

THE
PARLIAMENTARY DEBATES
OFFICIAL REPORT

[Volume 7]

PROCEEDINGS AND DEBATES OF THE FIRST SESSION OF THE NATIONAL
ASSEMBLY OF THE THIRD PARLIAMENT OF GUYANA UNDER THE
CONSTITUTION OF GUYANA.

221st Sitting

14:00 hrs

Monday, 18th August, 1980

MEMBERS OF THE NATIONAL ASSEMBLY (63)

Speaker

Cde. Sase Narain, O.R., J.P., Speaker

Members of the Government – People's National Congress (46)

Prime Minister (1)

Cde. L.F.S. Burnham, O.E., S.C.,
Prime Minister

(Absent)

Deputy Prime Minister (1)

Cde. P. A. Reid,
Deputy Prime Minister and Minister of
National Development

Senior Ministers (11)

Cde. H.D. Hoyte, S.C.,
Minister of Economic Development and Co-operatives

Cde. S.S. Naraine, A.A.,
Minister of Works and Transport

Cde. B. Ramsaroop,
Minister of Parliamentary Affairs and Leader of the House

Cde. C. V. Mingo,
Minister of Home Affairs

*Cde. H. Green,
Minister of Health, Housing and Labour

*Cde. H.O. Jack,
Minister of Energy and Natural Resources

*Cde. F.E. Hope,
Minister of Finance

*Cde. G. B. Kennard, C.C.H.,
Minister of Agriculture

*Cde. M. Shahabuddeen, C.C.H., S.C.,
Attorney General and Minister of Justice

*Cde. R.E. Jackson,
Minister of Foreign Affairs

*Cde. J.A. Tyndall, A.A.,
Minister of Trade and Consumer Protection

(Absent)

*Non-elected Ministers

Ministers (2)

- Cde. O.E. Clarke,
Minister – Regional
(East Berbice/Corentyne) (Absent – on leave)
- Cde. C.A. Nascimento,
Minister, Office of the Prime Minister

Ministers of State (10)

- Cde. F.U.A Carmichael
Minister of State – Regional (Rupununi) (Absent)
- Cde. P. Duncan, J.P.,
Minister of State – Regional (North West)
- Cde. K.B. Bancroft, J.P.,
Minister of State – Regional
(Mazaruni/Potaro) (Absent)
- Cde. J.P. Chowritmootoo, J.P.,
Minister of State – Regional
(Essequibo Coast/West Demerara)
- Cde. J.R. Thomas,
Minister of State, Ministry of Education,
Social Development and Culture (Absent – on leave)
- Cde. R.H.O. Corbin,
Minister of State for Youth and Sport,
Ministry of National Development
- Cde. S. Prashad,
Minister of State - Regional
(East Demerara/West Coast Berbice)
- Cde. R.C. Van Sluytman, M.P.,
Minister of State,
Ministry of Agriculture
- *Cde. F.U.A. Campbell, M.P.,
Minister of State for Information,
Ministry of National Development (Absent)
- *Cde. H. Rashid,
Minister of State,
Office of the Prime Minister

Parliamentary Secretaries (6)

- Cde. M.M. John, C.C.H.,
Parliamentary Secretary, Office of the
Prime Minister, and Government Chief Whip (Absent)
- Cde. E.L. Ambrose,
Parliamentary Secretary, Ministry of Agriculture
- Cde. M. Corrica,
Parliamentary Secretary,
Ministry of Education, Social Development and Culture
- Cde. E.M. Bynoe,
Parliamentary Secretary, Ministry of Trade and
Consumer Protection.
- Cde. C.E. Wright, J.P.,
Parliamentary Secretary, Ministry of Economic
Development and Co-operatives

Cde. J.G. Ramson,
Parliamentary Secretary,
Ministry of Works and Transport

Other Members (15)

Cde. W.G. Carrington, C.C.H.
Cde. S.M. Field-Ridley
Cde. E.H.A. Fowler
Cde. J. Gill
Cde. W. Hussain
Cde. K.M.E. Jonas
Cde. A. Salim
Cde. E.M. Stoby, J.P. (Absent)
Cde. S.H. Sukhu, M.S.
Cde. H.A. Taylor (Absent)
Cde. H.B. Walcott, J.P.
Cde. L.E. Willems
Cde. M. Zaheerruddeen (Absent)

Members of the Opposition (16)

(i) People's Progressive Party (14)

Leader of the Opposition (1)

Cde. C. Jagan,
Leader of the Opposition (Absent – on leave)

Deputy Speaker (1)

Cde. Ram Karran,
Deputy Speaker

Other Members (12)

Cde. J. Jagan
Cde. Reepu Daman Persaud, J.P., Opposition Chief Whip
Cde. Narbada Persaud
Cde. C. Collymore
Cde. S.F. Mohamed
Cde. I. Basir (Absent)
Cde. C.C. Belgrave
Cde. R. Ally
Cde. Dalchand, J.P.
Cde. Dindayal
Cde. H. Nokta (Absent)
Cde. P. Sukhai

(ii) Liberator Party (2)

Mr. M.F. Singh, J.P. (Absent)
Mr. M.A. Abraham

OFFICERS

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

PRAYERS

ANNOUNCEMENTS BY THE SPEAKER

Leave to Members

The Speaker: Leave has been granted to Cde. Clarke for today's Sitting.

PUBLIC BUSINESS

BILL – SECOND AND THIRD READINGS

LOCAL DEMOCRATIC ORGANS BILL 1980

A Bill intituled:

“An Act to make provision for the institution of a country-wide system of local government through the establishment of organs of local democratic power as a vital aspect of socialist democracy, for the election of members of the National Assembly by Regional Democratic Councils and the National Congress of Local Democratic Organs, for thereby and otherwise enabling the Constitution set out in the Schedule to the Constitution of the Co-operative Republic of Guyana Act 1980 to function on and after the day appointed for the coming into operation of that Constitution, and for purposes otherwise connected therewith.”

/The Minister of Economic Development and Co-operatives/

Correction of Typographical Errors

The Speaker: Comrades and Hon. Member, you have been circulated with some Amendments and corrections. The Amendments appear on page 1 of that list and the corrections appear on page 2 and 3. So will you kindly note those corrections and the Amendments which will be moved at the various stages. Cde. Hoyte.

The Minister of Economic Development and Co-operatives (Cde. Hoyte):

Cde. Speaker, the Local Democratic Organs Bill 1980 has been presented against the background of the People's New Constitution which was adopted in this honorable House on the 14th February, 1980, and the State Paper on the re-organisation of the Local Government system in Guyana which was laid in this House on Tuesday the 5th August, 1980.

Both of these documents relate to and, in a sense, have their genesis in, two policy statements which were made by Cde. Leader and Prime Minister of this country at a Special Congress of the Party on the 14th December, 1974, in an address which has come to be known as the Declaration of Sophia. In the Declaration of Sophia the Cde. Leader and Prime Minister made two very important statements arising from the consensus of that Congress. The first was a conclusion that the time had come for the mobilisation of this nation on a permanent basis for developments and not merely for periodic elections and in support of specific programmes and activities.

The second statement was that the time was propitious at our stage of history that a new Constitution be introduced to take account of the national ethos and the goals and objectives of the society. These statements were interconnected.

It is not surprising, therefore, Cde. Speaker, People's New Constitution lays great emphasis upon the democratisation of our institutions to enable the massive involvement of people in the task of managing their communities and developing the areas in which they live. In particular it envisages the people being involved in a day-to-day manner in the various decision-making processes which affect their daily lives.

The People's New Constitution, therefore, identifies the Local Government system as the foundation of the democratic organization of the State, and a major institution for mobilizing the people for, and involving the in, the task of national development as envisaged by the Special Congress of the 14th December, 1974.

The Constitution, therefore, sets out some specific provisions with respect to Local Government. Article 12 prescribes that the Local Government system shall be an integral part of the democratic organisation of the State. It thus removes local government from the peripheral role which it held under the colonial system and, indeed, under the existing arrangements and places it at the very centre of our national life. Indeed Cde. Speaker, these provisions in the new Constitution have assigned to Local Government a pivotal role in the political, economic and social life of our country.

Article 71 reinforces article 12 in that it describes local government as a vital aspect of socialist democracy and directs that Local Government should be organised as to involve as many people as possible in the task of managing and developing the communities in which they live. All of this is important in the context of article 13, which sets out the objectives of the political system of the State. This objective which is to extend socialist democracy is described and defined in terms of "people's involvement." Article 13 required the political system to provide ever-increasing opportunities for the involvement of people in the management and development of the areas in which they live and in the various decision-making processes of the State.

It will be noted from the principles outline in the New Constitution and from the provisions which have been made for the Local Government, that the New Constitution sees the Local Government systems in an entirely different way from the way in which it was seen hitherto. It describes its scope in an entirely different way and it prescribes its functions and duties in ways which could only be described as revolutionary.

It follows, therefore, that the New System outlined in the New Constitution would require that the existing system be wholly dismantled and swept away. There can be no idea of tinkering with the present system or attempting to reform it; has to be replaced entirely; it has to be removed, root and branch.

14:15 hrs

And the Local Democratic Organs Bill which has been presented to this House seeks to give legal effect to the mandate contained in the Constitution. Undoubtedly, Cde. Speaker, the old system has proved to be inadequate in the passage of time and moreso with the introduction of new institutions and new mechanisms and an entirely new political framework. For many years, persons, who have been intimately involved in the existing Local Government system, have made recommendations and representations about transforming the system. They pointed to defects, they pointed to inadequacies; but the sum total of all their complaints was this; that whatever useful purpose that system might have served in the past, the time had come when it was no longer compatible with the changes which had taken place in the society; time had come then for it to go.

And what were the limitations? What were the inadequacies? These were legion, but the most common ones that people spoke and complained about related to the inadequacies of their powers, the haphazard boundaries, the unviability of local authorities, the way in which the organization of Local Authorities inhibited them from exercising a management function over some of the vital facilities which were so important to their very existence. Essentially, however, real problem which was submerged by all of these more minor complaints was the fact that the Local Government system was cast in the colonial mould and obviously was geared towards a colonial conception of its role.

In this regard, we bear in mind that the existing system was an implementation, although partial, of the Marshall Report of 19505. On re-reading that report Cde. Speaker, I could find in Marshall's conception of local government, nothing which assigned to local government, a developmental role. He continued to regard it in the way in which it had been regarded throughout the colonial period, as a peripheral institution which was relegated to a maintenance and regulatory function, an institution which was not an agency of development, but which was expected to come into play after development had taken place.

As a result, we find a classic colonial situation in which the internal institutions of the country reflected the external relationship between the country and the metropole. The rural areas which ought to have been the principal beneficiaries of a vibrant local government system were relegated to a role of dependence, relying upon the central government for any other major developmental initiatives. This relationship of dependence had its inevitable consequence, namely, that local government could never develop an independent and self sustaining life of its own. Central Government which kept alive the Local Government system by patronage

and largesse. Again Cde. Speaker, because of this dependency there could not be the development in non-urban areas which ought to have occurred as a result of the activities of Local Government agencies.

So the end result of the system we operate is that throughout the country the forces of production are not liberated but are in effect locked up.

I also noted in passing, that Local Government was confined to the narrow coastal ribbon and was never intended under the old system to cover the entire country. The purpose of the current Bill is to revolutionise the Local Government system and remove all these inhibiting factors to which I have referred. Local Government now, in terms of the New Constitution and the State Paper, will be the very centre of our national life and will be a major instrument for mobilising the people for development and for the practical exercise of the concept of the socialist democracy, which the Constitution in article 13 directs us to have operating in the society.

It is interesting to note, Cde. Speaker, that throughout the history of this country, we have never, as a people, applied our own minds to the devising of a Local Government system. This was one of the main criticisms which we made against the old Constitution: it is equally valid against the local government system. Indeed, until recent times, people could not see that in our country and in our situation we needed to develop our own institutions, we needed to devise our own systems. It was natural I suppose, that in colonial times we should follow whatever happened in the so-called “mother country.” It was natural that our people who had been trained in a metropole to come back believing that everything which was done in the administering countries should be applied here. That is why in his excellent book, The Approaches to Local Self Government in British Guiana, that distinguished public officer, Allan Young, felt that this country had not benefited sufficiently from the local government changes which had taken place in the United Kingdom, page 191 of his book, says this - a very interesting commentary on the way our most distinguished people were trained to think -

“What this means is that local government in British Guiana has had all along the tremendous advantage that its development has been taking place over a period of time when the minds of men in Britain were directed as never before to the systematic organisation and development of their country’s institutions of local government. Has this advantage been reflected adequately in the corresponding development in the colony?”

Clearly, Young bemoaning the fact that this country, at that time British Guiana, had not taken what he called “sufficient advantage” of what was being done in Great Britain. To my mind, perhaps, it was a good thing, and in any case, I dispute any assertion that to have copied what was happening in Great Britain would have been of any value to us. Indeed, Cde. Speaker, Young made another point which was equally interesting in the light of his own perceptions of what we should do about developing institutions in this country.

He said that the Amerindians of this country had made no contribution to the development of the local government system. Obviously they could make no contribution because the administering powers at the time did not believe that the people of this country could have made any contribution to the development of their institutions, proceeding as they did on the assumption that everything which was going to be done in this country had to be imported from abroad including our own thought processes.

14:25 hrs

What this Bill seeks to do, Cde. Speaker, is to give effect to the mandate of the Constitution both in spirit and in letter to completely revolutionise our Local Government system, sweep away the remnants a colonial institution and put in place a set of mechanisms which, we believe, will allow us to proceed with the development of this country and enable our people to participate in that development in many-sided and meaningful ways.

Cde. Speaker, the Bill itself establishes ten regions for the purposes of local government. But those ten regions have not been established willy-nilly but on the basis of certain clear principles. The State Paper has outlined the guiding principles for Local Government transformation, and I will summarise those principles, and seek to show how what we are attempting to do the Local Democratic Organs Bill, gives effect to those principles. In the first place, the Constitution, article 71 thereof, directs that we should establish a country-wide system in place of one which was confined primarily to the Coast. Secondly, the Constitution directs that Local Government areas should be economically viable. This provision bore in mind, so to speak, the complaint of so many Local Authorities, that they were unviable, and that nothing in the existing arrangement could be done to make them viable, that they would continue to be poor, they would continue to be backward, they would continue to be underdeveloped, unless we did something about the entire system.

The Constitution directed that the Local Government system should be so organised as to involve as many people as possible in the task of managing and developing their communities. This relates back to article 13 which sets out the objectives of the political system of the State, to which I have already referred, which is to extend socialist democracy by ensuring the involvement of as many people as possible in the various management and decision-making processes of the State. But because Local Government was considered to be merely tangential to the economic and political system in the past, because it was looked upon as an institution merely to maintain roads, clean trenches and canals, and in effect, it confined itself to maintain the regulatory functions, the Constitution gave a clear direction that the New Local Government system should be development oriented. Consequently, its tasks have to be wider and deeper than the tasks that had been assigned to it under the old system.

Thus, one important principle therefore is that the new local authorities, indeed the whole system should be geared to the task of national development. In the past, there has been no formal link between the Central Government and the Local Government. From the time, there have been Ministries responsible for Local Government or within a Ministry, a

Department was set up for dealing with Local Government matters; but one will see, Cde. Speaker, the unacceptability of that kind of mechanism in the context of the New Constitution. A Ministry of Local Government or a Department of Local Government is really a Central Government institution of control. It is par excellence the indicator of that relationship of dependency to which I have referred, because it is through the Department or the Ministry that the Central Government in the past controlled, directed and otherwise inhibited local authorities and ensured that they kept their specific role, and that they kept within the very narrow boundaries which had been prescribed for them.

As a result, the Constitution not only directs that power, authority, responsibility should be conferred upon Local Authorities but, Cde. Speaker, that there should be formal institutional links between the Local Government System and the centre which would ensure that there is proper co-ordination between them; that there is a harmonization of efforts; and that Central Government Agencies and local government agencies all go in the same direction, towards the same goals. As the State Paper put it, Cde. Speaker, this relationship has nothing to do with the old relationship between Central and Local Government systems; is an entirely new relationship of equality, a symbiotic relationship, in the words of the State Paper, in which each system supports and enriches the other. So following the spirit and the letter of the Constitution, the Bill seeks to ensure that there is real devolution and decentralization of large areas of the Central Government activities; that there is handed over to the people in their various communities the power and responsibility for doing a wide range of things which the Central Government at the present time does inadequately and inefficiently, and which, because in the very nature of the things, which it cannot do adequately or efficiently.

14:35 hrs

It is against those principles, Cde. Speaker, that the Bill before this House has been designed to give effect to what the Constitution says must happen in the Local Government field. The Bill, therefore, establishes the structure of the Local Democratic Organs, setting out more specifically the structure of the Regional Democratic Councils, the tasks and duties of those Councils and their framework and providing the enabling legal powers for the establishment and organisation of the other Local Democratic Organs which will be administering and managing the various sub-divisions of the regions.

Article 72 of the Constitution, gives a direction that Local Government areas should be economically viable, should have an adequate resource base for development and for the revenues. It enables this objective to be achieved, it directs that the country should be divided into ten large geographic regions. The Bill therefore prescribes the boundaries of those ten regions. The boundaries of the regions have been drawn pursuant to the direction of article 72 of the Constitution which says that in demarcating the boundaries of the regions we should have regard to and take into account population, physical size, the geographical characteristics, the economic resources and existing and planned infrastructure of each area as well as the possibilities of facilitating the most rational management and use of such resources and

infrastructure, with a view to ensuring that the areas is, or has the potential for becoming, economically viable.

It will be found, therefore, Cde. Speaker, that the boundaries of the ten regions are natural boundaries following rivers or watersheds, and that each region is both a planning and development region, having an adequate resource base to enable that region to develop and to prosper as a result of planned development and efficient implementation.

The Bill empowers the appropriate Minister to make sub-divisions of the large regions, thus giving effect to article 72 (1) which requires the involvement of large numbers of people in the work of Local Government. And so there will be in terms of the State Paper and as at the moment contemplated six sectors of Local Democratic power in each region, which will involve some 16,000 people in this country in the direct work of Local Government. This is a far cry from the present system in which a handful of people who are described as “Village Fathers” are expected to carry on this tremendous task of developing and managing their areas.

But I have said, Cde. Speaker, that the Constitution has established a symbiotic relationship between the Local Government system and the Central Government and provides the formal institutions for the co-operation between the two systems. The Constitution therefore establishes the National Congress of Local Democratic Organs for the purpose of co-ordinating the work of the Local Authorities. At the present time such co-ordination is attempted by a Central Government agency, by a Ministry in the past, at the present time by a Department of Government. What is proposed is that the Councillors themselves, through their National Constitutional Body, should organize and co-ordinate nationally their work for the development and well-being of the Local Government system. Formal links between the regions and the centre are also to be seen in the fact that there will be direct geographical representation of the regions through the election of the representatives from the Regional Democratic Councils, to sit in the National Assembly. What we seek to do, Cde. Speaker, is to ensure that every region has a link with the National Assembly through the election of one of their Councillors who themselves have been elected by the people in the region.

