

THE  
**PARLIAMENTARY DEBATES**

OFFICIAL REPORT

[VOLUME 2]

PROCEEDINGS AND DEBATES OF THE SECOND SESSION OF THE FIRST  
PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF GUYANA

*13th Sitting*

*Tuesday, 19th September, 1967*

**NATIONAL ASSEMBLY**

The Assembly met at 2. p.m.

*Prayers*

*[Mr. Deputy Speaker in the Chair]*

*Present*

*His Honour the Deputy Speaker, Mr. R. C. Tello.*

*Members of the Government*

*Ministers*

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

**Dr. the Honourable P.A. Reid,**  
*Minister of Trade.*

**The Honourable N.J. Bissember**  
*Minister for Parliamentary Affairs*  
*(Leader of the House).*

**The Honourable R. E. Cheeks,**  
*Minister of Local Government.*

**The Honourable E. F. Correia,**  
*Minister of Communications.*

**The Honourable C. M. L. John,**  
*Minister of Home Affairs*

**The Honourable R. J. Jordan,**  
*Minister of Agriculture and Natural Resources.*

**The Honourable W. O. R. Kendall, C. B. E., J.P.**  
*Minister of Health and Housing*

**The Honourable C. A. Merriman, J. P.,**  
*Minister of Labour and Social Security.*

**The Honourable M. F. Singh,**  
*Minister of Works and Hydraulics.*

**The Honourable M. W. Carter,**  
*Minister of Information.*

*Parliamentary Secretaries:*

**Mr. D B. DeGroot,**  
*Parliamentary Secretary, Prime Minister's Office.*

**Mr. G. Bowman,**  
*Parliamentary Secretary, Ministry of Agriculture  
and Natural Resources.*

**Mr. P. Duncan,**  
*Parliamentary Secretary, Ministry of Local  
Government.*

**Mr. J. G. Joaquin, O. B. E., J. P.,**  
*Parliamentary Secretary, Ministry of Works and  
Hydraulics.*

**Mr. C. V. Too-Chung,**  
*Parliamentary Secretary, Ministry of Finance.*

*Other Members:*

**Mr. W. A. Blair**

**Mr. J. Budhoo**

**Mr. M. Kasim**

**Mr. W. G. Carrington**

**Mr. R. G. B. Field-Ridley**

**Mr. D. Mahraj**

**Mr. H. Prashad**

**Mr. T. A. Sancho**

**Mr. J. H. Thomas**

**Rev. A. B. Trotman**

**Mr. H. M. S. Wharton, J. P.**

*Members of the Opposition*

**Mr. A. Chase**

**Mr. Ram Karran**

**Mr. R. Chandisingh**

**Mr. H. J. M. Hubbard**

**Dr. Charles Jacobs, Jr.**

**Dr. F. H. W. Ramsahoye**

**Mr. E. M. G. Wilson**

**Mr. M. Hamid, J.P.**

**Mr. J. R. S. Luck**

**Mr. H. Lall**

**Mr. Mooneer Khan, J.P.**

**Mr. Y. Ally**

**Mr. R. D. Persaud, J.P.**

**Dr. S. A. Ramjohn**

**Mr. S. M. Saffee**

**Mr. M. Bhagwan**

**Clerk of the National Assembly— Mr. F. A. Narain**

**Deputy Clerk of the National Assembly— Mr. M. B. Henry.**

*Absent*

**The Honourable P.S. d'Aguiar,**  
*Minister of Finance*

**The Honourable Mrs. W. G. Gaskin,**  
*Minister of Education*

— *on leave*

**The Honourable S. S. Ramphal, C.M.G., Q.C.,**  
*Attorney-General and Minister of State*

**Mr. O. E. Clarke, Parliamentary Secretary,**  
*Ministry of Education*

**Dr. C. B. Jagan, Leader of the Opposition**

**Mr. B. H. Benn**

— *on leave*

**Mr. C. V. Nunes**

**Mr. D. C. Jagan**

**Mr. L. Linde**

**Mr. M. N. Poonai**

**Mr. E. M. Stoby.**

## ANNOUNCEMENTS BY THE SPEAKER

### LEAVE TO MEMBERS

Mr. Deputy Speaker: Hon. Members, I wish to announce that the hon. Minister of Education (Mrs. Gaskin) is excused from today's sitting. The hon. Member Mr. Benn has been granted one month's leave as from today.

### PRESENTATION OF PAPERS AND REPORTS

The following Papers were laid:

- (i) Minutes of the First Meeting of the Committee of Selection held on the 8th of September, 1967. - [Mr. Deputy Speaker.]
- (ii) Customs Duties (Amendment) (No. 2) Order, 1967, (No. 25), made under section 8 of the Customs Ordinance, Chapter 309, on the 24th of August, 1967, and published in the Gazette on the 26th of August, 1967.
- (iii) Amendatory Loan Agreement between the Government of Guyana and the United States of America - Feasibility Studies, Pre-Feasibility Investigations and Final Engineering Plans and Specifications. - [The Minister of Trade on behalf of the Minister of Finance.]
- (iv) Petroleum (Prospecting and Winning) (Amendment) Regulations, 1967 (No. 10), made under section 4 (1) of the Petroleum (Production) Ordinance, Chapter 199, by the Governor-General on the 30th of August, 1967, and published in the Gazette on the 2nd of September, 1967 - [The Minister of Agriculture and Natural Resources.]

### PUBLIC BUSINESS

#### BILLS — SECOND READING CO-OPERATIVE SOCIETIES (AMENDMENT) BILL

Prime Minister, (Mr. Burnham): Under Section 49 of Chapter 326, to wit, the Co-operatives Societies Ordinance, there is

provision made for the settling of disputes touching the business of registered societies, disputes as among members, past members, persons claiming through members or deceased members, between the society or its committee and an officer, and between a particular society and any other registered society.

There is a further provision under that Section for referring disputes to arbitrators, the reference being made by the Commissioner if he himself does not seek to hear and determine the disputes. Then there is a final appeal to the Commissioner himself if the arbitrator or arbitrators do not happen to be the Commissioner. Under subsection (5) of the said Section it is provided that an award of the arbitrator shall be enforced in the same manner as if the award had been a judgment of a civil court. On legal opinion, the Ministry responsible for co-operatives has been advised - and in my opinion it is sound advice - that because of Chapter 12, that is the Summary Jurisdiction (Magistrates) Ordinance, a magistrate court would not be able to enforce by writ of execution an award for a sum of more than \$250, or with respect to property valued at a sum of more than \$250, because that would be beyond the limit of the magistrate's civil jurisdiction.

In some Ordinances, notably the Rent Restriction Ordinance and the Rice Farmers (Security of Tenure) Ordinance, a particular exception is made giving authority and power to the magistrate to deal with claims and judgments involving more than \$250. No such exception was made in the case of the provisions of Section 49 of Chapter 326 and, consequently, though the arbitrator or the Commissioner for Co-operative Development can make an award of more than \$250, for such award to be enforceable, recourse would have to be made to the High Court.

2.20 p.m.

Not only is the process of the Magistrate's Court swifter and more expeditious but also there is the further complication of the rather heavy load and crowded calendar in

[MR. BURNHAM]

the Supreme Court being somewhat more expensive than an approach to the Magistrate's Court.

The purpose of the Bill, which is before the House and which, I suspect, will be non-contentious, is to give to the Magistrate, in the case of an award under Chapter 326, the power to issue the proper writ of execution in enforcement of the award or judgment. That, in sum, is the purpose of this Bill. As a matter of detail, what is proposed, is that an additional subsection be added to Section 49 of Chapter 326, which Section now has only five sub-sections. This additional subsection, subsection (6), will provide, if approved by this House, that:

“Notwithstanding anything contained in subsections (4) and (5) of this section, any decision of the Commissioner under subsection (2) or in appeal under subsection (3) of this section and any award of the arbitrator or arbitrators under subsection (2) of this section, where any such decision or award required the payment of any sum of money, may be enforced before a magistrate under the Summary Jurisdiction (Petty Debt) Ordinance irrespective of the amount.”

In the circumstances, therefore, I move that this Bill, the Co-operative Societies (Amendment) Bill, 1967 be read a second time.

*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. Blair: There is a typographical error in the fifth line of subsection (6) of Section 2 of the Bill. The word “sub-section” is mis-spelt. I suggest that it be corrected at this stage.

The Prime Minister: Mr. Chairman, there is no need for an Amendment. The Rules permit that a mere mis-spelling can be corrected by the clerk.

*Clause 2 agreed and ordered to stand part of Bill.*

*Assembly resumed.*

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

#### CONSTITUTION (PRESCRIBED MATTERS) BILL

A Bill intituled:

“An Act to prescribe the age for the vacation of office by the holders of certain offices as authorised by the Constitution of Guyana.” [The Prime Minister.]

The Prime Minister: Under the Constitution of Guyana, there are certain posts in the Public Service, the payment of remuneration to the holders of which is made out of the Consolidated Fund. Among those officers there are the judges of the Supreme Court, the Director of Public Prosecutions, the Director of Audit, the Commissioner of Police and the Clerk and Deputy Clerk of Parliament. In all those cases, there is a provision - except in the case of the Director of Audit and the Commissioner of Police - in the Constitution itself as to what should be the retirement age. In the case of the judges, it is 62 years, with a possible extension to 65, Appeal Court Judges, 65 years, the Director of Public Prosecutions 60 years with a possible extension to 65, the Clerk and Deputy Clerk of the National Assembly, for some good reason that I do not know, 65 years with a possible extension if this is recommended by the Commission consisting of the Speaker, the Minister of Finance and a nominee of the Prime Minister.

In the case, however, of the Director of Audit and the Commissioner of Police, it is provided by the Constitution under Articles 98 (3) and 107 (3) that these persons should vacate their offices at such time as may be fixed by an Act of Parliament and, therefore, it is considered necessary that Parliament do not fix that age. It is proposed that in the case both of the Director of Audit and the Commissioner of Police, that the age of 55 years, which is the same age

prescribed under Section 10 of Ordinance No. 38 of 1957 for the ordinary public servant.

