

**THE
PARLIAMENTARY DEBATES**

OFFICIAL REPORT

[VOLUME 5]

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

22nd Sitting

2.00 p.m.

Wednesday, 18th August, 1971

MEMBERS OF THE NATIONAL ASSEMBLY

Speaker

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

Members of the Government

People's National Congress

Elected Ministers

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

(Absent)

Dr. the Hon. P.A. Reid,
Deputy Prime Minister and Minister of Agriculture

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

(Absent – on leave)

The Hon. H.D. Hoyte, S.C.,
Minister of Finance

The Hon. W.G. Carrington,
Minister of Labour and Social Security

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

The Hon. B. Ramsaroop,
Minister of Housing and Reconstruction (Leader of the House)

The Hon. D.A. Singh,
Minister of Trade

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

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

The Hon. W. Haynes,
Minister of State for Co-operatives and Community Development

Appointed Ministers

The Hon. S.S. Ramphal, S.C.,
Attorney-General and Minister of State

The Hon. H Green,
Minister of Works, Hydraulics and Supply **(Absent)**

The Hon. H.O. Jack,
Minister of Mines and Forests

The Hon. E.B. McDavid,
Minister of Information and Culture **(Absent)**

Parliamentary Secretaries

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

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

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

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

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

Other Members

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

Members of the Opposition

People's Progressive Party

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

United Force

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

Independent

Mr. R.E. Cheeks (Absent)

OFFICERS

Clerk of the National Assembly – Mr. F.A. Narain
Deputy Clerk of the National Assembly – Mr. M.B. Henry

The National Assembly met at 2 p.m.

[Mr. Speaker in the Chair.]

Prayers

ANNOUNCEMENTS BY THE SPEAKER

Leave to Member

Mr. Speaker: Leave has been granted to the hon. Minister of Communications, Mr. Kasim, for today's sitting.

2.10 p.m.

PUBLIC BUSINESS

MOTIONS

“Whereas under the doctrine of Common Employment, a worker, except in a few cases, is unable to recover damages against his employer for injuries suffered as a result of the negligence of a fellow employee;

And whereas the said doctrine has caused and is causing great hardship to workers and/or their dependants:

Be it resolved that immediate steps be taken to repeal the provisions relating to the said doctrine of Common Employment.” *[Mr. Jagan]*

Mr. Jagan: Mr. Speaker, I do not think the Government will have much hesitation in accepting this Motion. The Motion itself has set out what the law is in effect. Under the doctrine of common employment, if a worker is injured by a fellow worker, through the negligence of that fellow worker, he will be unable to make a claim against his employer for the negligence of that fellow worker.

This principle, I was advised, was first introduced in the English in 1873 because in those days, apparently, the Judges were for the most part pro-employers and they tried to find means whereby employers could be protected and whereby damages should not be awarded to their employees. As time went by, and with a change of attitude among the Judges and in the community, legislation has continuously moved forward to abolish this principle and in England, I think under the Personal Injury Act of 1948, the doctrine of common employment was abolished.

In this country today there are employers who still raise this doctrine of common employment when a claim is brought against them. That is why we think that the Government should agree to amend the law to have this doctrine abolished.

Let me give an example. A worker is travelling in a truck which is being driven by a fellow worker. There are persons other than workmen being given a lift in the truck. If due to the negligence of the driver, the truck is involved in an accident, under this doctrine, only the strangers could claim damages against the employer because of the negligence of the servant. The other employee would be unable to claim. I can see no reason, in these days, why a fellow worker should not be placed in the same positions as a stranger if his injury is due to the fault of someone else.

Apart from that example, there are many other cases in factories where persons are deprived of their right to claim damages because of the negligence of their fellow employee.

When this principle was first introduced in England, it was argued that when a worker applies for employment he must be taken to have accepted the risk that he might be injured by a fellow employee and therefore he should not be given a right to make a claim, when, in fact, he suffers an injury as a result of the negligence of a fellow employee.

Because that reasoning which was adopted when this principle was first introduced was so flimsy, as the years went by, Judges tried to find ways and means whereby they could get round this principle of common employment so that a broader section of workers could claim damages against the employers.

As you are aware, sir, even if the doctrine is abolished and the worker has the claim against his employer, as a result of negligence of a fellow employee, the employer himself has a right of action against the servant whose act caused the damage.

For instance, if A and B are employed by a common employer, and because of A's negligence B is injured, the law as it stands here, in a nutshell, is that B cannot sue A because of the doctrine of common employment. If the doctrine is abolished, then B would be entitled to sue

the employee and the employer in turn could sue the tortfeasor, the servant, to claim whatever damages were recovered from him.

Apart from that, if the employer is made to pay damages, that amount can be taken out from his profits and can also be deducted for income tax purposes, whereas in many cases, although a person may be entitled to sue a fellow employee, that employee, although he may be liable, in many cases may have no means to pay the amount that may be recoverable as a result of the accident. It may not be possible to recover anything from him.

That is why we feel that the law should be amended to enable the servant to claim against the employer himself because the employer would have nothing to lose. The damages would come from his profits and he would be entitled to deduct the amount for income tax purposes. On the other hand, it may be very difficult to recover from a fellow workman because many workmen in this country may just be as poor as the worker who was injured.

With those remarks, I would therefore urge that this Motion be accepted and that the matter be remedied as soon as possible. *[Applause]*

Question proposed

Mr. Speaker: The hon. Member Mr. Lall.

Mr. Lall: Your Honour, I beg to second the Motion and in doing so I should like to add to the contribution made by my hon. Colleague by stating that no workman should be liable to pay compensation where an injury has occurred during the course of employment because if it had not been for the fact that the workman went to work at the place of his employment, then the second employee, who is now liable to pay, would not have had to pay – he would not have been at work.

Since the employee is working with an employer, I think it is fair and fitting that liability for an injury during the course of employment should lie with the employer.

I once again beg to second the Motion.

The Attorney General and Minister of State: Mr. Speaker, it is a remarkable phenomenon in our Parliament that on two days running we can secure such unanimity in the House of measures of importance to the community. The Motion which has been presented by the hon. Member Mr. Jagan and just seconded reflects sentiments which are shared in this House and were that Motion itself not presented, it would have in due course been reflected in the Government's legislation programme.

Notwithstanding the fact that the immediate initiative has come from hon. Members opposite, Government is happy to associate itself with the Motion to undertake and provide, as it had in any event, intended to do legislation for this purpose and to assure hon. Members that legislation of the kind contemplated for the purpose of putting an end to the doctrine of common employment will be presented to the House at the earliest possible opportunity.

Mr. Speaker: The hon. Member Mr. Jagan

Mr. Jagan: Your Honour, I recall that they early in 1969 when we debated the Throne Speech, as it was known those days, I raised the question of common employment among other things. My learned and hon. Friend the Prime Minister had indicated that the Government agreed that this doctrine should be abolished. He had also indicated that because of the law of draughtsmen in the Attorney General Chambers nothing could have been done then but he had undertaken that the matter would have been given very early attention. Since then, as far as I can remember, nothing has been done; no Bill was brought to the House, I think there was a Bill which had been submitted to the Attorney General's Chamber dealing with this matter by my colleague the hon. Member Dr. Ramsahoye. If the Government feels as my learned and hon. Friend said, this doctrine should be abolished as I indicated to my learned and hon. Friend, the Leader of the House, I wonder why the Government has not seen it fit to bring the Bill and we could have disposed of it and the whole matter would have ended. Rather than going through the Motion and still have to bring a Bill to be debated. I am nevertheless very happy that the Attorney-General has undertaken that this matter would be given very early attention.

Question put, and agreed to.

Motion carried.

Mr. Speaker: The hon. Member Mr. Jagan.

**ENACTMENT OF LEGISLATION FOR BENEFIT OF A REPUTED WIFE UNDER THE
PROVISIONS OF THE ACCIDENTAL DEATHS AND WORKMEN'S INJURIES
(COMPENSATION) ORDINANCE**

“Whereas under the provisions of the Accidental Deaths and Workmen's Injuries (Compensation) Ordinance, an action can be brought for the benefit of the wife, husband, parents or child of a person whose death was caused by negligence of another;

And whereas under the law reform (miscellaneous provisions) Ordinance, it is provided that a person shall be deemed to the parent or child of another person notwithstanding that he is or was only related to him illegitimately;

And whereas under the existing provision an action cannot be brought for the benefit of a reputed wife who was dependent on the earnings of the deceased although an action can be brought for the benefit of her illegitimate children of whom the deceased was the father;

And whereas the deprivation of such a benefit to be reputed wife has caused and is causing great hardship;

Be it resolved, that legislation be enacted to enable an action to be brought for the benefit of a reputed wife under the provisions of the accidental deaths and Workmen's Injuries (Compensation) Ordinance. [*Mr. Jagan*]

Mr. Jagan: Your Honour, I anticipate that there would also be no objection to this Motion like the previous one. Because you will recall, sir, that this is one of the four Motions that notice was given by me some time ago and the Government had selected two of the four which were incorporated with my learned and hon. Friend's Motion yesterday. Si I would presume that the Government would have no objection passing this Motion as it is or else would have incorporated it with his Motion yesterday. I would not be very long.