And, finally, the Supreme Congress of the People is an institution where a joint meeting between the Central Legislature and Local Government Organs represented by the National Congress of Local Democratic Organs can take place.

The great point about that, is that we are attempting to correct a situation in which we drew a differentiation between Local Government and Central Government, in which, throughout the years, the central government has looked upon as being the major instrument for governing and for development, and in which Local Government was relegated to a position of no importance, having no direct or formal link with the Central Government. All of that will go because the Local Government Organs will have tremendous responsibilities both in term of range of duties and nature of tasks.

Clause 6 of the Bill sets out these duties and responsibilities and clause 6 of the Bill, Cde. Speaker, relates back to article 74 of the Constitution, which, effectively as it were, lays the foundation for the exercise of real power and authority by the Local Democratic Organs. I wish to make the point, Cde. Speaker, that duties, these responsibilities, are enshrined in the fundamental law of the State. They are not left to chance, they are not left to be promulgated by inferior legislation: they are embedded and concretized in the Constitution itself.

And Constitution says that in a general way that the Local Government system, must change its focus from merely maintenance-minded and regulatory-minded and become action-oriented development-oriented. For this purpose it imposes a clear duty on Local Democratic Organs and that is the duty to ensure the efficient management and development of their area and to provide leadership buy example. And then it goes on, Cde. Speaker, to amplify these general directions by directing that Local Democratic Organs shall organise popular co-operation in respect of the political, economic, cultural and social life of these areas and shall co-operate with the social organization of the working people. This seeks to facilitate and emphasise the co-operative character of the Local Government system which is organized to co-operate between the system as a whole and the Central Government, and co-operation within the various areas administered by Local Democratic Organs.

14:45 hrs

The whole purpose of the Local Democratic Organs is to manage and develop their areas as well in the interest of all the people who live within their boundaries. If that is so, Cde. Speaker, the system cannot tolerate negative and disruptive activity. Therefore, all councilors will be required to have as their overriding objective, the duty of co-operating among themselves and with them to make sure that the people get the best service and enjoy the best arrangements for their welfare and well-being. Cde. Speakers, these tasks, these duties, these responsibilities conferred upon Local Democratic Organs are wide ranging. They have no limitation.

A Local Authority will have power to do anything which it considers necessary for the development of its area and the welfare of its people. It can, since it has a duty for economic development, become involved in economic activities. It has to be involved in training. It has to be involved in activities to ensure that people are not exploited, it has to be involved in work to encourage the people to take charge of the various areas of activities which impinge upon their welfare and well-being. For that purpose, Cde. Speaker, I repeat there will be absolutely no inhibition on the power of a Local Authority to become involved in economic or other activities. This new system with its requirements of participation, involvement and self-management, will enable the production forces in the region to become liberated, for it will generate local enthusiasm, it will stimulate local initiative and will contribute powerfully to the real development of the areas.

It can be seen, if I look back to article 74, that the duties conferred upon Local Authorities and expected of Local Authorities are widely ramified. There is no aspect of national life which cannot be enriched by the involvement of the Local Democratic Organs, co-operating, as they are directed to do with the people and the people's social and economic organizations. And so in article 74, we find a spelling out of some of the duties of these organs, namely, "to maintain and protect public property, to improve working and living conditions, to promote the social and cultural life of the people, to raise the level of civic consciousness, to preserve law and order, to consolidate socialist legality and to safeguard the rights of the citizen." Cde. Speaker, those are wide powers and responsibilities.

The Speaker: Cde. Minister, two minutes more.

Cde. Hoyte: What we do hope to achieve, what do we expect of the re-organisation of the local government system, simplify this, to create self-reliant, productive and prosperous communities of people who understand the nature of national development and accept individual and collective responsibility for the task.

The Speaker: Cde. Minister, will somebody give an extension of time, if not, I will have to stop you.

The Minister of Parliamentary Affairs and Leader of the Home (Cde. Ramsaroop): Cde. Speaker, may I move the Motion that the hon. Minister be given an additional 15 minutes to complete his speech.

Question put and agreed to.

Cde. Hoyte: Cde. Speaker, it has become quite popular in recent times for certain political factions to utter slogans about "power to the people." What the Local Government system and this Bill seek to ensure is that there is "power to the people," not in a wild anarchical way, but the people's representative organizations. For people in the political process can only be exercised through institutions. The Constitution has provided a range of institutions for the involvement of people and for the exercise of the sovereignty which inheres in them. Through the institution of the Local Democratic Organs, this power will be crystallized: and it will be exercised for and redound to the benefit of the very people in whom it inheres and who exercise it for their own benefit.

In the final analysis, Cde. Speaker, we are talking about people, we are talking about the control of their very lives by the people of this country, we are talking about a democratic process which for us consists not merely in periodic elections but in the involvement of people, in a meaningful way in the management and development of their communities, and their participation in various decision-making processes in the State and in their communities. I see therefore, Cde. Speaker, a grand result from this new system of Local Government which the Local Democratic Organs Bill 1980 introduces. I would like to borrow and adopt some words from the Cde. Leader, which he used in the Declaration of Sophia, words which I feel adequately and powerfully, Cde. Speaker, represent the purpose and objective of the new

system of Local Democracy in Guyana. For the Councillors and their Councils, Cde. Speaker, co-operating with the Government, co-operating with the working people's social organizations as directed to do by the Constitution, in the words of the Cde. Leader, the task of revolutionizing our economy and society, removing remaining traces and incidence of poverty and exploitation, building a new system and State in place of the old, which have proved inadequate, and developing Guyana into a prosperous and just society, where the people's welfare and happiness are transcendental. Thank you.

Question proposed.

14:55 hrs

The Speaker: Cde. Reepu Daman Persaud.

Cde. Reepu Daman Persaud: Cde. Speaker, the first protest I wish to record on behalf of the Opposition is the clear departure from Parliamentary norms, that when a State Paper is tabled that State Paper ought to be debated before legislation is created for the particular matter under debate. The record shows that the State Paper was presented I think on the 5th or 6th of this month and, shortly after, a highly controversial and complicated Bill came to the House without giving Members of this Assembly an opportunity to air their views, to express opinions, and, having heard the Minister this afternoon, I am fortified by my conviction that new ideas have been conceived. The current local government legislation was rooted in the colonial past.

Having heard all of that, Cde. Speaker, and having heard the Minister repeating several times this afternoon, people's involvement, the opportunity for people to be involved, for people to speak, for consensus to be reached, to my mind, it proves beyond a shadow of doubt that the People's National Congress Government is not at all concerned about the people's involvement. I want to ask what is the intention of presenting a Paper. The intention of presenting a paper is to examine it thoroughly. Had that paper been examined, ideas expressed we would have probably been able to reach certain consensus which would have formed the basis for legislation. One would expect that the framers of law would be guided by the people if you are functioning within a democratic framework, that those framers of the legislation would be guided by the legislative deliberation in writing exactly where the council should go in so far as local government is concerned.

Having moved from that point, I want to say that the Minister this afternoon was more conceptual, he was indulging in theory and keeping his head in the sand so far as the realities are concerned. There is a fundamental point in this debate and that point is, we are functioning and operating in a multi-party system and any legislation that is framed so that that aspect of the Constitution is not to be observed in the breach, then one expects that the legislation would be framed in such a way to make the multi-party system a reality. My charge and indictment against the Government is that this legislation is framed as if we are functioning and operating in a one-party State. There can be no doubt that that tendency exists within the Government and there are many many examples that those tendencies were expressed in many ways and manifested from time to time. That being so the legislative process is now being used to legalize that tendency of the Government.

Clause 49 states: "In the management of its affairs and the discharge of its responsibilities the Congress shall be guided by the general policies of the Government and the national objectives as set by the Government." Purely from a debating standpoint, if we accept the fact that we have a multi-party system, and we move with a very far-fetched assumption that the elections are going to be free and fair, let us assume that a party that is opposed to the Government that is to be elected wins the local government election, must that party, probably in discord with the Government, carry out the policy and objectives of the Government?

May I ask that the Minister probably deliberately or for some other reason completely avoided certain sensitive aspects of the Bill dealing with the manner of elections. For the first time in the history of this country we are going to have dual elections, if I can put it that way. On the same day and at the same time, people are going to vote for both the Central Government and the Local Government and on the same piece of paper. [Interruption.] You are going to slit it – you have not read the legislation? I am clear about that. What is the Minister splitting hairs about? If one were to read it, “the ballot paper for each election shall be set out on the same sheet of paper.” I only said “piece of paper” – the only difference – the same sheet of paper and will be thrown into the same box and at the conclusion of voting when the box is opened wherever it is opened and when it will be opened and when it will be opened it is still left to be seen and who will be present when it is opened, then the Returning Officer has the power under this Bill and legislation where these papers have not been separated before to separate the paper with the perforation. That is the legislation and I think I understand it very well.

Why does the Bill assume that some will be separated and some will not be separated? One must look into all these sensitive areas of the legislation to see what is expected. What is more, from the legislation, if my understanding is correct, there will be a separate list for the regional elections – for the local elections. Where is that list? Who will prepare that list? Will the Elections Commission be involved with the preparation of that list? What is the role of the Elections Commission with respect to Local Government Elections? Indeed; it talks about “list of candidates”. It amended – I will come to the amendment later – there are many amendments proposed by this legislation. But when one looks at the Bill in reality, one finds this: That the Government is a contestant. The Government is contesting the elections. The Government is a party to the Local Government elections. The P.N.C. Government will have candidates at the elections but the P.N.C. Government under this Bill will appoint all the officers, organize the elections and supervise the elections.

This same argument could be advanced to say why the Government is not doing the same in so far as the National Elections are concerned, though we know that we are doing the same, but in so far as the law is concerned, there is provision in the Constitution giving certain clear power and authority to the Elections Commission. But in the Local Government elections, let me tell you what will be the functions or the role. It is a disgraceful role they have to play. I hope they withdraw from playing it.

- (1) They will announce the result when it is given to them. Who will give them? I don't know. Probably it will be the Cde. Minister or probably the Army. So when the Elections Commission get the result they will announce the result.

One other thing. They have put in the law- I cannot see the reason for it – the Elections Commission will now issue certificates for those elected at an election over which they had no supervision and control or management. How could you issue a certificate? How could you call

upon the Elections Commission to perform such a disgraceful function as to issue certificates for those elections when they had nothing to do with the elections, nothing to do with the supervision of the elections, nothing to do with any kind of management. In fact, you are talking about involvement and the first constitutional body that is excluded from the process is the Elections Commission.

Clause 39: Notification of election results to Elections Commission. Now, I make the other point. I make this point that despite the fact that the legislation, this Bill, does not spell out anywhere in the involvement of the Elections Commission, when one reads the Constitution dealing with the functions of the Elections Commission, article 162 of the new Constitution, and when one takes into account that people from the Local Government streams are going to be brought into this National Assembly, are going to be elected Members of this National Assembly to vote in this National Assembly, I am saying implicit in that, the Elections Commission has a role and must function and function from the beginning. Therefore, the list will be a responsibility of the Elections Commission; the supervision, management and control of the elections must also be the responsibility of the Elections Commission. I am not going to read it disjointedly. I read this Bill in conjunction with article 162 of the Constitution. We want the Government to tell us that will be so. But we proceed to make the other point very clearly so that there can be no doubt at all: We are totally opposed to central elections and local government elections on the same day.

I make the other point that the Government has conceived that device among the other devices that we have been hearing about with the sole intention of rigging one day and one time and getting maximum results and maximum benefits. But one sees that the system will plunge the whole electoral process into disarray and confusion and when I look at the Bill, one of the clauses the Bill assumes probably that there will be confusion. It speaks about taking all the necessary care to ensure that there is no confusion. In fact, if the Government did not foresee confusion in this – I am using a word, whether it exists or does not exist – “rigmarole” electoral process for both general and local government – That word, the dictionary word will not help you because it is not complicated. It is worse than that: it is deliberate; it is vicious; it is another device by the P.N.C. to stultify the will of the people at the close of the poll. There could be no other reason and thus the Opposition must clearly speak out against the Bill.

Clause 4 says:

“The Minister may by order divide Guyana as he may deem fit into ten regions, and may in like manner divide a region into subregions, a subregion into districts . . .”

and the whole gamut of the thing. The Minister is doing that. It is like setting the boundaries for elections. One would expect that if you are moving towards greater democracy, greater involvement of the people that such functions would have been informed by an independent body and not by a Minister, a Minister who will be part of the electoral process, a Minister

whose party – I am dealing with the principle – a Minister whose party will be involved in the elections. He decides the boundaries; he decides where it will start and where it will end, all of that and then other parties that wish to fight elections will have to start against those disadvantages. I say therefore, clause 4 is also objectionable and must be opposed by us.

15:15 hrs

Let's take clause 5. Fantastic. The Minister can do many things by Order. I made an attempt, Mr. Speaker, with the short time available, bearing in mind that this Bill is complicated, to make the point that one would have expected the State Paper to be debated. I make the other point. This Bill was published on 2nd August but it came to our hands subsequently. I make this point, that not only members who constitute this chamber should know about the Bill, the implications of the Bill, the far-reaching effects of the Bill, but the entire nation should be involved, should have been given an opportunity of examining this Bill thoroughly, all local government bodies, all ratepayers' associations, all potential groups that would wish to contest the election so that they would have been able to express an opinion before the Bill reached this chamber.

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Unfortunately, as we can see, that was not possible and you would be surprised, Mr. Speaker, that many people who have an interest in legislation generally, I am talking even about people in the legal circles, they have not seen this Bill yet. I must make this point. I wonder why on this occasion the Government was so cagey. This Bill was given very little or no publicity in the press. I only picked up by accident when the Adjournment was moved on Friday that this Bill would be taken today. I am not saying it does not comply with the Standing Order. I am not making that point. The point I make, Mr. Speaker, is the extent of the Bill, what the Bill involves. Undoubtedly, it is an extension of the Constitution and the Minister made that point over and over. It is against the effect of such an article of the Constitution. One knows that the details sometimes need greater scrutiny than the principle which, probably, you can read very easily but the details are more important.

How will these concepts be put into operation? That is the obvious consideration one will have when looking at the final legislation to give effect to a concept written into the major document, the Constitution, and I am saying that opportunity was not given even to us in the House or to the public at large, but we are called upon to debate it. And following in the ridiculous tradition of this House, one can reasonably assume that this Bill will pass through all its Stages today. I think the Opposition has tremendous justification to invoke the provision of the Standing Order for this Bill to be referred to a Select Committee.

Cde. Speaker, among other powers which the Minister has, let me tell you one. He probably will tell us, or a spokesman from the Government, how this clause, clause 5(f), will be used: “sanctions (including fines and public reprimands) against local democratic organs and any members and officers thereof for breach or dereliction of duty”, the Minister may by Order sanction these things. How will the Minister arrive at his conclusion? The fact is the legislation gives him the authority and power and there is no provision in this Bill to ensure that those against whom sanctions are made, that they are given an opportunity to a fair hearing so that the law of natural justice can prevail in such circumstances. Thus, the Bill gives tremendous power to the Minister who will be responsible for local government and much more power than exists at the present time in the corresponding legislation, local authority, municipality, etc.

The Minister can come by way of legislation which can be fully and thoroughly debated before he seeks to enforce any of these ideas or concepts written into clause 5 of the Bill. He has the power to dissolve on his own the local body, and he has the power to appoint a temporary body when that one has been dissolved.

I remember Mr. Speaker, in this very House, in the early sixties we criticized very severely what was then known as the Local Government Board. We said that it was undemocratic in every sense of the word and we must move away from that kind of institution so that the people could be involved, so that the people could make decisions and so if sanctions are to be passed, the people are going to pass sanctions. How can the Government, how can the Minister argue that this Bill gives power to the people, that it extends democracy, and he labels it “Socialist Democracy” both in words and in writing, when in fact the Minister will exercise

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powers that no Minister should have in any democratic society and particularly if we are talking about giving greater powers to the people?

I see greater powers have been given to the Minister. He dissolves the council and he reconstitutes it by appointing people of his own choice. Therefore, if at any stage of this so-called democratic process these bodies were to make decisions which the Government did not agree with, or they were to do anything which the Minister did not agree with, there could be no doubt that such persons can be disciplined with the greatest ease without any need to go to tribunal for proper enquiry and examination and sanction passed against them. More than that, they could be fined too, if one reads further into the legislation.

Time does not permit me to deal with every single clause but I am seeking the opportunity to bring those which I think are more vital. In addition to that, the boundaries, to some extent, have been set out in a document which comes to the House very recently. The Minister, not a committee –

The Speaker: Time, Cde. Persaud.

Cde. Ram Karran: May I move, Your Honour, that the hon. Member be given 15 minutes more in order to deal with the Bill.

Question put and agreed to

Cde. Reepu Daman Persaud: Cde. Speaker, the Minister as I was saying, has the power under clause 5 to modify the boundaries, so we can have a boundary now and if the boundary does not suit the government in power, then by the stroke of the pen, the boundary can be modified. I do not want to question the duties and the powers of local bodies, but may I say on behalf of our party, the People's Progressive Party, that we believe that power must go to the people, but what we do not accept, is the hypocrisy and the deception in talking that you are giving power to the people when in fact this is not so. The basis of democracy is to ensure that these bodies that are going to be constituted, are freely, fairly and democratically elected. This is one of the fundamental complaints by the majority of the people of this country.

Then, we see the Bill as extending the bureaucracy. If all these councils are going to come under the absolute control of the Government in power, because the Bill is saying so and the State Paper says so as well, Mayor and Deputy, Chairman and Vice-Chairman, will be full-time officers and of course, they will be paid. This gives them another opportunity to offer jobs.

15:25 hrs

Let me say it very clearly before I forget, that many men, as they were called in the past, village fathers, have made tremendous contributions in this country without being paid a single cent and even without subsistence and they served the people because they were answerable to the people. But the system we are called upon to approve from time to time by this Government is removing that opportunity and right for the people to pass sanction at free and fair elections.

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What of these men who are going to be made Mayors and Deputies and Chairman and Deputies? Councillors are now going to be paid too. I recall that there is a provision and, of course, the Minister will fix the amount. You see how powerful the Minister is in what the Government is attempting to convey this afternoon as a democratic framework. If the Government really wanted it to be democratic, I would expect the legislation to be drained in such a way that that would go to the respective councils and they would discuss it and examine the availability of funds. They would decide the priorities and whether people should be paid or should not be paid, and if at all they should be paid, how much they should be paid. That is what I call democracy, not when the Minister says he has to fix the salary and if somebody misbehaves, using the typical Guyanese understanding, he will impose sanctions and penalties.

Now, Cde. Speaker, I wonder if the legal circles have seen Clause 11, which states:

“Subject to the Constitution, the Minister may by order, which shall be subject to affirmative resolution of the National Assembly, establish Courts for the trial of petty offences committed within the area of any local democratic organ and any such order may prescribe

(a) the offences triable in such court”.

