the last speaker, the hon. Member Dr. Rameahoye, that we should include in this Bill provision for automatic compensation for the use of lands for sea defence. This situation is unnecessary because it is satisfied by the Constitution, and the Ordinance does not preclude the granting of compensation for lands taken for sea defence and road works.

In fact, unlike what has been suggested, as a result of Cabinet decision taken some years ago, we have given compensation in some cases in relation to crops as well. The other suggestion made was that the Government itself removes sand. Certainly we remove sand where the area is assigned by the hydraulics engineer as safe for the removal of sand.

I wish to commend this Amendment to this honourable House and wish in all seriousness that my friends on the opposite side will warn their mercenary friends that we will not, in the interest of the people of Guyana, allow a few persons to make thousands of dollars and as a result of that effort, cause the Government and people of Guyana to be saddled with this burden to spend \$6.8 million in a two-year period.

Question put and agreed to.

Bill read a Second time.

Assembly in Committee

Clause 1 agreed to and ordered to stand part of the Bill.

Clause 2

Mr. Ram Karran: I have offered an Amendment. I took a very long time to offer it because I had to hear what the hon. Minister had to say with respect to a penalty ten times the

original penalty. The hon. Minister, I think, ought to have told us at the beginning what he said during the latter part of his speech. I myself have been involved in sea defence for some time...

The Chairman: Hon. Member Mr. Ram Karran, please indicate your Amendment.

3.10 p.m.

Mr. Ram Karran: I beg to move the amendment that in clause 2 the words “five hundred dollars” be substituted for the words “one thousand dollars”.

The Chairman: The first amendment should be moved.

Mr. Ram Karran: I beg to move the substitution of the following for paragraph (a) and redesignation of the existing paragraphs as (b), (c), (d), (e), (f) and (g) respectively:

“(a) by the substitution of the following subsection for section 12 (3):-

- (3) A person whose estate, interest in or right over property is vested in the State under this section and who held immediately prior to the vesting, holdings or interests therein not exceeding, two hundred acres shall be entitled to prompt payment by the Board of adequate compensation for his estate, interest or right in the land so vested and in any other case the President may, if he think fit, direct the Board to pay a specified sum to any person in respect of any property which is so vested and the Board shall make the payment so directed.”;

The Chairman: There is the second amendment for the substitution of the words “five hundred” for the words “one thousand”.

Mr. Ram Karran: I thought that Your Honour would deal with them separately. I further move that in paragraph (a) of clause 2 the words “five hundred dollars” be substituted for the words “one thousand dollars”.

The Chairman: It is a small amendment we can deal with both at the same time.

Mr. Ram Karran: With respect to the first amendment, the hon. Minister told us, in his reply to the hon. Members who spoke on the Second Reading that Government has been paying for crops for land, etc. That is certainly not so with respect to this Ordinance but if it used to pay for lands then it should have absolutely no objection to the inclusion of this paragraph in the Ordinance because the non-existence of a law with respect to compensation allows the Government to decline compensation to very big landlords. I myself would refuse to pay compensation to Bookers, Letter T Estates, Sankar and those who have very large holdings. The provision of sea defences actually bonifies the lands of these large landlords. Their lands will be protected.

We all will remember that in 1930 people on whose lands sea defences were erected were expected to pay rates for the improvement, but in the 1930s Sir Frank McDavid introduced legislation to make sea defences a colonial question and since that time no landlord has paid rates for sea defences nor has any compensation been paid for land.

We have reached the ridiculous situation where sea defences are erected on small holdings. I remember the case of one man in Essequibo whose entire holding was taken up by sea defences. His house is now precariously sited on the side of the sea dam. It reminds one of the houses in Grenada which are built on the side of a hill. When eventually Jaleel received compensation for all his holding he was given such a small sum that was not enough to permit him to buy another piece of land in that area. That is why I urge the hon. Minister to accept this amendment, if there is no objection to Government paying compensation to small landowners. For that reason we limit the acreage to 200 acres because no hardship will be created.

Let us make sure that our laws allow for the payment of compensation to the small man who will be the real man according to the slogan of this Government and do not let us make laws so that the big man whose land will be protected by the sea defences will benefit.

I hope that I have said enough on this amendment to encourage the hon. Minister to consult with his officers and see that there is no hardship. This is nothing new. I know my friend is thinking big. If he is thinking of paying compensation to Bookers, there is a discretion given to the Government to pay compensation even if the holding is larger than 200 acres. Indeed, there may be people whose holdings may be more than 200 acres and who may be in need of compensation.

I was expecting the hon. Minister to enlighten us why there is the need to multiply this penalty by ten times with respect to the removal of materials. I have listened very carefully to my friend, the hon. Member Mr. Sutton, who seemed to have a grasp of this situation. Conversant as I am with the situation, I know that there are only a few people who do what the hon. Minister tells us is bans done. The Minister has the remedy in his own hand.

