

SECOND LEGISLATIVE COUNCIL

(Constituted under the British Guiana (Constitution) (Temporary Provisions) Orders in Council, 1953 and 1956).

Thursday, 27th October, 1960

The Council met at 2 p.m.

PRESENT :

Speaker, His Honour Sir Donald Jackson

Chief Secretary, Hon. Major I. O. Smith, O.B.E. (Acting).

Attorney-General, Hon. A. M. I. Austin, Q.C.

Financial Secretary, Hon. W. P. D'Andrade

} *ex officio*

The Honourable Dr. C. B. Jagan

—Member for Eastern Berbice
(Minister of Trade and Industry)

„ „ B. H. Benn

—Member for Essequibo River
(Minister of Natural Resources)

„ „ Janet Jagan

—Member for Western Essequibo
(Minister of Labour, Health and Housing)

Ram Karran

—Member for Demerara-Essequibo
(Minister of Communications and Works)

„ „ B. S. Rai

—Member for Central Demerara
(Minister of Community Development and Education).

Mr. R. B. Gajraj

—Nominated Member

„ R. C. Tello

—Nominated Member

„ F. Bowman

—Member for Demerara River

„ L. F. S. Burnham, Q.C.

—Member for Georgetown Central

„ S. Campbell

—Member for North Western District

„ A. L. Jackson

—Member for Georgetown North

„ E. B. Beharry

—Member for Eastern Demerara

„ S. M. Saffee

—Member for Western Berbice

„ Ajodha Singh

—Member for Berbice River

„ Jai Narine Singh

—Member for Georgetown South

„ A. M. Fredericks

—Nominated Member

„ H. J. M. Hubbard

—Nominated Member.

Mr. I. Crum Ewing—Clerk of the Legislature

Mr. E. V. Viapree—Assistant Clerk of the Legislature.

ABSENT :

Mr. W. O. R. Kendall — Member for New Amsterdam

Mr. R. E. Davis — Nominated Member—excused

Mr. A. G. Tasker, O.B.E.—Nominated Member—on leave.

The Clerk read prayers,

MINUTES

The Minutes of the meeting of the Council held on Wednesday, 26th October 1960, as printed and circulated, were taken as read and confirmed.

ORAL ASKING AND ANSWERING OF QUESTIONS

CONTRIBUTORY PENSION SCHEME FOR SUGAR WORKERS

Mr. Bowman : I would like to ask the Minister of Labour, Health and Housing Question No. 29 standing in my name on the Order Paper: Will the Honourable Minister of Labour, Health and Housing inform this Council why the Government has not brought forward for debate the Motion tabled by me since last year June and again on January 5, this year, which seeks to establish by law a Contributory Pension Scheme for sugar workers, as recommended by the Venn Commission since 1949?

The Minister of Labour, Health and Housing : The Government desires to see a Contributory Pension Scheme for sugar workers, but would not wish to see one imposed by law while there was imminent prospect of a voluntary scheme acceptable to both sides of the industry. It is understood that negotiations for such an agreement are now far advanced.

Mr. Bowman : As a Supplementary Question, I would like to know whether the Minister is aware of the fact that the question of establishing a Contributory Pension Scheme by law was under consideration when we told the sugar producers about it two years ago, and because of that this Motion was brought here?

The Minister of Labour, Health and Housing : As I understand it the M.P.C.A. and the S.P.A. have reached an agreement whereby a pension scheme is supposed to be introduced with effect from 1961.

Mr. Bowman : As a Supplementary Question, will the Minister tell this Council whether the Party to which she belongs was not advocating for the establishment of a Contributory Pension Scheme by law for the last 10 years, and if during that time it was thinking of leaving the sugar producers to establish the Scheme by themselves?

Mr. Speaker : What is the Question?

Mr. Bowman : I ask whether the Minister is aware of the fact that her Party was advocating the establishment of such a Contributory Pension Scheme by law for the past 10 years?

The Minister of Labour, Health and Housing : I am, perhaps, more anxious than the hon. Member to see a Contributory Pension Scheme. I am not concerned whether it is by law or by a voluntary agreement. I am merely concerned with seeing the establishment of a Contributory Pension Scheme. Therefore, in view of the announcement that an agreement has been reached, I think it is fair to wait and see whether there will be an implementation of the agreement.

Mr. Burnham : As a Supplementary Question, can the hon. Minister tell us when the negotiations between the M.P.C.A. and the S.P.A. started on this question?

The Minister of Labour, Health and Housing : I understand that negotiations were completed this year.

Mr. Burnham : My question was when they "started" not "completed".

The Minister of Labour, Health and Housing : I am not certain about the time the negotiations started. I presume that the M.P.C.A. has been having discussions for a considerable time with the S.P.A.

Mr. Burnham : As a Supplementary Question, when did the Government become aware of the fact that negotiations were going on?

The Minister of Labour, Health and Housing: Negotiations for the agreement, as we know it, commenced, I should imagine, either late last year or early this year.

Mr. Burnham: As a Supplementary Question, can we find out why, since this knowledge came to the Government after the Motion was tabled in June, was the Motion not brought up before? [*A long pause.*]

If I may refresh the hon. Minister's memory, she said that "they became aware of the negotiations either late last year or early this year." This Motion was tabled in June last year. I am asking why, in these circumstances, the Motion was not brought up before the end of the year?

The Minister of Labour, Health and Housing: As the hon. Member is aware, we have a considerable number of Motions to discuss in relation to a Contributory Pension Scheme. The Government has had under consideration the whole question, and not necessarily that pertaining to the sugar industry alone.

Mr. Burnham: As a Supplementary Question, I would like to know whether the Minister still adheres to her first answer "that the Motion was not brought up before because of the negotiations taking place at the time?"

The Minister of Labour, Health and Housing: The Motion in relation to this matter need not come up at this stage. There is another Motion on the whole question of a Contributory Pension Scheme on a much broader scale which, I understand, will be coming up for discussion.

Mr. Bowman: I was about to ask the Minister whether she is aware of the fact that this Motion was brought here long before the two Motions passed here last week? Two Motions were passed last week relating to pension schemes for

the employees of the Pure Water Supply Scheme and the Georgetown Town Council. Is she more interested in the Town Council workers than the sugar workers who put her here?

The Minister of Labour, Health and Housing: I really do not know what the hon. Member is referring to. Perhaps he is talking about the legislation we passed in connection with the Town Council. I can tell him this: I am interested in all workers.

Mr. Speaker: What is it you are saying?

Mr. Bowman: I am saying that we passed two Bills which relate to contributory pension schemes for the Pure Water Supply Scheme and for the Georgetown Town Council workers, and I am asking whether the Minister is more interested in those workers than the sugar workers who had put her here?

The Minister of Labour, Health and Housing: I would ask that the hon. Member repeat the question.

Mr. Bowman: I asked whether the Minister is aware of the fact that my Motion was placed here before the two related Bills which were passed here last week dealing with contributory pension schemes for the Pure Water Supply Scheme and the Georgetown Town Council workers?

Mr. Speaker: That is one question.

Mr. Bowman: They are two questions. They relate to two contributory pension schemes, one for the Municipal workers and the other for the Pure Water Supply Scheme workers.

Mr. Speaker: If you ask two questions in one you cannot get an answer. You have to ask one after the other. Anyway, the Minister understands.

Mr. Bowman: I asked questions concerning two Bills which were passed last week.

The Minister of Communications and Works: You are going to broadcast that?

Mr. Bowman: I would not mind broadcasting anything I say here.

The Minister of Labour, Health and Housing: As I said at the beginning, there are negotiations, and there have been negotiations for a considerable time going on between the S.P.A. and the M.P.C.A. in relation to a contributory pension scheme for the sugar workers. In view of the fact that these negotiations are going on and it looks as though there may be the possibility of the announcement of a contributory pension scheme from 1961, I can see no useful purpose of discussing it at the moment.

Mr. Burnham: As a Supplementary Question: Can the hon. Minister give us the reason, as negotiations are going on, why she became aware of the negotiations six months after the Motion was Tabled?