It is to be noted, however, that this Bill goes further and, in the tradition of or taking a precedent from, the Constitution, prescribes that in each case, both that of the Director of Audit and the Commissioner of Police, there can be further extension of five years up to 60 years, provided, in the case of the Director of Audit it is recommended by the Public Service Commission, which is the original appointing body, in agreement with the person whose extension of service is being recommended, and in the case of the Commissioner of Police, recommended by the Police Service Commission with concurrence of the Prime Minister after agreement with the person whose service it is sought to extend.

Naturally, the Prime Minister has to come into the picture in the case of the Commissioner of Police because, under the Constitution, it is provided that no one may be appointed as Commissioner unless the Prime Minister concurs, and if the Prime Minister concurs in appointments, it is only fair that in keeping with the precedent, it must be with the concurrence of the Prime Minister that an extension be given.

2.30 p.m.

This is a tidying-up operation. I move that the Bill be read a Second time.

**Mr. Ram Karran:** We are witnessing today the enactment of legislation which is the most disgraceful that has ever been placed before this Assembly, in the whole history of Parliament. The appointment of the Present Commissioner of Police smells to high Heaven. It stinks! The hon. Prime Minister acts as Pontius Pilate in this matter. He is saying that the Constitution says "so" and, therefore, it has to be "so." The Constitution states a lot of things. But who made the Constitution? **[The Prime Minister:** "Not you."] No, not me. We could not make the Constitution because, as you are well aware, it is a fabrication of those people who want to see deprivation of rights of the Guyanese people, and the perpetuation of

that type of Government which the overlords of our country for many years wanted to succeed. We do not need to go into the history of that.

It is not even necessary for us to refer to that debate in the Mother of Parliaments - Your honour was present - when the whole Constitution was gone into by Mr. Silvermann and others who, at the time of the passage of the Guyana Constitution were warned in London headlines of the terrorist activities of certain people, and our learned Prime Minister headed the list.

Now, coming back to the post of the Commissioner of Police, only recently there was a lot of jockeying for that post. Mr. Austin - it is unfortunate that we have to call his name - was not the most senior officer. A lot of jockeying had been going on as is going on now for the post of Director of Audit by the squabbling parties. Although Mr. Felix Austin was not the most senior of the officers who were eligible for the post of Commissioner of Police, we were glad that a Guyanese, and I emphasise "a Guyanese" was appointed as head of this very important department. We know how the Imperialists do things. We know how people get promotions and how they get all sorts of Awards. We were told that under the regime of the imperialist head of that department, all the Awards, except one, for the whole Caribbean were given out to Guyanese Officers. The then Commissioner of Police grabbed the Queen's Police Medal.

Having attained the office of Commissioner of Police, this gentleman who had one year more to serve was sent on a scholarship for further training to the United States of all places, to become better qualified for that post. It is not unusual for a man who attains the age of 55 to be given an extension of service. This is an understanding which was taken many years ago in the days of the people with a colonial mentality, to quote the hon. Prime Minister. This extension is usual and one would have expected that this gentleman would have returned to Guyana to put into effect the wealth of experience that he had gained in

[MR. RAM KARRAN]

the United States. What went wrong? Did he not live up to the expectations of the C.I.A. over there? Did he tell them that he was in no position to take over in the coup that is likely to come, or is it that he was proved a recalcitrant? Is it that he was proved to be incapable of carrying out the dirty wishes of the Government?

I think that every Guyanese must have been astonished at the on-the-spot promotions that were made by Mr. Carl Austin. What is the function of the Police Service Commission? How is it to function if the Acting Commissioner of Police is to go all around the country promoting policemen? I have nothing against the Acting Commissioner of Police except that he has been a wonderful boy who carried out the orders that his superior in office refused to do. They passed slips around. Mr. Felix Austin said that his body guard should not even be a corporal. They are now hatcheting this man because he carried out his duties as he saw them. These puppets of the Yankees must know that this is not the way to do it. The others who are looking around are asking: "Are you going to make an office of belly-crawlers?" In other words, even though he was made Commissioner of Police, he must find out from the Prime Minister whom to promote.

I think that this Assembly is becoming disgusted at the behaviour of these people. How could they appoint a man knowing that he had only one year more to serve? At the time, I had asked them what was the use of sending him on a course if he only had one more year to serve. I thought that there was a rivalry between the P.N.C. and the U.F.

I referred in this House to the case of a young man who came back after spending seven years to obtain his qualifications in the United Kingdom. He was employed at the Guyana Development Corporation. But the Prime Minister or some lackey of his telephoned the people and told them that this man must be removed to make room for another Guyanese who is not as well qualified. Is this not a shame?

2.40 p.m.

What is the explanation? It has to do with the concurrence of the Prime Minister who pushes his stomach out. That should not be the attitude of a Prime Minister who wants to retain the respect of the people of the country. His concurrence has to be obtained before a person is appointed. A lot of trouble is going to be created in this country. I warn the Government. [Mr. Bowman: "Oh yes."] Yes, puppets like you are going to get out of the way. There is going to be a lot of trouble in this country because people are dissatisfied, and some of them are people who used to be in the band-waggon. Let the hon. Members go the the west coast Berbice and find out how people are living.

That is not all. The Constitution has to be observed in such a way as to let people expect to be treated decently by the Government. What is going to happen? Mr. Austin is going to make a living as a Guyanese. He is going to make a living somehow. [The Prime Minister: "Selling panties like Lambert."] It does not matter what he sells, even if he is selling panties, he will make a living. [The Prime Minister: Like Lambert.]

This is a grown man and the Prime Minister of an Independent country, and he is going to refer to Lambert who is selling panties. It is far better to be selling panties and brassieres than to be living and stealing from the community as some people who hold high offices are doing today without any shame. [Interruption by Mr. Bowman.] I am speaking about you, and I am speaking about many like you.

This is one of the most glaring cases of discrimination. There are many such cases. I have referred to one and I can refer to dozens of them, but this is not the time. If the hon. Prime Minister is going to seek to make our civil service machinery and every other aspect of our life efficient he has to appear to be fair. He has to appear to be decent and he cannot sit or stand here and make mockery of principles which, in this House at least, have for generations been

handed down as principles of decency. The hon. Prime Minister cannot afford to ride roughshod over the Guyanese nation.

I should like to draw the attention of all people in the public service to what is happening so that they may recognise now and for all time, that those who appear to be ascendant now may tomorrow be cut down. In referring to the Bill the hon. Prime Minister was not ashamed to refer to the Clerk of the Legislature and we all know that before the Bill relating to the Constitution was discussed or debated he had hatched Mr. Viapree and replaced him with another Clerk. [Mr. Wharton: "What is wrong with that?"]

The Prime Minister has power to do this. Let him do what he has power to do. The biggest tree can be brought down and he knows that. Let him talk about selling panties. [Interruption.] When the hon. Member is willing to rise and speak that will be the time to deal with him.

I wish to make another observation and that is with reference to the age of retirement stated in the Bill. The Bill required that both officers shall retire at the age of 55 years. [Mr. Wharton "Read the proviso."] I don't think the hon. Member understands what I am saying. The age of 55 relates to concepts of the old imperialist days. The hon. Prime Minister has referred on many occasions to people with a colonial mentality. This was the age of retirement for civil servants who came here from the United Kingdom and then returned home to face the poll. With the span of life increasing, with health standards improving, are we going to adhere to a colonial concept and ask our civil servants to retire at the age of 50 or 55? Or are we going to have a consensus and arrive at a reasonable age? If I may refer to my hon. Friend who only sits, I would think he can work for another five years. I hope he is not going to declare anyone impotent at the age of 55 years. Hon. Members are supposed to be able to serve at 50 or 55. One is supposed to develop a very keen sense and to have the experience necessary to give efficient service.

One would have thought that the Government would have given second thoughts to the acceptance of this colonial concept of retiring men at the age of 55.

The second point I wish to raise in connection with the Bill is this: The hon. Prime Minister has often been referred to as "Mr. Flip-Flop" and in this case the flip-flop character of the Prime Minister is expressly recorded. The Bill states that the officers are required to retire at 55 but may be kept on until they reach the age of 60. That is not what the Constitution says. The Constitution says that Parliament will fix the retiring age for the Director of Audit and for the Commissioner of Police. One would have expected that the hon. Attorney General, who is always absent from this Assembly, and the Prime Minister, who is a lawyer and a Q.C., would have tried to introduce into this Bill what is expressly stated in the Constitution, and they would not give the Government a loop-hole to extend the services of either of these officers if they had been obedient boys as members of the Government expected Mr. Austin to be when he was appointed. They expected Mr. Austin to behave well and then they would have given him an extension of five years. If Mr. Austin had carried out the directives of the Government and had pinned rosettes on the chests of the officers who had carried out the P.N.C.'s programme for a campaign of terrorism or had persecuted the P.P.P. he would have had an extension of five years.

If 55 is admitted to be the correct age, and if an officer has made an outstanding contribution to the Service, and it is desired to keep him on when the Parliament has fixed a retiring age of 55, then certainly, by Resolution, Parliament could have had his services extended, and a supernumerary post created so that he could be retained.

It is most undesirable and dishonest, and I say "dishonest" advisedly, for the Government to enact legislation and to introduce a provision like this dealing with such an important aspect of the Bill. I think the Government should stick to its guns and should say that it wants the retiring age to



[MR. RAM KARRAN]

be 55. I do ask the Prime Minister, who has piloted this Bill, and his colleagues to follow the Constitution and not make it into a rubber stamp, because, if that is done, opportunity will be created for emasculation of the Constitution, the most important document by which this country is governed. The Government cannot afford to have an "either/or" arrangement in this important matter. The Constitution says expressly that Parliament shall fix the retiring age of the Commissioner of Police and the Director of Audit.

2.50 p.m.