I used to be faced with the same problem with two very prominent persons in the West Demerara district where the sea defences are very seriously threatened by the sea. What we did was to tell Mr. Kwan that we were not going to buy his sand. There was no other market. The Government is the biggest purchaser of sand and if one Mr. Hamid is disturbing the sea defences, all that the Minister has to say is: "We are not going to buy sand from you." Put a penalty on him and if he commits an offence today and again tomorrow I am sure the Court will take both into account and fine him the maximum penalty. Mr. Hamid could be fined ten times for offences on ten days and that would be one thousand dollars.

I am concerned about the small man who may want to hold a wedding or queh-queh in the country and goes and cuts some courida to boil his pot. [**Mr. Green:** "He seeks permission."] Many people in this country are every ignorant of the law. They do not know where the Ministry of Works, Hydraulics and Supply is situated. They do not know the Minister. I come across thousands of people who cannot read or write.

This law that is being amended today is unknown to a large number of people and I am worried about those who may go to cut to cut a small amount of courida. I think that some of

these persons may be in the Maha Sabha. Your Honour will have the problem of solving this difficulty, for that is where they go for wood.

In the Campbellville area, things are so bad that there are dozens of little boys who make a "small piece" by going to the foreshore and picking up the sea shells and taking them in small bags to sell. Big shots in the area buy the shells to use on their land. It is cheaper to do this than to go to Geddes Grant and buy limestone. These little boys will be faced with a penalty of one thousand dollars. What are we going to do? Are we going to make one law for Mr. Hamid and another law for the little boys?

We read in the newspapers yesterday what the Government of one of the African territories is doing. It more than doubled the penalty for robbery with violence. It is snuffing out the lives of the robbers. I have made reference to the imposition of heavy penalties. Judges are now using the cat-o-nine tails on persons who choke and rob in this country, but it is not causing any reduction in the number of offences.

I wish to advise the hon. Minister that this is not the way to go about the problem. I think that a large number of Guyanese people are loyal despite what the hon. Minister says. He sees disloyalty everywhere.

As soon as anyone rises to speak he sees disloyalty. These people do not want the sea defences to go because they are protected by them and, if the Government were to mount a campaign by the G.I.S. or the Ministry and advise people, there would be very few defaulters. The defaulters are the little boys the Minister speaks of. Mr. Hamid and the rest of them should be put in gaol and that is why I would urge on the Minister that we do not let this Chamber be a place where we think only of harsher penalties. Let us increase the penalties by 50 per cent and let us do something at Mahaica, let us do something in the areas that my friend mentioned.

3.20 p.m.

Mr. Hamid: Just to put the record straight I wish to state that the Hamid referred to by the Minister is not me. *[Laughter]*

The Chairman: The hon. Member Dr. Ramsahoye.

Dr. Ramsahoye: Your Honour, in supporting the proposal to the Amendment to section 12 of the Sea Defence Ordinance I will commend it for consideration by the hon. Minister. As the hon. Minister well knows section 12 is a provision which provides that persons are not entitled to compensation when their land is taken away by the Government for the purposes of sea defence. That provision was in existence during the colonial period. In fact, the British administrators already paid a measure of compensation to people who suffered deprivation from the operation of that section.

When the P.P.P. Government took office compensation was also paid and the complaints which have now risen ought not to be, now that this Government has full control of the administration. I would therefore suggest that the Government ought not to take advantage of the present position and that it should show its good faith towards the small landholders so that their right for compensation can be entrenched in law.

Article 18 of the Constitution provides that despite the protection given to property by the Government in cases where land could be taken before they can still be taken without compensation. The operation of this provision gives a very unfair advantage to people who are both helpless in that they cannot get redress anywhere if they are dissatisfied with what the Government does. In view of the fact that the hon. Minister feels some sympathy at least for the small man, I think that no harm would be done by accepting this Amendment.

The Chairman: Do you wish to speak on the second Amendment?

Mr. Ramsahoye: No, sir.

Mr. R.D. Persaud: Mr. Chairman, I am proposing an amendment to section 20.

Mr. Chairman: I am afraid you are not permitted to do that unless you give notice.

[After a pause.] Proceed.

Mr. R.D. Persaud: Section 20 of Chapter 191 reads as follows:

"20. Any person who shall, without the consent of the Board first had and obtained, remove any earth, sand, shell, clay, gravel, shingle, mineral substance, or any sea-weed, or vegetation, or any other matter or thing whatsoever from any sea defence or from any land along the foreshore within one half of a mile of mean high water mark, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty dollars."

The hon. Member Mr. Ram Karran referred to this type of circumstance during his contribution to the amendment of section 19. My view is that section 20 affects everyone who goes on the seashore. If a person picks up one shell that person would be guilty of an offence and that person will be liable to a fine not of \$500, or \$1,000 but of \$2,000 and imprisonment of 12 months. I think that this measure is fantastic and extravagant and really will not do what the Minister is seeking to do. As I said, we are in favour of laws and we will support any proposal by the Government that will bring to justice those persons who are taking trucks and removing shells and sand by the tons. But the amendment to this law this afternoon makes the same provision and allows the same penalty for the greater abuse ... *[Interruption by an hon. Member.]*

Now the Minister is talking about trucks being 5 tons and therefore \$3 per ton and \$8 per ton as the case may be even if you charge five times the value it will not amount to \$2,000 you make it worst. I was wondering whether the magistrate in his discretion ... *[Interruption by Minister of Works, Hydraulics and Supply.]* My point is further strengthened by the interjection of the Minister if the Minister understands the section.