The Minister of Labour, Health and Housing: Perhaps, the hon. Member is not aware of it. I was speaking in relation to the last specific announcement, which I read concerning the M.P.C.A.—S.P.A. negotiations, in relation to it. I believe the hon. Member is aware of it. However, negotiations have been going on for a considerable time and there have been numerous discussions, not only with my Ministry, but with the Ministry of Community Development and Education, on the same point.

Mr. Burnham: But the hon. Minister, in her earlier answer, said that she became aware of the negotiations early this year.

The Minister of Labour, Health and Housing: I was speaking on the terms of the recent agreement. I thought all Members here must have been aware of what went on before because there were a number of announcements pertaining to the matter. I believe a

gentleman came down from the U.K. to examine the question of a contributory pension scheme for the sugar workers and I assumed that hon. Members were aware because he visited the Legislative Council chamber last year. I was speaking of the specific agreement.

Mr. Speaker: The next Question is No. 30. The hon. Nominated Member, Mr. Tello, is not here. We will have to pass on to the next Question—No. 31.

B.G. COMPANIES LEGISLATION

Mr. Hubbard: Mr. Speaker, I would like to ask: "Will the Honourable Minister of Trade and Industry say what steps have so far been taken to bring British Guiana's Companies legislation up-to-date?"

The Minister of Trade and Industry: "The Sub-Committee of the Industrial Development Advisory Committee on Co-ordination and Promotion of Industry recommended a number of amendments to the Companies Ordinance. The Law Reform Committee has prepared an interim amending Bill incorporating three out of four of the amendments recommended by the Sub-Committee of the Industrial Development Advisory Committee and some important provisions of the Companies Act, 1948, of the United Kingdom. The Companies (Amendment) Bill has been referred to the Law Officers and will shortly be submitted to the Governor in Council for approval to introduce it in the Legislative Council.

Mr. Hubbard: As a Supplementary Question: Will the hon. Minister undertake to say whether the amended Bill will come before this session of the Council?

The Minister of Trade and Industry: That will depend how soon the Legal Department will be able to handle it. I will certainly try my best to get it before the Council [*Interruption*]. My hon. Friend has just said it will be ready within a week or two.

ORDER OF THE DAY
BILLS — SECOND READING
AMERINDIAN (AMENDMENT)
BILL

Mr. Speaker : The hon. Chief Secretary is to move the Second Reading of the following Bill: A Bill intituled

“An Ordinance to amend the Amerindian Ordinance.”

The Chief Secretary: (Major Smith): Your Honour, in moving the Second Reading of this Bill which appears in my name on the Order Paper, I should like to deal with it clause by clause. First of all, Clause 2, which seeks to amend Section 13 of Chapter 58, states:

“(1) The Commissioner, a district commissioner or any member of the police force may lay an information or complaint in his own name on behalf of any Amerindian against any person in the magistrate's court having jurisdiction to hear and determine the offence or other matters alleged against that person.

(2) The information or complaint, and all proceedings arising out of the same, may be prosecuted or conducted before such court on behalf of the Amerindian by the person who laid the information or complaint in pursuance of the preceding subsection, or by the Commissioner, the district commissioner or any officer authorised in that behalf in writing by the Commissioner.

(3) The Commissioner, the district commissioner or an officer may, if necessary, appeal to the Full Court of the Supreme Court against any decision of the magistrate in proceedings instituted under this section, and may in the Full Court retain the services of counsel, and in all respects take such steps on behalf of the Amerindian as he may think fit.”

This Clause seeks to enable responsible officers to represent Amerindians wherever they may be.

Clauses 3 and 5 deal with the Amerindian Purposes Fund. When this Principal Ordinance was enacted, it provided for the transferring of funds in the Aboriginal Indian Reservation Fund to the Amerindian Purposes Fund, but did not

provide for the payment into the Fund of such monies as previously had been payable into the Aboriginal Indian Reservation Fund. Monies have been paid into this Fund, and Clauses 3 and 5 seek to enable monies to be paid into the Fund from time to time and to regularize such payments as have already been made.

Clause 4 seeks to add the words “Commissioner of the Interior” before the words “District Commissioner”. That is in Part VII which deals with the movement of Amerindians and the conditions and terms under which they may be employed.

Clause 6 deals with the repeal of Part VIII of the Principal Ordinance. Since 1957, careful consideration has been given to the desirability of the repeal of this legislation which is considered, in some quarters, discriminatory. Government's stated policy as far as Amerindians are concerned, is for the gradual absorption into the general community of the Amerindian without protection in any form. This has been the policy which has been carried out over the years and Government, assisted by the various denominations who work in the Interior, have gone on steadily fitting the Amerindian to take his place in the general community. Schools have been established, village and area councils have been started, trade shops opened and self-help projects encouraged; and it is felt that the time is now ripe for the removal of this piece of legislation which prohibits the sale to Amerindians of intoxicating liquor while still, administratively, continuing the controls which are or might be considered necessary to safeguard the Amerindian from exploitation. These controls are aimed at limiting the number of licences issued in Amerindian areas. This has been done and will continue to be done.

It is a fact that although the existing legislation prohibits the sale of intoxicating liquor to Amerindians, it has not

[THE CHIEF SECRETARY]

stopped it. The Amerindian has to pay for liquor at exorbitant prices and it has been extremely difficult to bring the offenders to successful prosecution. By the repeal of Part VIII of the Ordinance, the Amerindian would be able to obtain intoxicating liquor without hindrance. It is true, but persons with experience of the Amerindians feel that it is unlikely that they will consume more alcohol than they now do and it will give them a chance to use it in the same way as other citizens and, we hope, with moderation.

The leaders of religious denominations, with experience of the character and customs of the Amerindians, have been consulted and the British Guiana Christian Social Council has recommended the repeal of this bit of legislation while, at the same time, asking that all necessary controls be maintained — that is, the limitation of the licences in Amerindian areas — and at the same time, if necessary, the strict control of the hours during which the stores and shops are permitted to open; and it is hoped that by administrative control to do just that — to see that this is not abused if this part of the Ordinance is repealed.

Finally, this Bill should not be interpreted as an effort on the part of Government to shirk its responsibility towards the Amerindians, but rather just another step to fit them into the general community of British Guiana. I now formally move that the

Bill intituled "An Ordinance to amend the Amerindian Ordinance"

be read a Second time.

The Attorney-General: (Mr. Austin): I beg to second the Motion.

Mr. Campbell: I just do not know where to begin, but I would like to make reference to the editorial in yesterday's "Evening Post" in which I was attacked for my stand against the repeal of the

Amerindian Ordinance. Nobody knew what was my stand on the Bill now before the Council, and it was therefore a surprise to me to read the editorial in the "Evening Post" in which reference is made to a statement made by the Minister of Trade and Industry at his Press conference. It said:

"As a matter of fact Dr. Jagan gave it out that his Government had under active consideration a change in the law to give Amerindians equal rights with other races in the Colony."

I happen to know something about the Amerindian and his mentality, but nobody has thought it fit to consult me at any time on the subject. This Bill has been brought as it were from the skies. I may mention that as an aside the Minister of Trade and Industry told me some two years ago that whenever there was any matter concerning the interior they would discuss it with me, but up to this moment I have not had the pleasure of the Minister of Trade and Industry or any of his Ministers consulting me about anything concerning the interior or Amerindians.

Naturally, I feel that this Bill is being foisted on this Council today. According to the statement published in the Press, the object of this Bill is to give the Amerindians equal rights with other races in the Colony. In order to give the Amerindians equal rights and to bring about integration with the other races in the country it is proposed to use a symbolic bottle of rum instead of a bottle of milk. Historians record that in the early 17th century hundreds of thousands of natives could be seen lining the shores of the sea and along the river banks in the Guianas. Where are those people today? The Amerindians have dwindled to a paltry 20,000 according to the recent census, and one of the contributing factors, in my opinion, is rum drinking. In North, Central and South America rum and guns have been used to exploit and exterminate the Amerindians who cultivate a taste for rum.