Parliament has been asked today to fix the retiring age at 55 years or at 60 years. We know from all that has happened today, and before today, that the Commissioner of Police had been appointed with the good wishes of the Government, that he had undoubtedly been promised a certain extension, that he was sent on a course and that, on his return, he was suddenly told by the Minister of Home Affairs to make preparations for his retirement. In fact there was so much embarrassment about it that he found himself sitting in the office with his deputy who was carrying out the functions of the Commissioner. I am sure that the embarrassment faced by this officer and by his deputy as well, was immense, but the callous attitude of the Government as we see here, is enough to drive anyone out of his wits.

The position today is that the Government has come to us with a seemingly harmless Bill based on the Constitution, but there is something more dangerous beneath this. I wish to ask the Prime Minister to consider this matter and to ensure that the age is carried to 60 years so that the Commissioner of Police, who has been doing a wonderful job, who has refused to carry out direct instructions contrary to the Constitution, contrary to every principle known to us, and who is being hounded out of the Service, will be protected.

I appeal over the heads of the Prime Minister and the Ministers on the front Benches to their colleagues at the back to extend the age limit to 60 years so that this officer and other officers who have given many years of service can remain in the Service for the betterment of our country.

Mr. Khan: Today is a very sad day for Guyana and for all Guyanese. With the passage of this Bill, an end would be put to the career of Mr. Felix Austin. As Parliamentarians, what we ought to be concerned with is, when certain things are done, to see beyond what has actually been done and try to find out what are the principles involved. Behind this Bill there is a very serious principle involved.

I would not have spoken on this Bill if it was intended to remove the Director of Audit alone, but to have it directed to remove a Guyanese under such circumstances makes a complete farce of parliamentary democracy in Guyana. We call upon the nation to observe carefully what is happening. Because matters like this give the pointer to what is forthcoming. Why should a Bill be brought before Parliament in order to remove a Guyanese, a Guyanese who was appointed with the concurrence of the Prime Minister, a Guyanese who, so far, has performed his duties excellently? The Government was so satisfied that this officer was performing his duties satisfactorily that the Government made it its duty to send him on a course abroad.

Mr. Deputy Speaker: Hon Member, all that has been said already. Do not repeat it again.

Mr. Khan: It was done for a specific purpose and I crave your indulgence to refer to it. It was clear that the Government knew full well that it would have benefited from the experience gained by this Commissioner, but as soon as he returned to Guyana he was given the boot.

The principle involved in this whole matter lies basically in the charge that has always come from those who now sit on that side of the House, that is the P.P.P. and the Members on this side of the House who will

destroy democracy, and that we do not have any respect for democratic institutions. We live to see that it is not the P.P.P. or the Members on this side of the House who are destroying democracy but the Members who are sitting over there, from the Prime Minister right down.

I should like to make our position very clear. We on this side of the House have always had the greatest respect for parliamentary democracy, and all democratic institutions and will continue to do so. We feel concerned about this because the Government should perform its duty fairly to all the inhabitants and all the people who live and dwell in Guyana.

3.00 p.m.

The Government must not lay at our doorsteps the blame for what it is doing, because it is the Prime Minister who has encouraged the destruction of the very basis of our society. I remember that the hon. Attorney-General was accusing us on this side of the House but I say this, it is not true. This Government does not believe in consultative democracy. I concede that the hon. Prime Minister has the right under the Constitution. No doubt provisions of this Bill are quite in order, but I am looking at the circumstances under which this Bill has to come before the House.

One will recall that only recently, the Director of Audit made a big exposure. He spoke of \$3.4 million spent without authority. The Director of Audit has been put there to provide a service, to ensure that the financial expenses are properly vouched for, and so he was able to make his observations and state publicly that \$3.4 million was spent without being properly accounted for. He is an expatriate; I hold no brief for him. I would like to see a Guyanese appointed to the post. The hon. Prime Minister committed himself in this House over a year ago, to present a detailed audited statement of the final expenditure on the Independence celebrations for 1966. Up to

now it has not come to this House. [The Prime Minister: "How can it be over a year ago? This is now September 1967. It is ten months. Is it a money or rice bag?"] The Director of Audit is requesting detailed vouchers for all expenditure which totals nearly \$1.6 million —

Mr. Deputy Speaker: Standing Order No. 36 (1) permits a member to speak on any matter relevant to such Motion, Bill or Amendment. Standing Order No. 42 (1) gives me the right to stop you.

Mr. Khan: The Director of Audit was involved in events which caused the decision to prescribe the age at which public servants should retire. With due respect to you, sir, I shall continue. I understand that why the age is now being fixed for the Director of Audit to retire is because there is a great variance of views concerning the expenditure. Perhaps we will be told that it is not \$1.6 million but \$2 million as one hon. Member said. It is quite wrong that public officers, in performing their duties properly, should be treated in this way, that the Government should come to Parliament in order to seek Parliament's approval to roll their heads.

All civil servants should look and see. This is the basic cause of frustration and non co-operation coming from public officers. This will not help the Government in any way. Why should it roll the heads of an officer because he refused to carry out orders to promote certain people? Why was he sent on this course? How will the country benefit now from the experience he gained abroad? We do not want to see the destruction of the democratic institutions and we warn the Guyanese people to take heed of what this Government is doing.

Mr. Luck: This innocuous Bill, which purports to be introduced into this Assembly under the name of Constitution (Prescribed Matters) Bill stems from that malodorous affair, which we may call the "Austin Affair". To say that it smells is to be indulging in an understatement. It is malodorous in the extreme. For a Government to come to this Assembly to

[MR. LUCK]

rubber stamp a decision which clearly proceeds not only from error but also from malice, vindictiveness and spite, that a Government should have such contempt for this Assembly to bring before it a measure which stems from this ugly affair, reveals how insecure are the foundations of Parliamentary Government in our country.

3.10 p.m.

But, sir, when the measure itself subverts the Constitution, the matter is even more grave. Our Constitution provides for the prescription of the age limit for the Commissioner of Police and the Director of Audit. I shall read the relevant sections of the Constitution. Article 98 (3) provides as follows:

“Subject to the provisions of the next following paragraph, the Director of Audit shall vacate his office when he attains such age as may be prescribed by Parliament.”

That was in relation to the Director of Audit;

In relation to the Commissioner of Police, Article 107 (3) provides that:

“Subject to the provisions of the next following paragraph, the Commissioner of Police shall vacate his office when he attains such age as may be prescribed by Parliament.”

These are specified offices under the Constitution and Parliament should prescribe the age limit for them. They are offices of the greatest sensitivity and constitutional import, and the reason which underpins the restriction that Parliament alone should prescribe the age limit for these gentlemen is that they occupy such sensitive positions in the country that they ought to be put beyond the reach of manipulation. This Bill seeks to subvert the Constitution and make the holders of these offices dependent on the good will - in the case of this Government there is good will for nobody, only ill will for some and it is a matter of -- [Interruption.]

Let me say this, sir. Because of the sensitivity of these offices and the necessity that these men must be of independent judgment free from political interference, the Constitution provides that they should be protected. The provisions dealing with the Director of Audit and the Commissioner of Police are similar to the provisions dealing with judges, with the Ombudsman, and so on. These men should be protected from political interference. They should not only be men of independent judgement, but they must demonstrably be men who are acting fairly, justly and impartially. They must be seen to be men who are not creatures of the Government.

But what does this Bill seek to do? It seeks to state that the age for retirement of the Commissioner of Police, and the age for the retirement of the Director of audit will be 55. But if they behave themselves like “good boys” if they take instructions which emanate from Congress Place, if they go hat in hand, the age limit might be extended. It is public knowledge that the gentleman went to Congress Place, but, apparently he did not go hat in hand.

The purport of this Bill is to reduce these men, once they have attained the age of 55, to be wretched creatures of this Government; men who will listen and who will be dictated to by the gentleman in the panama suit (Mr. John). Up to the date of Mr. Felix Austin's departure to the United States on a scholarship given to him on the recommendation of the then Minister of Home Affairs, there was absolutely no dissatisfaction with his services. It is also a matter of common knowledge that Mr. Felix Austin was granted an extension of time for one year so that he may retire at the age of 56 rather than the age of 55. What has happened in the intervening period, a matter of a few months? Is it alleged that Mr. Austin, when in America, consorted with enemies of this Government? I understand that Mr. Delmar Carlson is disenchanted with this Government. Is it that this Government received reports that Mr. Austin, while in America, consorted with enemies or was

trained to subvert this Government? My information is that prior to his departure, a certain list was handed to him but he refused to promote persons according to the list. His ears were a little hard. He tried to act as if he had a discretion in the matter. He was probably told to promote men who were devoid of merit, or whose only merit was that they were party hacks, supporters of the Government or the P.N.C. arm of it.

This is an ugly, smelly chain of events. The Commissioner of Police has done nothing wrong. He has done nothing which the Government can publicly say was wrong. Privately, we hear all sorts of stupid gossip unworthy of being retained. Let them be men. If this gentleman has done wrong, let them say so. But there can be nothing wrong with a Commissioner of Police exercising the functions with which he is entrusted by the Constitution of Guyana. Were we to allow a Commissioner of Police to be entrapped by this measure, we would make such a man dependent on the good will, or as I have observed before, the absence of good will because this Government has good will towards no one, only ill will.

3.20 p.m.

Surely this will be a subversion of our constitutional provisions which are designed to remove these offices from political control and political manipulation. I reiterate: The Constitution intends these officers to be so well placed that they will not be subject to political control. We are, in this Assembly, to prescribe the age at which they should retire. What Government is seeking to do is to say that these officers must retire at the age of 55, but if they behave themselves and the person in the "panama suit" and the one with the sun shades agree that they are good fellows then the men may continue in office.

