

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

62nd Sitting

2 p.m.

Thursday, 3rd April, 1975

MEMBERS OF THE NATIONAL ASSEMBLY

Speaker

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

Members of the Government- People`s National Congress (50)

Prime Minister (1)

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

(Absent)

Deputy Prime Minister (1)

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

(Absent – on leave)

Senior Minister (8)

The Hon. H.D. Hoyte, S.C.,
Minister of Economic Development

*The Hon. S.S. Ramphal , S.C.,
Minister of Foreign Affairs and Justice

(Absent)

***Non-elected Minister**

*The Hon. Green,
Minister of Co-operatives and
National Mobilizations (Absent)

*The Hon. H.O. Jack,
Minister of Energy and Natural Resources (Absent)

*The Hon. F.E. Hope,
Minister of Finance

*The Hon. S.S. Naraine, A.A.,
Minister of Work and Housing

*The Hon. G.A. King,
Minister of Trade and Consumer Protection

*The Hon. G.B. Kennard , C.C.H.,
Minister of Agriculture (Absent)

Minister (6)

The Hon. W.G. Carrington,
Minister of Labour (Absent)

The Hon. Miss S.M. Field-Ridley,
Minister of Information and Culture

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

*The Hon. Miss C.L. Baird,
Minister of Education and
Social Development (Absent – on leave)

*Dr. the Hon. O.M.R. Harper,
Minister of Health

*The Hon. C. V. Mingo
Minster of Home Affairs

***Non-elected Ministers**

Ministers of state (9)

The Hon. M. Kasim, A.A.,
Minister of State for Agriculture

(Absent –on leave)

The Hon. O.E Clarke,
Minister of State – Regional
(East Berbice / Corentyne)

The Hon. P. Duncan, J.P.,
Minister of State – Regional (Rupununi)

The Hon. C.A. Nascimento,
Minister of State, Office of the
Prime Minister

The Hon. M. Zaheeruddeen, J.P.,
Minister of State - Regional
(Essequibo Coast/ West Demerara)

The Hon. K.B. Bancroft,
Minister of State - Regional
(Mazaruni / Potaro)

*The Hon. W. Haynes,
Minister of State for Consumer Protection

(Absent)

*The Hon. A. Salim,
Minister of State - Regional
(East Demerara / West Coast Berbice)

(Absent)

*The Hon. F.U.A . Carmichael,
Minister of State - Regional (North West)

Parliamentary Secretaries (7)

Mr. J.R. Thomas,
Parliamentary Secretary,
Ministry of Works and Housing

(Absent)

Mr. C. E. Wrights, J. P.,
Parliamentary Secretary,
Ministry of Works and Housing

***Non-elected Ministers**

Miss M.M. Ackman,
Parliamentary Secretary, Office of the
Prime Minister , and Government Chief Whip

Mr. E. L. Ambrose,
Parliamentary Secretary,
Ministry of Agriculture

Mr. S. Prashad,
Parliamentary Secretary, Ministry of
Co – operative and National Mobilisation

Mr. J.P. Chowritmootoo
Parliamentary Secretary, Ministry of Education
and Social Development

Mr. R.H.O. Corbin,
Parliamentary Secretary, Office of
the Prime Minister

Deputy Speaker (1)

Mr. R. C. Van Sluytman, Deputy Speaker

Other Members (17)

Mr. J. N. Aaron
Mrs. L. M. Brano
Mr. M. Corrica
Mr. E.H.A. Fowler
Miss J. Gill
Mr. W. Hussain
Miss S. Jaiserrisingh
Mr. K.M.E. Jonas
Mr. M. Nissar
Dr. L. E. Ramsahoye
Mr. J.G. Ramson
Mrs. P. A. Rayman
Mr. E.M. Stoby, J.P.
Mr. S. H. Sukhu, M.S., J. P.
Mr. C. Sukul, J.P.
Mr. H.A. Taylor
Mrs. L. E. Willems

(Absent)

Members of the Opposition - Liberator Party (2)

Mr. M. F. Singh, Leader of the Opposition

Mrs. E. DaSilva

OFFICERS

Clerk of the National Assembly – Mr. F.A. Narain

Deputy Clerk of the National Assembly - Mr. M.B. Henry AMBIM.