Your Honour, under the Accidental Deaths and Workmen's Injuries (Compensation) Ordinance, Chapter 112 dependents of any deceased person who dies as a result of the negligence of someone else are entitled to claim. Those dependents are limited to husband or wife and children of the deceased. When we refer to chapter 4 of the Law Reform

(Miscellaneous Provisions) Ordinance, we have the definition given of children and of parent; it also states the definition of a child who would be entitled to claim although that child may be an illegitimate child. The law, as it stands, sir, is that if a person dies as he has illegitimate children, those children would be entitled to claim damages against the wrong doer, but the reputed wife would be unable to make any claim. We could see no objection why a person who may be living with a reputed wife and has children why should the children be entitled to claim damages and not the reputed wife.

This Motion is requesting the Government to enact legislation so as to enable the reputed wife also to claim. As you are aware, Your Honour, if a person marries and he has a wife and children and that person dies then his widow and children are entitled to claim against the wrong doer. We could see no objection why the same principle should not be applied in respect of the reputed wife. The reputed wife is entitled to benefit under National Insurance Scheme, and also the illegitimate children. Reputed wives were also entitled to claim as dependents under the Workmen's Compensation Ordinance. Having regard to the fact that the Government only last year when we were debating the National Insurance Scheme agreed that if a person is living with a reputed wife and has children then the reputed wife and children would be entitled to claim. I see no objection in the Government accepting this Motion as it stands. It is not tied up with succession. As my learned and hon. Friend said yesterday dealing with the Motion with respect to succession, if the person dies leaving a reputed wife and a wife then there might be dispute as to what proportion they should be entitled to claim.

2.30 p.m.

Under Chapter 112 dealing with the question of claims, only dependents of the deceased would be entitled to claim, so if the person was married and he left a widow but that widow was not dependent on him, well that widow would not be entitled to make any claim under this Ordinance. If a person dies leaving a reputed wife and also a widow, but if the widow was not dependent on him, then I can see no reason why the reputed wife, who in fact was dependent, should not be entitled to claim. There would be no conflict between the reputed wife and the widow because the law permits only the dependent to claim against the wrong-doer. Even if the

widow as dependent on the deceased, there is nothing to prevent the widow from making a claim also, because under the Ordinance, all persons who were dependent on the deceased, that is, the limited meaning of the word “dependent”, a child or parent, or wife or husband, can claim.

In a case where a person may have left a widow who was dependent on him, and a reputed wife who was also dependent on him, both could make a claim, but then the judge in awarding damages would apportion the damages according to the amount that they have been deprived of, having regard to the deceased’s death. There could be no difficulty in administering this aspect of the law even if the person had left a widow as contemplated by my learned friend.

Where a person dies leaving property, there may be difficulty in deciding how much the widow should receive and how much the reputed wife should receive. In this case, the law as it is at present would enable the judge, who is trying the case, to determine how much damages should be given. The judge at the same time would apportion the amount that should be given to the various dependents regardless of whether there was a widow and legitimate children also, because the law permits illegitimate children to claim. We may find a case where a person dies leaving legitimate children and also illegitimate children, and all the children, legitimate or illegitimate, under the Ordinance can claim. The judge would then apportion the amount of damages that each dependent would be entitled to receive. How can there be any objection really if one should include the reputed wife, because if the reputed wife is included, there should be no difficulty if the deceased also left a widow. The judge would apportion the damage in the same way that he is apportioning then now between the legitimate and illegitimate children.

This aspect of the law is causing great hardship. I have known of many cases where a person died by accident, leaving a reputed wife, who had been living with him for a number of years and had children, but as the law stands, only the children could have claimed damages under the Ordinance and not the reputed wife. I can see no reason why the Government should not accept the Motion as it stands so as to enable the reputed wife to make a claim. The difficulty contemplated by my learned friend as regards succession would not arise here, because even if there were other dependents, apart from the illegitimate children or a reputed wife, the courts would apportion the damages as they do under the N.I.S. and the Workmen’s Compensation

Ordinance, therefore, I would urge the Government that this aspect of the proposed Amendment to the law is not controversial and I see no valid reason why the Government should not accept it as it is proposed.

Mr. Lall: Your Honour, sir, I beg to second the Motion and I reserve my right to speak later.

Question proposed.

The Attorney-General and Minister of State (Mr. Ramphal): Mr. Speaker, you will forgive me. I did not hear the observations of the hon. Member; they were so brief that they passed me by. I am a little surprised that my learned and hon. Friend should have persisted in this Motion in the face of the debate we had yesterday and the procedures we agreed upon yesterday, to refer to a Select Committee of this entire House which would have the benefit of public consultation on the specific question of the rights of succession, among other things, of reputed wife, when on the eve of the appointment of this Committee he seeks a Motion in specific terms requiring that legislation be enacted forthwith to deal with one particular aspect of the many areas of interest of a reputed wife, on which we need to take decisions concerning her position under the law.

I had suggested to my hon. and learned Friend that he concur in an Amendment to the Motion which would refer this question, the question of the enactment of legislation of this kind, to the Select Committee so that there could be no question of ambiguity or doubt as to whether the Committee could properly consider this matter. For our part, the Government is still ready to proceed on the basis of an Amendment of this kind which, we hope, members opposite will accept. While we particularly cannot, in the light of what we agreed upon yesterday, endorse the proposition that legislation be enacted forthwith, we do consider that this is a question which should be specifically referred to the Select Committee we have set up, and I hope my hon. and learned Friend will agree.

He has suggested that that Committee is essentially concerned with the issue of succession. I have already said that if there is ambiguity in regard to the classification of this

matter, it can be specifically referred, but I should like to assure him that it is a matter which does not touch on the question of succession. The rights of a widow, the rights of a reputed wife, arising on the death of her husband out of a fatal accident that may be the subject of proceedings for damages for negligence, raise a whole variety of procedures open to the claimants. One of those procedures is an action for damages arising under the Accidental Deaths and Workmen's Injuries Compensation Ordinance, but there are other procedures in which the action is brought on behalf of the estate of the deceased, brought in the name of the estate, brought by the executors or administrators, and the damages awarded in the course of such proceedings have to be taken into account and vice versa, when a computation is made and ultimately an apportionment of the damages awarded in proceedings under this Ordinance. So that the matter is intricately wrapped up with this very question of entitlement of death.

2.40 p.m.

What is more, the action contemplated under this Ordinance must itself, in the first instance, be brought by the executors or administrators of the deceased and is only in the absence of such an action that the relatives themselves can proceed.

For all those reasons, I hope my hon. and learned Friend would agree that the procedure we propose will not, in fact, produce delays. I would have thought that he would have seen the merit, not merely of having a Motion passed calling for the enactment of legislation which may come forth in two or three years' time, but in having this matter dealt with in the context of urgency and seriousness which already attaches to the Motion we passed yesterday so as to ensure that when legislation under that Motion ultimately comes to this House this matter is dealt with. Therefore, I should like to urge hon. Members not to concur in the Motion as presented but rather to support an Amendment to it which would refer the questions of legislation of this kind to the Special Select Committee.

With that in view, I should like to propose a form of words for consideration by the House by the House by way of amendment to the Motion, words which can very simply be fitted into the language of the Resolve clause by inserting after the word "that" and before "legislation

“the words “the question whether” and then adding at the end of the Resolve Clause, after the word “Ordinance”, these words “be referred for consideration” –

Mr. Speaker: Are you deleting any words?

The Attorney-General: No, Mr. Speaker. I am giving an indication of the amendment. The Resolve Clause would read:

“That the question whether legislation be enacted to enable an action to be brought for the benefit of a reputed wife under the provisions of the Accidental Deaths and Workmen’s Injuries (Compensation) Ordinance” –

and in place of the full stop these words be inserted:

“be referred for consideration by the Special Select Committee of the Assembly to which the question of the rights of succession of reputed wives has already been referred.”

That amendment will, I think, demonstrate the unanimity which exists in the House to have this matter engage the attention of the Parliament and ultimately to find itself reflected in appropriate legislation.

It is, therefore, our proposal that the Resolve Clause of the Motion as presented by my hon. and learned Friend, be amended in the manner I have indicated.

Mr. Speaker: The Amendment is proposed.

Mr. Jagan: We would like to inquire if it will be a proper Amendment to this Motion. My view is that the Amendment could be regarded as what one calls a “negative” amendment and it therefore should not be entertained. *[Interruption]* As my friend the hon. Minister of Home Affairs said, they could vote against the Motion. If the members of the Government want to vote against the Motion, let them do so.

The Attorney-General: I have no wish to engage in a great debate with my hon. and learned Friend but how could this possibly be a negative Amendment? It is an amendment like

every other amendment which has the effect of deflecting the Motion in some respect. It is no more negative than the amendment which they moved in 1963 to the Motion that I referred to yesterday when an application was made in the Motion for immediate legislation and my hon. and learned Friend – who, I believe, claimed credit for the amendment. [Mr. Jagan: “I did not”] – amend the Motion to have it referred to a Committee, Now that we seek to do the very same thing the hon. Member suggests it is a negative amendment. What the amendment seeks to do is say that instead of the immediate enactment of legislation the question of its enactment be referred to the Select Committee.

Mr. Speaker: It is permissible by way of an enactment to leave out all the words of a Motion except “That” and substitute other words to give the Motion even a completely different sense. In my opinion, therefore, the Amendment is in order.

Mr. Jagan: Your Honour, I must confess that I was very disappointed to hear my. Hon. and learned Friend the Attorney-General. In fact he has not given one reason why the Government is opposed to this Motion. I cannot see how he can say that this Motion is tied up with the succession.