In the case of the Director of Audit it must mean that he must close his eyes to the millions of dollars being illegally spent by this Government. In relation to the Commissioner of Police it means not only

that he must be obedient to the lists from the Minister of Home Affairs connected with promotions but that he and his men must be less than vigilant when it comes to arresting certain persons. That is what it means and that is why political control of these offices is de hors the Constitution. *[Interruption.]*

I have been asked: Where does this provision contravene the Constitution? I say that the spirit of the Constitution is clear. We are to prescribe an age limit in this House. Let us say it is 50 or 55 years; these men should not be allowed to continue in office dependent on the goodwill of the Government alone. To have such a provision would be to circumvent, in the most lawless manner, the protection enshrined in the Constitution. In the case of Mr. Felix Austin as well as in the case of the present Director of Audit, when they attain the age of 55, if this iniquitous Bill is passed and if they wish to continue in office, they will have to depend on the goodwill of this Government. This must be a subversion of the provisions of our Constitution. *[The Prime Minister: "I see why you stuck to teaching."]* This interruption is deliberately designed. The Prime Minister will have a chance to reply if he can.

This is not a matter to be taken lightly. The Constitution of our country is the basic charter of the liberties of our people and we in this Chamber are the guardians of the spirit and letter of the Constitution. Only last week we prescribed that if a naturalised Guyanese showed disloyalty, by thought or deed, to the Constitution he should be deprived of his citizenship because the Constitution, as the hon. and learned Prime Minister rightly remarked, is a sacred document.

I ask all Members of this Assembly: Is it not the intention of our Constitution that certain offices, the Judges, the Ombudsman, the Commissioner of Police and Director of Audit, should so so placed as never to be subject to political manipulation or pressures. It would destroy, in the eyes of the people, the very usefulness of these men if they were manifestly seen to be creatures

[MR. LUCK]

of the Government. That is a thought that seems to have eluded members of the Government.

It is a trite principle of political science that if men like Judges are manifestly seen to be unfair they create more revolutions than anything else. These men, the Judges, the Ombudsman, the Commissioner of Police and the Director of Audit, should be — and it is so provided in our Constitution — beyond political manipulation. I again ask this Assembly: If we pass this measure under the cover of the exercise of our powers under the Constitution for prescribing an age limit for the vacation of office, if we pass this measure to the effect that they must vacate office at 55 years but may be allowed to continue until 60, subject to the wishes of the Government, surely as soon as they reach 55 their actions will be open to question. Their integrity will be in dispute because men will say they are acting like gentlemen because they want to continue in office. Our Constitution is a sacred document designed to provide against this form of manipulation and pressure.

I now come to the affair of Felix Austin. It is common knowledge that this affair has caused this measure to be brought before this Assembly. May I say that this Government seems to have put itself in an exceedingly difficult position. I make the prophecy that, arising out of this malodorous affair, the Coalition is now at the beginning of its end. [Hon. Members (Opposition): "Hear, hear."] We are passing this law so that one Austin should replace the other Austin. That is common knowledge. What happens to the substantive holder of the post of Deputy Commissioner of Police? Should the United Force stay silent in this matter it will have to be silent forever in this country. Let no one doubt this. Many measures have been brought to this House about which the Coalition Government was uneasy. The two parties were at variance. However great their differences, nothing had yet struck at the root of the alliance. As a student of politics, I make a prophecy that the appointment of

one Austin in the place of the other Austin and the by-passing of Neil Isaacs will signal the beginning of the end of the Coalition Government. I say this positively.

3.30 p.m.

We come to the position of the Director of Audit. I understand that this gentleman retired and was paid a very handsome gratuity, severance pay, under the Constitution and he is now a mere hold-over. He is, in short, a temporary appointee. Did not this Government know this? I also understand that this month the man is going to England to represent this country. What sort of Government is this? We are a young nation and if these men must be Guyanese, as they ought to be, then surely, if the Director of Audit has this year or within the last twelve months attended three conferences abroad, didn't the Government know that the man should resign? Why didn't the Government take steps to see that a Guyanese fellow who would take over from him should attend at least one of these conferences?

What is the significance of having Guyana represented in England, at this moment, by an Irishman? How does the Government explain sending a man who it is about to retire three times in one year to represent this country abroad, to gain experience which would be invaluable to this country? I also understand that in the Audit Department there is a great deal of dissatisfaction over this matter. This gentleman resigned but he still holds over.

[The Prime Minister: "He does not; you must get your facts straight."] I know he has resigned; he has drawn severance pay — [The Prime Minister: "You misunderstand the term."] — or he is about to draw.

In conclusion, may I say that this Government owes an explanation to this country about this Felix Austin affair. It is not merely infelicitous, it is stinking. All the circumstances would go to demoralise the spirit of all men of integrity wherever they may be found — in the Civil Service, in the Government service of this country. How can it be right that a man against whom nothing can be alleged, who, but six months

ago, was in the highest favour with this Government, a man appointed to one of the highest offices under the Constitution, should be dismissed higgledy-piggledy forthwith just like that? This must surely lead to demoralisation in the entire Service, and this call for efficiency would be but sounding brass and tinkling cymbals if men who hold the positions of Commissioner of Police and such like are to be dictated to by office boys, panama suits and so on.

How can you speak of efficiency when leading men in the community are to be throttled for merely claiming to exercise their independent judgement on matters which fall within their authority? This is the false position in which this Government has now placed itself. It is unable to say one honest word against the man Felix Austin. Let it say if it can. Good heavens, only on May 26th I was at "The Residence" with Messrs. Felix and Carl Austin and we were all drinking happily together. It never crossed the mind of Felix that he would be so unhappy at this moment. That was on May 26th. [Mr. Hamid: "That was the last supper."][*Laughter.*] Felix was very happy at the time and Carl was merely hustling.

Imagine the effect on the whole Police Force. The morale in the Police Force today is at its lowest ebb. Some people are very happy and some people are very sad. We live in a small country where a man's connections are easily discernible. Now it has been maintained publicly that the reason for Mr. Felix Austin's unhappy plight is because, having been presented, shortly before his departure to the United States, with a list of promotions – I do not think the paper was blue-green – he refused to take the necessary action forthwith on that list. For that reason he was removed. Imagine this position: how was that list constructed? That is the question.

**Mr. Deputy Speaker:** The hon. Member has another minute.

**Mr. Luck:** That is all right, I will get an extension. Before I forget, may I say that both offices call for such skill, learning, experience and wisdom that it would be altogether wrong to fix the retiring age at 55 years. Who can argue that we have, in this country, so many people who can fill these positions? Who can argue that at the age of 55 years a man in Guyana becomes senile?

Who can so argue? My hon. Friend Mr. Joaquin is 60 years, and while he is showing signs of wear, he is not more stupid now than he ever was.

**Mr. Deputy Speaker:** Time!

**Mr. Khan:** I beg to move that the hon. Member be given an extension of 15 minutes to continue his speech.

*Mr. Persaud* seconded.

*Question put, and negatived.*

3.40 p.m.

**Mr. Bhagwan:** I think that hon. Members will remember that some time ago the National Security (Miscellaneous Provisions) Act was passed, and then the Expulsion of Undesirables (Amendment) Act was passed. We now have an Act prescribing the retirement age of public officers. The common element in these pieces of legislation is that they were motivated by particular situations as distinct from the legislation that goes with planning and foresight. It is not that the legislation is unnecessary but it would appear that the legislation has been introduced on the spur of the moment as an expedient. Hon. Members are aware that the function of the entire Parliamentary system is that all schemes should be well thought out and should allow for flexibility so that the House finally arrives at what is in the interest of the country.

We, in this House, are called upon to give attention to many bits of legislation that are clearly within the realm of political manoeuvres, that are petty in nature and motivated sometimes by vindictiveness. In this case, the legislation is not entirely without malice and there is a controversial point in what is the prescribed age of retirement for public officers and in respect of officers of whom there is a scarcity.

It may be that the qualities required for the posts of Director of Audit and Commissioner of Police have not been in as great demand as technically qualified people. The Commissioner of Police with his wealth of administrative experience, developed during the kind of service he has had, and skill depending on the character of the man and the specific training he may have had, is a type of person easily available in our country. Administrative posts generally can be filled easily in a country like ours because

[MR. BHAGWAN]

there is a vast army of people in the Service demanding promotion. For this reason the retirement age should not be more than 55. We are a young country. There are many people looking for jobs today. The Service is becoming small.

With respect to the position of the Director of Audit, I should think that a great deal would depend on the man, and that there are many people who are qualified academically and otherwise to fill the position. It is therefore a matter that can be decided by this Parliament to fix the age at which he may retire.

There are some other matters relating to the Constitution which the hon. Prime Minister cited. I recall that he said this:

“The Commissioner of Police shall be appointed by the Governor-General, acting in accordance with the advice of the Police Service Commission:

Provided that the Commission shall not tender any advice for the purposes of this paragraph unless the Prime Minister concurs in that advice.”

It would appear that there is some conflict, if not in fact at least in spirit, with the preceding Article 106, in which there is an allowance for an opinion by the Opposition Party. I would gather that one of the reasons for allowing the Opposition Party to fit into this place is to allow a discussion and a consensus to be established with regard to points that are vital, but the next Article gives the Prime Minister extraordinary powers with respect to the appointment of the Commissioner of Police, who himself has been burdened with a great deal of powers. For example, Section (3) of Article 108 states:

“The power to make appointments to any offices in the Police Force below the rank of Inspector, the power to exercise disciplinary control over persons holding or acting in such offices and the power to remove such persons from office shall vest in the Commissioner of Police.”

If we look at the powers given to the Commissioner of Police under the Constitution as well as the powers that flow

from all these functions, it would be clear that that section that gave a voice to the Opposition would become meaningless if the Commissioner of Police was in collaboration with the Government. We all know that the Constitution has been criticised and is not nationally acceptable. We know that what keeps the law going is the force behind the law. The Constitution is definitely not acceptable to the people of this country and the hon. Prime Minister is not being honest when he says that he is just passing legislation that is envisaged by the Constitution.

We are dealing with one segment of the military structure. The police definitely have more powers than the civilians. The police definitely have a vital role to play in the event of any serious power struggle in the country. The police have such powers as to quell disorders and set up internal security systems. They have wide powers security-wise 3.50p.m.