PRAYERS**ANNOUNCEMENT BY THE SPEAKER****LEAVE TO MEMBERS**

Mr. Speaker: Leave has been granted to Dr. the hon. Member P. A. Reid and to the hon. Member Miss Baird for today's sitting, and to the hon. Member Mr. Kasim for two month with effect for one month with effect from 3rd April, 1975 .

INTRODUCTION OF PAPERS AND REPORTS

The following Papers were laid:

- a) Report of the Directors of the New Widows and Orphans' Fund on the Working of the Fund for the year 1970. [**The Minister of Finance**]
- b) Purchase Tax (Motor Cars) Amendment No, 2) Order 1975 (No.29), made under section 5A of the Motor Vehicles and Road Traffic Act, Chapter 51:02 on the 20th of March, 1975, and published in the Gazette on the 20th of March, 1975. [**The Minister of Finance**]

INTRODUCTION OF BILLS – FIRST READING

The following Bills were introduced and read the First Time:

Sea Defences (Amendment) Bill 1975. [**The Minister of Parliamentary Affairs and Leader of the House on behalf of the Minister of Agriculture**]

Police (Discipline) Bill 1975. [**The Minister of Home Affairs**]

PUBLIC BUSINESS**BILL – SECOND READING****TRADE (AMRNDMENT) BILL, 1975**

A Bill intituled:

“An Act to amend the Trade Act.”

Mr. Speaker: Hon. Minister of Trade.

The Minister of Trade and Consumer Protection (Mr. King): Mr. Speaker, I beg to move that the Trade (Amendment) Bill No. 13 of 1975 be read for a Second time.

The Trade (Amendment) Bill now before this House is a simple one which indeed holds no terror for the upright and straightforward businessmen in our society but which we hope, sir, will provide the necessary constraints for those rapacious businessmen who seem intent in carrying out shady acts and living on the life – blood of our society.

It will be necessary for me, from time to time, to use the words “black-marketing” and “hoarding” and even though these words may not appear in the Bill I believe that it is language which is best understood by the Guyanese society and indeed to members of this House.

It is necessary for me, perhaps, to define, first of all, what is marketing and if I may be allowed I shall refer to one of the International authorities, Philip Kotler, who simply defines marketing as a process through which goods and merchandise are channelled from the manufacturer to the consumer and which allows for the normal interplay of merchandising and human behaviour. In fact he quotes:

“Human behaviour itself is so enormously varied, so delicately complexed, so obscurely motivated that many people despair of finding valid generalisations to explain and predict the actions, thoughts and feelings of human beings – despair, a science of human behaviour.”

We have seen this demonstrated in the Guyanese society and we have seen businessmen play either on the needs, conscious or unconscious, artificial or real, through the whole system of marketing and business enterprise.

I must admit that over the last three weeks I unsuccessfully researched internationally recognised dictionaries and text books in order to find the occasion on which the word “black-marketing was first used and so far I have only been able to find oblique references to the whole meaning and use and, in fact, source of the word. It would appear that the practice of black marketing is associated with the work and dealings of the night, transactions which took place in the darkest hours when the supplier wished to remain unidentified and when the whole system and the nature of his transaction could not stand the light of day.

If indeed that definition is correct we must reflect on those who were involved in marketing in the early days. If I may be allowed I would refer to the good Book in which the Lord Himself likened the Kingdom of God to that of a merchantman. I am also informed that the Prophet Muhammad was, indeed, in his early days, a trader by vacation. All this would seem to suggest the high integrity, the degree of honesty and the degree of service required by traders. But it would appear that in modern times in which we live the whole concept of marketing has shifted from one not motivated out of service to the community and to citizens but one in which the citizen is exploited and suffers at the hand of such exploiters.

Black-marketing in Guyana and , indeed, hoarding have their history rooted in the war and post war conditions of 1914 – 1918 and subsequently in the years 1939 – 1945. During the course of the two world wars, and even for some time after, shipping facilities from the metropolitan countries that were producing goods which were shipped to the Caribbean were rather limited. Guyana, like many other Caribbean territories, therefore, felt the need, felt the dependence upon those countries for essential commodities.