My hon. and learned Friend gave us an example that if damages are awarded to dependents, the sum could be deducted from the amounts due to persons who are entitled to share in the estate. We all know that but that has nothing to do with this because, in effect, if reputed wives are entitled to claim damages the amount that is awarded under the Law Reform Act would still go to the estate regardless of who is entitled to the estate. That has nothing to do with the reputed wives claiming under Chapter 112. Chapter 112 has nothing to do with succession and that is why I separated my Motion from the Motion dealing with succession.

My hon. and learned Friend said yesterday that these matters which one may feel are controversial and one may want the opinion not only of the House but of the public at large. Is there anyone in this country who thinks that if a man dies by accident a woman who has been living with him for a number of years and who has children by him should not have a right to claim against the wrongdoer? If there any person in this country with that opinion? We went into this when we discussed the N.I.S. Bill and the Government agreed. That is why provision is

made in the National Insurance Scheme for reputed wives to be entitled to claim even if there is a widow.

My hon. and learned Friend was speaking with the Minister of Finance and apparently he did not appear to hear any arguments. As I said, even if there is a widow, the Judge could not apportion damages between the widow, the reputed wife and all dependents. One action alone can be brought, according to the Ordinance, and all the dependents would have to claim under that action.

In the same way today there may be legitimate and illegitimate children and all children would be entitled to claim if they were dependent on the deceased. The mere fact that they were illegitimate should not prevent them from claiming. In fact, the law has provided that they could claim and the question as to how much each dependent should have would not be determined by the Judge who is fixing the damages.

If the deceased had left a widow who was not dependent on him, that is the end of the matter. The widow has no right under the Ordinance. If he left a widow and a reputed wife who were both dependent on him, then the Judge could apportion the damages having regard to the dependence on the deceased.

I cannot see that this Motion is controversial to the extent that it should be sent to a Select Committee. I cannot imagine that members of the Government would oppose a simple amendment like this to permit a reputed wife to claim. Right now she has no claim. The wrongdoer right now does not have to pay her any money.

2.50 p.m.

Your Honour, the fact is I do not know if the Government is trying to protect the insurance companies because they are the only persons who are protected at present. Because in a running down action if the owner of the vehicle complies with the law and a person dies by accident, claims are made against the insurance company indirectly and the people who are deprived today are the reputed wives who cannot make a claim against the insurance company. If the Government persists with this Amendment, it means that the Government is trying to protect the

insurance companies as is at present. I can see no reason for the Government opposing this Amendment when it is agreed only recently that the reputed wife should be entitled to claim under the National Insurance Scheme.

Mr. Speaker: Does the hon. Attorney-General wish to reply? The Amendment has been proposed.

The Attorney-General: Mr. Chairman, the way in which my learned and hon. Friend –

Mr. Jagan: I do not think my learned and hon. Friend has a right to reply because I have already closed the debate.

Mr. Speaker: I think the hon. Member Mr. Jagan is correct. I will now put the Amendment,

Amendment –

That the words “the question whether” be inserted between the words “That” and “legislation”,

That the words “be referred for consideration by the Special Select Committee of the Assembly for which the question of the rights of succession of reputed wives has already been referred” be inserted after the word “Ordinance” at the end of the Resolve Clause.

Amendment put.

Assembly divided: Ayes 25, Noes 14, as follows:

Ayes

Mrs. Willems
Mr. Zaheeruddeen
Mr. Van Sluytman
Mr. Saffee
Mr. Jordan
Mr. Fowler
Mr. Correia
Mr. Corrica

Noes

Mr. M.F. Singh
Mr. Teekah
Mr. Remington
Mr. Balchand Persaud
Mrs. Branco
Mr. Ambrose
Mr. R. Ally
Mr. Reepu Daman Persaud

Mr. Chan-A-Sue
 Mr. Budhoo
 Mr. Bancroft
 Miss Ackman
 Mr. Aaron
 Mr. Wrights
 Mr. Thomas
 Mr. Salim
 Mr. Duncan
 Mr. Joaquin
 Mr. Mingo
 Mr. Clarke
 Mr. Ramsaroop
 Miss Field-Ridley
 Mr. Carrington
 Mr. Hoyte
 Dr. Reid

Mr. M.Y. Ally
 Mr. Lall
 Mr. Hamid
 Mr. D.C. Jagan
 Mr. Chandisingh
 Mr. Ram Karran - 14

- 25

Amendment carried.

Motion carried.

Mr. Speaker: The hon. Member Mr. Jagan

**ENACTMENT OF LEGISLATION IN CONNECTION WITH
 DIVORCE MATTERS ETC**

“Whereas the law relating to divorce and nullity of marriage can be regarded as out-dated;

And whereas the grounds for the dissolution of a marriage were enacted in 1951;

And whereas the grounds upon which a marriage may be declared void or voidable are vague and uncertain;

And whereas the procedure for the presentation of petition for divorce or nullity of a marriage is complicated and expensive;

And whereas a marriage which has broken down cannot be dissolved because of the limited number of available grounds;

And whereas it is against the public interest that a marriage which has broken down cannot be dissolved although one or both parties may wish a dissolution of the marriage;

Be it resolved, that legislation be enacted setting out clearly the grounds upon which a marriage may be declared void or voidable;

Be it further resolved, that additional grounds for the dissolution of a marriage be enacted;

And be it further resolved, that the procedure for the presentation of a petition for divorce or nullity be simplified. *[Mr. Jagan]*

Mr. Jagan: Your Honour, in moving this Motion – I see my learned and hon. Friend is smiling, this shows the way the Government feels this Parliament should be run. Here is a case where notice of a Motion was given some time ago. As you will recall, sir, notice of this Motion was even given in the previous Session. When the House was prorogued we had to re-table it. My learned and hon. Friend apparently is saying that this Motion was tabled by the then Opposition in 1963. But I think my learned and hon. Friend has in mind is the other Motion, not this one that is being debated now.

Your Honour, what I want to say is that I do not know whether my learned and hon. Friend the Leader of the House is to be blamed for this. I would not want to blame him, because I do not think that he is responsible. My learned and hon. Friend just a few moments ago moved an Amendment to send my Motion, the previous Motion, to a Select Committee. Why did not the Government adopt the same method as I had suggested? The Government in my view is making this Parliament a rubber stamp and a laughing stock, and the Members also. The Standing Order says that we must have Private Members business on Wednesdays. Because these Motions were to be debated today, the Government incorporated two of the Motions with my learned and hon. Friend's Motion yesterday. There was a full debate on the Motion yesterday and, still, Your Honour, these Motions are being debated today. It is not making this Parliament a laughing stock? *[Interruption]* The hon. Minister of Agriculture said, maybe I can speak on the Motion again; I do not want to waste the time of the Parliament. This is a waste of time for the Government to bring this Motion today when it brought it yesterday under the Government's Motion.

Mr. Speaker: Are you suggesting then that you wish to withdraw?

Mr. Jagan: No, no, I am not suggesting that. What I am saying is the Government having regard to the fact that it knew that this Motion would have been debated today should not – [*Interruption by the hon. Attorney-General.*] My learned and hon. Friend would have an opportunity to reply, sir. [*Interruption*]

Mr. Speaker: Please do not interrupt.

Mr. Jagan: The Government must have known that these Motions would have been brought up to be debated today. My quarrel with the Government is this.

Mr. Speaker: You mean your contention?

Mr. Jagan: A quarrel also, sir. If the Government wants to give the people abroad the impression that we have parliamentary democracy in this country and we are operating as the United Kingdom Parliament, this is not the way to do it. This is making this Parliament a farce.

Your Honour, in moving this Motion I would urge upon the Government having regard to the fact of what was said yesterday there is no need to repeat what I have said and what was said by the learned and hon. Attorney-General.

3 p.m.

Having regard to what he himself said yesterday. I would urge the Government to accept the Motion.

Mr. Ram Karran: I beg to second the Motion and reserve my right to speak.

Question proposed.

The Attorney-General and Minister of State: As my learned and hon. Friend said, there is little that needs to be said on the Motion itself, but he did preface his remarks by certain observations which ought not to go unrepudiated. My learned and hon. Friend is, I am afraid, under a misapprehension as to the procedure which was adopted and the motivation of the Government. It was not a case of the Government knowing that these Motions would have been brought today and therefore bringing the Government's Motions yesterday, to get in ahead of

these. Nothing of the kind. As my learned and hon. Friend knows, and he is quite right in absolving the Leader of the House from all blame or responsibility in this matter, the putting down of Motions on Private Members' Day is a matter which is within the regulation of the Government. The day itself is reserved for the taking of Private Members' Motions but the Government has to find time and occasions in which this should be done.

What happened, Mr. Speaker, was that the Government brought forward Motions which it has under contemplation, a particular consolidated Motion, which he well knows dealt with a question quite unrelated to the question of abortion, but having regard to the fact that these two Opposition Motions did bear in some respects on two matters subsumed in that Motion, we provided an opportunity for the hon. Member to do what we regarded as the right things, having regard to his own attitude to the question, namely, to take part in the debate yesterday and by placing his Motions on the Order Paper today, to provide him with an opportunity of withdrawing them. That would have been the normal and, I think the customary approach to be taken in Parliament in this matter.

We were unanimous yesterday in our approach to this question. Two aspects of it are the subject of these Motions. We have provided an opportunity today to hon. Members opposite to do the honourable thing and instead of that the honourable Member takes us to task for behaving in an unparliamentary fashion. These remarks, Mr. Speaker, do not do justice to him and I would like to believe that they were not really intended in the manner in which they were projected.