I think we need answers. Have the existing courts been proved inadequate? On what basis are these Courts going to be established? And why is it that we need this Clause 11 in the Bill when the Constitution is adequate? This is not the old Constitution I am talking about, even if you wish to argue that the old one is inadequate and does not allow the flexibilities you wanted. All these opportunities now exist in the current Constitution. Why is it that the Minister wants to set up his own courts? Why do you need Clause 11 to have additional courts to try offences that can be tried in the existing courts? The Magistrate sitting has adequate jurisdiction at the moment to deal not only with summary matters but with indictable matters, and most of the indictable matters, as you know, can be taken summarily.

Further, corruption, undoubtedly, is in this country and I want to be as fair as I can. In this country people have great reservations about the judicial system. One imagines what will happen when a political Government sets up courts with men who are not judicially trained. I am not saying that those men cannot be honest and fair, but now we go a step further. The history of the P.N.C. is that it has been partisan and partial in all its doings, appointments not excluded. People are going to be compelled to be tried by people who are totally and openly political. You want the whole nation to kowtow to the Government. Why? That seems to be the sense that we have in this country and we oppose it. Look at the penalty. You can be fined \$400, or be imprisoned for two months. I am just showing you those cases are tried by existing courts appointed for what it is worth by the Judicial Service Commission.

Cde. Speaker, as we move from the court action, I would really like to get an answer to it because we view this aspect not only with suspicion but we feel we cannot reconcile this aspect with local Government. One would have expected the Minister in his presentation since this is a brand new idea and a brand new concept, to allude to his reason and what is

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Government's intention in taking this power under Clause 11 of the Bill. If one were to look at further powers so far as the courts are concerned, the punishment which such courts may impose, the Minister has fantastic powers over the people and those powers he is taking while he is telling the House that he is presenting a Bill to give power to the people.

If we were to refer this afternoon to Clause 18 which deals with elections, if we were to take (b), "persons entitled to vote at an election of councilors shall be electors whose names appear on the official list of electors for any division within the region of the council in respect of which the election is held". And if were to tale (c), "an elector who votes by proxy at one at one election shall, if he intends to vote at the other election, vote thereat by proxy and shall appoint one and the same person as his proxy in relation to both elections . . ."

15:35 hrs

Why do we say that rigging is easy? Here you get one man and he can exercise his full right that is provided under the proxy system, the number of proxy votes, and at the same time he votes for the national elections as well as for the local elections. All of those are specific areas which we say clearly support our contention that the Government is seeking avenues to ensure that the rigging is easier and, of course, the postal vote has been brought in.

What do we say? We say that the local government system is already giving power to the people. You want people to be involved. Then let the local government elections be separate. Let the people who are concerned with the day to day activity of the community, be it economic, social and cultural or what have you, let them be able to exercise some kind of influence over what will take place in so far as the elections are concerned. Let those votes be counted in those areas; let the results be declared at the conclusion of the election in each district, each area, each region or what have you, so that there can be no doubt that the people would have been involved and that the people are satisfied with the outcome of the elections.

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The legislation undoubtedly is framed in such a way that the Government can still exercise the right to take those boxes wherever it likes at the conclusion of the elections and the argument will be “Since central elections and local government elections take place on the same day, you count them wherever you want and there is where you get the results” so the villagers to whom the Government says it is extending power will be involved until the appointed time of the day, 6.30, and then they will sit down and wait and the radio will tell them who won.

The Speaker: Two minutes more, Mr. Persaud.

Cde. Reepu Daman Persaud: Cde. Speaker, I shall have to use the Committee stage of the Bill to deal with other provisions of the Bill but let me say: Looking at the amendments, amendments to the Representation of the People Act, one sees that wherever that Act was amended, apart from certain provisions that do not apply, that scrupulously the Government took care to ensure that the people do not have any rights. Let me give you an example before I conclude. A simple one like putting up the list on a building in the area has been removed from that Act. Why are you preventing the people from seeing the list? What justification can the Government or any member of the Government have for amending that particular aspect of the Representation of the People Act, an amendment simply to say that no list will have to be put up on any building in the area where elections are held. It is a shame!

In view of what I have said I want this afternoon to say that the People’s Progressive Party is opposed to the Bill. We will vote against the Bill. And may I say that the Government has been engaged in all kinds of devices that are fraudulent, devices undoubtedly to bring a complete halt any bit of democracy in this country and every single step of the Government is towards removing completely the democratic process. This Bill undoubtedly smacks of the pursuance of a one-party State by the Government. We know that when the members of the Government talk about involvement of organizations, that statement does not mean organizations that are opposed to the Government. When they talk about organizations they are talking about their own allies, people who are willing and willing to support and be with them blindly. For those reasons, we oppose the Bill and we will record our opposition strongly at the time of the vote.
[Applause. (Opposition)]

The Speaker: Cde. Persaud, I believe there is some change now in the order of speeches. Dr. Shahabuddeen.

The Attorney General and Ministry of Justice (Cde. Shahabuddeen): Cde. Speaker, I had not planned to speak exactly at this stage but I think it has become desirable for me to contribute my bit here and now in view of a number of things which my good friend Cde. Reepu Daman Persaud has said.

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He has argued with great force that a number of things in the legislation are wrong. I do want to say that even though I disagree with him I have been stimulated enough by what he has said and by the manner in which he said it to offer a response now. He has made – or rather, attempted to make – what should probably have been a preliminary point: that, in effect, he has not had enough time to consider the provisions of the Bill. I think he tried to fasten it this way on an assertion that the Bill did not come out on the date borne by the Gazette in which it appeared. The Bill appeared in a Gazette dated the 2nd of August and my recollection is that it was introduced in this House by my learned and hon. Friend Cde. Hoyte, on Tuesday afternoon the 5th August. Certainly on that day copies of the Bill were before Members of the House. I got mine here and I had got one before. Now, counting from the 5th to the 18th, one has there a clear period of 13 days. That, I submit, would have been more than ample to enable a man of Cde. Reepu Daman Persaud's undoubted sagacity and ability to peruse the Bill and to put himself in a position to offer intelligent criticism. Cde. Persaud contended that there are features in the Bill which signal an intent to establish a one-party state. He referred in particular to Clause 49 of the bill. If I may read it for the convenience of members, it says:

“In the management of its affairs and the discharge of its responsibilities the Congress”-

That is to say, the National Congress of Local Democratic Organs-

“shall be guided by the general policies of the Government and the national objectives as set by the Government.”

My good friend's argument was that this injunction in clause 49 that the National Congress should give heed to the general policy position of the Government necessarily implies an intention or an anticipation by the ruling party that it will preponderate in the Congress of necessity. That may happen but, if it happens, it will happen, I submit, as a result of electoral procedures. But assuming that it does not happen, assuming that has a discordant position in which the Government is formed by one party, Party “A”, but that the National Congress is controlled by Party “B”, I see no difficulty in applying the injunction in clause 49, I submit, is merely stating injunction in clause 49, I submit, is merely stating what should be obvious, since Cde. Hoyte explained the matter of us. The idea is to establish an integrated national arrangement comprising central institutions logically interrelated with local government institutions. It seems right and proper that there should not be allowed to operate in a way which will produce chaos in the total administration.

15:45 hrs

Now, as Cde. Reepu Daman Persaud will remember, there is in fact something in the New Constitution itself which signals an awareness of the need to provide against this sort of possible chaos. If one looks at, for example, article 77 of the new Constitution, one sees a very clear statement to this effect. “The development programme of each region shall be integrated into the national development plans and the Government shall allocate funds to each

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region to enable it to implement its development programme.” What is visualized, is an integrated national government bodies will operate and endeavour; it should obviously be that they should seek to operate in a harmonious way with a view to achieving a sensible and balanced implementation of the total development programme. But that does not, in my view, exclude the possibility that a party other than the ruling party of the day, may capture the local government seats of some particular area or areas. Of course, if that were the intention, the Bill, I would offer it as my respectful feeling, would be unconstitutional because the Constitution explicitly guarantees the right and freedom to form political parties.

Now, heavy weather was made of provisions in the Bill which seek to provide for regional elections and general elections to be held on the same day. I think the answer was, in part at least, given sotto voce at the Table by Cde. Hoyte when he pointed out that really there should not be a great deal of difficulty in handling the ballot papers. Certainly, there should be an insoluble difficulty arising from the fact that they would both appear on the same sheet of paper. It has been pointed out that although they will appear on the same sheet of paper, they will in fact be separated by the perforated line.

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The very mention of those words, “perforated line”, leads us forward to the answer to another question raised which was to this effect. There is a provision in the Bill which provides for the separation of the two ballot papers by Cde. Persaud as to what circumstances could lead to a situation in which some of those ballot papers might be separated before the normal time had come for separating them. I think the answer lies in the fact that we are speaking of a perforated line. It will not be unknown to Members of the House where documents, made up in two parts separated by a perforated line, can accidentally, quite easily come to be separated before the proper stage for separating them has arrived. That is the simple, physical explanation I would offer on that point.

Now, reference was made to the Elections Commission and to its position in relation to these combined or dual elections. I think Cde. Reepu Daman Persaud pointed out that the Commission does not appear to have any particular role in relation to the regional elections if they are held on the same day as the general elections. Now, I wonder if there is a misunderstanding because he has referred in particular, to the role of the Commission in relation to the approval of the candidates’ lists and matters concerning that subject. Well let us see how we can approach this. If we look at section 16 and 17 of the Representation of the People Act, we will see a role given to the Elections Commission in relation to the allocation of symbols for candidates’ lists and the approval of candidates’ lists. Now, that is for general elections. One has to move to the Bill to see what, if anything, the Bill has done with that.

Now, the Bill has kept it and applies it mutatis mutandis to regional elections. If you look at the specific amendment appearing in the Bill as published, you will see that that is the part of the schedule which is making specific amendments to the Representation of the People Act. You will see that an amendment has been made to section 14 subsection (3) and then you will see that the next amendment is to section 22. so section 16 and 17 of the Representation of the People Act, which has to do with the functions of the Elections Commission in relation to the approval of the candidate’s lists, have not been affected at all buy the specific amendments made in the schedule. In net terms, if I may offer the view to you for consideration, the Bill has not deleted the controlling provisions of the main Act relating to the functions of the Commission. I am offering an explanation to the House, but if I may say so respectfully, more specifically it is directed to my friend Cde. Persaud if he would care to have it.

The approach taken by the Bill then is to retain all those features of the Representation of the People Act which have to do with the functions of the Commission and to apply them mutatis mutandis to regional elections. May I explain that there was perhaps really no need for us to do this because if you look either at the new Constitution or the old one, you will find that the Constitutional provisions do not by themselves provide for the Elections Commission to have any supervisory jurisdiction over the holding of local elections. Such jurisdiction as is given to the Elections Commission is given gratuitously as it were by ordinary legislation of this kind. Put in another way, if in this legislation we had said not a word about Elections Commission, it would have been difficult to fault the legislation on the basis that it gives no

powers to the Commission because the Constitution itself, old or new, does not visualize that the Elections Commission would have a supervisory jurisdiction over local elections.

15:55 hrs

Let me point out one other thing for the House and for Cde. Persaud. If he looks at the published Bill he would see it specifically refers to the position of the Elections Commission as having an external and controlling supervisory function. I thought I might draw that little one to his attention.

Cde. Speaker, Cde. Persaud referred to clause 5 of the Bill and to a particular paragraph of it, clause 5 (j), which says that the Minister may by order provide for the disillusion of any democratic order. He also referred to an early paragraph, (f), which provides that the Minister may by order provide for sanctions (including fines and public reprimands) against local democratic organs and any members and officers thereof for breach or dereliction of duty. My good friend criticized this provision, but seemingly on the basis of an understanding by him, if I may say so, that when the Bill says that the Minister may, by order, provide for sanctions, that is to be understood that the Minister may sentence somebody to sanctions. It isn't that kind of order which is meant. The order meant

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there is an order which contains clauses, provisions and so on, and sets out a legal regime in accordance with which provisions will then be made for sanctions to be imposed in certain specified circumstances. Now, let me make two little points about that. The order which, as I said, is really in nature of subsidiary legislation, will be subject to negative resolution. We can argue about that wasn't the argument. I am dealing with –

AGREEMENT TO SIT WITHOUT SUSPENDING AT 18:30 HRS

The Speaker: Cde. Attorney General, we won't argue because it is four o'clock now. We will take the suspension. But before I do that, I would wish to have an indication whether the House proposes to sit continuously from 16:30 hrs or we will take the normal suspension at 18:30 hrs. The House has two sides. Cde. Persaud, do you have anything to say now? I did not consult the Government. I am asking for my own benefit so that I will know. I am not talking of tomorrow. I am talking about whether we will sit right through or we will break at 18:30 hrs and come back at 20 hrs. I am asking now because I have to come back and sit here without getting up.

Cde. Ram Karran? [Interruption.] You must also bear in mind other people's convenience. I have to sit here, I can't get up every minute.

The Sitting of the House is suspended for 30 minutes.

Cde. Ram Karran: The decision is that we sit right through.

Sitting suspended at 16 hrs.

National Assembly16:30 hrsOn resumption --

The Speaker: Comrades, when the Suspension was taken the Attorney General had spoken for 20 minutes. Cde. Attorney General.

Cde. Shahabuddeen: Cde. Speaker, I was endeavoring to offer a reply to the criticisms presented by my friend, Cde. Persaud, to clause 5 of the Bill, more particularly his challenge to clause 5 (f) dealing with the making of an order providing for sanctions and clause 5 (j) dealing with the making of an order provided for the dissolution of a local democratic organ. I believe I had adumbrated the point that an order of this kind is not a sentence imposed by the Minister. What is contemplated is an order in the nature of subsidiary legislation which will contain provisions setting out a legal regime under which sanctions will be imposed and under which a dissolution could be ordered.

That ministerial order which, as I have said, would be in the nature of subsidiary legislation would be subject to negative resolution of this House under clause 71 of the Bill. At that stage my friend would have an opportunity of moving the nullification of that order and if he feels that it infringes any of the basic principles of the Constitution or of the Act itself, well, then, that would be a ground on which the House could entertain and affirm his opposition to the order.

Now, as regards dissolution, my friend, I think, put forward the idea that the Minister could in an arbitrary manner make an order dissolving any local democratic organ if he did not like the faces of the people in that body. In my submission that draconian and unjust consequence cannot fairly be imputed to the Bill as drawn. The Bill must be read as a whole. The provision which deals with the making of an order for the dissolution of a local democratic organ is clause 5 (j) but that is preceded by another provision, clause 5 (i), which provides for the making of an order for the

“holding of any public or private inquiry into the administration of any area by the local democratic organ thereof.”

All these orders, as I have said, have to come before this same House and when they come here they can be scrutinized by the House and it would be within the competence of the House to say that if an order purports to provide arbitrarily for the dissolution of a local democratic organ without also providing under paragraph (i) for the previous holding of an inquiry or investigation, then that could manifestly be a ground on which any such order could be faulted and nullified by way of a negative resolution.

My submission is: First, that all the various paragraphs in the enabling provisions of clause 5 have to be read as an integrated whole and, secondly, that when so read it will be found that the negative resolution provision for clause 71 affords a sufficiency of safeguard whereby this House could maintain its supervision and control of any ministerial orders made in

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respect of these particular matters. It is not as if the Minister could retire into his office, draw up an order to provide for the dissolution arbitrarily of a local democratic organ which is controlled by a body politically opposed and have done with it. He has to do more. He has to provide in that order for the holding of an inquiry if he is to satisfy this House that the order is a legitimate exercise of his order-making power under clause 5.

Of course, if the House chooses to overlook the making of the order and fails to exercise its power to nullify it by passing an appropriate regative resolution, well then, that is another matter. But I would say further that even if that happens it would not foreclose another forum of challenge, namely, the Courts. One could, I expect, move to the Courts for the nullification of that order on the ground that it is ultra vires both the Act and the Constitution on the points which are germane.

I submit, with much respect to my friend, Cde. Persaud, that it was not one of the stronger points which he made when he said that the legislation was defective on the ground that it sought to provide for the holding of dual elections. I am not in a position to cite chapter and verse but I do not think it would be necessary for me to do so in order to persuade the House that convenient procedures of this kind are not unknown in election legislation in other parts of the world. One holds several types of elections in one day. In the United States of America, I believe, one goes up and one sees a whole long list of things which one ticks off.

The point about the injunction in the Bill to avoid confusion does not, in my submission, reinforce the point sought to be made by Cde. Persaud. It is not a case that the legislation accepts that there will be confusion. It is a case where the possibility of confusion is one of the things recognized by the legislation and that is something to be recognized wherever one is doing two things at the same time, but the legislation has frankly adverted its mind to that possibility and has alerted all those who are operating the system to that risk, however remote it may be, and it has enjoined them to take all the necessary steps to avoid any kind of confusion. I don't think that is a point on which one could fault the legislation. On the contrary, it is a point on which the legislation is to be commended because it frankly addressed its mind to a certain possibility and has issued an injunction to those who are going to operate the system to be wary of that possibility and to take the necessary steps.

16.35 hrs

Now, let me deal with Cde. Persaud's point about the proxy and postal votes. I think his point was that the Bill is seeking to provide in effect, in the case of proxy, for one and the same person to be appointed proxy in relation to both elections. Now I would offer an explanation why this provision was drafted this way, which I hope will convince the House that nothing as devious as what Cde. Persaud suggested was in the minds of the framers of the legislation. We have here a bit of legislation which is proposing to provide for dual elections to be held. The ballot papers, we have already noted this point, are going to be printed on the same sheet of

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paper, one for regional elections, one for general elections. It seems manifest to me that once that is the kind of physical arrangement one has, only one person can act for the voter in relation to both ballots. He couldn't very well tear out a half and ask another man to act as proxy for the voter in relation to that half.

And there is another dimension which I think is worthy of some consideration. It is this. It has to do with the physical secret of the steps to be taken in relation to the holding of these elections. You see, one visualizes a polling room, you have polling booths, and agents, and people like that and once one visualizes that, there is, I submit, a manifest desirability to reduce the number of movements within that room to the barest minimum. Therefore, one would expect that a sensible arrangement would be to provide that if a man cannot come in person to vote and wishes to vote by proxy at one election, then the convenient thing would be to provide for him to vote by that same proxy in relation to the other election. That is all.

Now, Cde. Persaud raised a point concerning the posting up of the voters list, I believe. He has been as co-operative as he normally is with me and he entertained my request over the suspension interval for a clarification of the point. I mean no condemnation if I say that I have not had the benefit yet from him of any elucidation of the point, which does puzzle me, but which as you can see, Cde. Speaker, I have tried very earnestly to come to grips with. Not having had any elucidation from Cde. Persaud, I have myself tried to find out what it is that might have been troubling him.

The Speaker: Cde. Attorney-General, you will have to get an extension.

Cde. Ramsaroop: Cde. Speaker, I move for an extension for the Attorney-General for a period of 15 minutes for him to continue his speech.

Question put, and agreed to.