If the intention of the repeal of Part VIII of the Amerindian Ordinance is to bring about the emancipation and integration of the Amerindians I will certainly not support the Bill. I had a chat this morning with the hon. the Chief Secretary who told me that the Christian Social Council and others were agreed that the present laws concerning Amerindians were discriminatory and should be repealed. Who has complained that the laws are discriminatory? Housewives, sweethearts and sisters formed the bulk of the Amerindians who sent a petition to me some time ago on the mere rumour that it was proposed to open a rumshop in an Amerindian reserve. They besought me as their representative to try to prevent it, wives pointing out that when their husbands drank rum they spent all their money on drink, neglecting them and their children, and that under the influence of liquor their husbands frequently beat them. Whilst in the forest on one occasion I heard the screams of a woman who was being beaten by her husband who had been drinking. The following day the husband said he was sorry for what had happened whilst he was under the influence of liquor.

The Amerindian of today is drinking rum which is not illicit; he gets it from rumshops which pay a licence. I was under the impression that this came about because it was said that I made out a strong case against rum-drinking in the Legislative Council. That is not true. The Press played up the wonderful story of the Amerindians in the Upper Mazaruni being up in arms. There was even a cartoon showing Amerindians on the "war path" because other people were assaulting their women, jumping their claims and causing general confusion in the Upper Mazaruni. All I said was that I am not the representative of the Amerindians, but just an ordinary citizen who has a seat in the Legislature. I said that the people who were really in charge of Amerindian affairs in British Guiana were the Chief Secretary, the Commissioner of

the Interior and the District Commissioners in the interior, and that if such things were happening in the Mazaruni then the official on the spot was not doing his job.

If there is a lot of rum-drinking and general demoralization in the Amerindian reserves the law which prohibits the sale of liquor to Amerindians should be enforced. I went into the interior after the incident and I was told that one of the Ministers of this Government had remarked that I wanted the Amerindians to be treated like children. I would say that the Amerindian Ordinance is discriminatory, and that nobody should be prevented from eating or drinking what he wishes, but if Members of this Council had the experience I have they would know that in his sober state an Amerindian is a timid and gentle creature, but he becomes a raving lion when he is under the influence of liquor.

If it is discriminatory to stop his going in for liquor-drinking, then, to have this Ordinance as a deterrent in the light of the background of the people, it may remain obsolete on the Statute Books. The Amerindians will go on drinking just the same, but there will still be something to fall back on when things become too glaring. The repeal should come when the Amerindian's mind is more disciplined; when he is given the necessary training; when the Christian Social Council and the missionaries bestir themselves from their complacency and take time off to teach them more about civilization, citizenship and how to control their minds. It is necessary to train the Amerindian's mind, body and soul, but I have yet to meet real civilization in the Interior—to meet dedicated people who are filled with the desire to train the Amerindian to reduce his drinking. It is taken as a matter of course that he will drink.

[MR. CAMPBELL]

When he had his native brew he used it all the time. Time was when the Amerindian families used their native piwarri and cassari in the same way as the rest of the civilized world used coffee on mornings. The brews were good and, according to an analyst in New York, the beverages had the necessary vitamins to supplement other food intake. That did not send them crazy; it did not force them to spend the money in their pockets, because they could get the things to make piwarri and cassari in the field.

Now you are going to civilize the Amerindians. I am afraid that the Amerindian picks up the vices of civilization easier than the virtues. I am a person who speaks my mind irrespective of where the chips fall. Some of those who resent my remarks may be people whose ambition is to become rum barons, and others might mean no good to the Amerindians. I hope that Part VIII of the Ordinance will be retained, but, as everybody seems wont to give emancipation, freedom and integration to the Amerindians through giving them equal rights to purchase liquor, I would ask that the Bill be referred to a Select Committee for further consideration.

I do not know anything about this matter; it took me by surprise and, naturally, my reaction will be to vote against it. I believe in the integration of the Amerindian into the general run of the community. I appreciate the things that are being done for the Amerindian in the medical field; in the setting up of community centres and so on. I am wondering whether these community centres are converted into rum-drinking centres. Who are doing the trade in these community centres? People should go to the training centres and talk about a better way of looking at things; a better way to acquire the best cultures in life; better ways of doing farming and better ways of behaving socially. I have a doubt up to now as

to whether the community centres are being put to the use for which they are intended. I would like the hon. the Chief Secretary, under whose portfolio Amerindian Affairs fall, to make some inquiry as to whether the community centres are really being used to help the natives in the Interior.

I do not know whether you are going to put this matter to the vote, but I would ask that a Select Committee be appointed to go into this matter as well as general Amerindian affairs. I, at least, am satisfied that the approach now made towards the question of rum-drinking in the Interior is not the correct one.

Mr. Bowman : The repeal of Section 8 of the Amerindians Ordinance smells stink, and I am wondering whether this is the brain-child of the Government themselves, or the urging of a small section of the community of British Guiana. I think it is the urging of the people who deal in intoxicating liquors. I have lived among the Indians for twenty years; I worked in the Interior for twenty years, and I have seen them in action after they have taken intoxicating liquor. When an Indian is drunk he is like a mad man, and if he has a gun the first thing he thinks of is to shoot. Several natives living in those areas will tell you that they always feel afraid when an Indian is drunk.

I am very much surprised to hear the hon. the Chief Secretary saying that the Christian Social Council has recommended the repeal of this Ordinance. Does it not seem hypocritical that Churchmen should recommend the repeal of this Ordinance? Why should Churchmen recommend the repeal of this Ordinance to enable Amerindians to get intoxicating liquor to drink? Can't the Government find other means of raising the social status of the Amerindians, instead of repealing the Ordinance? I am quite sure that there is room for many more improvements — improvements

which are neglected at the moment. Are they thinking of putting money into the pockets of a few people in this country, in the same way as they have done when they amended the Cinematograph Ordinance to permit the showing of films on Sundays?

The intention is to help a few people in this country. You cannot govern like this. Is this the Government of the people? They claim to be champions of the ordinary folk. When I was with the Minister of Trade and Industry I heard him, on several occasions, ridiculing the drinking of intoxicating liquor at sugar estates. He said that it was something which should be banned. I am, therefore, surprised to hear his Government is introducing this Bill to give the Amerindians equal status in so far as consuming intoxicating liquor is concerned.

We know that the Amerindians are the least developed in this country — socially, mentally and otherwise. Why introduce this Bill to give them liquor to drink? Do you want to make them mad, or do you want to exterminate them? Can anyone claim to know the Amerindians better than the lone Amerindian representative in this Council? Are you giving them freedom to drink rum and get drunk? I claim that Mr. Campbell knows the Amerindians better than the Christian Social Council. This so-called Government of the people are corrupt even in their thoughts.

However, if they pass this Bill — I know they will pass it because they have the voting strength; I am sure they will not be back here next year — when we come back here next year we will change the law.

Mr. Jai Narine Singh: I wish to say a few words with respect to the repeal of Part VIII of Chapter 58. I cannot, like the last speaker, impute any ill motives either on the part of the Government or on the part of those who recom-

mended this Bill; but I cannot help but feeling that the drinking of rum in this country is indeed a very serious matter for those who are engaged in the general social upliftment of the masses of this country.

It is true that those who are in the Government or may be out of the Government or those who are aspiring to get into the Government always would be looking forward to over \$4 million of revenue that comes into the Treasury by the mere selling of rum to the poor people of this country, largely. It was indeed a very sorry day when this Legislature sat leaderless and permitted the selling of rum by the removal of the restriction on the granting of licences to rum shops on the sugar estates. It has played havoc with the individuals as well as the economy of them all.

I must say that I agree with the general principle enunciated by the hon. Mover of the Bill, that there should be one lot for all; but at the same time we have to take into consideration the remoteness of the areas where the Amerindian resides. He resides in very far and remote areas where the policing of the areas is a very serious matter. As a matter of fact, when a murder or a serious thing happens, it takes sometimes four, five or six days before the police reaches there. In those circumstances, the repealing of this Part should be gone into with very great care.

Many of us who practise in the Courts — many of us who make a living from the misfortunes of the drinkers — know that 9/10 of the acts of assault and murder are caused through drink. After every single holiday, you go to the Magistrates' Courts in Georgetown and they are packed with those who are charged with offences as a result of drink. Consequently, when we transform the situation where liquor is made available to those in the remote areas, many would be

[MR. JAI NARINE SINGH]

profiting, but a large section of the community, who is still in need, would suffer by the repeal of this Ordinance.