Mr. Jagan (replying): Your Honour, I am rather surprised that my learned and hon. Friend said that we should do the honourable thing. It is the Government that did the dishonourable thing by bringing our Motion yesterday. My learned and hon. Friend said he thought it would be customary for us to withdraw the Motion. As I said yesterday, there is no precedent for what the Government did, so I do not see how my learned and hon. Friend could say that it would be customary for us to withdraw my Motion today. Maybe my learned Friend is not aware – surely he must be aware – that although the Standing Orders set aside Wednesday for Private Members' Business, nothing could have prevented the Government from bringing these Motions yesterday to be debated, and allowing the Opposition to debate them. This

question about putting them aside for a Wednesday is nonsense. The Opposition's Business could also have been dealt with yesterday. The Government could have permitted that.

What I am saying is there would have been no need for the debate today. The Government could have placed our Motion yesterday to be debated. There is nothing in the Standing Orders to prevent the Opposition's Business being debated on days other than Wednesday. All that the Standing Orders say is that Private Members' Business must be given preference on Wednesday. The excuse that my learned friend is trying to give, I cannot really appreciate it. My learned Friend's Motion was published on the 12th, which was last week Thursday. The Government knew before then that my Motion would have been brought up today for debate. I meant everything I said and I think the member of the Government side are the ones who should feel ashamed of what has happened today.

Question put.

Mr. Jagan: Division!

Assembly divided: Ayes 14, Noes 25, as follows:

Ayes

Mr. M.F. Singh
 Mr. Teekah
 Mr. Balchand Persaud
 Mrs. Branco
 Mr. Ambrose
 Mr. R. Ally
 Mr. Reepu Daman Persaud
 Mr. M.Y. Ally
 Mr. Lall
 Mr. Hamid
 Mr. Wilson
 Mr. D.C. Jagan
 Mr. Chandisingh
 Mr. Ram Karran - 14

Noes

Mrs. Willems
 Mr. Zaheeruddeen
 Mr. Saffee
 Mr. Jordan
 Mr. Fowler
 Mr. Corrica
 Mr. Correia
 Mr. Chan-A-Sue
 Mr. Budhoo
 Mr. Bancroft
 Miss Ackman
 Mr. Wrights
 Mr. Thomas
 Mr. Salim
 Mr. Duncan
 Mr. Joaquin
 Mr. Haynes
 Mr. Mingo

Mr. Clarke
Mr. Ramsaroop
Miss Field-Ridley
Mr. Carrington
Mr. Hoyt
Dr. Reid

- 25

Motion negatived.

SUCCESSION OF REPUTED WIVES AND ILLEGITIMATE CHILDREN

“Whereas under certain laws a reputed wife and illegitimate children of a reputed husband or father are entitled to certain benefits on the death of the reputed husband or father;

And whereas on the death of a reputed husband and/or father intestate, his reputed wife or an illegitimate child is not entitled to any part of his estate;

And whereas the absence of legislation to take care of the interests of reputed wives and/or illegitimate children has caused and is causing great hardship to a number of persons:

Be it resolved that legislation be enacted to enable reputed wives and illegitimate children to share in the estate of their reputed husbands or fathers, respectively.” [Mr. Jagan]

Mr. Jagan: Your Honour, this is one of the other Motions which were dealt with by the Government yesterday. My learned and hon. Friend said that this Motion was first moved by the Government when in Opposition, although I cannot recall whether that is so, but I would accept my hon. Friend’s word. I remember this matter went into a Select Committee and Members on both sides of the House were members of the Committee.

3.10 p.m.

The committee did some work on this matter, but Parliament was dissolved at the end of December, 1964, and the committee could not carry on. One is therefore surprised that the Government, which took office in December, 1964, did nothing to bring forward another Motion or to have the Committee continue its work.

I do not see that my hon. and learned Friend can take credit for the fact that the governing party first introduced this Motion in 1963 or 1962 because since then the Government has slept on it until it realised that the Opposition had raised the matter again in a Motion. The Government then awoke from its long slumber and got my my learned and hon. Friend, the Attorney-General, to incorporate this in his Motion yesterday. We will now go into another sleep because of the Select Committee.

Having regard to what was said yesterday I would urge that my hon. and learned Friend and members on the other side support the Motion as it stands. I move the Motion as printed in my name.

Question proposed.

The Attorney-General: It only remains for me to say that as a matter of principle the Government – and I would have thought the House –having agreed less than 24 hours ago that this matter should be dealt with in a certain way, could not possibly now do other than endorse the position we took formally yesterday.

Hon. Members opposite used such words as “mean”, but it is alarming that lending members on the Fourth Bench of the Opposition could within 24 hours be asking the House to repudiate a decision taken on the basis of unanimity yesterday. I wonder if they have consulted with the other section of the Opposition, who, I am sure, would not share in these tactics

This is not a course designed to promote understanding in this Parliament and only confuses the country. Hon. Members yesterday agreed with the course we unanimously accepted in this House. The Opposition party was in support of it. The records will show that. Now they come today and ask that we subvert the Select Committee and pass a Resolution of this kind. The Government regrettably must be critical of this procedure and could not possibly support the Motion.

Mr. M.F. Singh: I should like to commend the mover of this Motion for bringing it before the House. In my own mind I am convinced that it was this Motion which motivated the Government into bringing its Motion yesterday. [**Hon. Members (Opposition):** “Hear, hear!”]

We are all adult men and women in this House. We know the game of politics; we know how it is played and we know the various machinations. We cannot be given explanations without details and the explanations given cannot be accepted.

There can be no doubt in my mind, nor, I am sure, in the minds of every member present in this Chamber today but that the present laws of intestacy work very severe hardship in the case of reputed wives and illegitimate children in the context of our society. When I say this, I remember an incident that occurred when I was a civil servant in 1964 and was handling declarations on estate duty in the Deeds Registry. A middle-aged woman came into the office with a lawyer's clerk and with all the papers properly made out to declare the estate of her husband. She did not realise this at the time, but on examination it turned out that he was merely her reputed husband. They had been living as man and wife for about 20 years.

I remember the case distinctly. She had eight children: he had had a stroke about four years before he died. She had taken care of him and had buried him. He had left a house and cattle; he had left money in the bank. He had brothers and sisters alive but no parents were alive. That woman had to be told that she was not entitled to anything at all that the man had left, that his brothers and sisters, with whom he was not on terms, were the people under the law who were entitled to his property. His illegitimate children, his reputed wife, were not entitled to a single thing.

This occurred as far back as 1964. What was done about it? The P.P.P. Government did nothing about it that I am aware of. The P.N.C and the Coalition Government did nothing about it. The hon. Member, my hon. and learned Friend Mr. Jagan, brought this Motion before the House some time ago.

I repeat that no one can dispute that, in the words of the Motion, legislation should be enacted to enable reputed wives and illegitimate children to share in the estates of their reputed husbands or fathers, as the case may be. Is there anyone here who will tell me that he does not agree that legislation should not be enacted to this effect?

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3.10 p.m. – 3.20 p.m.

I therefore have great pleasure in supporting the Motion and I again commend the hon. Member for having pushed the Government into taking a positive step in this matter.

Mr. Speaker: The hon. Member Mr. Jagan

Mr. Jagan (replying): I am rather surprised that my hon. and learned Friend should say that the Opposition is trying to confuse the population. If there is any confusion it is the action of the Government that has caused it, not the Opposition.

The hon. Minister says that the House agreed yesterday to have this matter sent to a Select Committee. [**The Attorney-General:** “Unanimously.”] It was not unanimous. I think my hon. and learned Friend will agree with me that I spoke against the matter going to a Select Committee.

I said, and I will say now, that these are matters on which action should be taken immediately to rectify the position and remove the hardship being done to the reputed wives and illegitimate children. The point is that there may be a shortage of people in the Attorney-General's Office to do the drafting and that is the trouble. They do not want to draft legislation and they postpone the matter by having a Select Committee appointed. What they should do is have the legislation amended as I suggested yesterday. This obvious hardship should be removed right away and then one could investigate other cases.

3.20 p.m.

Even if we had agreed yesterday there is nothing to prevent a person from changing his views within 24 hours. My learned and hon. Friend knows that in many Acts and Ordinances there are conflicts of sections in the same Act. One would have to accept that there would be a conflict but this motion will have to prevail due to the normal rule of construction. Within a few minutes one could therefore agree that Parliament should change what it had previously enacted. The fact that this matter has been dealt with within 24 hours is no excuse for the Government not to support this Motion. The problem is, I think, because there are not enough draughtsmen to do the drafting. Right now the Chief Parliamentary Counsel is out of the country. I do not know if there

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3.20 p.m. – 3.30 p.m.

is anybody there doing any drafting. Your Honour, I would commend this Motion to the Government.

Motion put.

Assembly divided: Ayes 14, Noes 25, as follows:

Ayes

Mr. M.F. Singh
Mr. Teekah
Mr. Balchand Persaud
Mrs. Branco
Mr. Ambrose
Mr. R. Ally
Mr. Reepu Daman Persaud
Mr. M.Y. Ally
Mr. Lall
Mr. Hamid
Mr. Wilson
Mr. D.C. Jagan
Mr. Chandisingh
Mr. Ram Karran - 14

Noes

Mrs. Willems
Mr. Zaheeruddeen
Mr. Saffee
Mr. Jordan
Mr. Fowler
Mr. Corrica
Mr. Correia
Mr. Chan-A-Sue
Mr. Budhoo
Mr. Bancroft
Miss Ackman
Mr. Wrights
Mr. Thomas
Mr. Salim
Mr. Duncan
Mr. Joaquin
Mr. Haynes
Mr. Mingo
Mr. Clarke
Mr. Ramsaroop
Miss Field-Ridley
Mr. Carrington
Mr. Hoyte
Dr. Reid - 25

Motion negatived.