Cde. Shahabuddeen: Cde. Speaker, as I said, I have tried on my own to peruse the documentation with a view of discovering the points which might have been troubling the mind of my friend, Cde. Persaud. Now, the position of the Representation of the People Act which is the mark of the legislation in this area of elections and which deals with the posting up of voters lists is selection 34(2) (a)(iv). It states:

- “Not later than the 14th day before elections day the returning officer shall –
- (a) cause to be affixed to one building in each division of his district the following:
 - (iv) a copy of the official list of electors for that division.”

Now it occurs to me that we have not troubled that provision. If one looks at the relevant part of the Bill, one will see that we have not interfered with it. The relevant parts of the Bill are at page 30; that part has to do with the Schedule. There we have deleted section 34(2)(a)(iii), but we have not touched section 34(2)(a)(iv) which has to do with the posting up of the voters list. Nor has that provision been touched in another document which needs to be considered and is initiated the Constitution of the Co-operative Republic of Guyana (Adaptation and

Modification of Laws) (Representation of the People Order No. 50 of 1980) which was made by the President under transitional powers for the purpose of adapting the general elections legislation to the needs of an ordinary general election under the new Constitution. So, it seems to me that perhaps there might have been a misunderstanding in my friend's mind when he offered a challenge to this part of the legislation.

Now I come to my friend's remarks about the provisions of the Bill which seek to enable the responsible Minister, I would think the Minister responsible for legal affairs, to establish petty courts to try petty offences. Now there are one or two points which I think I should make. First, this really properly, of course, should almost of necessity be part of any local government arrangement which has a proper concern with the involvement of the people in the activities of the State, there is no a priori reason at all from the local government a system a judicial element which seeks to involve those people who are participating in the system in the judicial activities of the proper branch of the State.

Cde. Persaud, who I know reads a good deal of history, will remember that he did have a precedent for this sort of thing. It was not long-lived, that I admit. The reason why it did not survive had to do with the fact that the local government system of those days was not properly anchored on a broad enough mass base which is one of the things we are seeking to do here. I am referring to a local government arrangement which we had in this country. I am not talking about the United Kingdom or anywhere else; something which we had in this country over 100 years ago. In the 1830s, they had established the municipality of the city of Georgetown, then the town, and some provision of the legislation constituting the city did in fact provide for a municipal court. It did not survive for long because the burghers drawn from were too limited a base. They were mostly shopkeepers and merchants and people like that and they could not take time off from their business of the court. But there was no question about it that the coming of the court rested was far too narrow and slippery. Now we think there will be a much larger base supportive of the new institution.

Now two or three other points about this court. There was no need at all in this clause to say that the establishment of these courts would be subject to the Constitution because we all now that everything we do in Parliament are subject to the Constitution. Those words are merely put out of abundant caution to make it clear in case anyone was tempted to have any doubt of the question that the Constitution would be the controlling norm and consequently any ministerial order establishing a petty court under this clause would have to conform very quickly with the applicable constitutional principles.

16.45 hrs

I will name one or two of those applicable principles. You will find the applicable principles in the new Constitution, if you look it up, in article 144(1). Article 144(1) provides

that if any person is charged with a criminal offence, whether it is petty or large, then, unless the charge is withdrawn, the case shall be afforded a fair hearing within a reasonable time by an independent and impartial court established by law. So, if the Minister makes an order seeking a petty court under this clause and one can make good a contention that it is neither independent nor impartial and further that it is not established by law, then, of course, a superior court will strike the order down.

The Speaker: Cde. Attorney-General, who will be the Minister?

Cde. Shahabuddeen: The Minister responsible for legal affairs. Now that inference is to be drawn from the way the word “Minister”, if I may say so, is defined under the Interpretation and General Clauses Act.

The Speaker: I think in this very act it makes specific reference to that clause, that the Minister for Legal Affairs –

Cde. Shahabuddeen : In the case of clause 11, I want to make the point that the concern of the framers of this legislation with constitutionality in relation to courts was so great that provision was made in Clause 11 paragraph (1) for a petty court order to be subject, not merely to negative resolution but to affirmative resolution of this house. So that is another important safeguard. The ministerial order when made is of no effect unless the House affirms the making of it by way of an affirmative resolution.

Now some words were said about the status of lay-magistrates and the risk of their services being utilized in manning these courts. Now I think on reflection my friend, Cde. Persaud, might recognize that those were not the nicest things to say these days about laymen. I think we are moving forward to a future where we want to upgrade the status of laymen, and to recognize the fullness of the services which they can render to the community at all levels, whether at the legislation level, at the government level, or at the judicial level.

There are three branches of State activity, the judicial, the executive, and the legislative and there is no reason at all why laymen should be excluded from the participation in the judicial exercises of the State. We readily admit laymen to the highest legislative forum of the land and the country is the beneficiary of their wisdom and their services in this High Court of Parliament. In fact, they feel that the emphasis has been placed upon this in another respect in the case of juries. Laymen man the juries in the superior court and we all know how integral a part of the High Court in the criminal sessions the jury is, so we have today laymen in our highest legislative institution. We have laymen in our highest judicial institution. Is there any reason why they should not be allowed to function at some lower level in the judicial hierarchy bearing in mind – the little book you have in your hand will perhaps confirm the authenticity of what I am saying – that traditionally in England the bulk of justice has been administered by laymen and it is still so today.

In the country as well, until comparatively recent times, the Magistrates were no more than laymen. I think it is only in the last two or three decades that we have moved into a position of a requirement for total legal qualification in the magistracy. So, I would submit that that again was not one of the best arguments that my friend, Cde. Persaud, offered in his essay to challenge this Bill.

Now, Cde. Chairman, I will leave something for my friend, Cde. Hoyte, to say in reply, but, I do not want to say this measure it is right for us on the Government Benches to observe that it seeks to deal in a new and perhaps revolutionary way with fundamental problems in society. It may be, Cde. Speaker, that the measure has not anticipated every problem that will arise. It may be that it is not being devised with protection even in relation to those problems which have been correctly anticipated. Perhaps we may need to come to Parliament. Perhaps we may need to come more than once. In that event, Cde. Speaker, we will consider it our humble duty to do so for the matter is too important for us to top assure perfection in one try. We must leave no stone unturned to create a system which answers to our needs, but subject to these reservations it is respectfully submitted that the able and lucid presentation of my learned and hon. Friend Cde. Hoyte demonstrates conclusively that the Bill is a serious and considered attempt to carry out the imperatives and injunctions of the new Constitution on the vitally important question of establishing a new and workable framework of local government in all its aspects and all its forms. [Applause.]

The Speaker: Cde. Dalchand.

Cde. Dalchand: Cde. Speaker, this afternoon, the P.N.C. Government is introducing new measures for the introduction of a new system of a local government. The new local government constitution, as the Minister put it, is intended to allow massive people's involvement. This is really, Cde. Speaker, greatly enhancing the powers of the Minister responsible for this local government. This is another system being implemented by this P.N.C. Government to help it to get a greater number of Members of Parliament. This is another system of rigging, to be exact, Cde. Speaker. Although it is claimed by the P.N.C. Government that it is inventing many new systems this is one of the most retrograde steps in advancing people's involvement. Cde. Speaker, we are now moving to this system actually.

In the early days of local government, people were elected to local government offices on the basis of ownership of land. The franchise was given to those people, landlords and the plantocracy. Those who were allocated one acre of land, had one vote. The P.N.C. today is designating this power to itself to decide how many, and when these people will be elected, and what part of the local government system they will form.

16.55 hrs

Today you find, as I said earlier, that the system is moving backward more than forward. The greatest reform in local government was done during the term of office of the P.P.P. from 1957 to 1964 when real power was given to the people. During that term of office, the P.P.P. sought to introduce adult suffrage in local government elections and to remove nominated people from the councils. Today the P.N.C. Government, through devious methods, is seeking to fill these positions again. You see clearly that the intention is to build a greater bureaucracy on the backs of the people of this country.

During the 1961 elections, as I said, people were given an advanced franchise and nominated councilors were removed. The source of income for local government is direct taxation. Whatever is being done this afternoon is to shift the financial burden from the central government directly on to the backs of the ratepayers and residents of several areas. The Minister stated that this will enhance the economic situation of the people in the respective areas. I would like to ask him how this will enhance the situation when the central government itself has ruined the economy of the country.

In 1969 the P.N.C. Government held local government elections under what they claimed to be an advanced system. Today you find that the entire system has failed. Local Government is in chaos. There are hardly any people with an interest in serving. Ratepayers and people in the respective areas are frustrated and this is what is responsible for the present economic crisis in this country.

Local government people during the earlier stage of the P.P.P. were allowed to sit on various boards, for example, on the Drainage and Irrigation Board. This has been removed by the P.N.C. Government. If you do not lend support to their ideas you are booted out and today even that area of taxation has grown there has been the ruin of nearly all the development processes of local government. The cost of maintaining and rehabilitating social services, for example, in an area now lies squarely on the backs of the people of the area. The central government some time ago used to give grants of 20 percent. These grants have been removed. Only in some cases are they given. The people do not have an interest in this sphere of local government.

The 1970 elections that were to be held by the P.N.C. Government were claimed to be under an advanced system but since 1970 the P.N.C. Government has refused to hold elections although they claimed that it was to be a new system. They postponed elections on several occasions under the pretext that the councils did not have enough time to carry out their development projects. I do not have to tell you, Cde. Speaker, but it is a fact that the members of the P.N.C. have failed hopelessly and even this new system which they are planning, which they claim will have the massive involvement of the people, is bound to fail because the local government elections are rigged. The people are not allowed to vote freely and you will find that wherever democracy is stifled there is depression. You will find yourself moving backward quickly. It does not matter what is being said.

This afternoon the Government is moving towards creating what it calls “National Congress of Local Democratic Organs”. I consider this an attempt by Government to create another semi-Parliament where it will have its people whom it will fix in positions to do the dirty work. The members of the Government have given greater powers, they have created room for greater corruption and they have now allowed the Minister to have greater powers. This means that progressive people in those areas will not be able to survive.

What this new system means, if you carefully examine it, is that the people of the different units will be called upon to meet greater expenses and those will be administrative expenses. Very little will be left for the maintenance and carrying out of works within the areas. You can see, Cde. Speaker, that there has been a huge cry, even by G.A.L.A., even by the Minister and many organizations, about rates and taxes not being met. How are rates and taxes going to be met when irresponsible people are there to put, as they feel, rates and taxes on the people? No one considers, or attempts to consider, the economy of the area and the economic position of the people. No one is trying to see that the goods that people produce in an area are

properly marketed or that they are given fair prices for their produce. No one seems to be responsible for the carrying out of the necessary work to see that those people do not suffer. What they are solely interested in is the collection of rates and taxes.

Even in Georgetown you find that the same situation exists. There is a deplorable situation with blockage of sewerage and bridges not being maintained. There is a bottle-neck now when coming into Georgetown because a few bridges here and there are not being maintained by the City Council and the cry is that the people are not paying their rates so the work cannot be done. Taxation is already heavy; the burden is already heavy on the backs of the people who have to meet it. You will have noticed recently that quite a number of properties were put up for sale. It is not that people would like to see their properties put up for sale. They are being taxed higher than they can afford to pay. There is a tremendous strain to live, much less to meet additional burdens.

And now this Government is going to create what it calls “National Democratic Organs”. This is where the people of the areas – Government said nothing about financing these organizations. The members of the Government are all saying that they will establish them and people of the respective areas will have to finance them. I can see that we are now going to have more taxation, direct taxation, falling on the backs of the people. Production will continue to fall as it is falling. . The country is going to have more problems. The P.N.C. is clearing the way now to see itself up to set itself up as a dictator and this will to solve the many problems in Guyana.

What is really needed is a genuine effort by the Georgetown to see that we have free fair democratic elections. Allow people in the respective areas to elect the people they want to govern them. Today most of those people who are there in the offices are not responsible. They do not even speak with the residents. They just sit there and continue to administer as they wish. This will not involve development. This will not involve people.

I would suggest this afternoon to the Government that it should scrap corruptive practices and hold democratic local government elections and central government elections in which the people will participate. If this is done, I want to assure this House that the P.P.P. will be able to muster landslide victories at both local government and central government elections. This is a living fact. This is a reality. You do not have to go around. Even the Amerindian societies are so corrupted that in their areas you will find the same situation. Nothing is happening. The Prime Minister is moving about asking people to participate at various levels. Cde. Speaker, this will not happen, we want to ask the Minister to understand the people’s situation.

17.05 hrs

G.A.L.A., which is supposed to be the body over all local authorities has been saying all the time that the people serving in the present units are not interested, they are not responsible people. The Minister made statements from time to time and the new suggestions, enlarging the

boundaries will not achieve these objectives. Putting people who will not serve in the interest of the population cannot and will not solve the problems.

Finally, I want this afternoon, Cde. Speaker, to ask the Government to scrap its attitude of rigging elections and allow the people in the various areas to vote for genuine and interested representatives were development and prosperity will face this country.

The Speaker: Cde. Collymore.

Cde. Collymore: Cde. Speaker, we are today dealing with another phase in the denial of democracy in this country. We have before us a Bill dealing with local government elections and from the comments which have been made on both sides of this House, it would appear as though these matters are connected in many ways with central government elections. Cde. Speaker, the last local government election was held ten years ago and that was done in two phases. In the first phase, we discovered that there was a massive amount of irregularity. This has been documented already and spoken about in this House and because of this massive irregularity which was discovered in the first phase, the latter phase of those elections was boycotted by the opposition parties.

The first phase consisted of contests in five areas: Georgetown, New Amsterdam, Leguan, Bartica, and Sheet Anchor-Cumberland and the way in which these things were done, the way in which the party on opposite side took control of these areas, led to great dissatisfaction and disenchantment which, in turn, caused the opposition parties to boycott the second phase. Elections which were held then were as a result of certain reforms proposed by the party on the opposite side under the Marshall Plan. At that time they said that those reforms were the things which were needed in the country to revamp the local government system. Now we are going to have fresh reforms in the same arguments are being used. What we have to say is not a form we are looking at; it is the content.

Tabled in this House some days ago was the State Paper on local government reform and appended to it was an appendix and when we read the State Paper – a very good paper, we find hardly anything wrong in the paper – when we listened to the paper to the address of the Cde. Minister, he said hardly anything in his address to take issue with but what we have to note is not what the P.N.C. says, but what the P.N.C. does. This is the problem. In the State Paper and in the Minister's address he stayed clear of the bone of issue and that is, the electoral system. All these fancy things sound nice, look good on the State Paper but in the actual analysis coming down to the grass roots, that is where the problem lies and we on this side are worried about the electoral system. So the Minister can talk about nice things and put a fancy State Paper, we want to see how things are going to work.

Now, when we assess the State Paper, what do we discover? It would appear as though the government is going to create a series of mini states and fiefdoms. They are even going to have their own court, their own police force and we also discovered that the bureaucracy is being expanded. Besides this, as Cde. Dalchand pointed out, many of the costs of this new apparatus are going to devolve upon the people at the bottom, the taxpayers. Then, we see that this is a device to tighten the P.N.C.'s grip on the State machinery.

Now, the State Paper speaks at length about democracy and it even quotes the new Constitution. It quotes liberally the new Constitution saying that it is the Government's intention to extend socialist democracy. We don't see socialism in Guyana today and we don't see democracy, so when I use the term "democracy", I use it in guarded terms. If what has been set out State Paper and what the Minister said, could be achieved, that would be very laudable.

Cde. Speaker, to talk about centralization and decentralization. The Minister said that the Government is moving towards decentralizing the State apparatus and developing more power upon the regions and the districts. We see that some effort is being made in relation to this but we also see that the Government is, in fact, retaining a large area of centralization, so on the one hand they talk about decentralization, on the other hand they are centralizing. Perhaps they are afraid to give 100 percent centralization, 100 percent devolution to the regions. If you will permit me to quote from the State Paper that was tabled in this House, it says here on page 6,

“Within recent years, the Central Government has speeded up the decentralization of its activities by the establishment of the Regional System.”

This regional system is the system which now pervades where you have Regional Ministries.

“The objective has been among other things, to accelerate the rate of development by facilitating prompt decision-making, more effective co-ordination of programmes and activities, and greater involvement of people at the local government system was not geared to respond to these new developments in the Central Government arrangements.”

On the one hand they are making out a case for the decentralization of power on to local authorities but we notice elsewhere in this Paper that the Government has no intention to scrap the regional ministerial system and this is why we are saying that this is an unnecessary increase in the bureaucracy. If we are going to have a regional system with regional councils, why should there be a regional minister? Why do you want to extend the regional ministerial system? If there are going to be ten regions in the Assembly perhaps there are going to be ten Regional Ministers; we are opposed to this. What are they saying on page 18? However, the Regional System will not diminish in importance and relevance.” They are talking here about the Ministers. They go on to say, “Freed from the time-absorbing responsibility for monitoring a complexity of Central Government activities, the Regional Ministers and their staff will be in a better position to give encouragement, guidance and support to the people in their efforts to develop their communities.” In other words, according to this State Paper, it is the government’s intention to retain the regional ministerial system in conjunction with the regional councils. We say this is unnecessary increase in the bureaucracy.

Next we would like to know if the State is a P.N.C. state or if it is only the P.N.C. as a political party which exists in Guyana. The point has been made by our comrades on this side that the Government obviously is going towards creating a one-party State. I do not mean to go into that but when we note many things in this Paper and what the Minister said and what the Minister of Justice has also said, it would appear that most of the power set out in the Bill and in the Constitution is meant to be exercised by the P.N.C. alone. Comrades, we are opposed to any one-party State administration in Guyana.

Now, what does the State Paper say on page 8? It talks about democracy; it talks about democracy in glowing terms and this is where we find fault in the administration not in the State Paper. We are not talking about the State Paper. We are finding fault in the administration, the concrete pursuance of P.N.C. policy at the grass roots level. What are they saying? They quote the Constitution then they go on to say on page 8:

“Democracy, as the Party and Government understand the term and intended it should apply in Guyana, does not consist merely or essentially in periodic voting at elections. The elective process is an intrinsic characteristic of democracy, but the term has a deeper and more pervasive quality.”

People can hardly find fault with that.

“Socialist democracy requires and demands the active involvement of the people in the various decision-making and management processes in all sectors of national life. Socialist democracy is not confined to the periodic or occasional exercise of some legal right. On the contrary, it is a continuous activity, an intrinsic and indispensable part of the fabric of the daily life of the society.”

We are comparing what they are saying here in glowing terms with the actual fact or the actual experience of the people at the street corners; the people, as we have said over and over in this House, have been denied most if not all of their rights. Cde. Speaker, the right to vote – if you do not have this right, this State Paper and the very concept of democracy and so-called socialist democracy are negated. We are saying that the right to vote in Guyana has been completely negated because elections are rigged, polling boxes, ballot boxes are tampered with, and the ratio of ballots in those boxes is changed after polling closes at the various polling stations. We have evidence of this. It has been already documented. The right to participate – they are talking about participation here, but participation is denied at various levels, central government, local government, regional, also even trade unions. They are denying the people the right to participate. The right of choice – today, if you do not pronounce in favour of the P.N.C., if you are in government employ, your job is jeopardized. The right of expression has also been denied, even the Opposition newspaper cannot function properly because of the denial of newsprint and other requested matters.