One last reason: I feel that the hon. the Chief Secretary should reconsider the repealing of Part VIII of Chapter 58 in view of the remoteness of the areas in which Amerindians live, because the policing of those areas is indeed a difficult matter. That is the contribution I wish to make to the debate on this Bill.

In the reply which the hon. the Chief Secretary may wish to make in this Council, I would like him to tell me about the policing of the Amerindian areas — the North West District, Rupununi and Orealla districts — how many policemen and police stations there are in those areas, and how many Amerindians there are in those areas and the scattered areas in which they live? Many of them are still nomadic and it is difficult to keep them in one area.

The Minister of Labour, Health and Housing (Mrs. Jagan): This Bill which is before the Council raises the type of reaction which, possibly, could have been anticipated. It also gives some Members the opportunity of discussing the next General Election. I would not like, at this stage, to enter into any discussion on the next General Election except to say, perhaps, that some hon. Members may not be with us after the next Election.

I am sure, in discussing this Bill, Members must be fully aware that the object of the particular Section under discussion is to remove any discrimination that exists against one of the peoples of this country. We hear so much these days about freedom. We even have persons picketing this building, calling themselves "Defenders of Freedom", and yet when we come before this Council hoping to bring this freedom to everyone in British Guiana, we find that there are those

who say "no" — some must be discriminated against, some are not mature enough to enjoy these same rights that all the people of the world enjoy.

I, for one, do not think that the Amerindians are ignorant people or are people any different from the rest of us. It is my view that all people who drink rum behave badly when they drink. It does not matter whether they are White, Chinese, African or Amerindian. Some people even behave badly without getting drunk. It is a generally accepted thing that most people who get drunk behave disgustingly, and I rather resent the remark of one hon. Member here, that if you give an Amerindian drink he will start shooting people. Certainly, it smacks of racial discrimination.

Mr. Bowman: To a point of correction: I said if you give him rum and he gets drunk, the first thing he does, if he gets a gun, is to start shooting.

Mrs. Jagan: The hon. Member has explained it much better than I. It smacks of racial discrimination; it smacks of superiority. Given the opportunity, they will behave in the same way as other people behave. The necessity of this Section—"Intoxicating Liquor"—in our Ordinance is a farce. I would like to know how one could implement this Clause:

"No person shall sell, barter, supply or give intoxicating liquor to any Amerindian, or to any person for consumption by an Amerindian."

Amerindians move all over British Guiana. Are we to have them so carefully policed that everywhere they walk they should have the police walking behind them to see that they do not get a schnapp of rum? Why must an Amerindian be refused permission to enter a Bar in New Amsterdam or Georgetown? A great number of Amerindians are employed in Government, in industry; some of them have become just as sophisticated as some people and they enjoy the same type of entertainment and

go to the movies. Is the Amerindian to be denied service if he enters the "Rendezvous" or the "Cactus Club?" Certainly, this is discriminatory. I am not in favour of drinking or, to put it this way, over-drinking. It is a bad habit in this country. I think too many people spend too much of their income on drink. It is not hard for us to remember the number of women who do not receive their husbands' pay packets on Fridays and Saturdays because their husbands go drinking on their way home from work. That problem is much larger than the one we are discussing today.

If we are discussing the question of prohibition, I think we can do that at a later stage; but I have heard hon. Members, here, complain bitterly on the occasion when the Government was seeking further revenue by increasing the tax on rum. They wept bitter tears over the poor working man who would have to pay more for rum. Rum drinking is a bad national habit in British Guiana.

This Bill before the Council does not intend to give that habit to more people. This Bill merely wishes to set the scales at balance to allow the Amerindian to live in our community just like other people. This is not saying that more rum shops will now be opened in the Amerindian Reservations. That is entirely false. If hon. Members have that in the back of their heads, I would like to disabuse them of that idea. The same requirements to establish a rum shop at a reservation still exist, and it is not the intention of this Government that this should be allowed.

I am attempting to point out to hon. Members the inconsistency of having this legislation in our Ordinance and the impossibility of implementing it. I also wish to stress that we want the Amerindian to move around the country to take up employment just like other people. I have seen a number of them who are employed by the Government and who are taking on more responsible positions. I think it will be unfair to discriminate

against these people. One must see in our legislation that they enjoy the same privileges that all of us enjoy. It is significant that the Christian Social Council has shown no objection to the introduction of this Bill. We know that the Churches work in all of the Amerindian Reservations and they certainly would keep a keen eye on this aspect of the question.

I would like to urge Members to remember that this question of freedom is a very broad one. We may not always agree with what a person wants to do or what a person wishes to express, but that does not mean that we should deny that person his freedom. The painting presented to the Guianese people by one prominent artist, which was refused exhibition at the Royal Agricultural and Commercial Society yesterday, is another example of what can happen when one only agrees to the particular type of freedom one may wish. In this case, they did not agree with the artist's expression. Some of us may not agree that an Amerindian should drink, but that does not mean that he should be denied the freedom to drink.

In the same way, if someone does not like the painting by Mr. Aubrey Williams it should not mean that he should be refused the right to exhibit it for all to see. People who preach about freedom and march around this Building saying that they are defending freedom, should realize its fullest implication. Some of us may not like to see an Amerindian or anyone else getting drunk, but that does not mean that we should deny anyone his right to get drunk if he wishes to. While the existing law prohibits persons from selling liquor to an Amerindian we know that the Amerindians have their own brew, and that they can get just as drunk by mixing their own brew as by drinking rum.

So that the idea of preventing Amerindians from getting rum is farcical. The existence of the law does not prevent

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them from taking their own intoxicating drink, therefore it is a senseless objection to the repeal of that provision in the Ordinance. I would urge hon. Members to appreciate these points, and that it is not the intention of the Government that liquor stores and rumshops should be set up on Amerindian reservations.

Mr. Jackson: The more one listens to the observations by hon. Members on this Bill the more one becomes interested. For example, the hon. Minister for Labour, Health and Housing has just made a very important observation—can anyone deny the right of another to get drunk? If drunkenness is an offence it seems that the answer is “Yes”, for under the law no one is allowed to get drunk. A person is not denied the right to drink, but if he gets drunk in certain places the Police have the right to prosecute him. If he drives a motor vehicle whilst under the influence of liquor and gets into an accident, and it is established that he was driving whilst under the influence of liquor, then a brake is put upon his right to drink liquor. So that it is clear that there are certain limitations and restrictions upon the rights of individuals, and that is something known the world over — that in spite of the freedom of which we so often speak, the State puts a restriction on the rights of the individual if they have an adverse effect on other people.

The hon. Minister said that the Church would keep an eye on the question of the consumption of alcohol and drunkenness in Amerindian reservations. If the purpose of the Bill is to remove discriminatory legislation with respect to Amerindians, why is there the need to tell us that rumshops will not be allowed without restriction upon Amerindian reservations when rumshops, liquor stores and restaurants are dotted on every inch of land in every corner of our City? If the object of the Bill is to give Amerindians

equal rights with other inhabitants of the country, then Government is not being honest with itself, because it still holds on to reservations, limitations and restrictions. Equality should be provided right through.

The hon. the Chief Secretary says he hopes that liquor will be consumed in moderation. We all hope that liquor will be consumed in moderation not only on the Amerindian reservations but in the Colony as a whole. I agree that there is a limitation on the opening hours of rumshops in the City and other parts of the country, and if Government proposes to remove the dangers of excessive consumption of alcohol on the Amerindian reservations by restricting the opening hours of rumshops, then that would be in accordance with what obtains in other parts of the country.

We are agreed that it is desirable that every Amerindian should be able to fit into the society of other races in every phase of our activities, and I am one who feels that the Amerindian should no longer be made to feel that he is an unwanted individual even though he has equal rights, and perhaps even more right in this country than other races, because the Amerindians were the original inhabitants of this country while other people have been brought here for various reasons. I do not agree that this is an attempt to bring equality to the Amerindians, for if that is the object there should be no restrictions whatsoever with respect to them.