[Mr. King continued]

The colonial government, to which we were then subjected, accordingly passed legislation under the Defence Regulations providing for fines or imprisonment for breaches of the price control legislation. We have moved from those days of grave scarcity and yet we find that black marketing and hoarding continue.

2.20 p.m.

In 1971, in an effort to stamp out such crimes, the relative legislation we amended to prescribe for heavier penalties. For example, in the case of a first offence, the offender is liable to a minimum fine of \$500 up to a maximum fine of \$1,000 or alternatively to imprisonment for a minimum term of three months up to a maximum of twelve months or to both such fine and imprisonment. It also provided that on the second conviction the monetary penalty is \$1,000 together with a term of imprisonment of twelve months.

I merely mention this in order to let members of this House understand that every action has in fact been taken to curb this evil in our society, an evil which has cankerous roots which seem to be spreading like an octopus into the lives of our citizens and particularly those of our housewives. Despite these severe penalties, there has been over 100 per cent increase in such offences in recent times.

It is obvious that more drastic action is needed to stamp out the commercial vampires in our midst. Government cannot stand by and allow this despicable exploitation of consumers to continue. We cannot abdicate our responsibility to the nation and, indeed, we must seek such remedies as lie within our hands.

Let me say that even though we wish to take very serious action through the course of this Bill, we have nevertheless express in the Bill, a certain amount of human sympathy and understanding in that this Bill, arising out of the Amendment under clause 2, subsection (5) and subsection (7) will now allow for a clean slate and spotless book.

We have also amended this to provide that any convictions which may take place subsequent to the passing of this Bill but which offence was prior to the passing of the Bill will not attract this penalties. This is a gesture and an amendment by which, I believe, the business community will recognised that we seek not to send anyone to prison. We seek not to collect fines; we do not wish to be part of the blood – collecting money; we do not wish to put anyone out of business; all we ask is that businessmen and entrepreneurs operate in our society with integrity, with honesty and with distinction, seeking to fulfil the very high vocation which the whole distributive trade is required to reflect, in which they seek to serve a community justly, equitably and fairly

Mention has been made of the fact and it has quoted over the last week that I have asked businessmen to get into the forward line and score goals. Let me refer again to the game of football in which when the referee warns you twice you must, on the third occasion, leave the field and those businessmen who will not learn out of conviction must obviously withdrew from the scène of business. **[Applause]**

As we seek to pass the Bill today, let me assure the House that my Ministry and this Government have taken every possible measure to ensure a sufficiency of supplies. It is common knowledge that in the year 1974, the international food supply situation was inadequate for the international needs. However, the indicators would seem to suggest that not only are certain commodities coming into full supply but the freight problems seem to be reducing. We have had our problems. There are certain shortages which occurred, the reasons for which were external and I would like to quote perhaps only a few examples while not wishing to burden this House with undue recitation.

We have had recent cases of Cheddar cheese ordered in adequate time to fulfil the nation's demands, but what do we find? That cheese, when transhipped through Trinidad, was delayed at that port for over six weeks. We have had situations where we have schedules purchase of other items, such as milk, but we have had dock strikes; we have had difficulties in getting the commodities here.

I am pleased to tell this House that arrangements have now been made to ensure that all the essential commodities are kept at a higher level of supply than hitherto. But Let me say this: Despite all of our efforts, despite all the arrangements which may be put in hand, human nature being what it is, it is inevitable that at some time or the other there will be shortage and there will be scarcity. But what do we find? We find our business men not seeking to help but seeking to get involved by hoarding and thus creating an even greater shortage; in fact, creating artificial shortages. We have had situations when cheese, which was reported short, we found stored in cold storage. In fact, when it was brought out to the supermarket parts of it had to be condemned by the City Health Authorities.

We have also got to contend with some elements of the media, which, sad to say, still display acts of irresponsibility. In vary recent weeks it was published - and it was stated that this news was drawn from reliable sources from the Ministry of trade –that evaporated milk would increase in price, as statement which had no foundation whatever. This displayed the height of irresponsibility in one part of our news media.

But this is what we have, Mr. Speaker, and as a result of that , there was a great rampage in which those who had money brought out the supplies of milk and thus created on unnecessary hardship and an unnecessary shortage. Let it be hoped that such section of our media will act more responsibly and will act in the spirit in which we seek to co –operate with the business sections.