Mr. Speaker: The hon. Member R.D. Persaud

**AUTHORISATION FOR THE GOVERNMENT TO TAKE STEPS TO
RECOGNISE AND DECLARE CERTAIN PERSONS GUYANESE
CITIZENS FREE OF COST**

“Whereas it appears that under section 4(1) of the Guyana Citizenship Act persons born in Commonwealth countries but brought to Guyana by their parents or guardians are Commonwealth and Guyanese citizens and that it will be necessary for them to apply for registration as Guyanese citizens under the said section at a cost of \$8.20;

And whereas, if this interpretation is correct, its implementation will impose physical and financial hardship on very many persons who have lived in Guyana from infancy or early childhood, who have worked and contributed to the development of Guyana and who have voted in many local and general elections, and have done so even in the post-independence general elections in December, 1968:

Be it resolved, that this National Assembly authorises the Government to take such steps as may be necessary to enable all such persons to be formally recognised and declared to be Guyanese citizens free of cost”. [*Mr. Reepu Daman Persaud*]

Mr. Reepu Daman Persaud: Mr. Speaker, under section 4 (1) of the Guyana Citizenship Act it appears that persons born within the Commonwealth and Ireland but were not born in Guyana have to apply to the Minister of Home Affairs to become citizens of Guyana. May I say at the very outset that we are not opposed to the principle of this provision of the Guyana Citizenship Act.

Earlier this afternoon the point was made about non-controversial matters. In my view, after I have explained the reasons for proposing this Motion before the House, I hope, if the Government has not made up its mind up to now, that the Government will agree and support this Motion wholeheartedly which stands in my name.

Mr. Speaker, this Motion is brought to draw to the attention of the Government what I genuinely believe to be an oversight on the part of the Government when the Guyana Citizenship Act was framed and even passed in this National Assembly. And since it is human to err, and it is human to make mistakes, I feel that after the mistake, error or omission have been brought to the attention of the Government, it will move to make the correction.

Mr. Speaker, people came as slaves to Guyana; people came as indentured labourers and they have toiled and worked extremely hard to convert what was a desert into a country that can become self-sufficient, producing food for people to eat. The work done by these people are today being done by heavy machinery. It is for the benefit of those people who in my humble opinion have done so much for this country and have lived almost their entire life in the country that I have brought this Motion. Because examining the Citizenship Act one finds that the Government has failed to give decent accommodation to these people who have done so much. In fact, this omission has rendered them stateless.

3.30 p.m.

Many of them can be described not only as prisoners but, indeed, as heroes of this land.

If the national hero accepted by this Government, Cuffy, were alive, he would have been stateless, he would have been an alien, and although he is declared to be the national hero of this country, one who fought against British imperialism, who risked his life, he would have been compelled to apply to become a citizen of this country. Imperialism, suppression of the will of the people, whether it comes from the British or from any other source, is imperialism.

Oppression is oppression, and there can be no doubt that Cuffy fought against oppression and for the people. As slaves, they were tortured; as slaves, they were imprisoned; as slaves, they were ill treated; and when one examines the history, one finds that people were shot, they were killed mercilessly, by those who were the powers of the day then.

With the abolition of slavery, these people decided that Guyana would be their home. They continued to live here, they did not attempt to leave the country, they worked for the country, they remained, and they built this country so that so many of us can today enjoy whatever fruits it has to offer. In their fights and battles and resentment of suppressive measures, many were killed. If this National Assembly fails to show sympathy, or fails to give recognition to these people, we will be doing a great injustice. We should be desecrating this Parliament this afternoon, if we did not support by unanimous voice and vote the Motion which seeks to give

these people their right places in this country. So much for those who had to live and experience the tyranny of slavery.

Then we come to the indentured labourers. The first ship came to this country on 5th May, 1838, with indentured labourers from India. They, like their African counterparts, toiled, gave of their sweat and blood and, in fact, they were the one who have in a great way contributed to the growth and development of the sugar industry of this country. In fact, the success of the sugar industry is not the only area of agriculture that stands to their credit. The success of the rice industry also stands to their credit in that they have been able to plant and cultivate rice, sugar and so many other agricultural products, so that today, we are able to export rice grown in Guyana. These people did this herculean task without any scientific training in agriculture and without any special skill. Today, our economy owes a tremendous debt to these people. In addition, they have provided this country with sons and daughters, who have occupied high positions in this country, sons and daughters who are qualified and serving in the medical, legal and other technical fields in this country. It is for these people that I and the P.P.P. are motivated to propose the Motion before the House.

In reference to the indentured labourers, the Colonial Government saw the necessity then to enact in the statutes of this country, provisions to protect them, provisions to assure them that they would be treated as human beings. By no stretch of imagination I am saying that these provisions were complied with in every respect, but if we were to look at section 192 of Chapter 104, we would find that these people had the right to a return passage to India from where they came.

“Every Indian immigrant introduced during the season commencing in 1898 or any subsequent season, who completes a continuous residence of ten years in the Colony and during that time obtains or becomes entitled to a certificate of exemption from labour shall, unless he surrenders as hereinafter provided his right thereto, be entitled to be provided with a return passage to the port in India whence he sailed to the Colony...”

According to this section of Chapter 104, having served ten years in the country and having obtained their certificates of exemption from labour, they were entitled under this law, which has not been revoked up to today, to return passage. What is very clear is that these people

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3.30 p.m. – 3.40 p.m.

did not bother to take up their right, they did not bother to demand of this Government, or any Government, passage to send them back to India. They said Guyana is their home, they want to stay, they want to build it; they want to continue to contribute to the success of this country.

3.40 p.m.

No. hon. Member in this House can honestly can honestly and conscientiously say that he or she will deny that these people have made a contribution to the economy of this country,

Section 193 of the very Ordinance states:

“Any immigrant who has completed a continuous residence of ten years in the Colony and has during that time obtained or become entitled to a certificate of exemption from labour, or anyone entitled to a free passage to India in the same ship with any immigrant may, in consideration of a grant or transport of land or of money payment, or of all or any of those considerations, surrender his right under this or any other Ordinance.”

I take it that the hon. Members, or at least those who are conversant with the law, are aware of these provisions. We see that they did not even succeed in getting land in lieu of passages to India. If land is pronounced with a nasal sound then that is what those people really got.

Despite the protection offered these people under Chapter 104, despite the tremendous services they have given to this country, they are being told that for them to be declared citizens of this land they will have to apply for citizenship.

I am not advocating that every person must be given citizenship automatically. All I am saying is that people who have been living here for well over 50 years, whether they came from India or any other part of the world, people who have contributed in such a tangible way to this country, should be accorded citizenship in a more decent way than the way provided by the section I referred to during the opening of my speech.

The Netherlands Government saw fit to make provisions in its Citizenship Act to make mention of these people. I quote:

“By the Act of 10th June 1927, the provisions of the Netherlands Citizenship Act were also declared applicable to the population of Suriname and Curacao, insofar as members of the populations did not already possess the status of Netherlander. This extension was necessary, among other reasons, because many subjects of the then British-ruled India had emigrated to Suriname.”

There are large numbers of these people still alive in our country. There are large numbers of them who are still active. There are large numbers who are incapacitated and incapable of even leaving their beds to go and seek registration. I can point to Leonora; I can point to Diamond, areas that I have first-hand knowledge of. These people are unaware of this provision; many of them are unaware of what is happening and unless the Government does something to correct what I termed at the beginning of my speech “an oversight”, these people are going to die stateless.

These persons obtained passports under the British Government as citizens of the then British Guiana. They have completely renounced and, by their actions and attitudes, abandoned any right to India. They claim, quite correctly and quite legitimately, that they are citizens of this country. *[Interruption]* The hon. Minister of Education, who will later be Minister of Health, says they are not. It is to correct this error that I have moved this Motion so that it can be otherwise.

According to article 28 of the Constitution of Guyana Parliament may make provision “for the acquisition of citizenship of Guyana by persons who do not become citizens of Guyana by virtue of the provisions of this Chapter.” *[Interruption]* The Deputy Prime Minister is asking me where I was then. I am here now and as a member of Parliament, I am entitled to draw the Government’s attention to anything which can be corrected for the betterment of the citizens.

The article of the Constitution to which I referred gives the Government the right to make provision under the Guyana Citizenship Act to grant these people citizenship of this country without subjecting them to the indecent treatment of applying to become citizens after living in this country for over 50 years. *[Interruption]* The hon. Minister of Education is unaware of the tremendous contribution made by these people. I forgive her for her ignorance. This is probably

due to the fact that she was away from this land for too long or, if she was here, she was not making herself *au fait* with the realities of this country.

I am saying specifically that the Constitution gives the Government the right now. It is not a case where the Constitution does not allow the Government to make provision or to pass an Act of Parliament to treat these people the way they should be treated. The Constitution gives the Government a right. If this had not been so, I think the Government would have had a strong argument. Even when the Government did not have the right to do certain things it came to the Opposition and said it wanted to take certain action. The Opposition felt that it was in the interest of the country and supported the Government even in the amendment of the Constitution.

So far as this particular Motion is concerned, there is no need to amend the Constitution. All the Government had to do was to amend the Citizenship Act to give these people automatic citizenship. I am not advocating for all and sundry, but I am advocating for persons who were here on or before the year 1920. I am giving a date so that persons who have come to Guyana after 1920 can submit themselves to the provisions of the relevant section which requires them to be registered as citizens of this country.