The hon. Member for Demerara River (Mr. Bowman) made an accusation against the Christian Social Council. We have heard recently of a “Third Force” and today he made mention of the “Third Force” as having some strength in this Council. He spoke with some authority, and it would appear that the “Third Force”, as represented by the hon. Member for Demerara River, has criticized the Christian Social Council in this Council because —

Mr. Speaker: Am I to take cognizance of political parties in this Legislative Council? I do not see anything in the Constitution under which we operate which refers to political parties.

Mr. Jackson: I have heard it said here that a "Third Force" is represented here, and whilst it is true that they are not registered as a party, the fact is that in this Council at the moment Members who are said to be attached to that so-called "Third Force" do make open statements here about a "Third Force" and issue threats about the future as far as other political parties are concerned.

Mr. Speaker: I do not take notice of political parties in this Council. I only employ the terms I find in the Constitution.

Mr. Jackson: I understand that a previous Speaker of the Legislature did not know that troops had arrived in the country in 1953.

Mr. Speaker: I was not in the Colony in 1953, so I have no knowledge. I can only take notice of what I find in the Constitution, and even though sometimes Members use words glibly I just allow them to pass. But not because of my silence it must be thought that I acquiesce.

Mr. Jackson: Thank you, Sir. I shall proceed. The hon. Member for Demerara River has made a slight attack upon the Christian Social Council because of its agreement with the repeal of that Section of the Ordinance which makes it possible for Amerindians to have rumshops on their reservations. I am sure the hon. Member for North Western District (Mr. Campbell) would be the last person to share the view of the hon. Member for Demerara River, because the Christian Social Council is guided largely by the denomination to which the hon. Member for North Western District belongs, and there are two other Members of the same faith who, although they asso-

ciate with the hon. Member in other circumstances, I am sure they do not agree with his criticism of the Christian Social Council.

I make this comment because some people believe that it is better to allow people to consume liquor in secret than to give them freedom to buy openly what liquor they want. It appears to me that in spite of the restrictions imposed on Amerindians in their reservations they still get rum, and the view appears to be held that instead of allowing them to get liquor clandestinely it would be better to allow the rumshops to be open so that Amerindians may buy liquor in accordance with the conditions laid down in the law. It is better to remove the stealthiness with which they now get liquor. Perhaps it is because of the experience of the Christian Social Council, whose members operate among the Amerindians, that they have given the advice to which reference has been made.

The hon. Member for Demerara River has no idea of the work which is being done by the Christian Social Council and the various Churches. There may be something in his assumption, but I would rather take what the Church says in preference to what the hon. Member says. I know that they have done more for the Amerindian population than the hon. Member has ever done for them. I know that they have spent years of sacrifice in endeavouring to educate people of Amerindian origin. I know also that they have spent their time and money on the people, and I am sure the hon. Member on my right, who is an Amerindian, will appreciate what they have done far better than the hon. Member for Demerara River.

That is why I take strong objection to his remarks about the Christian Social Council, because I know that whatever has been done by them has been done with the knowledge of what happens in the Amerindian reserves. I hold no brief for the Christian Social

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Council, but so long as anybody in this Council makes an unfair comment about the Church, I am prepared to defend the Church. The hon. Member knows the fraternity to which I belong. I wish that many more people were members of that organization, for it would do them a lot of good.

The hon. Minister of Labour, Health and Housing said that too much money is being spent on rum. I am one of those who will agree that money is being wasted on the consumption of rum, and I wish that the Amerindians will not expend very much money on the consumption of rum. This is what happens when rum is consumed excessively. The endocrinologist says that the consumption of rum to an excessive degree interferes with glands which are of great importance to the development of individuals. I am told that there are three very important glands in the head which are affected by the excessive consumption of alcohol. I am told also that the pineal and the pituitary are two of the most important glands that help the human being in his mental development, and that when rum is excessively consumed these glands are adversely affected with the result that you have, ultimately, imbeciles or conditions which make it impossible for a man to think soundly. [Mr. Benn: "Senility"].

The hon. Minister of Natural Resources realizes how senile he is at the moment. I am told that that is the case, and I believe that, ultimately, the human being will suffer largely because of excessive consumption of alcohol. Some people are capable of using alcohol with moderation, but I believe in the theory to which I have just referred.

I share the view of the hon. Minister that if rum is excessively consumed in the country it will do the people no good. They do not take home as much money as they should to their families, because

they spend most of it in the rum shops. I have tried to put both aspects of the matter before this Council.

I support Mr. Campbell's suggestion that the Bill be referred to a Select Committee, so that we can go into the *pros* and *cons* of things as they affect the Amerindians. I now beg to move that the Bill be referred to a Select Committee.

Mr. Campbell: I beg to second the Motion.

Mr. Speaker: I do not think we can do it at this stage. [Pause.]

Mr. Tello: Are you still deciding whether you are going to accept the Motion?

Mr. Speaker: I said I do not think he can do so; I said that quite plainly. Had he spoken at the right time and made his objection, it would have been a different matter.

Mr. Tello: I desire to say a few words on this Bill as things appear to me. I have read the objects and reasons of this Bill, and I have discovered that the first amendment offered suggests that Government is not yet quite satisfied that the Amerindian is sufficiently sophisticated to be brought on an equal level of civilization as accepted in our civic definitions. What does the first Clause seek to do? It purports paternalism that was found necessary some years ago. The Bill suggests this paternalism even in 1960 and subsequent years is still necessary. The only change contemplated in the Bill is to extend it even further.

I can remember the time when the Commissioner or a police officer had to represent an Amerindian in cases where another man would have to act on his own behalf. Is that an admission that the Government is not yet satisfied that the Amerindian has reached the stage where he can take full care of himself on an equal basis with others residing outside

of his compound? We have been told a lot about equality and freedom. We have been told also that it is the duty of Government, gradually I expect, to bring these sons and daughters of the soil into the common bondage of Guianese. Certainly we agree that such steps be taken.

I agree with the hon. Member for Georgetown North that the Church recognized that some years ago, and it has been working intensively on preparing Amerindians to take their rightful place in British Guiana. I was not fortunate to be here to hear what the hon. the Chief Secretary said in introducing this Bill, but I was informed by my colleagues in this Council that he said the Christian Social Council offered no opposition to the Amendments brought here, especially the one providing for the repeal of Part VIII of the principal Ordinance.

As I see it, the whole idea of this Amendment sprung from the Government itself. The hon. Member for North Western District inquired who sought this Amendment. Why was he not consulted about this matter? Reference was made to the fact that the Christian Social Council was consulted and it offered passive resistance. The Council might not be against it, but that does not necessarily mean that it is in favour of it. I feel that an important Amendment of this nature should have been the result of a request or a petition from people who would be affected. There is a great deal of fear about the influence of intoxicating liquor in the community. It has been said in this Council today that several persons are worried about the influence of alcohol on people. I think what weighted further against the aborigines is the fact that they are not as sophisticated as others who also suffer from the unfortunate impact of the excessive use of alcoholic beverages.

I am opposed to this repeal. I am not satisfied that enough preparatory work was done to justify the introduction

of this Bill. I am not satisfied that there is an urgent need for it. As a matter of fact, there are many other more important matters that can engage the attention of Government rather than trying to open the flood-gate of alcohol to the Amerindians. There are so much more that can be done. There is so much more work that can be done in our Development Programme. We know that there has been tremendous negligence on the part of Government with regard to prosecuting the Development Programme. These things are more important. The employees of the Public Works Department were being retrenched at a time when money is idling; and here is the urgency to offer an opportunity to the Amerindian to drink.

I recall that the hon. Minister of Trade and Industry, as reported in the Press—and allowing for the fallibility of the Press I still feel what I read was true because it was not challenged—in launching a project in the Essequibo, expressed his opposition to the use of alcoholic beverages. The same source—the Press—also informed me that on another occasion when the hon. Minister of Labour, Health and Housing was participating in a special function—the taking over of a dragline by a co-operative—preference was given to the use of coconut water because of the dangers of alcoholic beverages. Those persons who were involved in those ceremonies were people who were, for generations, making use of alcohol, but these personalities felt that they must set the example for decreasing the use of alcohol; and here the very Government approves of a Bill to make it easy for a less sophisticated set of people to have the free right to purchase and use alcohol.

It is said that they brew their own alcoholic beverage; they also get drunk, but it is known that when one has free licence to do a thing there is always a greater temptation, knowing that there is no danger of transgressing the law.