We are saying that the corrupt electoral practices completely negate what has been set out in the State Paper and what the two Ministers who have so far spoken have said. Both Ministers have confirmed what we suspect, that the voters lists will be the same as those used on previous occasions. Section 18(1) actually tells about this. It says,

“Subject to subsection (2), the provisions of the Representation of the People Act (as modified by the Constitution of the Co-operative Republic of Guyana (Adaptation and Modification of Laws) Representation of the People) Order 1980) shall apply mutatis mutandis to the election of councilors as they apply to an election of members of the National Assembly under article 60(2) of the Constitution.”

This means that some voters list which was objected to over and over again will be used again, the same proxy system, the same postal vote system and in the case of the general elections, the same overseas voting system will be used. Cde. Speaker, we categorically reject the voters lists

as they are presently constituted and we ask for them to be reconstituted and for new registration to be undertaken.

Now, the Government also talks about recall. They say after this election they are going to have powers of recall, but we are saying the power of recall or the privilege or right of recall in an electoral system is meaningless when you have rigged elections. Cde. Speaker, they are saying that membership of a local authority should not be a mere honorific position. It should carry with it by law agreement to give leadership by example and then they go on to say in this connection that councilors and local authorities should periodically between elections give an account of their stewardship to the committees they serve and councilors who are in dereliction of their duties should be subject to recall. We are saying that there is a farce because the electoral system is not genuine, it is rigged.

We now come to the boundaries. We are of the opinion that the boundaries have been gerrymandered to suit the party in power and in this they are going back to the same system, the same techniques used by the British colonialists. In 1961, the British colonialists gerrymandered the boundaries in order to help the party which is now in power to win against the P.P.P. so these people who are claiming to be Socialist and Marxist/Leninist are doing the same thing as the wicked British colonialists did in the early days of the colonial system. Ten regions we have – arbitrarily demarcated. They did not consult with anybody in demarcating these ten regions. The entire Corentyne is one region. Population-wise and vote-wise, we say that this is totally and absolutely ridiculous and it is most transparent of their intention to give the entire Corentyne one seat in the Parliament.

Cde. Speaker, now what about the Appendix to the State Paper. The Government has not treated this Parliament with any respect, any consideration. The appendix is supposed to set out in detail what is supposed to have the details. What do they have here? Just geographical information how the boundaries are going to be drawn and how the regions are going to be demarcated. We don't want to know that. At least, that is not the only criterion because the Minister has been saying and the State Paper has said and the Bill itself has said that these regions and districts have to be self-sufficient and viable in the economic sense. How then are we in this House to know if these regions are going to be viable in the economic sense? No information is given about them.

Cde. Speaker, we say that the information is insufficient because it is only geographical, it is not comprehensive. We also want population statistics to be provided. What is the population in the various regions, why wasn't it put in the appendix, why has this been omitted? I would not say that the Government does not know that this should have been done. They deliberately did it. Besides the geographical information, each region could have had how many people live there, how many voters are there, persons 18 years and over. They don't want to tell these things, they want to make the whole big country one constituency so they can shift the votes as they like and rig.

Cde. Speaker, what is the economic situation in the various regions, how many factories, how many mines, how many enterprises, how many big farms, what's going on, how are you going to make the place economically feasible if you do not tell us what is happening in these areas? But they just come here to us and tell us some fancy things and ask us to support. We cannot support something we have no knowledge of, something we are not completely au fait with.

Lack of development projection. If they have any D-plan, if the D-plan has any meaning in terms of the regional system, the Government should have put all these things in the appendix. They have plenty of time, why are they rushing these things now? They postponed elections twice. Where are they going? They should have put all these things so we could have a proper picture as to what is going to happen and now viable, how feasible a region would be.

17.25 hrs

Then again, I say we have a lack of information as to the number of voters in the various regions. The Government cannot say it does not have the information. Since March 1980 there was a census. I was listening to the Suriname radio station. Suriname had a census on the same day and information has been given about the census taken in that country. Why cannot our Government give people preliminary information about the census – how many people there are in the country, how many are located in the districts, how many in various regions and how many can be pinpointed elsewhere? If we know how the P.N.C. works we can see at a glance why it is that the Government is unable to do so.

The State Paper mentions the regional system on page 13 and at paragraph 6 (a) it is stated:

“In order to facilitate effective, continuous co-operation between Central and Local Government, Local Government interests will have direct representation in the Parliament. Each Regional Democratic Council will elect one of its members to sit in the National Assembly.”

We are submitting that this is a throw-back to the old British colonial days when there were nominations to the Legislative Council. The Minister is saying that these people are going to be elected. We have to look at it from the point of view of how they are going to be elected. They are going to be elected within the regional democratic councils, but they are going to be nominated from there to this House and we are saying this is in keeping with British colonial practice of having nominated people.

The question we asking is this: What is the need to have the National Congress of Local Democratic Organs with two seats in the House and to have regional representatives to the value of ten seats? We are saying that this National Congress of Local Democratic Organs is also a local government entity like the regional entities and since they are going to have ten seats in addition to two seats, it is superfluous and unnecessary. It is just another aspect of bureaucracy, finding jobs for the boys and extending the P.N.C. control of the State apparatus. This also conforms with our observation that the regional ministerial system is obsolete. If you are going to have all these people in Parliament representing regions and local democratic organs, what is the purpose of having a Minister of a department? These ministers are therefore only P.N.C. guards at large doing nothing, guards in their own right.

The State Paper also speaks on page 14 about the electoral process. It has been said here that there are going to be dual elections. I see four elections here. You are going to have local government democratic councils. Please, Cde. Speaker, I used the term “democratic” in guarded language. You are going to have local democratic councils; you are going to have regional democratic councils; and you are going to have a central democratic Parliament; and you are going to have a presidential democratic office. These are four elections and we say that the reason why the People’s National Congress wants to have four elections combined in two is because it wants to minimize the extent of the rigging. This point has already been made. You are going to rig four elections. You rig one and get away with it. This is once-for-all rig.

I have been tempted to affix the alphabet to the term “rig” but in deference to you, sir, I avoid that temptation – once-for-all rig. We on this side of the House are opposed to the rigging of the elections as we are opposed to these elections, dual or otherwise, being held simultaneously. We do not see why elections for the President should be with general elections and we do not see why general elections should be with local government elections. It is to coerce people to cast their ballots when they do not want to cast ballots.

The point has been made on page 14. My colleagues, Cde. Reepu Daman Persaud, raised the issue of the ballot boxes. Since 1978 we have been finding wads of ballots in the ballot boxes. How do they get into the ballot boxes, Cde. Speaker? There is a slit in the ballot box. How can a big rubber band with ballots go in? Our colleagues on the other side have never answered the question. We are saying that this particular clause is put in to make allowance to tamper with the ballot boxes. What is stated at 18 (g):

“an elector voting at both elections shall cast ballots for both elections at the same time and in the same ballot box, but ballot paper for one election shall be separated from ballot papers for the other election immediately after removal from the ballot box and shall be counted separately:”

Why did it not stop there? It goes on. It states:

“Provided that a ballot paper shall not be invalidated by reason only that it has become separated from the other ballot paper on the same ballot sheet prior to its removal from the ballot box;”.

Does it mean prior to going into the counting place? Anything can happen there because they are going to change the ratio. We are saying here that this proviso is to enable our friends on the opposite side to tamper with the ratio in the ballot boxes which came from the ballots put in by the people. This is an old P.N.C. trick since 1968 and one would have been surprised if something like that was not included in the Bill.

We are saying that for the Government to move on to elections, certain things must be done if it wants to command the confidence of all the political spectra in this country. We are demanding new registration. We have no confidence in the old list. We are saying that over and over again in this House. We want all the bogus names removed from the Voters List. – every one of them, because many bogus names are there. We want a curb to be placed on proxy votes, a curb on postal votes, a curb on overseas votes. We want ballots counted at the polling stations and we want scrutineers from the start of the elections to the finish of elections. These people must accompany the ballot boxes wherever the ballot boxes go. The boxes must be sealed and when they are opened they must be discovered intact as when sealed.

The Speaker: Two minutes more.

Cde. Collymore: We also want the Elections Commission to conduct the poll. We are asking for overseas observers. We want observers from the Commonwealth Secretariat. We want observers as they went to Zimbabwe to come to Guyana. We want the Commonwealth

Secretariat to send observers here. We want non-aligned nations and the Caricom Secretariat if elections are going to be free and fair.

There is just one final point. I just want to bring to your attention the fact that this Government has made a Motion in this House since January 27, 1979, calling for the abolition of overseas voting, calling for the counting of ballots at the place of polling and calling for the abolition of postal voting. This Motion was tabled by Dr. Jagan on 27th January, 1979 reminding the Government of a similar Motion, a similar question, tabled since 15th June, 1977. It was directed to the Minister of Home Affairs. There has been a deafening silence from the Minister of Home Affairs and from the Government.

The Speaker: Let us hope that you do not have a deafening silence too because your time is up.

Cde. Collymore: I just wish to say that we on this side of the House cannot support the Bill at this stage.

17.35 hrs

Cde. Ally: Mr. Speaker, I should like to begin by quoting just one little paragraph from the State Paper and that is, "Local Government by freely elected representatives of the people is an integral part of the democratic organization of the State." I do not know but it is still fresh in the minds of people throughout the length and breadth of this country because on to this day, since what took place in 1970 with the Local Government Elections, some people have had nothing to do with politics such as the Chairman of the Chamber of Commerce of Berbice. After he learnt that no political party was contesting the Local Government Elections against the P.N.C., he thought that it was an opportunity to prove to the public or to the nation that they could have won the elections. They came out, they put up their candidates and at that election, Mr. Subnauth and his candidates get together in the marking of the ballot papers and they supplied red ink pens. According to a survey carried out over 75 percent of the people who voted, voted for Subnauth and his candidates. But what happened at the time of counting the ballots? There were no red ink marks on ballot papers. None. No ballot paper marked with red ink.

Do we have anything like free elections in Guyana today? Can anyone think that we will have anything like fair and free elections under the P.N.C. rule? If there is anyone who thinks so, that person will have to be insane, and the member who shouted out just now, yes, he has already indicated to us that nobody can win any election in this country once the P.N.C. has hands with the machinery of the election. He himself has said so and, in fact, he told me again just now that the Prime Minister said on the Essequibo coast that "no day canoe could bore punt." He told me so just now. The Prime Minister made a lot of noise and he has been talking about bird vine, saboteurs all over the country. He pinpointed some of the types of

people that he was referring to, but since when bird vine came into this country? Bird vine came into this country after the General Elections of 1964.

The Speaker: Cde. Roshan Ally, are we dealing with the Bill or are we dealing with the Prime Minister's speech?

Cde. Ally: I am just referring to what is taking place.

The Speaker: We are referring to the Bill. Please confine yourself to the Bill. I've had every member who spoke from the Opposition Benches repeating the same accusation and our rules say no repetition. I've been trying to bear patience but try, keep to the Bill.

Cde. Ally: Mr. Speaker, since this is so, I would like to say that this Minister of Local government will be having powerless power and he can do anything he wants to. [Interruption.]

The Speaker: Comrades, let us please hear Cde. Roshan Ally.

Cde. Ally: Mr. Speaker, we have learnt a lesson from the P.N.C. For instance, although they hadn't the power that they are now seeking to have when they had the 1970 elections, they enlarged the local authorities. Before the P.N.C. had their elections, there were small areas of local authorities. They took three local authority areas to make one because, they said, the bigger the local authority, the better it will be to administer it, and they will be able to make better progress. What progress did they make? Anyway, let me deal with some of the things that the Minister will have hands with and the power he will be able to manipulate and do things to suit himself.

The 74-52 local authority is the P.N.C. local authority. This took place somewhere in 1971. That local authority needed a typist, they advertised the vacancy, two people applied for that position. One of them had three G.C.E. subjects and commercial subjects, she had Advanced English, she had 120 words per minute in Shorthand and she had a certificate in typing. The other person who applied had just a P.N.C. card, her birth certificate and perhaps the colour. Who got the job, Mr. Speaker? The ratepayers raised their voice in protest because the person who was really qualified for the job could not get it.

A few days later, after this person went to the office to work, the Executive Officer drew to the attention of the council that the person they had employed did not know to type, she could not spell; even if a letter was written and given to her to type it, she could not understand what to do.

As a result of this, they lodged a complaint there, what the council had said. What was the answer to the Executive Officer? This was the answer he was given, that "I got orders from upstairs and all you will have to do is work along with her, if she doesn't know, teach her." That was the answer, taxpayers', ratepayers' money was involved. Then, just six months later, they needed an Assistant Executive Officer.

The Speaker: Cde. Ally, please let us deal with the Bill. Let us try and deal with the Bill.

Cde. Ally: Cde. Speaker, I am dealing with the local government, you know, and I am showing how they administer. I think I have the right to do that, to show what is the present position in the local authorities. That is exactly what I am trying to do. I am dealing with the Bill automatically because the local authorities will have to protect property and what not. The people's property. This is where they squander the money. I could quote that from the Bill, it is very broad here. Cde. Speaker, for that position, two people applied again.

The Speaker: Please proceed to something else. I'm not going to listen to two people all the time about this ting. Please proceed with the Bill.

Cde. Ally: Cde. Speaker, I'm quoting from the Bill, clause 6 (a) to (j).

- “(a) to maintain and protect public property;
- (b) to protect and improve the physical environment;
- (c) to improve working and living conditions.”

These are some of the things I am talking about. This is exactly what I am talking about.

- “(d) to stimulate economic activities and improve production efficiency.”

This is inefficiency I'm proving here and this is exactly what we're going to have and more than this. This is just smoke, fire is coming. This is what I am talking about and this is what I am trying to prove. Not only one case, Mr. Speaker, there are many cases where they destroy, they hire people who haven't the qualification; taxpayers suffer. As a result, they were crying out that there is not enough money, they could not collect the rates. Why couldn't they collect the rates? There are so many things. Instead of the local authority council that they had, the P.N.C. local authority council, even protecting, not improving, not developing, but just protecting the things that they went and they found there, they had destroyed every little thing that you could think of, the large ones and the small ones.

17.45 hrs

Koker boxes, kokers, are there today without doors. Farmers suffer as a result of this, they cannot pay rates. How can they pay rates? Some of them cannot get food enough to eat at the moment because of the maladministration of this Government, the maladministration of the Local Authorities. Instead of elections, they hand-picked a set of people and placed them in office on the backs of the poor ratepayers. Cde. Speaker, as a result of the absence of koker doors, and because of koker boxes which are in needs of repairs, salt water from the ocean gets right down into the back dam, enters in the ricefields, and farmers cannot plant. How can they plant? As a result of the maladministration, thousands of acres – [Interruption.]

Don't worry with what they print in the Chronicle; they plant rice in the Chronicle, but if one goes through the area one will see thousands of acres are there not planted. It is the reason why Guyanese had to run from this country, they are running away by the thousands, leaving Guyana.

When the P.N.C. local authority took office, when they got there they saw big farming areas. Wire, hog mesh around the area, all disappeared, posts all sold, removed in the night. People saw when those things were sold and where they were going but nobody could have done anything because whom will you approach? From top to bottom it is the same one people; if the bottom has done something, you cannot go to the top.

I can remember a Minister, a junior Minister, you call them Regional Ministers was there one day. Ratepayers went and while they were talking to him he had a glass full of rum in his hand and he said "I don't care, you go back and get out of here." Junior Minister. This is the way he behaves. To whom will the people go? They spend the people's money as they care and they do what they care. Mr. Speaker, some of us are laughing but others are crying. Because of maladministration, people are crying today; they are causing little children to suffer; if you go and see them, you will feel pity. Only I know how I feel because I am living among them, I work among the people and I am one of them and I know what I am talking about. I know what they call poverty, I know what they call hardship, I am one of the workers of the working class.

At Crabwood Creek, the local authority had owned a dragline, but the ratepayers because of the bad administration of the local authority purchased a dragline on their own. The Local Authority had no hands in it but the Chairman of the local authority sold the dragline. When the people raised their voices in protest and because all the P.N.C. councilors in the local authority came out with the ratepayers, they removed the Chairman as the Chairman of the local authority and placed him at No. 62 toll gate as an administrator. Now he is receiving a fat salary. This is the way we are going to administer, Mr. Speaker, this is the way they talk about people's participation, how the people are going to participate. What involvement have you got if you are not involved with the people themselves? There will be no progress no matter what you will do till thy kingdom come, the people will not give co-operation. They are running away. Guyana at one stage was a bright fruit tree, a flourishing fruit tree loaded with fruits but since the P.N.C. came, you cannot use the word birdvine but that is what is happening to the tree, there are no fruits anymore, Guyanese are running, they are searching for fruits all over the world.

Mr. Speaker, I would like to tell you that if this Government has any interest in its own at heart, I know it does not have any for the people, I think it will be able to make a different move from now on. The members of the Government will have to think of their own children and their children's children and the future generation. What will be their position? We have destroyed this country to such an extent that we are seeing every day people who are strong supporters of this Government sucking up their teeth and ready to go. If everybody gets the

opportunity of going, Guyana would be left empty. People are not thinking of what is going on in Guyana anymore, whether there will be an election or not, everybody is only thinking of how to leave this country, how to get out. They are not seeing any future under this Government. I went to the airport and I saw people shedding tears when their relatives left. They just simply cannot help it, they do not want to go but because of hardship, because of poverty, because of pressure they are under they are compelled to go.

Mr. Speaker, I have so many things to talk about here but I would not like to go into details. I would just like to appeal to the P.N.C., to start it right now, change their way of thinking. Talking about socialism does not mean anything if you do not put it into practice. Paying lip service does not mean service at all. I would like to ask. Let us put our shoulders together, let us build co-operation for our citizens of this country and move our country forward, make Guyana worthwhile to live in. We should not have to appeal for the people to come back here. Living conditions must bring them back. Thank you. [Applause.]

The Speaker: Cde. Jagan.

Cde. Jagan: The Attorney General in replying to certain points made by my colleague, Reepu Daman Persaud, used the old technique of the Jesuits in being evasive. I heard my colleagues criticizing the procedures in bringing this Bill to Parliament and making the fundamental point that the State Paper which has been laid in this House was not debated, so instead of answering this question, why the State Paper has not been debated, he answered using the Jesuit technique of speaking about what day the Bill was tabled. That was not the point and my colleague made the point that this Paper should have been debated for many reasons. We on this side of the House have found it to be a pretty good Paper. Is that the reason they do not want it debated? On page 5, it says:

“One of the most serious defects of the system”,
they are speaking of the present system,

“Is that its focus does not include the vast majority of the citizens as active participants in the management of those areas of activities which they perceive to be vital to their welfare, well-being and, indeed, their very existence. As a result, most citizens have come to regard local government as something which does not involve them in a direct and personal way.”

That is very true.

“Rather they tend to see it as a fringe institution comprising a few citizens styled ‘Councilors’ who can afford the luxury of spending their time on insubstantial matters not germane to economic existence. The system itself stultified the growth of local democracy and prevented citizens from assuming (or even recognizing) their full civic responsibilities. Thus the great reservoir of human resources available for national development remains virtually untapped.”