The Chairman: I think the amendment is clear; I do not think the Minister has to interject for us to understand.

Mr. R.D. Persaud: The position is that the man would be fined \$2,000 and he can be imprisoned for 12 months.

I think the penalty is too severe and the hon. Minister should give consideration to this particular Amendment and allow it.

3.30 p.m.

We are not against the proposals to charge persons and to confiscate their trucks, when those persons are found using the seashore and foreshore for trading, but we are against passing laws to prosecute persons who do not have this evil intention to commit offences to which the Minister refers. All the sub clauses in this clause² show fantastic increases and the proposal for Amendment to this particular clause 2(c), by the substitution of the words, "five hundred dollars", for the words, "two thousand dollars", is a reasonable proposal.

Mr. Green: The plea by my friend is noted, but as I attempted to point out earlier, the aspect of compensation is adequately satisfied by the Constitution as it is. In any case, Mr. Chairman, the clause referred to does not preclude compensation. The inaccuracy suggested this afternoon in an attempt at a wicked lie is that the colonial administration and the PPP Government, in fact, paid compensation in these circumstances, and the suggestion is that this present administration has not and does not intend to do that.

I wish that members when they come here will come armed with facts and speak the truth. We have offered - and I pointed out particular areas to hon. Members over the past few weeks - and still continue to offer compensation in proper cases where we are satisfied without any doubt that hardships would occur.

What I suspect is happening, is that some friends here have acquired useless land for next to nothing. We have instances of persons, some of them across the Table, who acquired several hundred acres of land, sometimes with small front pieces to the foreshore, for nothing or next to nothing. They acquired these lands because in their present state, without sea defence works or road works, they have no value. The only value they have is for the owner to say, "Those lands are mine." When the Government wants to expend substantial sums, some of these gentlemen as a result of that effort, benefit, either by compensation or speculation.

For example, we have a programme to do sea defence works in "X" area. They begin to get purchasers. People will buy that land because of the fact that these works are being put in. But why should the Government compensate people for useless land that is now being made available by money spent by the Government? Government has commissioned a very learned and well-known Guyanese, Mr. Steve Naraine to do what we call a land use study, and I hope the hon. Prime Minister and the Minister of Agriculture will soon bring to this House, proposals for amendments and changes to the matters which will deal with these problems where people have lands and do not use them and overnight the lands become valuable.

With respect to the claim that the increase is substantial, apart from the point I made earlier, the value of the dollar in 1933 when this Bill was enacted has changed substantially, in addition to the other changes enacted. The question of little boys taking shells - it is not the law, it is how it is being operated and, even here, the attitude is that certain things are free. If we are to progress and proceed, we have to develop new attitudes. People still take the supply of potable water for granted, whereas it is expensive. People assume the good Lord put shell on the foreshore and they can remove them without seeking authority. We have to change this approach to life. It is the same attitude and mentality that cause a man to go on to another man's property and pick up something because he wants it.

The Chairman: I will now put the first Amendment offered by the hon. Member Mr. Ram Karran.

Amendment

That the following be substituted for paragraph(a) and the existing paragraphs be redesignated as (b), (c), (d), (e), (f), and (g):

“(a) by the substitution of the following subsection for section 12(3):-

- 3) A person whose estate, interest in or right over property is vested in the (State under this section and who held immediately prior to the vesting,

holdings or interests therein not exceeding two hundred acres shall be entitled to prompt payment by the Board of adequate compensation for his estate, interest or right in the land so vested and in any other case the President may, if he think fit, direct the Board to pay a specified sum to any person in respect of any property which is so vested and the Board shall make the payment so directed.”

put, and negative.

The Chairman: I will now put the second Amendment offered by the hon. Member Mr. Ram Karran.

Amendment -

That the words, “five hundred dollars” be substituted for the words “one thousand dollars” in paragraph (a),

put, and negative.

The Chairman: I will now put the Amendment offered by the hon. Member Mr. Reepu Daman Persaud.

Amendment -

That the words, “five hundred dollars” be substituted for the words “two thousand dollars” in paragraph (c).

put and negative.

Clause 2, as printed, agreed to and ordered to stand part of the Bill.

Clause 3 agreed to and ordered to stand part of the Bill.

Assembly resumed.

24.6.71

National Assembly

3.30– 3.40 p.m.

Bill considered and approved.

Bill reported without Amendment, read the Third time and passed.

ADJOURNMENT

Resolved, "That this Assembly do now adjourn to a date to be fixed." [Mr. Ramsaroop]

Adjourned accordingly at 3.40 p.m.