[MR. TELLO]

Free access is given to the use of alcohol. I feel that the suggestions made by the hon. Member for North Western District and by the hon. Member for Georgetown North are very worthwhile and commendable, and I hope that some solution would be found to rationalize those means employed in bringing our Amerindian sisters and brothers into our social structure and not starting at the wrong end by guaranteeing that they become full-fledged drunkards. I feel that a Committee should be appointed to examine the whole question thoroughly and abolish this idea of first telling a man he is a man because he can have free licence to drink alcohol. There are so many responsibilities. Probably, we will like to see more Amerindians in the Legislative Council, Amerindian doctors and lawyers, more Amerindians active in civic life rather than giving them licence to buy rum. I would like consideration to be given to the suggestions made by the two hon. Members.

Mr. Speaker: Now is not the time for that.

Mr. Tello: I am giving notice.

Mr. Speaker: You must do it in the usual way.

Mr. Tello: Thank you very much, Sir, for your advice.

Mr. Speaker: There is Rule 45 and there are other Rules; but to give such a notice in the middle of a debate is unheard of.

Mr. Tello: Perhaps you are correct, Sir, and I thank you for your advice.

Mr. Speaker: If you are giving notice, hand it in to the Clerk at the proper time.

Mr. Tello: Probably, in Committee. I am satisfied that this Bill, as put to the hon. Council, is not worthy of serious consideration. It conflicts itself; and I hope the members of the Government would not think it beneath their pride to reconsider the matter and give an impartial consideration to the points made by my hon. Colleagues on this side of the Council.

Mr. Hubbard: It is not unusual that small causes evoke great effort from Knights in Armour, and I think that the subject matter of this Bill is, indeed, a small cause for the heavy jousting that has gone on this afternoon.

I listened with a great deal of attention to the very graphic account which my friend, the hon. Member for North Western District, gave us this afternoon of his own experience in the forest with people drinking. I then took into account the fact that this Bill proposes to remove a sanction which now exists—to open the sale and use of alcohol by Amerindians—and I came to the conclusion that since my friend was able to assure us that the use of alcohol by Amerindians is now a fact, I cannot oppose the proposal to give legal effect to a fact of existence which it is impossible to prevent.

Prohibitions do not achieve a great deal in the building of character. That used to be the fashion in olden times—"thou shalt not", but in modern times we say: "thou shalt do to others as you would be done by".

Mr. Speaker: I did not quite get your quotation?

Mr. Hubbard: It was not a quotation.

Mr. Speaker: It sounded quite unfamiliar.

Mr. Hubbard: As I was saying: I would not like to find myself in the position of inviting my hon. Friend, the Mem-

ber for North Western District, to a convivial occasion and then to find myself on the wrong side of the law for offering him a convivial drink. I do not think my hon. Friend would wish to be considered on social occasions any differently from the manner in which I am considered.

Mr. Speaker: Certain Members of this Council may have certain privileges which are not extended to others.

Mr. Hubbard: Nevertheless, Sir, it is evidence of bad thinking to believe that, in an age where communication has brought the facts of civilization to everybody, we can make prohibitive laws to prevent any section of a community from behaving in a manner which is considered appropriate for all other sections of that community.

I, myself, have travelled a little in the Interior and I have met in the Interior peoples of all races including Amerindians, and I have found them to behave in the manner which we know them to behave in the City. We are all alike, but our reactions to the stimulus of alcohol differ from individual to individual, some being boisterous, some being placid, some just jovial. I am far from opposing the Amendment; instead, I welcome it. I welcome it because I think it is a good thing for us to accept the realities of life and not fool ourselves into believing that what is not so exists. I appreciate my friend's feeling for his brothers. I have that same feeling for all my brothers, and no one likes to see alcohol or, indeed, anything abused, but I do think that it is time that we look at things as they are and decide that we shall recognize in law what exists in fact and cannot be corrected.

Mr. Burnham: It is obvious that it would be an unwise thing to come to a

hasty decision on a part of this Bill—that part which seeks to repeal Part VIII of the Principal Ordinance, Chapter 58—and it seems to me that in most cases we have had only special pleading and rationalizing of prejudices, or conclusions arrived at without reason. We have had urged in favour of the repeal a desire on the part of both the official and elected side of the Government to do away with discrimination with respect to Amerindians—to treat them as grown-up members of the community. That is a desire, that is an intention to which I am sure all of us will subscribe, but if that is the desire and the intention of the Government one might have expected that there would have been a proper and careful overhaul, and perhaps repeal of Chapter 58, because there are many provisions in the law which do not necessarily discriminate against but discriminate in favour of or treat as children the Amerindians in this country. The question of reserves and other people not being able to go on reserves without permission; the question of free licences for guns, and free wood-cutting licences for Amerindians—all these provisions in the law point to the fact that the Amerindians are treated as a separate and distinct group of people.

I am not at the moment making up my mind whether or not it is a good thing or a bad thing to allow Amerindians to purchase rum freely, and that difficulty is caused by the fact that the hon. Member for North-Western District, who ought to know his Amerindians, gives an opinion which is in conflict with the opinion expressed by Members of the Government who are presumed to know what they are talking about. That, as Your Honour knows, is a very rebuttable presumption.

We have been told that this is freedom being given to Amerindians. We have been lectured about the refusal of the Royal Agricultural and Commercial Society to accept a painting. I agree with all the strictures against them for

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refusing to accept the painting of a distinguished Guianese artist, and I also disagree with those who haunted and persecuted the author of Dr. Zhivago. So that all this talk about freedom of an artist, which people only talk about when it affects what they want, can be mere cant, for the same people do not consider it wrong or undemocratic to rob others of their freedom.

I feel that much more careful consideration is necessary. I will give an example. The Minister of Labour, Health and Housing said the fact that Part VIII of the Principal Ordinance will be repealed by this Bill does not mean that rumshops can spring up or be set up on any Amerindian reserve or in any area in the interior. That is exactly where she is making a mistake, because once Part VIII of Chapter 319 is repealed the decision as to whether a rumshop is set up at A or B in Georgetown, or at Oranapai, is not hers—not the Government's. It is the decision of the Liquor Licensing Board; the decision of three Magistrates sitting for the area.

So let us assume that behind this repeal of Part VIII of the Principal Ordinance there is the intention of Government that there should be some restriction on the setting up of rumshops or premises in which intoxicating liquor can be sold—that there should be some restriction on such shops being set up on Amerindian reserves, or in certain parts of the Colony, the Government still has to do some more careful thinking, because, whatever the Government may think, under the law the Administration or the Ministry cannot control the decisions of the Magistrates. The decisions of the Magistrates can only be upset by a decision of the Full Court, and neither the Full Court nor the Federal Supreme Court from which an appeal from a decision by the Full Court may go, is going to pay any attention to any statements made in

this Council with respect to the prevalence of rumshops or premises in which intoxicating liquor can be sold.

Therefore, what have we? That on the admission of the Government and the Minister of Labour, Health and Housing Government feels that there should still be certain restrictions on Amerindians, but at the moment Government has not got the machinery to impose those restrictions. Therefore the whole thing has to be considered in a wider context. I am inclined to ask why did Government choose to repeal only Part VIII of Chapter 58 and not other Parts of it dealing with reservations, settlements, villages, and what have you? On the other hand we have a lot of pious pouring forth by people who, in my submission, are not *au fait* with the facts. Some people talk about the mistake Government made when it made it easier for people to get rumshop licences—those very people who made fortunes out of getting rumshop licences for people. Where all that comes in I do not know and I do not understand.

I would propose that more careful thought be given to the whole question. It is significant, perhaps, that in 1951 when the principal Ordinance was passed — it was only passed after consideration of the Report of Mr. Peberdy, I think it was. There are two courses open to us: either we adjourn consideration of this aspect of the Bill — this Clause 6 which seeks to repeal Part VIII, or postpone further consideration of the Bill until Government has adumbrated a clear policy with respect to Amerindians. The law, I am sure, is hardly forthcoming — [A long pause.]

Mr. Speaker: I am sorry for the interruption, but as a legal practitioner I know you can always carry on from where you left off.