Therefore, it would mean that whoever controls the police, in effect controls a very vital section of the military. The Prime Minister, according to the Constitution, would definitely have an extraordinary amount of control over the Commissioner of Police, though he would have to concur with recommendations made by the Police Service Commission. I would have brought about the machinery that allows for some measure of consensus. An appointment of this nature should allow the parties represented in Parliament some say — [Interruption.]

If you were to look at the legislation, you would see that *ex facie* it is completely innocuous. The Government has prescribed the age limit as 55 for the Commissioner of Police. I should like to ask the Government some questions. In an office like that of the Commissioner of Police, would it be its policy to advocate the retention of any person who goes over 55 years? For example, if a man is particularly capable and efficient, if he has done his job well and is physically capable of carrying out his duties and there is no great demand for his removal, would Government's policy

automatically remove him when he reaches the age of 55?

It is clear from these dismissals and appointments, that no policy has been established. Why was one man removed and another man placed in the position? Why was one man taken off at the age of 55 and another was allowed to remain after the age of 55? Why, for example, is Mr. Felix Austin being removed for Mr. Carl Austin? If the Government were to state clearly what principles operate when it makes these decisions, this Parliament would be in a better position to vote. But Government has said nothing and we have to speculate. Fortunately, this is one case where speculation does not have to be indulged in because what is involved is a case of one gentleman against another. If Government proceeds on this basis of bringing legislation to fit people as a result of conflicts that arise, then Parliament will be a complete farce. We are merely talking on a matter that has already been decided on by the Government. What is the use of having a parliamentary system?

It is clear that those who talked most about freedom, procedure and co-operation have, during their period of office in the Coalition Government demonstrated palpably that Parliament is a mere expedient, and that whatever has to be done on the basis of national interest will be done irrespective of what situation exists in the country, irrespective of what are the feelings of the individuals in the country. It is therefore distressing to know that we are always called upon to debate matters which had already been discussed and decided to finality in other places.

With respect to the present dispute as to who should fill the post of Commissioner — [The Prime Minister: "There is no dispute."] As far as I am concerned there is a conflict and this legislation has been brought to settle that conflict. This Government has always claimed that it plans properly. This gentleman was sent to the United States for training. But, finding that he does not toe the line as he is expected to do in these

matters, he is to be removed at the whims and fancies of the Government. So, Mr. Carl Austin may get Mr. Felix Austin's position. But what happens when Mr. Carl Austin becomes disgusted too?

I have had occasion in this House to talk of the problem of the brain drain. This is clearly a case where there is no established principle in dealing with officers of the Government. If you do not establish very clearly what is the criterion for appointments or dismissal, then you might as well not have any Public Service at all. As far as we are concerned, it is not a question of Mr. Carl Austin being more efficient than Mr. Felix Austin. It is a question of this Parliament establishing an excellent criterion that will be used for promotions in the Public Service as a whole.

In this case, one observes that a campaign is being conducted on behalf of Mr. Carl Austin. I do not think that newspapers should be used for these manoeuvres. In the absence of Mr. Felix Austin during the last few months; it was abundantly clear that a stage was being prepared by the *Guyana Graphic* precisely for the removal of Mr. Felix Austin. The *Guyana Graphic* should not allow itself to be used in this petty manoeuvre. It should not allow itself to be employed as a vehicle for the promotion of officers in Government. What kind of morality are you establishing in the country at large? Public officers are being put in a favourable position because of the fact that the Government has a particular course at the back of its mind.

*Sitting suspended at 4 p.m.*

4.36 p.m.

*On resumption —*

Mr. Deputy Speaker: The hon. Member Mr. Bhagwan may continue to speak.

Mr. Bhagwan: Before the suspension I was making the point that the newspapers of our country should not allow themselves to be used in promoting personalities within the administration. Furthermore, they should not allow themselves to be used, directly or indirectly, by the Government of the day to



[MR. BHAGWAN]

further the case of any political candidate for political positions.

I think it is very necessary for us as a young nation to start thinking about establishing a morality that transcends petty party political manoeuvres. I think it is the responsibility of the Government to start reconsidering the entire question of the Public Service, the whole question of criteria for filling of positions, for we must remember that while it is a peripheral question, jobs in a society like ours are always the focus of attention and the society becomes easily disturbed whenever a Government or a party, starts to manipulate or manoeuvre among men for filling of positions, and ousting people from positions.

When politics revolves around appointments and in every sphere there is the taking on and dismissing of men, especially when this happens in the Public Service, then you are in a state of breaking up your society completely. If the society becomes satisfied that the criteria will be scrupulously used for promotions and appointments, as based on ability, experience and training, then you will find that the basis for efficiency is there and we do not have to resort to fabrications and to facades. We do not have to establish all the forms of Government, all the forms of national development, on a very rotten and sandy basis.

The Prime Minister has some very brilliant ideas, Caribbean unity, Efficiency Drive, with a Council set up, co-operative seminars, self-help seminars, but one stroke like the fiasco now encountered with Felix Austin and Carl Austin pulls down the whole edifice that he tells us he is building. All we are doing is engaging the nation in a farce in which the people know what we are doing and yet we tell them we are doing something else. The whole country knows that what we are in reality discussing in Parliament today is not the proposed legislation. What we have come to debate is the appointment of Carl Austin as against Felix Austin and the manoeuvring of men. The Government places

Guyanese in the position of allowing themselves to be manoeuvred for jobs and allowing the Government itself to set one man against the other in the administration.

If this process goes deep and far enough then we will be building up a Stalinist empire in Guyana, using men against men, and the loyalty that we will be looking for will hardly exist at all, and every single day and every single year we will find new boys in new jobs, new jobs created for new boys, with the result that none of this programme will get going and the country will be obsessed with political power struggles.

I am suggesting that if the Prime Minister wishes to establish *bona fides* with respect to the proposed legislation, the whole issue involving the Austins should be dropped. I think that if Mr. Felix Austin is needed in the Service by virtue of his ability, if there is no mark against the man, then the Government should allow him to continue in the Service. It should use its discretion and at some later stage decide whether he should go to the age of 60 or not. If the Government does not retrace its steps in this matter, then all the blatant mistakes it has made will be seen and the images which it has been seeking to build up painfully are going to be shattered.

In fact, the present blunder that the Government has made has astounded me when I think of all the work the Minister of Information has been doing. The poor fellow is not assisted by the Prime Minister at all.

With respect to the position of the Director of Audit, I hope that this gentleman who has proved himself rather efficient and indeed has done admirably well and demonstrated his integrity and refusal to be influenced by political considerations, with solicitous care for financial procedures – [Mr. Ram Karran: "Say that when he is dead."] – hope that he will not die soon and I hope he will not suffer for the courage he has exhibited in the report he made on the country's finances.

I wish to reiterate that I accept the age limit prescribed but I deplore the circumstances which have been produced

and the environment in which the measure is being pushed. I wish the matter to rest. It is not a matter of urgency; it involves two positions. It is not a political question, and it would display on the part of Government a spirit of compromise and at least a susceptibility to reason from this side of the House, should the Government accept my advice.

4.45 p.m.

I do not say that this side is always correct but sometimes I think the Opposition must be heeded. I would suggest, therefore, that the Government allow Mr Austin to continue in the Service for at least another year. We should not make officers in the Public Service feel unsure of what the future holds for them. I hope that the Government, led by a very able man in some respects, would be persuaded by reason and logic.

**Mr. Wilson:** In making my contribution to the debate on this measure before the House, I should like to stress the implications which this measure has for Guyanese holders of the positions involved. Now we started off very well on the question of Guyanisation as regards the post of Commissioner of Police. [The Prime Minister: "You did not start at all."] It is true that this could not be done until we were independent. Now that we have started we have found ourselves in the position where the first Guyanese Commissioner of Police since Independence is rather old and it will be a pity to cut this gentleman off so abruptly after he has proved himself an efficient Commissioner of Police.

As I think about this I am worried about certain things. Why was the Commissioner of Police sent on this course of observation in the United States? Was there any purpose behind it? Was it only that he went on holiday? I heard the Minister of Home Affairs uttering "yes," but not convincingly. He cannot stand there and convince this House that the Commissioner of Police was sent on this trip just for the sake of a holiday.

I want to feel that some useful purpose was intended, that this course was intended to assist him in carrying on more efficiently as Commissioner of Police for some years to come. I want to feel so. If it is not so, I

would charge this Government with wasting taxpayers' money. Whoever is responsible for sending this gentleman on a course to observe what is happening in Police matters in other parts of the world should be asked to refund taxpayers' money. Is it that the Commissioner of Police has been sent on this course to prepare him for another job — involuntary retirement? He is supposed to retire at the age of 55 years. Is there another job intended for him? Will the Government take us into its confidence and let us know whether it intends to put him in another post? Why this indecent haste to push this gentleman out?

I should like to say, at this stage, that Carl Austin, Felix Austin and Neil Isaacs are all the same to me; they are Guyanese. There is a Guyanese proverb: "Fowl cock gat dance, cockroach na gat business dey." I would not enter into any quarrel about these people, I think of them as Guyanese. I feel that as this is the first Guyanese Commissioner of Police in an independent Guyana he should be kept on. There is very good precedent for this in the Constitution of Guyana. We agree with the Constitution that an age must be fixed. The Constitution states:

" . . . the Commissioner of Police shall vacate his office when he attains such age as may be prescribed by Parliament."

Why is the age 55 years? Why not 50, 54, 58 or 60 years? I should like to point out to this Government that, in the Constitution, there is a precedent for selecting a certain age; it could be 50, 55 or 58 years. Before Independence the Commissioner of Police was subject to the rule of the expatriate Governor. How does this Guyanese Commissioner of Police behave himself in an independent Guyana under a Guyanese Prime Minister?

Article 97 of the Constitution defines these words with respect to the Director of Public Prosecutions:

" Provided that the Governor-General, acting on the recommendation of the Prime Minister after consultation with the Leader of the Opposition, may permit a Director who has attained the age of sixty years to continue in office until he has attained such later age, not exceeding sixty-five years, as may (before the Director has attained

[MR. WILSON]

the age of sixty years) have been agreed with the Director.”