The Indian Immigration Fund stood some time ago at \$206,000 and according to all the relevant laws this was money belonging to these people, money for their repatriation to India. One Mr. Sase Narain, presiding as Chairman of the Indian Immigration Fund Committee, had the unanimous consent and support of all the registered Hindu and Muslim organisations to recommend to the Government that the Fund, named the Indian Immigration Fund, should be utilised for the benefit of the Indian community.

3.50 p.m.

As a matter of fact, Mr. Speaker, the hon. Member Mr. Bissember as Minister of Health said so in a written statement which was published in the Press. He said that the money should be used for the sole purpose and benefit of the Indian community. Mr. Sase Narain who was Chairman of this Committee among other people signed that document making the recommendations to the Government.

Mr. Speaker, what is the reality of the situation? The reality of the situation is: the Minister of Health wrote those who served on that Committee informing them that the Government has not given consideration to the recommendation and the money will be used to build –

Mr. Speaker: Hon. Member Mr. Persaud, is that relevant?

Mr. Reepu Daman Persaud: Yes, in this respect, Mr. Speaker. I will show you how it is relevant. It is relevant in the sense that the funds were there for the repatriation of the people back to India. The people did not apply for that money to go back to India. In fact, the organisations which claimed that they can speak for the people said let the money be used for purpose (1) and purpose (2) but for the benefit of these people, their children and grandchildren. In this sense it is relevant.

I make the point to support my argument that the people regard themselves as Guyanese citizens. It is the P.N.C. Government that is telling people, “Look you are not Guyanese citizens.” Here is a situation where people who have worked and the people who have served, people who say, “We are citizens of this land”. The Government is saying, “You are not citizens despite all that you have done to build this country and to bring it to the state that it is today.”

Despite the fact that these people fought on the side of the masses of this country and voted in the 1953 elections when the Prime Minister was associated with the P.P.P. They voted at all general elections probably before 1953 – those who had the qualifications under the then provisions for elections. There can be no doubt that they voted in 1953; there can be no doubt that they voted in 1957, there is no doubt that they voted in 1961, as they voted in 1964, and then of course, the rigging and so on started and non-existent people voted by proxies. Mr. Speaker, many of them who are unable to go to the polling stations from our own information and experience there can be no doubt that the Government agents forged proxies. That is only making the point to show what a strong case these people have got to citizenship of this land without applying. Because, Mr. Speaker, what are the dangers in applying? The hon. Minister Mr. Clarke, my friend, has the right to say, “I am granting you citizenship or I am refusing it”. I am not saying that he will refuse. [**Dr. Reid:** “Are you worried?”] It would worry any decent or

right thinking person in view of our experience in this country. The hon. Minister has the further right after granting citizenship to withdraw citizenship for those reasons provided in the Ordinance – *[Interruption by the Minister of Home Affairs.]* Apparently the Minister is not following me, let me explain for his benefit. I recognise his knowledge, capacity and ability and I bow. But let me say, at the very opening of my speech I said I am not opposed to the provisions of the Citizenship Act. I am speaking for those persons whom I feel should have come under this provision.

Mr. Speaker, Mohabeer came to this country when he was four years old. He arrived in 1911 – 60 years ago. Mohabeer is alive after living here for 60 years. When he came to this country he went to Golden Fleece; from Golden Fleece he went and worked in other sugar estates. After 60 years of blood and sweat, breaking up his bones Mohabeer is told, “You are not a Guyanese. You have to go to the hon. Minister Mr. Clarke to become a Guyanese.” Mr. Speaker, Sumai came when he was 2 ½ years old on the 6th November, 1912 – 59 years ago. Sumai is being told after being in this country for 59 years, “You are not a citizen of Guyana you will have to apply.” Lallwah now lives at Belle Plaine. He came in the year 1912 with a ship called “Dawah”. He is told now, that after coming here for so many years, working for this country, that he is not a citizen of Guyana. There are so many other names of people from various parts of the country that I have got listed.

Mr. Speaker, our objection is not only the fee charged. First and foremost, it is wrong to ask them to pay, for several reasons. I have got the salaries of some of these people, the majority of them are pensioners. When they budget they are unable to make ends meet, even to satisfy their immediate needs in food, clothing and housing. After a certain publicity that said, “Look, if you do not become a citizen of Guyana the consequences would be serious”, they became afraid. As a matter of fact, it was rumoured that “Unless you are registered you will not get pension, you will not be allowed to vote, this will happen to you and the other will happen to you”. And out of fear they went, and although the oath was administered free and they were able to find the 50 cents to buy stamps they could not find the \$8.00 to file the application in the Ministry of Home Affairs. The clerk could support me that many of them actually took the application forms and they could not pay. The Government is crediting the Opposition with tremendous influence.

The Government knows that these people cannot afford to pay and that many of them would be unable to move to the registered if they are compelled and forced, even after my appeals to the Government today, if they still have to go and be registered. It is a shame that people who never see Guyana, people who are unable to recognise Guyana on the map of the world, persons who have never raised their voices against any of the suppression and injustices in this country, persons who have never contributed one half penny to this country by way of taxation and otherwise, are treated so well that they are permitted to vote in this country's elections and they are called Guyanese for the purposes of elections, yet, persons who have lived here for well over 65 years, they are told they are not Guyanese, they are aliens, they are stateless, and if they want the respectability, they have to apply and pay \$8.20.

I would wish to appeal to the Government this afternoon, to heed this call by the Opposition. Indeed, I am sure that Mr. Sase Narain, who served as Chairman of the Immigration Committee, should he be asked if these people should be granted automatic citizenship because of their service, his answer would be yes. Mr. Speaker, all the organisations that are associated with these people have come out in support of the call that these people should be treated differently and should be given citizenship without being called upon to apply under the normal provisions that are applicable to a man who has come here just for a few years.

Mr. Speaker: If you are proceeding to another point, perhaps we can suspend for tea.

Sitting suspended at 4.03 p.m.

4.28 p.m.

On resumption

Mr. R.D. Persaud: I wish in conclusion to appeal to the Government to heed the call I am making. This call has tremendous support in the country. This call is a reasonable call, and the Government has the Constitution in its favour to make the correction. The Motion simply seeks an amendment to the Guyana Citizenship Act in order to extend citizenship to persons who came here as slaves, persons who came here as indentured labourers, persons who have toiled

and lived in this country for well over 50 years. Some of the cases I have cited show that people have been here for about 65 to 67 years, and I have actually named some of them.

To ask a man after 65 years of residence in a country to apply for citizenship of that country is immoral and wrong. Adding insult to injury is to ask that man to pay \$8.20. The Opposition pleads with the Government to support the Motion and let these people be given the treatment which they deserve, not forgetting that even the British gave them certain recognition and made certain provisions in the law for their protection. We have a Government that is supposed to be a Government of the people. This Government has in its hand to make the correction. My appeal is not for these people who have left India or any other country a few years ago, but for those persons who have come here and sweated and given their blood for over 50 years.

Mr. Lall: I beg to second the Motion and in doing so, I should like to add to the contribution made by my hon. Colleague when he spoke on this Motion. One has to give consideration to persons to persons with pioneer status. We have to take into consideration that we have the opportunity to take part in a forum that is the highest in the land, where laws are made and where laws are broken. As such, when we have legislation enacted in this Parliament, we should try to do so without favour, fear or partiality.

It is obvious that somebody must have had to sacrifice to build Guyana into what it is today and no one race in Guyana has contributed to this. I must say that the six races in this country, one way or another, have contributed to building British Guiana into an Independent Guyana. Thus, it is but fair that consideration should be given to those individuals who came here before 1920 – if we want to put a deadline – to be granted automatic citizenship of our country. Why? Because they have built the foundation, and we are building the structure of Guyana on that foundation which they have laid.

Your Honour, three of my old friends from Ithaca are concerned. One, Mr. Bruce, came from Barbados. Since I was going to school at Ithaca, I knew Mr. Bruce. He was working at Blairmont Estate. When I pay a visit to the district, I always pay a visit to Mr. Bruce because when I was small boy, when I got an alligator, I went to Mr. Bruce and he gave me a chicken for

it. That is why I am so attached to Mr. Bruce. When he was pensioned, he received \$1.75 per week from Blairmont Estate after 51 years' service. Mr. Bruce is not a citizen of Guyana; he is a citizen of Barbados but Mr. Bruce is now living at Ithaca. He said to me: "My son, I cannot be a citizen of Guyana because if I am getting \$1.75 a week, how much is that per month?"

4.35 p.m.

How can he pay \$8.20 to file a paper?

Then there is Mr. Wint who is getting \$2.25 a week and Mr. Hunt who receives \$1.50 a week. How can they afford to pay a fee? Then there are hundreds of immigrants from India who also fall under this category. Some consideration should be given to these pioneers. The members of the Government do not have any humane feelings.

Should not these people who have built the green land of Guyana, of which we are all proud, be given pioneering status? I am appealing to the Government asking that good judgment prevail. Our duty as an Opposition party, if the members of the Government are living in the sky, is to let them know how the poor people are suffering. Help them! Do not impede their democratic rights! Give them the privilege of exercising their democratic right as citizens of Guyana.

I know that good judgment will prevail and, it does not, then I shall say that cockroach eat out the conscience of those members. *[Laughter]*

In conclusion I should like to tell the Government that the world in which we live is in a slow and continuous progression of life and death, of living and dying, with the old making way for the new. Within the span of our life-time, let us do something that will be written in the Statute Book of Guyana that we can be proud of. I once again beg to second the Motion do ably moved by my hon. Colleague.