17.55 hrs

This expresses the frustrations of the P.N.C. regime over the fact that the local government system has not functioned during its terms of office. In this Paper more or less the same tone comes through and there is the need expressed here to change the local government system. That I think there will not be too much disagreement with, but where the P.N.C. regime makes its fundamental error is that there are other reasons why the system did not work and, for the same reason, whatever system you put cannot and will not work because a system cannot work without representative government. It is an impossibility. All the rigging in the world, all the fancy things, local government will not work unless there are free and fair elections and unless the ballot is used properly. So you can all stand on your hands and/or jump out of the window or do what you want. This Bill has no meaning; it cannot work. All of you know perfectly well that it cannot work. You know that the programme of production and productivity remains the same for the simple reason that the people want representative government and will not have any representative shoved on them.

That is the simple answer to your questions as to why local government has not worked and why there will be no improvement in production and productivity. This is not going to solve a thing. You did not want to discuss the Paper because from the Paper all the essential factors will come out and so instead, what do we have? A stupid Bill here – the Local Democratic Organs Bill. I hereby anoint it S.R.P., Super Rigging Procedure. That will be the name that I will call it because it has no other meaning. This is for super rigging and unfortunately it seems to be what the members of the P.N.C. want. If they want it they will get it. But they will also get other things that will follow because there is an inevitability in all things on this earth. [Cde. Hoyte: “You are a generalissimo.”] You are the elitist.

I want to speak about the Elections Commission. This Bill deals to some extent with the Elections Commission in a way that I find perhaps fitting to the role of the Elections Commission. In fact, the clothes fit the body. In this Bill the Elections Commission is going to be allowed to furnish each person who has been elected a member of the Congress with a certificate. In another section, the Elections Commission shall furnish the councilor who has been elected with a certificate, and again on page 24 the Elections Commission shall furnish each person who has been elected with a certificate.

That is just about the extent of the functions of the Elections Commission, but it was not so intended and, as one of my colleagues said, it is not what is said: it is what is done. I think this is an old copy of the former Constitution but for my purposes I cannot see there is much difference since the words are more or less the same. We do not have a new one on hand but the Elections Commission, as we all know it, has been given the function

- (a) “of exercising general direction and supervision over the registration of electors and the administrative conduct of elections; and
- (b) shall issue such instructions and take such action as appear to it necessary or expedient – ”

and these are the main words –

“to ensure impartiality, fairness and compliance with the provisions of this Constitution”

and this, of course, is what it does not do, as my colleague pointed out. I am reading from my old Constitution, but the new one is identical.

Thirteen years ago when I was on the Commission – I think the gentleman opposite was on the Commission too. [Interruption.] I said I was on the Commission and history has a way of repeating itself. I read from the Minutes of October 25, 1967. I quote what the Chairman said. The Chairman was Sir Donald Jackson. He was drawing the attention of the Commission to the publication of the Bill No. 21 of 1967 and I quote:

“He said that those members of the Commission who were present at the last time that the Commission had gone to the Ministry of Home Affairs would remember the course that the meeting had taken. He, the Chairman, Sir Donald, had a distinct recollection that it had been stated that if any legislation was involved the Commission would be afforded the opportunity of seeing the draft legislation before it went to Cabinet in order that the members would be on a position to state any views that they may have. At the interview with the Minister, the Chairman said that his impression was that the Minister substantiated this view but when the Bill was published quite recently the opportunity to discuss it and submit their views was not afforded the Commission. Sir Donald Jackson had learnt from an Information Services Release that the Bill would be before the House on October 26 1967. He had no idea as to whether the First Reading of the Bill would be moved then or when the debate was going to take place.”

As I said, history has a way of repeating itself because at the last meeting of the Elections Commission which took place on Friday, the Commission had no knowledge whatsoever of this Bill that is before us today and when they met today, they had no knowledge that we were meeting at the same time to deal with it, which means that the Elections Commission is still being treated in the same old way. Legislation that has some relevance to the Commission is not even sent in draft form the Elections Commission for them to consider it.

This has been the pattern from the very moment the Elections Commission was set up and from the moment that the People's National Congress regime made it a farce and began their super election rigging procedures. I can remember very well at the very beginning I pointed out to the Commission that was their job to grapple with the whole machinery of registration and elections or else we would have rigging, and so it is. From the very beginning, the P.N.C. would not go through the Public Service Commission to select the key personnel for registration and later for those conducting the elections. Everyone has handpicked as they are today. All the personnel involved in the registration and elections are all handpicked. Many of the people who manned the polling stations, the day before were on the streets campaigning for the People's National Congress.

This is only one aspect of the rigging. The same electoral list which we had in those days which was rigged and padded which was not a proper list in any form and in any country and in any language, we're going to have it again today, and we are going to have it tomorrow again. It is going to be a list that has no relevance to reality at all.

I can remember the 1973 Election. I quote from my book "Army Intervention in the 1973 Elections" where I pointed out how in some areas you had padded votes. For instance in Pipiani in the interior, 277 voters were registered but the place was deserted and not one person lived there. In Old World where 383 people were registered as voters, the occupation of 63 was listed as seamstresses. In Yakusari one man runs a mining claim and the highest number of adults and children at that time was 100. Yet the voters listed showed 277. What was scandalous about the whole voting procedure in the far off areas was that exceptionally large numbers of voters turned out. For example, in four districts, the average of voting was 95.87 percent, yet in Mazaruni Potaro and North West District transportation is difficult. Right here in the city the voting average was very low and people had to walk only one or two blocks. We know this because the city was under high surveillance. But in the remote areas where the P.N.C. operators, those who were handpicked, conducted the elections from beginning to end, you find that they had 95.8 percent in voting, where traveling is almost impossible.

18.05 hrs

I can remember, too, that we had the incident at New Hope, East Bank Demerara, a small community of some 700 persons and there were 100 persons whose names were on the registered list of voters but no one could find them. Persons living in the village for 20 or more years could not recollect ever hearing the names of those persons. Occasionally, in any community, there will be one or two people no one knows but 100, and when the period for objections and claims to the voters list was announced and my party challenged those 100 names, we had to pay a deposit of \$5.00 each. The Returning Officer for the district discounted 7 applications as being incorrectly prepared but he sent out notices by registered post for the 93 remaining names to attend the hearing and in the presence of the legal representative of the P.P.P. the Returning Officer produced the 93 letters which were returned to him undelivered.

They were stamped by the postman; “Could not be found. Removed from the district.” The Returning Officer refused the lawyer’s request to invite the postman to the hearing to question him as to how he came to the conclusion that they had removed from the district, and the 93 objections were over-ruled and the names remained on the list despite declarations of witnesses from the area at the hearing that the persons never lived there. And so on and on and on the tale can go of padding of lists and all the forms of corruption.

I can remember on voting day 1973 we were inundated with hundreds of people who came to say they went to the polls to vote but they found out that they had already voted; someone had said that they had signed their names on the postal ballot but they had never signed their names on anything. So the wholesale rigging, I don’t have to name every form of rigging, but this is what we are going to have again under the local government Bill and I come back to the main point, what do you achieve except holding on to these tainted seats in this House that has no meaning. There will be no changes in local government administration or the reactions and responses of the people until we have free and fair elections, until we have representative government.

I spoke of the lack of consultation with the Elections Commission which is a crying shame, but the impotent Elections Commission seems prepared not to bother about it. Money, they say, is the root of all evil. You will know what I mean, money and you. At any rate, we made the point that there was no consultation with the Elections Commission, there was no consultation with anyone. The people of Guyana were not consulted, the people in all the districts of Guyana were not consulted. Why the indecent haste to bring this all of a sudden? For 37 months the P.N.C. has been dragging its feet, trying to make up its mind if it wants elections or not. I suppose, who knows? The members of the P.N.C. are the only ones who know if we are going to have it or not. No one knows, but anyhow, now the pace gets hotter and someone says rush it through, they rush it through. But why no consultation with the people? There has been no consultation at any level and this is a crying shame.

I would not have more to say on this Bill because there is not much else you can say except that it is part of the whole rigging process. It's an abomination! I would close with these words, that even the longest rope has an ending, and there is a pattern of living and there is a pattern of life and all things are connected. There is a beginning but, my friends, there is always an end. [Applause.]

Cde. Ram Karran (The Deputy Speaker): Your Honour, if all that has been said here today from the Opposition Benches has not changed the views of the Government side, it seems hardly likely that anything that I can say will do so. Nevertheless, one must, even if one has at this particular time to speak for the record, it is necessary that these few words, which I have, should be said.

My mind goes back, sir, to about five decades ago when this House discussed a Motion, to be precise, the latter part of August 1932 when a Motion was tabled by Mr. Joseph Eleazer demanding an improved Constitution to the Wilson Snell document, the Wilson Snell Commission in 1928 or the Legislative Council Constitution. That was with the suspension of the 1891 Constitution which those revered gentlemen referred to as being better than the Constitution which they had inherited; the one that preceded the 1927 Constitution was a more advanced Constitution. That, of course, came to Guyana after the defeat of the Dutch and the Attorney-General in one of his earlier speeches referred to the fact that Guyana is littered with the Constitutions.

I merely want to make this point, that many of those men who spoke, Eleazer, A.V. Crane, Nelson Cannon, and others whose names, perhaps, have been adorning the pages of our history books – unless these usurpers presently in the Government caused their deletion – although in the period in which they lived, some of them could not have foreseen a thing like independence or full, responsible government, nevertheless, their activities in those days have more or less enriched the minds of the Guyanese people to their rights in so far as constitutional advance is concerned.

The late Mr. A. V. Crane said that the British Government could not hope to introduce in this territory a Crown Colony Constitution, the type which has been successfully working in parts of Colonial Africa. I do not think that Mr. Crane had intended to make a slur on the struggle for improvement in Africa, far from it. What he was saying was that the struggle for nationalism in Africa was not as advanced as it was in Guyana. He made that point and I make the same point today, nearly 50 years, after, to say that this Government cannot hope to introduce lock, stock and barrel, Constitutions that might well be workable in Tanzania, into Guyana, having regard to the fact that while it is good for Tanzania and perhaps other parts of Africa, they cannot work here. One has to take into consideration not only the people but the traditions, the customs and all that sort of thing.

18.15 hrs

I remember the other day, Your Honour, when the Attorney General was talking to us about the Constitution which flowed from the rigged Referendum, he said that although we have had long experience with the Dutch, although we have had long experience with the British and their system, we went all the way to French to get a Constitution to suit our conditions. Today, we have had considerable experience with local government under the British. Perhaps our constitutionalists will recall what sort of development we had in local government under the Dutch, but we left all of those and we are told – While I am no advocate for the cretins we had for local government under the British, nor do I oppose improvement in the local government system in Guyana, what we have before us is obviously a creature not born in this country or in any Caribbean territory but something that has been brought about, as my colleague on my left says, to effect more vigorous rigging in the system.

You know, sir, just about the time after the primitive communal society was breaking up in India, when they worshipped material things, the sun, the rain and so on, the role of the priests, the Brahmins, at that period was to substitute other gods. In the process of doing that they wrote books and they called the names the Purana. “Purana” in Hindi means “old” but before the books were written they were old, no doubt that is why we have in these documents so much reference to democracy. Obviously, there is nothing democratic about these documents. These are no democratic documents and my friends have repeatedly told this House today living examples of the manner in which things have been rigged and the manner in which things have gone wrong resulting in the chaos we have at the moment.

I want to draw my friend’s attention to how things can be done. You know, sir, that is the Island of Jamaica a great deal of difficulty has arisen particularly at election time. You know, Jamaica seems to have far more violence and things of that kind during election period. How do they solve them? Let me read from The Parliamentary Journal of the Parliaments of the Commonwealth – Guyana does not belong to that anymore – Notes on Constitutional and Political Matters, page 87, paragraph 4:

“The Electoral Advisory Committee is to be the forerunner of an Electoral Commission which will be set up within a year’s time and which will be entrenched in the Constitution. This will be part of a larger constitutional reform exercise which is also being carried out by the Government in association with the Opposition.

The Committee will be responsible for advising the Director of Elections in the performance of his functions. These functions will be under the existing system under the Representation of the People Act, concerning powers and duties having to do with the conduct of elections in Jamaica.”

This is a move-away from the Representation of the People Act which was the same as our original Act of 1964 but in what direction have they moved? They have move in a direction to bring about greater understanding because charges have been made by the Opposition in Jamaica, and they have moved with a view to bringing about confidence in the Elections Commission.

My friend, Cde. Reepu Daman Persaud, has shown where essential ingredients of the Representation of the People Act have been changed against the interest of the people and my colleague, Cde. Jagan, has pointed out that the Elections Commission does not function. We know that instead of the Government moving towards consultation with the Opposition to bring about some understanding and some confidence in these institutions, the Government seems to be moving in the direction where it does not care. A measure like this, sir, a measure which affects the entire country and, my friend has made the point, which ought to have been debated, ought to have been discussed not only with the Opposition but with the people throughout the country. What we heard on the radio was that the ex-Chief Justice and a few lawyers were in New Amsterdam discussing the Constitution, allaying fears but without reference to this very important ingredient in our lives in the future.

I made the point, sir, that we cannot borrow what obtains in other countries and bring it here. I refer to the Sophia Declaration. Where did that come from? It came from the Arusha Declaration. Comrades go there and they hear, but the Ministers in Guyana do not live like Nyerere; the only difference between his house and another man's house is that he has a pill-box with a Security Guard. But my friends live in style. Yes, they live in style. They cannot bring about that understanding and I am not saying, sir, that the people are so callous that they cannot understand the difficulties that exist in the country. The people see and they say in this Bill "to live by example." What examples do they show? Callousness, ridiculous behaviour inside and outside of this House, complete disregard for the institutions that exist in this country. How can they bring about the respect which the people ought to have for them, and with the people try to solve the problem.

I was with a delegation of the Trade Union Congress to the hon. Minister, who presented this Bill, and he admitted that the people cannot pay their taxes. What can they do? They cannot lock up all the people. Is there anything in this Bill to make it easy for the people to pay? Is anything in this White Paper going to help the people to be able to pay their taxes? Hundreds of people, as my friend said, have got their places set up for sale. What we are saying, sir, I think I have said it before, is that we are not urging the introduction of the English local government system here. There was a wide departure from the local government system in 1948 and in 1964, and even now. Why the departure? Because the English system grew out of the poor house. Ours grew out of a different circumstance and our people are wise enough and are sensible enough to be able to work local government, as it is developed, according to their traditions, customs, produce etc. but my friends are not prepared to work. At one time they were singing very loudly in this same Chamber –

18.25 hrs

The Speaker: Minister Hoyte, kindly move the suspension of Standing Order No. 9 so that we can continue the business after half past six.

SUSPENSION OF STANDING ORDER NO. 9

Cde. Hoyte: I beg to move the suspension of Standing Order No. 9.

Question put and agreed to.

RESUMPTION OF THE DEBATE

Cde. Ram Karran: My friend tells us that the productive forces are locked up. They cannot produce. Production and productivity are seriously affected. What is contained in this Bill or what is contained in these Sessional Papers that will release production and productivity? I cannot for the life of me see that these sweet words “democratic” and “National Congress” and so on are going to be able in any way to release the energies of the people and the willingness of the people to produce. What the members of the Government have shown us over the years that they have been in the Government is their incapability of organizing, of harnessing the imagination of people towards a more fruitful development of our country’s resources and there can be no doubt about that at all. What has locked up the productive forces in Guyana at the moment is the fact that the P.N.C. is there, and my friends have given countless examples, particularly Cde. Roshan Ally. It is not only on the Corentyne; it is all over the place but my friend is very observant and he is able to relate these things to this House whenever he gets an opportunity.

The members of the Government cannot answer those charges. They have never attempted to answer those questions and we who live in this country must try every possible way of bringing about a situation in which our country would be better. I am sure in the heart of hearts of all our colleagues over there, all our friends over there, they would like to see an improvement but when we look back over the years when my friend the Deputy Prime Minister was Minister of Agriculture he kept repeating over the air ad nauseam: “You all must produce more in order to increase more” although the cost of production has gone up and up. But because of their partiality they refused. Now the rice industry is almost collapsing. My friend says they are producing it in the Chronicle. The Government’s attitude towards wages and so on has been so negative that production throughout the country is dropping. That is a very serious situation and the Government must try to do something about it.

My friend, Cde. Collymore, pointed out that we are introducing a system in the Courts where the Judges at the bottom will go up to the top and the top will go to the bottom. A yo-yo system. The same thing we are introducing in the ministerial system. We are going to have parliamentarians coming from the region and we will have parliamentarians going there as Regional Ministers. Why do you want the yo-yo system? Is it to provide jobs? What else could it be? Is that local government? What precedence do you have for this kind of rascality – I beg your pardon – monstrosity? What precedent? Where does it exist? Is it the brain child of someone who has been thinking? If you have been thinking then you must tell us where it came from.

There is a bit of advice I would like to give this Parliament on the question of production and productivity. It is the business of this House and I think we should take every opportunity to deal with it. How can you find the money to give to this expanded local authority system if in this House you cannot give an account of your finances? A passing remark I would make is that the audited statements are ten years old. The last one presented to this House is for 1970. You cannot run an expanded local authority system unless you can give an account of the funds spent in this country.

My friend – he was in the U.F. – Kit Nascimento, Defender of Freedom – My friend, Mr. Naraine, the hon. Minister, gave me the assurance that he was going to give me the amount of money that he paid out to Mr. Ally at Albion for that monstrosity that was built there. Three-quarters of a million have not been accounted for. He was to give me the figures. What was the breakdown of the expenditure in the Ministry of National Development? A Question was tabled. You cannot account for the money that you collect from revenue. How are you going to run the local government? In another quarter people are going to say that “you all escape with the money.”

I have been looking at the situation. The Government cannot collect rent from the people who live in Government houses because the people cannot pay. The people cannot pay for electricity. Every day you are threats to cut off electricity ... They cannot pay their telephone bills. Those are not the poor ones. Where are we going? [Interruption.] What I am saying is that the situation in the country resulting from production and productivity, which is mentioned in the Paper here, cannot improve and the Minister will have to tell us how he expects that production and productivity will develop as a result of this measure because that is our main problem in this country. It cannot develop. There is nothing here except that there will be greater reluctance on the part of people to produce even a little extra because democracy is denied them and my friend spent the whole afternoon pointing out that you cannot have production and productivity without democracy and even though the Bill refers to democracy it is only in the - -

The Speaker: Cde. Ram Karran, five minutes more. I don't want to go into any definition.