I was quoting from page 75 of the Constitution of Guyana.

4.55 p.m.

Why must the Director of Public Prosecutions be allowed 60 years? Why not 60 years for the Director of Audit and the Commissioner of Police? Without further ado, I shall invite the hon. Prime Minister to consider the proviso which is in the Guyana Constitution:

“ . . . on the recommendation of the Prime Minister after consultation with the Leader of the Opposition, may permit a Director who has attained the age of sixty years to continue in office until he has attained such later age, not exceeding sixty-five years . . . ”

I trust that the Government will accept this very reasonable suggestion in the interest of Guyanese, who are likely to fill these posts.

**Mr. Hubbard:** The Constitution provides that Parliament should prescribe the age of retirement in respect of the two offices which are the subject matter of this Bill and the Opposition concedes that the Government must discharge its Constitutional obligations. As a matter of fact, it has been our consistent criticism of the Government that it has not been discharging its obligations under the Constitution. It is important for the peace of mind of any community that it should be able to feel that the security forces which are charged with maintaining law and order do so according to the law as it is written in the books and not according to the dictates of individuals.

It is most regrettable, indeed, that the Government in seeking to discharge a Constitutional obligation, should have waited to do so until a controversy of great proportion had arisen in connection with the holder of an office which is the subject matter of this Bill. Reference was made by an earlier speaker, to matters brought before this House. In fact, the Constitution was conceived in those circumstances and this can do nothing more than re-inforce the opinion which is growing widespread, that we are moving towards a dictatorship.

I had hoped that when the hon. Prime Minister had introduced this piece of legislation in Parliament, he would have coupled it with a full, complete and satisfactory explanation of the existence in the office of the Commissioner of Police of two persons dressed the same way and claiming to exercise the functions of that office. The hon. Prime Minister has failed to do so and in having failed to do so in the first instance when the opportunity was afforded him, he has done nothing more than confirm the suspicions which have been generated in the minds of other persons.

We must not, in looking at this matter, allow ourselves to be involved in personalities. We are concerned with the office of Commissioner of Police and we are concerned that the office of Commissioner of Police should function as the Constitution clearly intends, that it should function free of precise directions on how discipline and lower promotions should take place in the force. The policeman's lot is not an easy one. An unusual English knight, Sir W. S. Wilbert, said this many years ago but unfortunately, it is a fact that a policeman has a very difficult duty to perform. If he has to discharge that duty fearlessly, then he must occupy his office in the absolute certainty that in the exercise of his judgement, he may not be called into question by someone else, having authority over him unless in exercising his discretion he is guilty of misconduct. His is the kind of office like that held by a judge. He must serve all sections of the community and must at no time appear to be the creature of an individual or a section of the community. I regret that the Government, which has just taken \$50,000 out of the Treasury for its propaganda Ministry, should have created so grave a blunder as to do what it is now doing without at the same time presenting an adequate explanation.

5.05 p.m.

There is a possibility, of course, that there is an adequate explanation. The Commissioner of Police was sent on an observation tour of the United States of America. It was made perfectly clear from all the statements that have emanated from the Government, that it was an observation

tour, and some people feel that the reason for the situation now existing is, that the Commissioner of Police, having been observed in Washington, was adjudged unsatisfactory for some reason, and directions have been handed down requiring that he be removed. I have no evidence that this is true just as I have no evidence that the other reports are true — that when the Commissioner of Police got his appointment, he also got a list of promotions that he was required to make.

But these are harsh rumours in our community and, their currency is sufficiently widespread to cause grave disquiet in the minds of persons whose one purpose is to live as decent citizens and help their fellow men. The Prime Minister, as head of the Government, owes this nation a duty to exercise the powers of his office so that all may feel assured of protection from persecution. I submit that the manner in which this Bill is presented to this House, which is intended to discharge a constitutional obligation, does more harm to the tranquillity of this nation than anything else that has been done in recent times, not excluding the passage of the National Security Act.

I had hoped that the Prime Minister would have displayed a little more wisdom, and for once, come at the beginning of this debate and tell this House and the nation what the crisis in our Police Force is all about. The Prime Minister has not done so and this House, this nation and the world at large will understand that whatever the Prime Minister will now say will be a statement forced from him by criticisms and, therefore, not as valuable as if it had been voluntarily given. It will be, so to speak evidence under duress rather than evidence given voluntarily and fully.

This Government has made many errors and it will continue to make many errors. Most of its shortcomings will have their being in the same source — the belief that those who sit on the opposite side are there to rule and not to govern. The Prime Minister said that the power rests with the Government. Well, if the power rests with the Government, so be it for the time being. There have been many Caesars, there have been many Hitlers and there have been many Mussolinis with whom power had

rested, but only for a while. Finally, the power rests with the people. I invite the Prime Minister and his colleagues on the other side to weigh well the reality that power rests with the people, and it is only enjoyed by individuals and by delegation for a period of time. What the Prime Minister will say at the end of this debate is anybody's guess, but I have not the slightest doubt about what the nation will think. They will feel that it is just another statement like so many of those which have been made before, words to trap the unwary and excuses for the inexperienced.

I think that this is a solemn occasion, and I would use the solemnity of this occasion to ask the Government to mend its ways and to act with reason and with restraint. If it were necessary to decide that the original choice was a bad one, and that if a man makes a mistake once he is likely to continue in error, then, surely the nation would have been satisfied if a confession of irresponsible behaviour had been made in the first instance because, if ever there is a forgiving nation, it is the nation of Guyana.

I hope that when the Prime Minister speaks he will say something which will tend to make us feel that persons serving the public and holding high offices do not have to lose sleep at night because they may incur the displeasure by some act or deed and unconsciously offend the holder of an abnormally great amount of power, an individual who has demonstrated in the short space of 2½ years that power can fly to the head and become as intoxicating as alcohol, and produce the irresponsibility that alcohol produces.

5.15 p.m.

I hope that we will hear from the Prime Minister something that will still the fears which have been brought on by this truly disgraceful and disreputable behaviour.

Dr. Jacob: Most Constitutions of modern states seek to insulate certain high officers from political interference in order that some safeguards may be provided against despotic rule. It seems to me that the Constitution of Guyana, as devised by the parties in the present Government, does provide this kind of safeguard.

[DR. JACOB]

The Bill now before the House has already been described as iniquitous. It seeks to vest in the various Service Commissions a discretion to extend the age for vacation of office by certain high officers who should be beyond the reach of politicians of all sorts. The Service Commissions have recently been subjected to criticism because of the manner in which they have been discharging their lawful responsibilities. I do not wish to say that the Service Commissions are merely rubber stamps, or that they carry out the wishes of the political Government regardless of the interests of this community, but one must have serious doubts about the impartiality of these Service Commissions when one takes notice of the types of appointments and promotions that have recently been made in the Public Service of Independent Guyana.

If, for argument's sake, these Service Commissions do perform at the dictation of the political Government, it seems to me that the provision whereby these Commissions will be vested with a discretion will open the way to even greater dissatisfaction than exists at the present time in our country. It will open the road to large-scale corruption and eventually to despotic rule in Guyana.

I wish to compare the case of the Commissioner of Police with that of the Director of Audit. From all that has been said so far, and from what has been reported and commented upon elsewhere, it is clear that a move is afoot to get rid of the Commissioner of Police. In the case, however, of the Director of Audit, I have been reliably informed that the opposite move is contemplated. In other words, at least one party in the Coalition would wish to have the expatriate Director of Audit continue to serve in that post even after he has attained the age of 55 years.

Now, what is the reasonable inference to be drawn from this plan to perpetuate the present holder of the post of Director of Audit? If the present Commissioner of Police is being got rid of because of his refusal to accept dictation, what is the reasonable

inference to be drawn from the desire to perpetuate the present Director of Audit in his post? Is it that he will accept dictation? These are questions which occur to me and which are causing some concern to members of the community. We wish to have answers to them during the course of this debate.

Apart from the fact that the Director of Audit's Report on the expenditure of public moneys has disclosed a scandalous state of affairs, if, for argument's sake again, this Director of Audit is subject to the will of the political Government, is it not reasonable to assume that the state of affairs is even more scandalous than disclosed?

With respect to this same post, it now occurs to me that after all the principle of Guyanisation, nothing is being done; nothing has been done to apply this principle to this important post. What, may I ask, is the Coalition's concept of Independence? There are competent efficient and incorruptible Guyanese throughout the Public Service, officers who can fill the highest posts in the land, but many of them are becoming frustrated over political interference by the Government in the functioning of all the Service Commissions. Many efficient and incorruptible Guyanese have been forced to resign from the Public Service and to seek employment abroad.

5.25 p.m.

Many have been by-passed; their juniors have been promoted over their heads. These are the matters which are causing grave concern to the various unions representing civil servants and other employees of the Government. Political patronage seems to be the order of the day. Guyanese are being humiliated everyday because of this political interference. That is not all. Apart from humiliating and victimizing them, what do we find? Expatriate officers who have served well and who should be asked to retire, or who can retire, are being doubly rewarded.

Let us take the case of the Director of Audit. This gentleman was employed in this country in colonial times. With the advent of Independence he has been handsomely compensated for his services under the

Overseas Service Aid Scheme. Why does the Government wish to continue his employment when there are competent officers to fill the post of Director of Audit? Is it because many of the sins of the Government will remain concealed? On many occasions the P.P.P. has drawn attention to the large number of frauds and irregularities in the Public Service and no Report, except the last Audit Report for 1965 which dealt with the matter rather superficially, has been made to this Parliament.

Then we hear much talk about increasing the efficiency of the Public Service. How is this possible when competent and honest officers have been forced, because of political interference in the Service Commissions, to resign from the Service and leave the country? The Leader of the P.P.P. has characterized the efficiency drive as a red herring to divert attention from the social and economic problems of the Government. That was a general statement but I wish to be more specific.