Question proposed

Mr. Speaker: The hon. Member, Mr. Wilson.

Mr. Wilson: Mr. Speaker, there is no doubt that the Government has come prepared to oppose the Motion. I can see that from the attitude of the members of the Government, from their demeanour, the levity with which they act. For that reason I should like to add my contribution to see whether the cumulative effect of the appeals by the hon. Member Mr. Reepu Daman Persaud, Mr. Harry Lall and myself will assist this Government to be reasonable and not to act from a preconceived position.

I should like in particular to draw attention to a certain phrase in this Motion, namely, “who have lived in Guyana from infancy or early childhood.” The point is that if these people came here from infancy or early childhood they were not directly responsible for coming here and it is also true that most of them are at present very old, as indicated by the mover of the Motion.

The hon. Member Mr. Harry Lall has referred to some cases – Mr. Bruce, Mr. Hunt and the like. The request is in relation to very old persons who were here from childhood days. They can hardly be responsible for coming here and they are now very old. They are suffering from senility. As the hon. Member Mr. Lall pointed out, Mr. Bruce would not be able to go to be registered.

I think the Government should take a compassionate position with regard to these people. It is said “Once a man, twice a child”. These people should now be treated as children who cannot act on their own.

I should like to draw attention to subsection (2) of section 5 of the Guyana Citizenship Act where it is said that the Minister can do certain things with regard to children. I am saying that these people are just like children; they are suffering from senility; they are old. This is what the subsection states:

“The Minister may, in such appeal circumstances as he thinks fit, cause any minor to be registered as a citizen of Guyana.”

I think this can be applicable to such a person, that the Minister can perhaps get an amendment to show where he could cause such persons to be registered as citizens – in other words treating them as children. This is not unreasonable. In view of the fact it was pointed out that these people are at present having the status equivalent to that of children the Government should agree for an amendment to cause them to be registered. That is the point I should like should like to make. I have in mind particularly those very old people suffering from senility; some of them may be suffering from imbecility at present, they cannot think for themselves, all these things have no meaning to them – about laws and what to do. Let us put them in order. At least we could do that for them in their last years. How long are they going to live after this? The Government should think it right to do this act of compassion on behalf of all those people who have lived here perhaps from childhood, have helped to build the economy and helped to make the country what it is for the Members of the Government now to enjoy, especially certain benefits. It is a country of which they are proud. I want to believe that when members of the Government have put all that has been said in supporting this Motion they would see the wisdom and the rightness of causing a amendment to be made. I think this Government is quite competent to devise a formula, it has its legal draughtsmen although the Attorney-General is mostly in the “air”. This amendment could read something like this: all such persons except they apply not to be registered as citizens they will automatically become citizens of Guyana.

Mr. Speaker: I will put the question.

Mr. Clarke: Mr. Speaker, before you put the question, I had hoped that you would have called on me. The Mover of this Motion perhaps needs to be reminded about the term of the Motion of which notice was given. The Motion reads as follows:

“Whereas it appears that under section 4(1) of the Guyana Citizenship Act persons born in Commonwealth countries but brought to Guyana by their parents or guardians are Commonwealth and Guyanese citizens and that it will be necessary for them to apply for registration as Guyanese citizens under the said section at a cost of \$8.20;

And whereas, if this interpretation is correct, its implementation will impose physical and financial hardship on very many persons who have lived in Guyana from infancy or early childhood, who have worked and contributed to the development of

Guyana and who have voted in many local and general elections, and have done so even in the post-independence general elections in December, 1968:

Be it resolved, that this National Assembly authorises the Government to take such steps as may be necessary to enable all such persons to be formally recognised and declared to be Guyanese citizens free of cost.”

Sir, during the exposition to which this House was subject by the hon. Mover of the Motion there was suggested that a date 1920 ought to be used. Now, Sir, the Motion that we are debating today has no such thing. I should like, first of all, in refreshing the memory of those whose Motion we are debating to draw attention to this.

Sir, the power to make regulations under the Guyana Citizenship Act of 1967 (No. 14) is given to the Minister of Home Affairs and the particular powers relating to the fees payable on application by any person to become registered as a citizen of Guyana under that Act are prescribed in the Fourth Schedule to the Citizenship Regulations, 1967 (No. 11). These were made on the 2nd September, 1967. It is true that the hon. Mover of the Motion did mention at the beginning of his remarks that it was probably an oversight, he said, by the Government that this matter was not brought to the attention of the House and of the nation. He admitted that it may have been an oversight. But sir, he blamed the Government for the oversight as if to suggest that the Opposition is not also responsible to look into the interests of the peoples of Guyana.

4.55 p.m.

On the 2nd September, 1967, these fees were prescribed and there was not a murmur. As a matter of fact, since then, the matter was not aired at all and during the period since these Regulations were made, 1008 persons applied to be registered as Guyanese citizens pursuant to the Guyana Citizenship Act of 1967. It is noteworthy that of those 1,008 persons who have applied, only 31 have not yet paid the prescribed fee of \$7.50. Note, sir, that the fee is not \$8.20 but \$7.50 prescribed under the Regulations. Therefore, the figures do not support the contention of the Opposition that there was physical and financial hardship, of the 1,008 applicants for citizenship, many more than the paltry 31 would not yet have been able to pay the prescribed fee of \$7.50.

It is interesting to note further, while not attempting to descend into the abyss of racism into which my hon. Friend descended – I know this would provoke a great deal of antagonism but I am merely attempting to put the picture as I see it. Maybe I am wrong, that there was reference made to the slaves and the hon. Member who moved this Motion knows that that was merely a convenient reference since no slave is alive today in Guyana. It is well known by the hon. Mover of the Motion that no slave is alive today and therefore no slave will be required to be registered under this Act.

Guyana is a land made up of a number of people, most of whom have been brought to this country against their will and some have been brought under very special arrangements. This is well known and the hon. Member attempts to speak only about people who have come as indentured immigrants, and labouring the point as he did, a clear inference was drawn in this House that he bears partisanship. The slaves came and then Chinese immigrants came, then indentured Indians came, then we had Portuguese, then we had Europeans. All came, but my friend, seeing as he does only a narrow picture of this situation, is unable to appreciate that many people living in Guyana today, are affected other than the indentured immigrants. What are the figures? Of the 1,008 persons who applied to be registered under the Guyana Citizenship Act, 1967, only 347 fall into the category of indentured immigrants. Of the 347, only 22 have not yet paid the prescribed fee. Therefore, this completely disfigures the argument from the Opposition that there are financial hardships.

There is no doubt that all the people of this country, including those persons for whom the hon. Member shows solicitude, have contributed to the development of the hon. Mover of this Motion think. He thinks, well, only the indentured immigrants have really contributed, and he sought to make the point in this House over and over again, that they worked, they suffered hardships etc, and they are the only people who worked hard. But we know very well that all the peoples of Guyana came here – as so well exemplified in one of our national songs, I think it is in our National Anthem: are heirs of the pains of their forefathers.

All the people have had to struggle and to fight and it is very wrong for the hon. Member to come to this House and to seek to give the impression that only the indentured immigrants really suffered.

Let me draw a few more things to the attention of the hon. Mover of the Motion and to the attention of this House. We have in Guyana a large number of West Indians. As a matter of fact we have – and the hon. Member Mr. Harry Lall confirms this – Barbadians who have been here prior to the beginning of Indian immigration. The hon. Mover of this Motion spent all his time dealing with the indentured Indians in spite of the fact, as I pointed out, that of the 1,008 persons only 347 are indentured.

What is the other aspect of this Motion? The other aspect of this Motion is that these persons have voted in local and national elections. The reference to persons having voted is, I believe, not of any real importance. What is provided under the Elections Act? What is provided under the Local Authorities Act? It is provided that as long as a person is ordinarily resident for one year within the local authority area he is entitled to vote.

In the case of General Elections, this right is given in two parts:

- (1) persons being citizens of Guyana who are domiciled in Guyana or who are resident in Guyana and have been so resident for a period of one year immediately preceding the qualifying date; and
- (2) persons being Commonwealth citizens who are not citizens of Guyana but who are domiciled and resident in Guyana and who have been so resident for a period of one year immediately preceding the qualifying date.

That is what the law says so that the reference to persons having voted is not really relevant to this debate.

The hon. Member Mr. Harry Lall also intervened in this debate. He spoke of giving people “pioneer status”. The Guyana Citizenship Act recognises the inevitability of those

persons who have lived in this country for years taking up citizenship of Guyana and it is for that reason that the law has made special provision to deal with this category of person.

Because this Motion has been so framed and because the terms of Motion are not really substantiated by the facts which I have outlined, the Government cannot accept it. I hope that those who have been advising some persons who are willing to come forward and to be registered not to do so would desist from this practice and would rather encourage those persons to come forward and to be registered so that they can be granted what the Government believes it is their right to have once they apply, that is, citizenship of Guyana.

Citizenship is never automatic as the hon. Member tries to point out. He says they must not apply; they must not pay. The persons who come within the framework of this Motion will have to apply and will be required to pay a fee of \$7.50 so that their application can be prosecuted.

Mr. Speaker: The hon. Member Mr. Maccie Hamid.

