

BILL No. 4 of 2001

Wednesday 10th January, 2001

PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.

10th January, 2001

The following Bill which will be introduced in the National Assembly is published for general information.

F. A. Narain,
Clerk of the National Assembly.



GUYANA

BILL No. 4 of 2001

CONSTITUTION (AMENDMENT) (No. 3) BILL 2001

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Alteration of article 52 of the Constitution.
3. Alteration of article 71 of the Constitution.

4. Alteration of article 72 of the Constitution.
5. Insertion of new article 73A in the Constitution.
6. Alteration of article 74 of the Constitution.
7. Repeal and re-enactment of article 75 of the Constitution.
8. Insertion of new article 77A in the Constitution.
9. Insertion of new articles 78A and 78B in the Constitution.

A BILL

Intituled

AN ACT to alter the Constitution in accordance with articles 66 and 164.

A.D. 2001

Enacted by the Parliament of Guyana:-

Short title.

1. This Act may be cited as the Constitution (Amendment) (No. 3) Act 2001.

Alteration
of article
52 of the
Constitution.

2. Article 52 of the Constitution is hereby altered by the substitution for the words "sixty-five members" of the words "such number of members as shall be determined by the Assembly".

Alteration
of article 71
of the
Constitution.

3. Article 71 of the Constitution is hereby altered by the substitution of the following paragraph for paragraph (1) thereof -

"(1) Local government is a vital aspect of democracy and shall be organised so as to involve as many people as possible in the task of managing and developing the communities in which they live."

Alteration
of article 72
of the
Constitution.

4. Article 72 of the Constitution is hereby altered by the insertion immediately after paragraph (2) of the following paragraph -

"(2) Municipalities, neighbourhood democratic councils and such other subdivisions shall be provided for under paragraph (1), including village and community councils, where there is the need for such councils and where the people request their establishment, shall be vital organs of local democratic power."

5. The Constitution is hereby altered by the insertion immediately after article 73 of the following article -

Insertion of new article 73A in the Constitution.

"Lower tier of Local government to be represented at the tiers above.

73A. Each local democratic organ shall elect one of its councillors to serve as a member of the local democratic organ immediately above the first mentioned local democratic organ and Parliament shall prescribe the procedure for such election and such other matters as may be necessary in connection therewith; the municipalities of Georgetown and New Amsterdam shall not participate in this arrangement."

6. Article 74 of the Constitution is hereby altered by the substitution for paragraph (3) of the following paragraph -

Alteration of article 74 of the Constitution.

"(3) it shall be the duty of local democratic organs to maintain and protect public property, improve working and living conditions, promote the social and cultural life of the people, raise then level of civic consciousness, preserve law and order, consolidate the rule of law and safeguard the rights of citizens."

7. Article 75 of the Constitution is hereby repealed and the following article substituted therefore -

Repeal and re-enactment of article 75 of the Constitution.

"Power to take decisions.

75. Parliament shall provide that local democratic organs shall be autonomous and take decisions which are binding upon their agencies and institutions, and upon the communities and citizens of their areas."

8. The Constitution is hereby altered by the insertion immediately after article 77 of the following article -

Insertion of new article 77A in the Constitution.

"Parliament to provide criteria for allocation of resources by local.

77A. Parliament shall by law provide for the formulation and implementation of objective criteria for the purpose of the allocation of resources to, and the garnering of resources by local democratic organs."

Insertion of new articles 78A and 78B in the Constitution.

9. The Constitution is hereby altered by the insertion immediately after article 78 of the following articles

78A. Parliament shall establish a Local Government Commission, the composition and rules of which empower the commission to deal with as it deems fit, all matters related to the regulation and staffing of local government organs and with dispute resolution within and between local government organs.

78B. The electoral system in respect of local democratic organs below the regional democratic councils shall provide for the involvement and representation of individuals and voluntary groups in addition to political parties and accountability to the electors."

Representativeness and accountability of local democratic organs to the electorate.

EXPLANATORY MEMORANDUM

The Bill alters certain articles of the Constitution dealing with Local Government and inserts four new articles on the subject.

Clause 2 effects a consequential alteration to article 52 to bring it into accord with articles 60 and 160.

Clauses 3 and 6 alter articles 71 and 74, respectively, to remove references to socialism.

Clause 4 alters article 72 by inserting paragraph (3) thereto which provides for village and community councils.

Clause 5 inserts a new article 73A which provides for representation by a lower tier of local government at the tier immediately above.

Clause 7 repeals and re-enacts article 75 which provides for the autonomy of local democratic organs and empowers them to take decisions binding on their agencies and citizens within their areas.

Clause 8 inserts a new article 77A providing for Parliament to provide criteria for allocation of resources to and garnering of resources by local democratic organs.

Clause 9 inserts two new articles 78A providing for the establishment of a Local Government Commission and article 78B providing for the representativeness and accountability of the local democratic organs to the electorate.

Reepu Daman Persaud
Minister of Agriculture and Parliamentary Affairs.