The Government realises that, with the spiralling cost of living, many demands are being made by civil servants and Government employees for better remuneration and conditions of work. This efficiency drive, to my mind, is designed to block these demands. The Government can very well say to the civil servants: "You are not efficient, you are not producing, you are not performing well, yet you come and make demands." I wish the C.S.A. and those other organizations that cater for employees of the State will take note of this move on the part of this Government to stem the tide of demands, which is justified, for better remuneration and conditions of work.

All of the recent activities of the Government, and particularly those with respect to the Commissioner of Police, have been criticized and condemned by the most ardent friends of the Government. Even they have seen the evil that lies ahead if this Bill becomes law. The members of the Government cannot say that the Roman Catholic hierarchy in this country is opposed to them,

I wish, in conclusion, to say this: As Chairman of the Public Accounts Committee it would be a waste of my time - and my time is valuable - for me to serve on that Committee if the present Director of Audit presents Reports which gloss over, conceal, do not expose fully all the corruption and irregularities committed by civil servants during the regime of this Coalition Government.

**Mr. Deputy Speaker:** You are not making that statement as Chairman of the Public Accounts Committee. You are making it as a Member of this House.

**Dr. Jacob:** I am issuing a warning that I shall be no party to any irregularities or a stooge of the Government and, in the light of my remarks I shall act with the full concurrence of the People's Progressive Party. I say that this Bill seeks to vest in the Service Commissions authority which will be misused by the Prime Minister of this country, and when we go into Committee stage - since the Bill will be passed - I will move an Amendment with respect to the post of Director of Audit.

**The Prime Minister (replying):** There has been quite a long and interesting argument on what I would submit is a very simple bit of legislation in which there is no involvement of personalities. As pointed out in the Bill itself, two of the Articles - 98(3) and 107(3) - of the Constitution make provision for prescribing the ages of two persons, and that is what is being done now.

I am rather surprised that the Opposition should be so scurrilous as to suggest that, in the case of the Director of Audit, there is the ulterior motive of getting rid of a man who made stringent criticisms of the public accounts during the year 1966. Some of the persons who made these remarks are persons who have practised at the Bar and it becomes all the more difficult to understand that members of the legal profession would venture opinions without ascertaining facts.

Now the Director of Audit was born on the 29th April, 1916. According to the

## Reading

## (Amendment) Bill

[THE PRIME MINISTER]

school I attended, that makes him 51 years in April, therefore, fixing the age of 55 could not affect him. Secondly, in so far as the Director of Audit is concerned since he is a designated officer, he could, under the Agreement between the Government of Guyana and the Government of the United Kingdom on the attainment of the former's Independence, be asked to leave, so there is no need to pass any Bill. In fact, I may say that one of the principal reasons for bringing this Bill before the House springs from the fact that the Director of Audit has been attracting recently to Government's attention the fact that his age of retirement is not prescribed, as laid down in the Constitution.

5.35 p.m.

I was saying that the age of 55 has been questioned. I did, in my introductory remarks, allude to the provisions of Section 10 of Ordinance No. 38 of 1957, where the general age of retirement of public servants is 55 so there is absolutely nothing unusual about suggesting 55 years. In the case of judges, the Director of Public Prosecutions and the Clerk of the Parliament, there has been a departure from the age of 55, so convinced were those who had to make the decision that in those cases there is a large measure of expertise built up over a number of years which one would not readily want to dispose of, and in the case of the post of Clerk to the Legislature, there are not many comparable posts, so advantage is taken of the expertise for as long as it is possible.

When the present incumbent of the office joined the Force, when he was promoted to the commissioned ranks, he knew that his normal retirement age would be 55. Indeed, so unschooled and so void of research are the members of the Opposition, that they forgot that in the famous "gasoline" Constitution prepared and promulgated by the hon. Dr. Fenton Ramsahoye, the proposed provision for the Commissioner of

Police was 55 years with a maximum extension of six months, but so intent are the members of the Opposition on criticising anything that comes from this side of the House that they will contradict themselves and go against anything they proposed with such vulgar vehemence.

It seems to me, therefore, that there can be no question of the age. Maybe there is a good argument for the age of 60, but it is the Government's view that if the age is to be 60, it must be the age for all public officers. We can recognise no peculiarity about the Commissioner of Police. We can recognise no rationale which would lead us to say that the Commissioner of Police should be taken out of the general run of things in so far as the retirement age is concerned. If Parliament subsequently finds it necessary or advisable to fix the retirement age of public officers at 60, I can assure this House, in so far as I am concerned, in so far as the Members of this Government are concerned, there would be the same change of the age of retirement of the Commissioner of Police.

The Opposition has sought to hang a number of baseless criticisms and scurrilities on the Government. There has been the allegation that the present incumbent of the office of Commissioner of Police was given an extension. Well, to clarify things; when the present incumbent of the office was acting Assistant Commissioner of Police, on the representation of the then Commissioner of Police through the Minister of Home Affairs to the Police Service Commission, it was pointed out that the Force was not so strong in that echelon and therefore it was desirable that he be allowed a year's extension. He was granted that qua Assistant Commissioner of Police (Training). [Mr. Luck: "That is the first time such a thing has been done. A man is granted a year's extension as a person."] That has absolutely nothing to do with the present Bill.

The suggestion has been made that the man was given an extension as Commissioner of Police. He was not. There has been the other argument that the present

Commissioner of Police is 55, and so far as I am aware, the present Commissioner of Police has not attained the age of 55 and it is not relevant to consider whether he is at present, in the future or in past 55. It is said the present incumbent has fallen into disfavour and someone acting in the post has attracted favourable notice from the Government because of promotions. I think the hon. Mr. Luck did not know until I spoke to him a few moments ago that all appointments from Inspector upwards are appointments of the police Service Commission. All appointments below that rank are appointments of the Commissioner of Police. I have no interest at a personal level in the Commissioner who was acting or the Commissioner who is the holder of the post. All I should remark, is that promotions on the spot, far from being unknown to the police force, have been part of the pattern whenever Commissioners have visited various stations and it is not for me, or the Minister of Home Affairs, or the Government to enter into the question of the day to day operational control of the Force. It is not within my competence to question promotions below the rank of Inspector or above the rank of Inspector. The Constitution has reposed in the Commissioner, who has been designated, the power to make promotions. [Mr. Luck: "Is it proper that a man, who has been acting only for two months, should award all those promotions?"] It is no wonder that he had to flee to his father's school to earn a living and desert law.

5.45 p.m.

It is not for me to question promotions above or below. Promotions above are the responsibility of the Police Service Commission. Promotions below are the responsibility of the Commissioner of Police. But the Prime Minister has a constitutional power, and an obligation to exercise that constitutional power so far as the Commissioner and the Deputy Commissioner of Police are concerned.

On both occasions when those offices came up for consideration, I exercised the constitutional power vested in me as Prime Minister. I will not enter into secrets as to whether I accepted the recommendation or not. But what I am saying is this. The Constitution gave the Prime Minister the power and he exercised that power within the Constitution so far as the two posts were concerned. In spite of the shibboleths and hypocritical pratings of those who talk about democracy and praise Mao-Tse-Tung, the right of the Prime Minister to concur in appointments to the posts of Commissioner of Police and Deputy Commissioner of Police is something which appears almost in common form in the Constitutions of recently independent Commonwealth countries; so there can be no suggestion of personal tyranny.

Finally, I should like to say that the question of the extension of the age limit for which the Commissioner of Police may serve is not a matter which, by the Constitution, should excite consultation with the Leader of the Opposition, and Government does not propose to accept such a suggestion. [Mr. Wilson: "What about the D.P.P.?"?] The D.P.P. does not have to be appointed with the concurrence of the Prime Minister. The D.P.P. has to be appointed after consultation with the Prime Minister. But the Commissioner of Police has to be appointed with the concurrence of the Prime Minister, and there is no proposal on the part of the Government to extend any consultation on this. The Commissioner of Police and the Deputy Commissioner of Police must be men in whom the Prime Minister has full, absolute, unequivocal and unmitigated confidence. That is the *litera* and the *sententia*.

Let us not fool ourselves. The present Prime Minister - I cannot speak for others who may succeed me - does not propose, in circumstances like this, to enter into any consultation. When a head of Government appoints or removes his Chief of Staff, it is a matter for the head of Government. If any calamity befalls the country, it is the head of



[THE PRIME MINISTER]

5.55 p.m.

Government who must accept that. It is a point on which he cannot abdicate his responsibility, his power and his discretion.

Therefore, there is nothing in the text of this Bill which will suggest that the present Commissioner of Police is going to leave when he attains the age of 55. As far as I am concerned, he is not yet 55 years of age. This is a matter on which I will exercise my mind before he is 55, and if the necessity arises and I do not see fit to exercise the discretion which this present Bill when enacted will give, that is, an extension beyond the age of 55 for not more than 5 years, or if there are any further murmurings and accusations, I shall consider that that is the time for the person who is vested with the authority to exercise a discretion to make a statement in this House. In the meantime, I will not jump my hedges before I reach them. I merely commend this Bill for a Second Reading.

*Question put.*

*Assembly divided.*

The responses were as follows:—

Ayes	Noes
Mr. Wharton	Dr. Ramjohn
Rev. Trotman	Mr. Persaud
Mr. Thomas	Mr. Ally
Mr. Prashad	Mr. Luck
Mr. Sancho	Mr. Hamid
Mr. Mahraj	Mr. Wilson
Mr. Field-Ridley	Dr. Ramsahoye
Mr. Kasim	Dr. Jacob
Mr. Budhoo	Mr. Chandisingh
Mr. Blair	Mr. Ram Karran — 10
Mr. Too-Chung	
Mr. Joaquin	
Mr. Duncan	
Mr. Bowman	
Mr. deGroot	
Mr. Singh	
Mr. Merriman	
Mr. Kendall	
Mr. Jordan	
Mr. John	
Mr. Correia	
Mr. Cheels	
Mr. Bissember	
Dr. Reid	
Mr. Burnham — 25	

Mr. Luck: I would like to ask for a recount. The votes are clearly wrong.