Mr. Hamid: I listened attentively to what the hon. Minister of Home Affairs had to say and I could not sit in my seat and allow what he had to say to go unchallenged. He said that a date was not mentioned in the Motion. He went on to say that if a date had been there he would have understood why the Motion was brought before the House. An argument was put up by the hon. Minister that the fee which was charged, namely, \$8.20 can be afforded by each and every person. This in itself condemns what he is saying.

Mr. Speaker: Could you please move on to the Amendment?

Mr. Hamid: It is in this respect that I am asking for an Amendment. I move that the Motion be amended to read:

“all persons who arrived in Guyana on or before 1920 and still alive”,

that is, delete the words “such persons” and substitute the words “persons who arrived in Guyana on or before 1920 and still alive”. The Resolve Clause will now read:

“That this National Assembly authorises the Government to take such steps as may be necessary to enable all persons who arrived in Guyana on or before 1920 and still alive to be formally recognised and declared to be Guyanese citizens free of cost.”

5.15 p.m.

But I did this merely because I want the hon. Minister to know that the cost sometimes is very hard on the poor people whose meagre pension cannot afford them to do this sort of thing. This Government here itself is in a very dangerous position where finance is concerned that it cannot find money although it is collecting rates and taxes in local authorities.

The Prime Minister issued a statement to all the members of the Opposition, notwithstanding the fact that Members on the Government side and the Back Benches must have also been coached or told what should be done in their respective fields. Many collected and cannot be accounted for; money cannot be found to do things which are necessary in this country. The Guyana Defence Force is cleaning gutters and drains and cesspits. That is what it amounts to. The Government cannot find the money; loans are put into the Government's hands to do development works, but it cannot find the money when it is necessary. With the high cost of living that this Government has placed on the people of this country it is unfair for the Minister of Home Affairs to say that a man who receives a meagre sum of \$1.80 or \$2.50 can pay the fee charged. Two Ministers had to exchange their Ministries because of the E.T.B., that is a glaring example of –

Mr. Speaker: Hon. Member Mr. Hamid, how is that relevant? How is the fact that two Ministries have changed Ministries relevant to this?

Mr. Hamid: I am saying that the E.T.B. must be responsible for this disgraceful situation. In this respect, I hope that the hon. Members on the other side will see the need for such an Amendment. As the Minister rightly said had this been included it would have been a horse of a different colour. I take great pleasure in moving the Amendment and hope that it would be taken into consideration.

Mr. Reepu Daman Persaud: Mr. Speaker, I wish to seek clarification so that I could wind up and be finished. I do not know if anybody wishes to speak on the Amendment.

Mr. Speaker: I do not think it is my right to ask any hon. Member if they wish. If you wish to speak you may proceed.

Mr. Reepu Daman Persaud: I wish to say that I have accepted the Amendment. I have listened to the hon. Minister of Home Affairs and he was making the point that the Motion was not specific. There can be no doubt that with the Amendment the Motion is very clear. Now that the Motion is very clear and beyond a doubt as to what we are seeking to do this afternoon it is my view that the Minister and hon. Members of the Government will support the Motion.

Mr. Speaker, the hon. Minister attempted to include in the debate something which was very distasteful, by endeavouring to tell the House that I was speaking for one particular group. As a matter of fact, what was said by the Minister exposes the fact that the Minister has a one track mind so far as this debate is concerned and if anyone was thinking along racial lines it would be the hon. Minister of Home Affairs. Because either in his unconscious state, subconscious state, innocence or ignorance –

Mr. Speaker: Hon. Member, I will not permit you to –

Mr. Reepu Daman Persaud: I withdraw that sir. The hon. Minister makes the point that there is no slave alive. If I am to go to his level I would say that is enough evidence to say that because those who were brought here during the slavery time are now dead, the Government is not supporting the Motion. But I do not even wish to bother with that point. Mr. Speaker, if the Minister himself was to spend some time in his dispassionate moment and look at the Motion he will see that the Motion speaks of all and not in any part of this Motion is there reference to what the Minister was trying to introduce in the debate that was applicable to one set of people.

In introducing the Motion, I said in clear, cogent and distinct language for the assimilation and digestion of the hon. Minister that this Motion is intended to give citizenship to all those persons who came to the country on or before the year 1920. I hope the hon. Minister now understands. The second point is, the Minister said how the Indian Immigration Fund came

into the debate. If he had any knowledge of the Indian Labour Ordinance, Chapter 104, the hon. Minister will be able to appreciate the point. But since he has no knowledge but he has time as a Minister, I suggest that he read the Ordinance and he will know how that came into the debate.

The hon. Minister said 1,008 persons applied for citizenship recently. Of that figure he is telling us that 347 were indentured labourers. I am accepting his figure; I do not want to dispute his figure. But let me tell the Minister this afternoon that a far greater number has not applied and his own figures support very strongly my arguments in this debate.

Mr. Speaker, the hon. Minister who has the power to waive payment has confessed in Parliament this afternoon that of the 347, 31 persons were unable to pay, although they have submitted their forms to the Ministry of Home Affairs. The point I made is that although the people were able to get some services free they could not find the fees to pay to the Ministry of Home Affairs. One was expecting during the course of the hon. Minister's contribution that he would have said, "Look even if I am bent on saying that there will be no amendment to this Act", one would have expected the Minister to say during the course of his registration by these people. We did not hear that coming from the lips of the hon. Minister. If we were to travel from one end of this country to the other end of the country and tell people not to pay. I am saying that of the 347 persons who have paid, the majority of those persons have paid because they were afraid of losing their old age pension, because they were afraid that they will not be allowed to vote, and because of an advertisement published in the *Guyana Graphic* that unless you register as a citizen the consequence would be serious. These are the factors that led these people to go and register.

5.25 p.m.

If the Minister was in touch with the people's financial position in this country, particularly people who are pensioners, people with whom we come into contact every day, he would be able to appreciate it. I do not want to keep the debate going or I could read statements signed and issued by people stating exactly how much pay they receive, what are their financial commitments, and how it is impossible for them to find \$8.20 to register.

The Minister himself is unaware of the process of registration because if he were aware of the process of registration, he would recognise that the sum in the Motion is below what it will cost an individual for registration. What the hon. Minister will have to understand is that before the form as prescribed by the Citizenship Act can be filled with his Ministry, the person who is applying has to pay 50 cents for stamps and 50 cents for swearing before a Commissioner of Oaths. So, if the registration fee is \$7.50, the total cost of registration would be \$8.50.

The Minister might not want to accept the fact and truth because power makes a lot of people drunk. The Minister is my friend and I would not like to attribute this remark to him, but it is necessary for us to recognise the position of people in this country and if we are in a position to help them, we should use our offices to help those persons. The hon. Minister cannot deny, nor can this Government deny, or can anyone deny that a large number of people will die in this country stateless. What has the man to lose if he does not register? If the hon. Minister says nobody will take away his pension, and according to the provisions of the Elections Ordinance, be it General Elections or Local Government Elections, he will be qualified to vote whether he is a citizen or not, once he is domiciled and resides in this country. It means this: do not register; die stateless.

I have names of people who are not Indians, people who came to the Opposition Office and protested, people from the West Indian islands, people who have lived here for over 50 years, and people who feel they are entitled to citizenship. The Minister says citizenship is never automatic. If he reads the Constitution he will see that with the changeover from British status to Independent or to Republican status, automatically, those of us who were born here became citizens. He must be careful of his language as a Minister.

The hon. Minister in his contribution has not said one word that really can be interpreted in any way to oppose the spirit behind this Motion tabled and moved in this House today. The hon. Minister has not adduced any evidence or any facts to show that the people for whom this Motion has been moved are not against the attitude of the Government in this particular matter. And the provision which he said has been put as he attempted to introduce in this House. It is a normal provision applicable to all those persons who were born in the Commonwealth and

Ireland, and not born in Guyana, and all we are asking the Government to do, if the Minister understands, is to make these people citizens by an Act of Parliament. That is all.

I wish formally at this stage to urge that what appears to be arrogance and haughtiness be replaced by reasonableness. The Government should recognise the position of these people and help them in the present circumstances. We ask the Minister not merely to say: "You told them not to pay and that is why they did not pay". It is a fact that they cannot afford to pay.

Mr. Speaker: Are you not repeating this argument?

Mr. R.D. Persaud: How can he pay when he gets \$12 a month to maintain himself? In some cases \$10. How can he find \$8.50 – to correct the Minister – if he wants to be registered under the Guyana Citizenship Act? I therefore urge the Government to see the wisdom in the Motion. The hon. Minister himself has conceded that if the Motion has anything specific, or a time limit, he would have been prepared to consider it. We have given the time limit, a date, and all the evidence, in the Motion by the Amendment moved, telling him exactly what we want and it is clear from the Amendment that we are speaking of people who are really living here for a long number of years.

Mr. Clarke: Mr. Speaker, just –

Mr. R.D. Persaud: On a point of Order. I was saying that I was replying to the Motion.

Mr. Clarke: All that I wish to say is to clarify the position with respect to what I said in relation to a time limit. I read the terms of the Motion and I said there was no time limit set in that Motion. I did not say that had there been a time limit, the matter would have been given consideration. [*Interruption.*]

Mr. R.D. Persaud: I merely want to say that the Minister's last contribution exposes him for what he is. [*Interruption*]

5.35 p.m.

Amendment put, and negatived.

Motion put, and negatived.

ADJOURNMENT

Resolved, “That this Assembly do now adjourn until Thursday, 19th August, 1971, at 2 p.m. **Minister of Housing and Reconstruction** (Leader of the House)]

Adjourned accordingly at 5.35 p.m.