Cde. Ram Karran: You are not treating your Deputy well. You do not have that and unless you have people believing that the system is a fair system, then they will not attempt to produce surpluses or profits for the machine that swallows everything down its throat. Members of the public, I am saying, have not participated in this exercise and this, like many of the exercises of the Government, come before this House; the Bill is rushed through; it becomes law and the people become more and more disappointed, more and more frustrated they are cut off from the power at the top and they are all seeking their own solutions to the problems which face them. The Government is not moving to solve those problems and now it seems to hand that responsibility over to the local government for the local government to effect development. What about all the development officers and technocrats and our Ministers? Are they going to

go into pension so that the responsibility which they carry for the development of the whole country will fall on the shoulders of the so-called “local authority” leaders? What are we doing? We are going into retirement. Perhaps that will be one of the best things for this country. Some of them are graying like me; some of them are getting nearly bald. Perhaps it is time for them to go into retirement, enjoy their retirement and leave the Guyanese people to work out their own solutions.

18.35 hrs

Sir, in closing, I want to make one observation, that the effect of this Bill is not far from that threat which was made in 1964 when the Prime Minister said in a broadcast that those local authorities that did not return a P.N.C. council could not expect to get any grant or any aid from the Central Government. This legislation, which smacks of one-party State legislation, is in fact effect what the Prime Minister said at that time and I know that no council in Guyana is going to be satisfied, not even the P.N.C. councils because they cannot dish out as much money as they used to in the 1960s when the Americas were spoon feeding them. Today, the situation is a little worse, a little pittance here and a little pittance there. That is not the solution our solutions to our problems in this country.

We must work for a united Guyana, not united by force, by bringing a Bill and calling it a P.N.C. Bill. It must be a Bill of genuine unity. It is no use sending the baby-faced comrade and the one over here and telling me to talk about unity. You must say it meaningfully and you must mean it. You are only making the comrades as frustrated as you yourselves are because Guyana’s future is bigger than the P.N.C., it is bigger than the P.P.P., and if we are going to write a history of our country which should bring about some measure of improvement for our people and our children, then we have to make it in a different way, not by bulldozing through this House Bills that are bent on further division.

[Applause.]

The Speaker: Mr. Abraham.

Mr. Abraham: Thank you, Mr. Speaker. Sir, on behalf of my Leader, Mr. Feilden Singh, and on behalf of my party the United Force, I would like to say in brief that the hon. Members of the P.P.P. have in great part exhausted and expressed the sentiments the United Force would have liked to say with respect to Local Democratic Organs Bill, but may I say, Mr. Speaker, that this Bill, instead of advancing the cause of unity and progress in this country will serve only to further plunge us into the quicksand of economic morass and divide the people further. It is the studied consideration and the opinion of the United Force that this Bill is cheap in the elections procedure, that no amount of academic argument on the part of the Government will convince us that this Bill is anything less than presumptuous and obnoxious.

May I venture one question of the hon. Minister who is moving this Bill. Would it splinter the American community? Would the present system of elections of captains and councilors in the various Amerindian districts be modified, and to what extent? Finally, Mr. Speaker, may I say that it is impossible for the United Force to support this Bill.

The Speaker: Cde. Minister.

Cde. Hoyte (replying): Cde. Speaker, I am sorry that my good friend the hon. Member Mr. Ram Karran is not in his seat. I understand the great feeling with which he spoke about the Telecommunication Corporation cutting off telephones, but I refuse to believe that the Deputy Leader of the People's Progressive Party, the General Secretary of the Guyana Agricultural and General Workers Union, a substantial shareholder in Gimpex, and a Director of Gimpex, did not have the wherewithal to pay his telephone bill and I can only conclude that in his case it was a case of sheer forgetfulness.

Cde. Speaker, to get on to the subject of this debate I would like to make a few general responses before dealing with some specific matters raised by members on the Opposition Benches. The great difficulty, of course, is to separate those matters which really had little or nothing to do with the Bill or the State Paper. The hon. Member Mr. Reepu Daman Persaud chided me with dealing with concepts, principles and ideas and I refuse to believe that in a general debate concept we should descend to the level of talking about which typist was better than another typist and who was drinking rum.

There seems to be also, Cde. Speaker, a refusal on the part of the Members of the Opposition to accept that we Guyanese are an intelligent people with a capacity for thinking for ourselves. Members of the Opposition kept wondering what was the precedent for the State Paper. Where did we copy some of the proposals from, and the Deputy Leader of the Opposition went so far as to suggest that we had modeled these proposals on some system in Tanzania. I wish to assure the member that these proposals as was said in the State Paper, have come out of the research, discussing the ideas of the Guyanese people themselves, and this brings me to the question of consultation. Several members alleged that there was no consultation in the preparation of the State Paper and in conceptualising the proposals which are contained in the State Paper. That is not in accord with the fact.

18.45 hrs

On my own part, as far as back as 1974, GALA approached me on the matter of local government reform. Indeed, this matter was agitated even before that time, but I speak of the time during which I was personally involved, and from 1974 there was a series of discussions and debates between the Ministry and the representatives of GALA, between the Ministry and the individual councilors and persons who have had long experience in the local government system, and between the Ministry and local authorities. We thrashed out this problem at many meetings, many seminars. Many of this were reported in the press, but the major consultation

out of which these ideas crystallized took place in the Constituent Assembly which consider proposal for a new Constitution and it is to the discredit to members of the Opposition that they boycotted this very important forum for constitutional reform. One could not consider the new Constitution is isolation from local government re-organization

In this very House, many individuals, private persons, submitted oral evidence and memoranda on the question of local government and within the Assembly itself the representative of GALA were particularly strenuous in discussing ideas, in discussing proposals relating to local government re-organization. As a result of the ideas which were crystallized in the Constituent Assembly, the broad outline for local government re-organization was contained and enshrined in the new Constitution. After that, Cde. Speaker, the discussions continued. There was one of the largest meetings of Local Government Councilors held at Uitvlugt in January this year where the draft paper, which eventually became the State Paper, was discussed, where Councilors from all over the country, including Mr. Roshan Ally's areas – if he was really concerned with what was happening in his area he would have known of these things – attended that meeting and took part in a very interesting and fruitful discussion.

Subsequently, Cde. Chairman, there were meetings held all over the country and, indeed, almost every weekend since January, the representatives of GALA and interested representatives of individual councils have held seminars, briefing sessions with local Government and other people throughout the length and breadth of this Country. I would like to take this opportunity to pay tribute to the President and other officers, to members of GALA, and to those persons, who despite great difficulties have endeavored to keep the local government system running in this country.

I should not, Cde. Speaker, allow a very serious mis-statement directed by the Deputy Leader of the Opposition to my learned colleague, the Attorney-General, to pass unanswered. Cde. Ram Karran said that the Attorney-General had averred in this House that they had based the new Constitution on the French model. Now, that is wholly untrue and anybody who takes the opportunity to compare our Constitution with the French Constitution will see that there is no comparison at all. I remember clearly the point which the hon. Leader of the Opposition has misrepresented so grossly. It had to do with article 10 which enshrined the right of political parties to exist. There were some discussion about the part of the article which says that political parties shall be required to recognise democratic principles, and people were saying there was something sinister about that. Then the learned Attorney-General pointed out that there was a similar provision in the French Constitution and nobody could allege that that provision in France had inhibited the growth of political parties, because you have a multiplicity of political parties operating in France.

This leads me on to an allegation made, first of all by the hon. Member Cde. Collymore and repeated by so many of his colleagues, that the proposal can be construed as paying the way for a one-party State. Now, I find that allegation to be alarming and ridiculous on two scores. First of all, I don not understand, even if it were true, why the Members of the People's Progressive Party should be worried about the establishment of a one-party State for , as I understand it, the model which they admire and which they advocate is the Soviet model and that is the country in which there is a one-party State. But, of course, there is no justification in the conclusion drawn by their members or in their statements which they have repeated over and over again the course of their contribution.

In the first place, Cde. Speaker, article 10 establishes the right of political parties to exist and this is the first time in any Constitution in this country that any political parties have been given the constitutional right to exist. Secondly, if one looks at the State Paper, and I have serious doubts as to whether the members of the opposition have really taken time to read the State Paper carefully one will see that the whole electoral process as set out in that paper envisages a multi-party system. Elections to the Regional Democratic Councils are based upon a presentation of lists of political parties and this whole system of political parties presenting their lists, acquiring their symbols and taking part in Local Government Elections is set out quite clearly at section 5 of the State Paper from pages 14 to 15. In the light of that I find it difficult to understand what is the basis for that allegation and I can dismiss it as being ill-advised, ill-conceived and ill-founded.

Cde. Speaker, the hon. Member, Mr. Reepu Daman Persaud took issue on the establishment of the National Congress of Local Democratic Organs and claimed that on a particular ground, which was to the effect that the Congress could be required to carry out the policies and programmes of the Government. Now, my colleague, the learned Attorney – General did reply to that but I would like to make this point in support of what my colleagues said. Mr. Reepu Daman Persaud quite rightly read what was in the Constitution, that the Congress shall

be guided in the discharge of its duties and responsibilities, and immediately he made a quantum leap from “guided” to “carry out”. Now those are two entirely different things, poles apart. As a matter of fact, between the two concepts there is an unbridgeable gulf.

18.55 hrs

I wanted to say something more about this. This whole system of local government which we have devised is designed to ensure that local government does not become a cockpit for petty rivalry, for personal conflict, for people to wrangle among themselves. The system has been devised to promote co-operation, to get people to understand that whatever political party they may belong to, whatever political party they may have fought elections under, their task, having been elected, is to come to grips with the problems of their communities, to work together co-operatively, to work together by consensual arrangement, to collaborate one with another in the interest of the people, to make sure that those little drains are cleaned, to make sure that that koker is locked on time and opened on time, to make sure that those access roads are developed, to make sure that the little drains and irrigation systems that people need, that farmers need, to secure their livelihood are in place and functioning properly to give people an opportunity to come to grips with the resources in their areas and to develop them for their own direct and immediate benefit.

In those circumstances, I think we can better understand why it is that we seek to ensure a harmonization of effort within the local government system and between the local government system and the central government system.

I did not quite follow, too, the stricture which the member made against the power given to the Minister to settle the boundaries of the various local authorities. I think we should bear in mind that we are talking about a local government system. Up to now nobody has ever complained that it was the Minister or some particular governmental functionary who drew the boundaries of local authorities. It is only in a secondary way that those boundaries are also boundaries for the electoral process but elections are not the primary purpose for drawing the boundaries of local authorities. That is why the Constitution itself says that the boundaries shall be so drawn to ensure that you have viable local authorities, that there is an economic base. I did refer to the fact that in drawing the boundaries of the ten regions we complied with the directions in the Constitution, article 72 (2), to the effect that we should take a number of things into account.

If you look at the boundaries of the ten regions you will see that there cannot be faulted on economic grounds or on planting grounds, because they take into account a certain geographical entity. The boundaries are natural boundaries, rivers and watersheds and within each region there is the resource base which could be developed without reference to any other part of the country. I think that once the member understands the principles upon which the boundaries have been drawn that criticism will not stand. The internal boundaries are neither here nor there in terms of development because internal boundaries will be designed to ensure that people have reasonable geographical areas to manage.

If you look upon the local government system in the old way as giving an opportunity for people to have power and to have honorific posts, well then you will be really perceiving the whole thing in the wrong perspective. You have to look upon the new local government system as a system which gives people an opportunity to work to develop their areas, to do the things for their areas which, as I have said, at the present time central government agencies are doing and, of necessity, doing inefficiently.

The member also said that councils will be under the absolute control of the Government and in support of this allegation he pointed to the provision of the Bill which provides for full-time Chairmen. Then he went on to say that the central government will pay these chairmen. *[Interruption.]* If the member did not say that, then it was said by some other member because I did make a note of it, but whether the member said that or not I wish to make the point that there is nothing in the Bill which says that the central government must pay anybody. I wish to make the further point that we are talking now about development and you cannot run these councils we are talking about on a part-time basis. The chairman of a region, the chairman of a sub-region, must devote his full time to the management and development of his region. So he is responsible. The people know whom to look to and it is interesting that members missed an essential point in the Bill which is that councils for the first time in the history of local government in this country will be made accountable to the residents in their areas. They will be made accountable by being required to give an account of their stewardship periodically between elections to those people who elected them and they will be mad accountable because there will be provision for the people to recall them.

In that context not only councils will be given by law particular duties and responsibilities but individual councilors so that you can pinpoint people. Nobody will be able to escape from discharging his responsibilities under the general cloak of saying that the council did not do this and the council did not do that. Sure, the council will have responsibilities but the individual will also have responsibilities.

I was a little amused and very interested to note the divergence of opinion between the hon. Member Dr. Dalchand and the hon. Member Mr. Collymore. Mr. Collymore said that the State Paper was impeccable, that my presentation in moving the Second Reading was faultless and that the Bill could not be questioned. They were all good and you could not fault them. Mr. Dalchand said that the Bill was useless and should be scrapped and we should proceed to local government elections under the existing system.

Cde. Collymore: rose - -

The Speaker: Yes, Cde. Collymore.

Cde. Collymore: I did not say that the Bill was faultless. I said that the State Paper is good and the Minister's presentation was good. I never said that the Bill is faultless. The Bill is totally wrong.

Cde. Hoyte: I stand corrected, but it makes no difference, because the Bill flows from the State Paper. All right. I shall not dispute the point.

The Speaker: Cde. Hoyte, probably you carried the extension a little too far.

19.05 hrs

Cde. Hoyte: I concede the point made by the member. I am not prepared to break a lance over that. The point is that there is a profound difference of opinion between the two members of the People's Progressive Party. I would be inclined to believe that the hon. member. Mr. Collymore perceived the situation aright and his support for the State Paper was right because no matter what some of his colleagues might have said the principles for local government reform set out cannot be faulted. They meet the problems which have arisen over the years in attempting to operate the existing local government system.

Now many points were made by the hon. Member Mr. Dalchand. I do not think that his points were really directly related to the Bill concept that the member assumed the role of Cassandra and made a number of prophecies but the basis for those prophecies I found very difficult to find. I would wish to say to him that we cannot accept his proposals or his suggestions that first, the existing local government system is adequate and, secondly, that we should proceed to elections in the local government area under the existing system.

Now I found it difficult, to, Cde. Speaker, to understand the allegation of Mr. Collymore the hon Member that neither the State Paper nor the Bill made any reference to the electoral system in local government. The whole section 5 of the Paper deals with the electoral system, it deal with the elections of the Regional Democratic Councils, it sets out what will happen for the time being in urban areas, it deals with the Amerindian councils at the moment existing under the Amerindian Act and it says what will happen in the case of other organs of local democratic power, and I could only come to the conclusion that in reading the Paper the hon. Member somehow or other missed that point. But I was particularly interested in his statement that we were by this system creating a number of mini-States and fiefdoms. I would say that that statement can only arrive from a profound difference of opinion between the member and, I suppose, the party he represents, and the members on this side of the House as to the role of the people in the democratic processes of the State.

This system has been devised to ensure the involvement of as many people as possible. Sure, we want large numbers of people; sure, we want local government authority and in the whole country; sure, we want, as I said, some 16,000 people being directly involved in the local government system, so that if to have a municipality of local authorities with people managing their areas and spreading out to the regional councils it is considered to be setting up mini-States and fiefdoms, well, we on this side are happy to set up those mini-States and fiefdoms which give the people a chance to be involved in a dynamic way in the actual processes of managing their communities. At first, I was inclined to view that the hon. Member proceeded from a position of contempt for the people but on reflection I would say that his view originated in a lack of appreciation of what it is we are trying to do by this system of local democratic power.

Cde. Speaker, I would like also to refer to an allegation he made which has absolutely no substance, namely, that the election will take place on the basis of the old electoral list. That is not so, the hon. Member would know that in the course of last year we had a new registration and I wish to give him the assurance that elections will take place on the basis of a

new electoral list which will be posted up in due course and it will comply with all the provisions of the law to give him and his party the chance to scrutinize the list and to make the necessary representations in accordance with the law.

Cde. Speaker, equally monstrous was the allegation of the members of the people will be nominated to this National Assembly. That has been a canard which hon. Members of the Opposition Benches have indulged in not only in this House but in the media which they control and at street corner meetings. The Constitution itself makes it clear that elections at local government level and at central government level, and the filling of positions in the institutions which have been established by the Constitution, will be an elective process. The State Paper makes the point following the Constitution, and this Bill itself speaks of elections in the case of people from the local government councils who will sit in this House. They will be subject to a double electoral process whereas some people will come here on the basis of the direct vote of the people. Comrades from the local government area will go through a double screening, the direct vote of the people and the vote of their colleagues in the local government area where they are councillors. There is absolutely no truth in the statement that anybody will be nominated to a local government council, to the National Congress of Local Democratic Organs or to the National Assembly.

Cde. Speaker, Cde. Roshan Ally entertained us as usual with matters which provided some relief in this very serious debate but he discovered a new breed of people in this country, people who have nothing to do with politics. I wonder where we find them. Where do we find these people in Guyana who have nothing to do with politics?

And then, Cde. Speaker, we had the contribution of Mrs. Janet Jagan who affected a great deal of adjective. Yes, I must thank her for her for her courtesy in describing me as a gentleman. I reciprocated by describing her as a lady. But, she referred to this Bill as a stupid Bill and I would have thought, Cde. Speaker, that that adjective would apply to her description of the Bill, because this Bill, accepted by other members of the Opposition as being of fundamental importance to the political organization of the State and to the democratic processes of this State, is a Bill which is going to affect the lives of every person in Guyana whether he or she likes it or not and to dismiss it out of hand as being stupid is something which I, if I may put it my way, is unworthy of a Member of this House.

The hon. member, of course, did not spend any time on the Bill. She regaled her with her experiences of the Elections Commission. We are not debating the Elections Commission, but I would say this, that the points made by the hon. Member Mr. Reepu Daman Persaud, in which he attacked certain legal provisions, were adequately and comprehensively dealt with by the learned Attorney-General and I would have thought that that was an end to the matter and it does not help for someone to come after to repeat the very points which have been so fully rebutted by the Attorney-General.

19.15 hrs

The Deputy Leader of the Opposition, the hon. Member Mr. Ram Karran, was his usual entertaining self and sought not really to deal with the Bill but to deal with some peripheral

matters relating to the wider economy, I do not think that it will be fruitful at this time to deal with those matters but he made a very interesting statement which I noted here because I want to do some research on this concept. He said that neither the State Paper nor the Bill was a democratic document. Now, I do not know what is a democratic document and I would really like to educate myself a little further.

Mr. Abraham asked a question whether the elections of Captain and Councilors in Amerindian areas will be modified. I think the hon. member would know that the Amerindian Act talks the nomination of Captain and Councilors but that for many years Councilors have been in fact been elected, the Captains have been elected and once they would have been elected they would be installed so to speak, by the appropriate Government Officials. We do not intend immediately to change that system unless of course, to make it quite clear in the law that the electoral system shall prevail. In other words, what has been happening in practice will be legalized but at the present time these proposals do not intend to sweep away those traditional councils where people directly elect their representatives. Those councils will, of course, be linked with the other councils so that the whole concept of local government will include all local bodies to which people have been elected.

Cde. Speaker, I would just say in closing that I detected in the statement of hon. Member Mrs. Jagan something in the nature of a threat. I would merely say that this Government does not accept threats, this Government will not really by any threats implied or otherwise because we are the only organized political force in the country at the moment. We have given political leadership in the past, calm leadership, intelligent leadership. We have placed our faith completely in the people, we will continue to do that and I am sure that the provisions of this Bill is implemented by this honorable House will go a far way towards strengthening the solid support of this part throughout the length and breadth of this country.