Mr. Burnham: I was saying that we should adjourn consideration of the

Bill until the Government has adumbrated a policy with respect to Amerindians. I concede that the matter of adumbrating a policy for them is not likely to be forthcoming shortly. Let me be practical. Certain Members of the Government will be very busy electioneering during the next ten months and will hardly have time to apply their minds to such a subject. Consideration of the Bill can be postponed, and that will give us an opportunity to table a Motion that the Bill be referred to a Select Committee. Under Standing Order No. 24, that can be done with the Speaker's permission and with the unanimous assent of the Council. It may be possible later in the day to give notice of that Motion.

Mr. Speaker: Perhaps Members do not know that if a Select Committee is appointed before the Second Reading of the Bill it cannot report on the Bill clause by clause, but if the Select Committee is selected after the Second Reading of the Bill it will be able to go into the Bill fully. When I rule on a matter I do not rule idly. It would be a terrible disadvantage if the Select Committee is appointed before the Second Reading of the Bill is taken. Those who are seeking the advantage of the Select Committee at this stage will rob themselves of the advantage they want to get. If the Bill is to be discussed in a Select Committee with advantage, it can only be done after its Second Reading.

Mr. Burnham: I am grateful for your observations with which, with respect, I agree, having found that in Erskine May a few months ago. With the greatest respect I am not moving, at this stage, that a Select Committee be appointed. I am merely foreshadowing what can be done to prepare the minds of Members of this Council, so that their minds can be made up one way or other.

Mr. Speaker: I made that observation not because of what you have said, but because some Members have been

persistent in moving some amendment. That is why I made that observation, otherwise I could have kept them in complete ignorance. I know that you should know what should be done.

Mr. Burnham: I am grateful to Your Honour. I was merely giving an idea of what I propose should be done at a later stage, in order to prepare the minds of Members of this Council for that Motion.

Mr. Speaker: You have not said who should propose the Motion. I would not say whether it should come from the Government's side or the other side at this stage.

Mr. Burnham: Whichever side of the Council it comes from, I seek refuge in the fact that it is a matter for your ruling and not my interpretation. What I was saying is that if this Bill were sent to a Select Committee for consideration, the powers of the Committee are such that we could have the advantage of hearing opinions of persons outside of the Council — such persons with knowledge that Members of the Committee feel could contribute to the final decision of the Committee. Such persons could be invited to give their opinions in the same way as people were invited to give their opinions when the Land Registry Bill was discussed by a Select Committee.

An accusation has been made from this side of the Table that this particular bit of legislation has not been promulgated after mature consideration or consultation with persons who really know about this matter. Since this accusation seems to have some merit, I would recommend, at the proper stage, that Council should decide to send the Bill to a Select Committee.

The Chief Secretary (replying): My reply will be very brief. The hon. Member for North Western District says that the Government has attempted to

[THE CHIEF SECRETARY]

repeal this Section of the Ordinance, as he puts it, by bringing emancipation to the Amerindians with a bottle of rum. I would like to say that that is not the case. As I said in my opening remarks, Government has been doing everything possible to emancipate Amerindians and a number of things have been done. It was felt that it was right that this step should be taken with a view to bringing Amerindians more into line with the general community. In other words, we have tried over the years to have gradual integration.

It has also been said that the Bill has not been promulgated with sufficient consultation. Again in my earlier remarks I said that this Bill has been under consideration since 1957, and we had consulted a wide variety of persons who have had constant contact with the Amerindians.

Mr. Burnham: You did not consult one Amerindian here.

The Chief Secretary: Of course we would be glad to have the views of the hon. Member for North Western District and, perhaps, it is not too late to take some advice from him. I now beg to move that the Bill be read a Second time.

Question put, and agreed to.

Bill read a Second time.

The Chief Secretary: In accordance with Standing Order No. 51, I beg to move that the Bill be referred to a Select Committee.

Question put, and agreed to.

Mr. Speaker: The Bill will be referred to a Select Committee. In order to speed the matter, I propose to nominate the Select Committee. I shall ask the following persons to serve on this Select Committee:

The hon. the Chief Secretary (Chairman)

The hon. Minister of Labour, Health and Housing (Mrs. Jagan)

The hon. Member for North Western District (Mr. Campbell)

The hon. Member for Georgetown North (Mr. Jackson)

The hon. Nominated Member, Mr. Fredericks—5.

PHARMACY AND POISONS (AMENDMENT) BILL

The Minister of Labour, Health and Housing: I beg to move the Second Reading of the

Bill intituled "An Ordinance to amend the Pharmacy and Poisons Ordinance, 1956."

I would like to outline to Members, Government's intention on this Bill and some of the more important points.

To state it very simply, in this Bill you will find Government's basic determination to liberalize the sale of drugs consistent with the convenience and safety of the public. In other words, the essence of this Bill before the Legislative Council, which I anticipate will provoke considerable controversy, is to ensure that the public enjoys the protection necessary to their health and well-being and, at the same time, does not cause any undue hardship or restrictions.

The 1956 Pharmacy and Poisons Ordinance, which I trust Members are familiar with, has earned its major criticism because, while it is based on the United Kingdom Pharmacy and Poisons Act, 1933, it has also imported a philosophy of the Chemists Federation—an agreement which was lately upset in the U.K.—and is therefore more restricted than the U.K. Pharmacy Act.

Our Ordinance of 1956, as I said, is a rough copy of the U.K. Pharmacy and Poisons Act of 1933 in its pre-war scope, the notable difference being the introduction in our Ordinance of a number of technical flaws, and a perversion of the

part dealing with poisons, to bring in this highly restrictive provision as regards other drugs, patent and proprietary medicines.

Section 19 (1) of the Pharmacy and Poisons Ordinance, which preceded the 1956 Ordinance, permitted non-pharmacists to sell such patent and proprietary medicines in sealed original containers as the Medical Board may, from time to time, approve. In actual fact, such articles have been sold to the public for many years without any reported grievances from the public.

One of the points I anticipate will be discussed at some length as far as this Bill before the Council is concerned, is the fact that certain persons, mainly pharmacists and the Pharmacists' Association, still think that the 1956 Ordinance protects the public. I have been dealing with this Ordinance from the time I took office at the end of 1957. There has been great feeling about this Ordinance. Members of the public have voiced their objections to the existence of the 1956 Ordinance in no uncertain terms. Dispensers, pharmacists, traders—everyone has voiced their opinion in one way or another.

The pharmacists, who anticipated it and have done very strong lobbying in this Legislative Council, feel that the Bill before the Council is one which will reduce their professional standing and will deny them certain rights and privileges which have obtained in the 1956 Ordinance.

As Minister of Health, I am mainly and first of all interested in the health of the community. I am also very interested in seeing that all of our professions get the necessary protection and that quacks are not allowed to flourish. But I am also not prepared to give any one group a monopoly, particularly a monopoly in the field of trade, which this can possibly be.

As I said, the intention of the Government is to see that the public is protected. How is the public protected under the 1956 Ordinance? If a person wishes to commit suicide, he can easily obtain drugs and medicines from a registered pharmacist. There are a number of things a person can use which can be purchased outside of a pharmacy. Take the many disinfectants, many of the insecticides which are used in our houses, many of the chemicals which are used for plant protection, for the spraying of plants, for growing chicks and animals. Any of those items can be used if persons wish to destroy themselves.

I have used this argument when discussing this problem with the pharmacists. They claim that it is advantageous; that it protects the health of the community by allowing persons to buy those drugs and patent medicines only from pharmacists because the sale is controlled. But I have told a number of them that any one of us can walk into any registered drug store in British Guiana and ask for any one of the patent or proprietary medicines and be sold that medicine by a young shop girl who has, probably, never been to a high school and hardly knows anything about drugs and can hardly advise a customer that a particular patent medicine taken in large doses can be harmful.

Many of us going into a drug store do not meet the pharmacist, unless we go to have a prescription compounded or go to ask him his advice—"what would you suggest for my child's foot" or whatever it may be? But most of the sales are done over the counter. Whether it is done in a registered pharmacy, or a dispensary, or whether it be in a grocery shop, a great number of these products are sold actually by persons who know very little about them. Therefore the argument used by the pharmacists that if anything happens, that if you go in a drug store and a young lad sells you a bottle of patent medicine and

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you drink the whole bottle and you die that the pharmacist is liable, is a very thorny way of looking into the situation.