Mr. Deputy Speaker: The relevant Standing Order says that if a particular Member is not satisfied how his personal vote is recorded, or if a Member arrives late, he can ask for a recount.

Mr. Luck: With the greatest respect, sir. There are 24 Members present on that side and since all of us on this side either voted against or abstained, it cannot be 25. If you wish to count it as 25, I will defer to your ruling. Mr. Sancho is not there.

Mr. Deputy Speaker: This is a clerical error and it will be corrected. There voted for the Motion 24; against 10; ~~2~~ declined to vote.

The voting was as follows:

Ayes	Noes
Mr. Wharton	Dr. Ramjohn
Rev. Trotman	Mr. Persaud
Mr. Thomas	Mr. Ally
Mr. Prashad	Mr. Luck
Mr. Mahraj	Mr. Hamid
Mr. Field-Ridley	Mr. Wilson
Mr. Kasim	Dr. Ramsahoye
Mr. Budhoo	Dr. Jacob
Mr. Blair	Mr. Chandisingh
Mr. Too-Chung	Mr. Ram Karran — 10
Mr. Joaquin	
Mr. Duncan	
Mr. Bowman	
Mr. deGroot	
Mr. Singh	
Mr. Merriman	
Mr. Kendall	
Mr. Jordan	
Mr. John	
Mr. Correia	
Mr. Cheeks	
Mr. Bissember	
Dr. Reid	
Mr. Burnham — 24	

Declined to vote: Mr. Saffee - 1

Motion carried.

Bill read a Second time. Assembly in Committee.

*Clause 2.*

Dr. Jacob: I wish to move an Amendment to Clause 2, which has been circulated. In keeping with the arguments put forward by Members on this side of the House the Amendment seeks to increase from 55 to 60 the age at which the Director of Audit and the Commissioner of Police shall vacate their offices. In addition to that, the Amendment is to change the proviso to conform with the provision in the Constitution which provides for the vacation of office by the Director of Public Prosecutions. It seems to me that since the Government has set a precedent with respect to the Director of Public Prosecutions, it is reasonable that the same requirement should apply to the post of Director of Audit, that is, that the Governor-General, acting on the recommendation of the Prime Minister after consultation with the Leader of the Opposition, may permit him to stay in office after the expiration of the prescribed time.

Mr. Luck: May I second the Motion. It will have escaped no one that in many Departments of Government, particularly those where specialised knowledge is called for, the requirement that officers should retire at the early age of 55 has placed a tremendous strain on the already limited resources or skills available to this Government. It is true that young men look for promotion and it will come rapidly if those above them are compelled to retire at an early age. But consider: is 55 an age at which people should retire? It is well known, for instance, that in many Departments of Government this early retirement age has caused chaos. In the Inland Revenue Department so many people have retired and resigned that the whole place is really in a great deal of disorder.

The hon. Prime Minister, in his reply made the point that since we require people to retire in the Public Service at the age of 55 he has fixed the retiring age for these two officers at 55 also. He has not sought, for he cannot, to justify 55 as an early age for retirement. As we look around this House

we see men young and vigorous at the age of 55. If we were to take a vote on it here, would it be the opinion of the majority of Members of this House, particularly those on the Government side where the average age is much higher than that of representatives on this side of the House? Can it be their sincere opinion that a man of 55 should be called upon to retire? Whatever may have been said in the past, whatever Members on this side of the House may have proposed, an examination of this matter must convince everybody that to fix the retirement age at 55 is to bring the age limit too low.

6.05 p.m.

If a man has to retire at 55 years, when does he get this office? This is not an office that one can lightly be entrusted with. In the case of the present Commissioner, he got it when he was 54 years, and I thought that that was a young age to get that job. I am comparatively young, but I know that while youth has its assets and attributes, it also has its limitations and it can never yet be said that I have failed to defer to age, experience and wisdom.

Let us be very serious in this matter. The hon. Prime Minister seeks to justify this age because it was previously fixed for civil servants. I challenge him to deny that the age of 55 years as a retirement age has placed this Government in a very embarrassing position. It is only natural that young men should want accelerated promotion. This is normal, but I have had to ask personal friends of mine, men who have done me favours:— “How far, in heaven’s name, do you want to go in the short time you have been in the job? Men barely 40 years old and of very little merit, want to be Commissioners or Deputy Commissioners of this and that.

Surely, some other motive underpins this low age of 55 years in this Bill. The Prime Minister has made reference to the Constitution. The Constitution prescribes the ages for Judges. It prescribes the age of the Director of Public Prosecutions. The Constitution leaves to this Chamber the

*Reading*

[DR. JACOB] (MR. LUCK)

right to prescribe the retirement age for the Commissioner of Police and the Director of Audit. The Constitution states that the age of retirement for the Director of Public Prosecutions is 60 years and the age of retirement for Judges is 62 years.

I would have thought that the Commissioner of Police would be the fittest in health, in vigour and in mind. He would be much fitter than those who pursue sedentary occupations. On grounds of physical fitness, I should have thought that in the training and in the selection of the Commissioner of Police we would have been selecting fit persons. I should have thought too that in both offices we would have been selecting matured people. Do we want to have - as I read about other countries of colonels and generals of 29 years of age - men who but yesterday were privates and constables elevated to the rank of general or Commissioner of Police? That is a comic opera Police Force.

I say that no one can justify a retirement age of 55 years and a free vote should be allowed in this matter. My hon. Friend Mr. Field-Ridley has exceeded 55 years - he is the youngest in the row of eight - and look how young he looks. I have had serious thought as to when a man should really dress down. There must come a time when a man give place, but when is that time? Surely I would have thought that with the vast improvements in medicine a person of 55 years of age cannot be classified as old, but middle-aged.

I want to urge upon this Government that, rather than following a wrong precedent, what it should do is to establish, in this Bill the correct one, and vote for the age of 60 years as the age for retirement. Surely, it would gravely embarrass the members of this Government if, after this long debate, they seek to change the age for retirement in the Public Service to 60 years. I predict that such a measure is inevitable.

The hon. Minister has labelled as scurrility the allegation made by all the members of the Opposition --

**The Chairman:** You cannot use this Committee to reply to remarks made in the House.

**Mr. Luck:** I am seeking to show that on reason, on principle, on expedience, if we were to look at the matter without any partiality or prejudice, if this matter were to be considered by itself, no one would dare to oppose a retirement age of 60 years. The whole medical statistics of this country have moved up - the infant mortality rate, the average expectation of life - and a man is not old. I would suspect, until he braces 65 or 70 years and then, I would say, it is time for him to move out. If the Prime Minister wishes to speak I will defer to him. All I want to know is why is Felix Austin to go. I will sit down if he will tell us.

**The Chairman:** I will put the Amendment.

**Mr. Ram Karran:** Before the Amendment is put I wish to make this observation in support of the Amendment moved by my colleague the hon. Member Dr. Jacob. It must be pointed out that the retiring age of 55 years is something of the past, something that related to the expatriate civil servants who served in this country.

6.15 p.m.

Previously, the retirement age was 55 or 60 and about two decades ago, it was reduced to 50 and 55 respectively. There is a history behind that, that civil servants who had gained a fairly reasonable salary scale and who had reasonable pension and gratuity provided for them by service were allowed under this Commission's recommendations, to retire at 50 and 55. It is a precedent which we need not follow in this Legislature, and unless the Government has a good reason, we are likely to upset very seriously the Government's development. Expatriates who came here and wanted to return home were allowed to go and it was argued that the Guyanese civil servants should also enjoy this facility. We cannot go back to the days of the little boy who, when he was asked what profession he wanted, said that he wanted to be a retired civil servant, but as one grows older and

experienced, then it is the time for the Government as an employer to require that person to stay on.

The hon. Prime Minister was a staunch supporter of the anti-colonial mentality when he said that despite the unemployment situation in this country the argument about making room at the top should not be brought. Guyanese will no longer die of malaria. Why does the Government wish to stop the clock at 55? It is a crime in this day and age to require persons to retire at 55 when they can go on to 60.

Having regard to the retirement ages of the judges and the Director of Public Prosecutions and other persons in that category, it seems to me, and I think anyone who looks at this thing dispassionately can come to no other conclusion, that the Government wants to get rid of the Director of Audit and the Commissioner of Police. [An hon. Member: "We are going to make a law for Parliament to get rid of you at 55."] Old people are dying over there. Despite co-operation, this Government continues in its spitefulness. I ask the Prime Minister not to use this measure, which seeks to give the boot to a Guyanese who has shown his ability to stand up to stress and to reject the orders of the Prime Minister.

Mr Wilson: I should like to draw attention to an argument which shows that the Prime Minister is not as literate as he wants people to believe. He is a very poor logician. I should like to demonstrate this by a method I use in school to teach dull children mathematics. The Prime Minister, during his speech on his Amendment spoke of the post of Inspector. Let us say that this book stands for Inspectorate. I am trying to point out that he left out the Inspectorate.

The Deputy Chairman: Speak to the Amendment.

Mr. Wilson: His logic is poor. May I save the Prime Minister from exposure. [The Prime Minister: "That is an offence. If you do it here you will get locked up."] The Commissioner of Police and others, who are likely to succeed him, have started as privates - I mean foot policemen - I mean constables. These men will take a long time to reach the post of Commissioner of Police. I am saying that in view of that, we must encourage men who have started as constables in the ranks to rise up if they have the ambition. On that score I am urging and appealing to the Government and the Prime Minister to accept this Amendment so that those men who have started as constables will be able to reach up to the highest post.

6.25 p.m.

He is not given enough incentive to improve himself. I am appealing to the Government and to the Prime Minister to accept this Amendment which would give the constables an opportunity to become Commissioner of Police.

The Deputy Chairman: I am going to put all the Amendments.

*Amendments put, and negative.*

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

*Assembly resumed.*

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

## ADJOURNMENT

Resolved, "That this Assembly do now adjourn until tomorrow, Wednesday, 20th September, 1967, at 2 p.m." [Mr. Bissember.]

*Adjourned accordingly at 6.27 p.m.*