Question put.

Cde. Reepu Daman Persaud: Division.

Assembly divided: Ayes 28, Noes 9, as follows:

Ayes

Cde. Willems

Cde. Walcott

Cde. Sukul

Cde. Sukhu

Cde. Salim

Cde. Rayman

Cde. Jonas

Cde. Hussain

Cde. Gill

Cde. Fowler

Cde. Field-Ridley

Cde. Carrington

Noes

Mr. Abraham

Cde. Sukhai

Cde. Dindayal

Cde. Dalchand

Cde. Ally

Cde. Basir

Cde. Collymore

Cde. N. Persaud

Cde. Reepu Daman Persaud -9

Cde. Ramson
Cde. Wrights
Cde. Bynoe
Cde. Corrica
Cde. Ambrose
Cde. Van Sluytman
Cde. Prashad
Cde. Corbin
Cde. Chowritmootoo
Cde. Duncan
Cde. Nascimento
Cde. Mingo
Cde. Ramsaroop
Cde. Naraine
Cde. Hoyte
Cde. Reid - 28

Motion carried.

Bill read a second time.

Assembly in Committee.

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

Clause 2

Cde. Hoyte: I beg to move the amendment standing in my name.

Amendment –

“That in the definition of “local democratic organ”, after the word “town” the following be inserted: “or of any division thereof established under section 4(1)”,

Put, and agreed to.

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

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

Clause 4

Cde. Hoyte: I beg to move the amendment standing in my name.

Amendment –

That a colon be substituted for the full stop at the end of the subsection and the following proviso be inserted:

“Provided that the Minister may by order divide any area comprised in a city or town as he may deem fit”,

Proposed.

Cde. Reepu Daman Persaud: I listened very attentively to the Minister’s explanation on how the regions are demarcated, but I want to pose a simple question. Probably he can amplify bearing in mind all the points he has already made. Probably he can tell us if the regions will remain as they are, based on the paper circulated. When one looks at the paper, at East

Berbice/Corentyne, which is VI, and when one looks at the sub-region 7, Districts 12. Communities 28, Neighborhoods 68, and People's Co-operatives 121, as against every other region, one can see evidence on paper, the vastness on this particular area.

19.25 hrs

I wonder if the Minister would like to explain to us, bearing in mind all he has already said on the question of the economic status. It is more productive. When one talks about competition in this particular area, one has also to bear in mind – and the fact must not be ignored – that from all regions a member is chosen to come to Parliament and therefore geographical location and so one must play a part. We could not sit here as parliamentarians and ignore that particular point.

The Chairman: Cde. Minister.

Cde. Hoyte: if you look at region 6 you will see that not only in geographic terms it is the largest area but in population terms and therefore that population factor is given due weight in the fact that it has more than three times the average number of sub-regions. The average number of sub-regions is two. This one has seven. The average number of districts is four: this has twelve. It has 28 communities as against an average of about eight or nine, 68 neighborhoods and so on, 121 people's co-operatives against as against an average of probably 50. So that in that area you have vastly more people being involved in administering their affairs than, say, a region like Rupununi which is sparsely populated.

The boundaries of the region, if you look at the map, follow the dictates of geography and economics. For example, Black Bush Polder is in it. One of the things we have tried to do, following the directions of the Constitution, is to make sure that large infrastructure, large facilities like land settlement schemes fall within the local government area. On the East Coast we have endeavored to make sure that the M.M.A. is within region, that Tapakuma is within a region, that the East Demerara Water Conservancy is within a region. So that we do not draw boundaries which cut across facilities and prevent a local entity from administering the thing as part of its responsibilities. We want to give them that power to administer land settlement schemes, drainage and irrigation systems, water control systems and so on. But every region still requires representation. With representation you want to have a geographical link, so that there must be somebody, we believe, at the Central Legislature who can say, "Well, look, that region in the North West, or that Rupununi region, or that East Berbice region, has certain peculiarities, problems, points of view, which we would like to air in this National Assembly." It is not a question of multiplying numbers of voices. If you are saying that some areas should have more than one representative in the National Assembly, we can do that except that is a matter which was provided by the Constitution, and I remind you, there was a boycott at that stage so we can only imagine this if we change the Constitution. But what I do say: if you have a proposal saying "Send more people up" we may be willing to listen to it.

Cde. Reepu Daman Persaud: Just a short response, Cde. Chairman. The point I make is not a question of giving additional representatives to any region as such as in the present Constitution. The point I am making is premised both on the Constitution as well as the very Bill at clause 4(2), which speaks of the considerations in demarcating boundaries and one of the considerations is "take into account the population". What I was trying to get from the Minister – I am not saying he did, but whoever did it – how they can reconcile that factor. The Minister himself has admitted it. It is reflected in the very document circulated by the Minister. What probably is a good point for the particular area I have raised is not two representatives as such but probably two regions. I am not sure but I am saying that seems to be more the thinking as distinct from one region if this Bill is to be accepted.

The Chairman: Cde. Persaud, the Minister simply says that even if your opposition can be considered, it will necessitate and entail an amendment of the Constitution which only provides for ten people and all of that could have been proposed at an earlier stage, but they are still willing to consider that proposal for whatever it is worth at a later stage.

Cde. Reepu Daman Persaud: I am speaking on the evidence on the Bill and the boundaries.

The Chairman: The Minister said he has given due consideration to all of the factors stated in clause 4 (1) and (2).

Amendment put, and agreed to.

Clause 4, as amended, agreed to and ordered to stand part of the Bill.

Clause 5 to 14 agreed to and ordered to stand part of the Bill.

Clause 15.

Cde. Reepu Daman Persaud: I wonder if I can ask a simple question. I notice that-

“Every council shall consist of such number of members (including the chairman and he vice-chairman) as, being not less than twelve and not more than thirty-six, may be prescribed by its constitution order.”

I was thinking that it is so wide, 12 or 36, that the Minister might probably wish to give an explanation.

Cde. Hoyte: I think the explanation is to be found in the very point that you made, that in some areas – take, for example, the Rupununi. It is a vast area but it is sparsely populated compared, say, with the Berbice area so that in that area you will find that the members will be relatively small compared with, say, the Berbice area where the number of councillors will be larger. I would suspect that you will get towards the 36 in the Berbice area; you will get towards the 12 in the Rupununi area.

Clause 15, as printed, agreed to the ordered to stand part of the Bill.

Clauses 15 to 17 agree to and ordered to stand part of the Bill.

19.35 hrs

Clause 18

Cde. Reepu Daman Persaud: Three questions, Cde. Chairman. Bearing in mind that these regions are going to be compact more or less as distinct from what obtains in National Elections, and that one of the requirements of the Bill is that the people must reside in the areas – you might have different qualifications for the National Assembly, place of employment, I don't remember that clearly at the moment – if that is so and the people are going to reside in the area is there need for all this proxy voting? Even if there is proxy voting, should that not be restricted so that we can clearly define that there must be certain reasons, incapacitation and that kind of thing, to allow proxies?

Secondly, postal voting could completely be abolished and I want to urge the Minister, Cde. Chairman, if you would permit me, to move the deletion of 18(d):

“an elector who votes as a postal voter at one election shall, if he intends to vote at the other election, vote there as a postal voter.”

He has to be committed if he wants involvement, he should be there. I thought that the Minister would like, I am sure to give an explanation to that.

The Chairman: Cde. Persaud, you are moving an Amendment. You will have to get a seconder.

Cde. Ram Karran seconded.

Cde. Hoyte: Cde. Chairman, I think the hon. Member would appreciate that this provision reflects the situation which obtains in the General Elections so to remove this is to really make the two systems incompatible. This whole scheme for elections at the regional level is based upon the idea that people, when they go to the ballot box will exercise two votes, one for national elections, one for the regional elections, so that to accept the amendment, Cde. Chairman, would be to accept the proposal to go right back through our Representation of the People Act and to make some substantial and very far-reaching amendments there. I regret that I really would not be able at this time to accept the Comrade's recommendation. Maybe I can make this point that these elections are related to the regional councils, but we have a host of our councils. When you come right down to say the smallest unit, the people's co-operative, the man is living there and I doubt that he would have need for these facilities because he should be living there in that particular area.

Amendment put, and negatived.

Clause 18, as printed, agreed to and ordered to stand part of the Bill.

Clause 19 agreed to and ordered to stand part of the Bill.

Clause 20

Cde. Reepu Daman Persaud: Clause 20 (6) states:

“Where by reason of an equality of votes cast at an election of a person no person is elected chairman the Minister shall select one of the councilors receiving the greatest number of equal votes to be chairman”.

The minister is taking a lot of power there. In other words, if there is a tie, the Minister will decide who will be chairman. There you have two men who enjoy the equal confidence of the council done under the democratic process, there is an appearance undoubtedly of democracy, but at the conclusion of that exercise when both sides would have voted evenly, a person outside of the council decides who will be the chairman. I think what could have been included in this particular clause is the drawing system. Let them devise some system right there where the chairman could be chosen without the Minister intervening at that point.

Cde. Hoyte: I agree, Cde. Chairman, that this is not the kind of responsibility I would like to have except that it is taken directly from the present local government law. I can tell you I have exercised the power thrust upon me on several occasions. There have been several occasions when there have been ties at local council. Well, what I do is that I send back to the region for advice and on the basis of the best advice I can get, I elect somebody. I agree that it is not the most satisfactory and maybe we could look in the future at some proposal which would mean to go back and find somebody. I do agree that this is not perhaps the most satisfactory way of resolving the matter but equally, I would not accept that tossing a coin or something like that is satisfactory either. The people must make up their minds.

Clause 20, as printed, agreed to and ordered to stand part of the Bill.

Clauses 21 to 61 agreed to and ordered to stand part of the Bill.

19.45 hrs

Clause 62

Cde. Hoyte: Cde. Chairman, I beg to move the amendment standing in my name.

Amendment -

(a) that the word “among” be substituted for the word “amongst”,

(b) That the word “were” be substituted for the word “are”,

put, and agreed to.

Clause 62, as amended, agreed to and ordered to stand part of the Bill.

Clause 63

Cde. Hoyte: Cde. Chairman, I beg to move the amendment standing in my name.

Amendment -

(a) that in the last line of subsection (1), “section 64” be substituted for

“(3)”,

(b) That subsection (3) be deleted,

put, and agreed to.

Clause 63, as amended, agreed to and ordered to stand part of the Bill.

Clause 64 to 71 agreed to and ordered to stand part of the Bill.

First schedule

Cde. Hoyte: I beg to move the amendment standing in my name.

Amendment –

That in the first line of paragraph 5 of the amendment to Form 3, the word “each” be substituted for the word “the”,

proposed.

Cde. Reepu Daman Persaud: Cde. Chairman, I see that on page 30, section 11(3) is amended and in that amendment there is an addition, “such number being not less than the number of members prescribed”. One can understand that but then they say “plus ten”. An additional ten members to be nominated. Now the point I wish to make there, they were talking about inhibition of a council, well, what has inhibited local authorities from functioning during the past ten years without elections is the fact that people were not attending meetings. Members were reluctant and they were not willing to be active and as a result – you will see another amendment– many members did not go, they could have a quorum.

What I would wish to say to the House is that they should not make any provision in the legislation to allow people to become lackadaisical. Indeed, the village councillors and regional councillors would be affected but we must not say, “good, you are not functioning”. It is easy without facing the electorate, without being involved in the electoral process. I wish to raise that one.

19.55 hrs

The other one in section 87 (b) on the same page, “Before the semi-colon insert” the words “and separate them”. Those are additional separate ballot papers. What is being added to that section of the Principal Act which I looked at are the words “separate them”, if they were

not separated before. If the system of voting would be (a) that the ballot paper is one; it is perforated, we understand; the voter folds it and puts it as it is in the ballot box, then one could expect the legislation would be framed in such a way that they could become separated before the time when they are officially taken out of the ballot box. That that should invalidate the ballot vote. I make the point purely from the standpoint that the general feeling is that it is not without merit that the State ballot boxes do not come but if somebody was to tamper with the ballot boxes and separate the papers before, the legislation takes care of that to say that if they were separated before, that should not invalidate the vote and then you still make provision to separate the ballot.

The Chairman: Cde. Persaud, the Attorney General did not answer that point when you raised it before?

Cde. Reepu Daman Persaud: No, I did not raise it that way. I am just talking about one ballot paper. I am now talking about one ballot paper. The point I raise now is a different one that the law now makes provision to separate the ballot papers, to tear the ballot paper after voting and they say if it should be torn before voting that should not invalidate it. How is it torn before? It is difficult to say. I spoke of the ballot paper. You come, you vote; you tear it in the presence of the presiding officer and you throw it in the box. If it is torn before, it is a spoiled ballot and that ballot should be rejected there and then and not thrown into the box. I made the point from the standpoint that the charge of the Opposition is that the elections are rigged; (b) the ballot boxes are tampered with and the failing of this particular article which amendment is rejected in the Schedule allows that situation legally. I would like the Minister to say why. I just want to look through, because this Schedule is pretty long, to see if I have marked off any other. No. Those are the two.

Cde. Hoyte: Cde. Chairman, on the first point, this provision has been put here in the light of actual experience which we have had where a list becomes exhausted. We have had this experience, for example, at Linden where because there was no Opposition list of candidates, one party had all the seats and councillors died and there had to be some mechanism of filling in the number of places. The system does not provide for the election of individual people, therefore we propose this under the old system and it is really a repetition of what we already have to enable the councils to have their full complement in the event of such a phenomenon occurring.

I really do not understand the weather which my good friend is making about this matter. The procedure is very simple. You have, in effect, two ballot papers separated by a perforation. You mark the two ballot papers; you fold them along the perforated line, so to speak, and you put them in the ballot box. Now it is possible either through the clumsiness of the voter or accidentally for those ballot papers to become torn apart or they could become torn apart because the people who prepared them, the printers, have perforated too heavily or something like that – so they come apart through no real fault of the voter. All this provision says is that that does not invalidate the vote. Both pieces are in the box. It is not a case of taking one piece from one box and putting it in another box but in that same box you will find the ballot paper for the local government election and the ballot paper for the Central Government election. If perchance the two papers come apart because the perforation has been torn, well then that per se would not invalidate the vote. I really do not see how that facilitates rigging. I do not see it myself.

Cde. Reepu Daman Persaud: One last point, Cde. Chairman. Just for information, after those ballot papers are separated whether by accident or separated at the conclusion of the poll, it means that you have votes for both central and local elections. What will happen to the ballot paper? Where will it go? How will it be watched and supervised to ensure the ballot papers – they are now going to be out of the boxes. It is something totally new. It is not like in the past when the ballots are thrown. At least they are there before you and you count them there and then. It will mean that a complete set, hundreds and probably thousands – all are bound together ultimately or probably some are remaining somewhere – how are those ballot papers going to be kept? What kind of supervision agents will have over them? Where will they go? How will they be counted? I should be grateful if the Minister could answer those questions.

Cde. Hoyte: I do not see my friend's difficulty. You have the ballot papers coming in regionally. You have to count them on a regional basis because that is how you will get the proportion of votes cast for each political party contesting elections. The boxes will be opened in the usual way. The votes will be put on the table; they are separated and counted in the presence of those persons who are entitled to be at the counting place.

Amendment put, and agreed to.

First Schedule, as amended, agreed to and ordered to stand part of the Bill.

Second Schedule.

Cde. Reepu Daman Persaud: Cde. Chairman, section 51 is being amended. I looked at it and section 51 has it that the council shall meet once every month. It is a clear provision, which

is a good thing. I could not see that with greater responsibilities, with greater powers - -

The Chairman: What do you think we are dealing with? The Second Schedule, the Form of Oath.

Cde. Reepu Daman Persaud: The Second Schedule?

The Chairman: It gives the Form of Oaths of Office. I, Sase Naraine, or Mr. Reepu Daman Persaud –

“do hereby solemnly declare that I will faithfully execute the office of without fear or favour, affection or ill-will, according to the” - -

Cde. Reepu Daman Persaud: I am sorry. I was looking at page 39. The heading is Second Schedule and if you look below, that is the Third Schedule.

Second Schedule, as printed, agreed to and ordered to stand part of the Bill.

Third Schedule.

Cde. Reepu Daman Persaud: As you will see, the Third Schedule is a little bit in the middle. I was looking at the head of the page. What I say is that section 51 is being amended to do exactly what we fear. Since the councillors will have greater responsibilities, greater authority, entrusted to them, if they were to function more effectively and more efficiently, one would expect that meetings of those councilors would be more frequent because the charges are made not only by the Opposition but by the father; the head of GALA is ashamed. I think the Chairman of GALA said it.

One sees that section 51 is being amended to reduce the statutory meetings from once a month and to meet how in the future? Is it a fear that your members will not go? I think this is an objective and I hope the Minister will concede. Why don't they want to meet? Let them meet. It is most important that they meet. They have to be more effective. In fact, one would have expected that in view of additional power they would have been expected to meet not less than once a month instead of now changing once a month, which was obligatory, to what? Watering down this meeting of the Council:

“For the transaction of general business a council shall hold meetings at such intervals as may be specified under its constitution order or as it or the Minister may determine.”

The fact is though the Minister has the right to determine, we are saying that it would be reasonable in this particular aspect to say “not less than once a month”, but it must be once a month. If you say at intervals, probably it could be once every three months, every six months, and it could be twelve months. I think this one really is not one that will convey in no uncertain terms to people who are going to be paid – now that they are going to be paid, they have to work – they have to meet, they have to find the people, they have to be available. But they are now being protected from holding monthly meetings.

20.05 hrs

Cde. Hoyte: I wish to assure my friends that they will not be prevented from meeting regularly. The intention here is not to allow them to meet at periods longer than a month but to provide flexibility having regard to the peculiar characteristics of the regions. For example, it is no point saying that they must meet once a month in the Rupununi because we know that for half of the year the Rupununi is flooded and it is difficult to travel from one village to another. The whole purpose here is to give flexibility, so that when the constitution of each Local Democratic Organ is being framed one will take account of the peculiarities of the particular region and fix reasonable times for their meetings. Now I am sure in areas where you have easy transportation, once a month is too long a time for councils to meet bearing in mind also that they will have full-time Chairmen and so on and the Chairman will have to administer the affairs of their areas and the councils will have to get on with work. If you want the assurance, I can give it now that there is no intention of allowing councils to be away from the business to which the people have elected them for any long time.

Third Schedule, as printed, agreed to and ordered to stand part of the Bill.

Fourth Schedule agreed to and ordered to stand part of the Bill.

Assembly resumed.

Bill reported with Amendments; as amended, considered; read the Third time and passed.

ADJOURNMENT

The Minister of Parliamentary Affairs and Leader of the House (Cde. Ramsaroop): Cde. Speaker, I beg to move the Adjournment of this House to a date to be fixed.

The Speaker: The Sitting is adjourned to a date to be fixed.

Adjourned accordingly at 20.11 hrs