How is the public protected under the 1956 Ordinance which is highly restrictive and which, I may say, gives protection to the pharmacist? Under the 1956 Ordinance, 20 (1), 21 (1), 22 (2), when a pharmacist leaves his premises, he is to lock up his cupboard. The unqualified lad in charge can sell anything in the shop with the exclusion of the things left in the cupboard. If a person goes to a doctor and the doctor prescribes a medicine and the person takes that prescription form to a pharmacist who fills it out and advises him that it is dangerous and it must be kept away from children, the responsibility is still there for the person who receives the medicine to protect his family from the improper use of this medicine. In other words, the dangers to the public are there; and in respect of most dangerous drugs or medicines, the responsibility, to a great extent, rests not on the pharmacist, but on the individual.

If a person is careless with his prescription, although he has been given all the advice necessary, accidents will happen and do happen, as we all know. A parent can leave a bottle of medicine carelessly about and a child picks it up and drinks it. Protecting the public is one of the arguments that the pharmacists have raised, but when we go into an analysis of each one, it will be seen that they can be broken down and we can see where the responsibility rests.

Any argument that only a pharmacist should sell patent and proprietary medicines is another inconsistency with the Pharmacy and Poisons Ordinance, for while there are restrictions placed on the sale of those medicines, particularly in the urban areas, there is a certain amount of laxity as regards the rural

areas which are not served by pharmacists. So if we are thinking in terms of safety let us wonder how the public is best served if we give the pharmacist a virtual monopoly for the sale of patent and proprietary medicines in the urban areas, but in the rural areas we say it is safe for a person to buy these medicines from a shop once that shop is more than two miles away from the nearest pharmacist. As one of my advisers says:

"It is our view that public safety is best served, not by giving the pharmacist a virtual monopoly of the sale of patent or proprietary medicines but by the introduction of constructive measures to protect people who resort to self-medication even through the pharmacists themselves."

It is considered that for the public convenience these restrictions can be safely relaxed. The relaxation which the amendments I have brought before the Council will bring about has been carefully considered and will provide for the public convenience at no risk to their safety. It may be said that this Government has taken a very long time to bring forward these amendments. I regret that it has taken so long, but the period of time has not been spent while the documents gathered dust on a shelf. It has been spent on an extensive examination of the existing Ordinance, the laws in other countries, and in discussions with all concerned. We have met delegations from the Pharmaceutical Society, from the Sicknurses and Dispensers, from traders in drugs, and from members of the public who complained of the great inconvenience they would suffer if the Ordinance were implemented.

We have made efforts to bring about the requisite changes through the Pharmacy and Poisons Board. We have suggested to the Board that they liberalize the Schedule, and that where we have a number of medicines which obviously are harmless and commonly used all over the country, we feel that these should be allowed to be sold at ordinary

stores. For example, on the restricted list under the 1956 Ordinance we find items like Hydrogen Peroxide, a common disinfectant, Infants' Teething Powders and Infants Preservative, Canadian Healing Oil, Cod Liver Oil, which many people consider a food, Dettol, Worm Exterminators, Milk of Magnesia, Sloan's Liniment, Thermogene Rub, Vicks Vapo-rub, and even Vicks Inhalers, the sale of which is restricted to pharmacists.

I have had people coming to complain to me. One man said that his wife had a violent headache at 10 p.m. but he could not get an aspirin or a Phensic tablet. All the pharmacies were closed and he went to a very popular cakeshop in Main Street which sold such things for the convenience of its customers. He was told, however, that because of the 1956 Ordinance they could no longer stock those small packets of Phensic tablets which are quite harmless, so that the general public was inconvenienced by this highly restricted practice.

The Ordinance has been under review by a team of technical officers who spent a great deal of time with a team of legal officers to prepare the Bill we have before us today. I mentioned earlier that my Ministry approached the Pharmacy and Poisons Board with a request that it should reconsider the matter and help us to liberalize the Ordinance so that it could be applied in a country like British Guiana. It is not pleasant to say it, but the Board was most unco-operative, and as a Minister working under the rather hybrid ministerial system which we have, I have found that a number of problems, a number of anomalies have arisen by the existence of Boards and Statutory Committees which do not assist the Government to introduce the policy it is seeking to carry out, but actually stand in its way.

I can give Members a number of examples. For instance, there is within my Ministry the Central Housing and

Planning Authority which was seeking to prevent persons from building a factory at Ruimveldt. This Government is extremely interested, and more than interested, in encouraging industrialization in this country, yet we have a Central Housing and Planning Authority which fought against the basic policy and did its best to prevent a factory from being established in this country.

In this case we did not have the co-operation of the Pharmacy and Poisons Board, so ultimately I was obliged to seek changes in the 1956 Ordinance which would prevent it from becoming a hardship and a burden on the people of British Guiana. The 1956 Ordinance classified and listed in a number of Schedules various drugs, patent and proprietary medicines, and only certain persons, depending upon the degree of their qualifications, are permitted under the Ordinance to sell the items on certain Schedules. The Committee which prepared the Ordinance, I am told, was largely composed of pharmacists, and that is perhaps the reason why the Ordinance itself leans very heavily on the side of the pharmacists.

Earlier in the afternoon I saw a number of pharmacists here, and that is why I anticipate that they have lobbied this Council. It is their right; it is quite the accepted practice. I feel that the argument will be that this Bill is attempting to lower their professional standing and perhaps take away from them some of their rights. In an interview I had with the pharmacists I told them that I did not think they needed an Ordinance to restrict the sale of drugs, patent and proprietary medicines to them alone. I said that I was quite sure that a good pharmacist who also has good business ability, could compete with any trader in this country, because he has more to offer than any trader who is just allowed to sell harmless patent and proprietary medicines. Proof of this was in the number of drug stores we have in this country

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in which drugs and poisons were dispensed and prescriptions made up in one portion of the premises, while in the rest of the drug store were sold everything from cosmetics to food and Christmas gifts.

The pharmacist who is not a good businessman will fail no matter how restricted the trade is. If he alone were given permission to sell the wide range of patent and proprietary medicines he would still not do well unless he has some ability apart from his knowledge as a pharmacist. Therefore I have felt very keenly about this question of helping to create a monopoly in this country. The Fourth Schedule to the Ordinance contains an extended list of patent and proprietary medicines. In this Bill we are seeking to allow any trader to sell any harmless patent or proprietary medicine which does not contain poison.

The Schedule lists all patent and proprietary medicines which contain a very small amount of poison. The officers who have advised me are the Government Pharmacist and the Government Analyst. They have examined the contents of these medicines and advised that they could not be harmful even though they contained an infinitesimal amount of poison. In no way are we saying at this stage that this list in the Schedule is complete. It will be necessary to amend the Schedule from time to time as new drugs enter the country and examinations are made of them. I do not want Members to think that this is an inflexible Schedule. It will have to be amended from time to time by those persons qualified to do so.

It is almost five o'clock, and I think this is a good place to stop.

ABSENCE OF MR. R. E. DAVIS

Mr. Speaker: I wish to announce that, at a late stage in our proceedings this afternoon, the Clerk of the Legislature received a telegram, which was handed in at Mahaica at 3.30 p.m. today, from the hon. Nominated Member, Mr. R. E. Davis. It reads as follows:

"Regret unable to attend today please excuse."

BROADCASTING OF LEGISLATIVE COUNCIL PROCEEDINGS

Mr. Speaker: At yesterday's meeting of the Legislative Council a Motion was passed regarding the appointment of a Select Committee to consider whether the meetings of the Legislative Council should be broadcast or not. I propose to announce the names of the Members of that Committee —

The hon. the Chief Secretary (Chairman)

The hon. Member for Georgetown Central

The hon. Member for Berbice River

The hon. Member for Eastern Demerara

The hon. Nominated Member, Mr. R. C. Tello—5.

ADJOURNMENT

The Chief Secretary: I beg to move that the Council adjourn until two o'clock tomorrow, Friday, 28th October, 1960.

Council adjourned accordingly, at 5.05 p.m.