3.4.75

National Assembly

2.30 - 2.40 p.m.

[Mr. King contd.]

2.30 p.m.

Such publicity, false in nature and arising through unfounded sources of information, should never be allowed to penetrate in our society because it can do only damage. One must not blame the Ministry of trade for any acts which are taken in retaliation for such conduct.

We have had representation by certain section of the mercantile community, These sections which seek to co –operate in the Government’s aims and objectives by supplying merchandise and commodities to our citizens at reasonable prices. They have complained that in certain parts of the country they are experiencing some problems as a result of the increased price of freight, increased trucking charges.

I have appointed a small committee of economists. They are taking evidence and facts and figures from these responsible persons and are examining the situation. I give this House a full assurance that if this found to be correct, if, in fact, there are increased transportation costs to certain parts of our country, particularly the interior, then this Government will take steps to alleviate such conditions of hardship.

Let me appeal to those who would continue to become involved in this practice of black marketing because, as I have said earlier, it does not stop within the city borders. I have before me a number of convictions and they spread not only within the city but they spread throughout the villages and various parts of the interior of this country.

This Bill is important for many reasons because, as I said earlier, the world international situation of food is improving and the indicators seem to suggest that there will be reductions in prices of certain commodities. Indeed, this Government hoped to announce a reduction in the prices of certain items over the next weeks as a result of certain examinations which are now being carried out. We have also, over the last year, sought to stabilise the prices of commodities in order to give the housewives firm prices.

If I am allowed again to refer to milk, that price has not changed within the last ten or eleven months because the Government, aware of the needs of its citizens, has subsidised the price, and milk has maintained a level of price for lower than that which prevails throughout the Caribbean and other parts of the world. The price of edible oil has not changed for nearly a year, again, as a direct result of subsidy. The price of flour has been maintained for many long years. We shall continue on this path, seeking to hold prices by subsidy where they continue to rise, and we shall seek to reduce those prices where the international conditions allow us to do.

I have been told that this Bill will impose certain headships on certain business in the villages and in the country. Part of the excuse which is used is a reference to the standard of education and of the persons concerned and their inability to calculate correctly. But let me say this, and it is an undeniable statement, that the best thing that the smallest child in the country can do, a child who was born within a shop – keeping system, is to count, is to divide, to add, and to multiply. This could never be an excuse because the smallest child within that environment of shop – keeping can understand. In fact, those children understand so well that they can manipulate a lot better than those of us who do not quite understand.

We are convinced in our mind and this Government is resolutely determined that within its tenure of office black marketing, profiteering, and hoarding, shall be eliminated from our society. If surgery is necessary, then this Bill has every intention to operate and to cut off those who will not recover, those who will not do well. We cannot advance as a society plagued by cancerous parts in it and surgery will have to be applied.

In bringing this to its conclusion, may I say that it is a misguided thought, misguided information, that this Government seeks to pass this Bill in Parliament today only because of food commodities and only for the protection of citizens who use groceries and food supplies. Let me here mention that the reports, which are reaching us in connection with other commodities, are depressing. Reports about the high prices which are being charged for drugs and the prohibitive rates of dispensing charges are startling. In fact, they seem to bite deeper into the bloodstream of our citizens than the prices of food commodities. We are also receiving reports about building materials.

3.4.75

National Assembly

2.20 – 2.30 p.m.

Let it be clearly understood that when this bill is passed, we shall not only concentrate on those who trade in food but we shall concentrate on those who traffic in pharmaceutical and in building materials. Many of our old women are suffering because of their need for drugs; people are being overcharge simple liniments which have become a way of life and if anyone has to have dispensed a prescription from a doctor, God help him. They are not only putting on the margin of profit allowed by Government but they are putting on a new fancy charge known as professional and dispensing fees.

Let it be recorded in this House that this Bill seeks to protect our citizen all forms of black marketing, all forms of profiteering, and all forms of hoarding, which seek to create artificial shortages, let me assure this House that those who think that this bill is oppressive must understand. I said earlier there are some traders in our community who must be commended for the way in which they conduct their business. There are some traders in our community who must be praised for the way in which they seek to deal honestly with others.

3.4.75

National Assembly

2.40 – 2.50 p.m.

2.40 p.m.

(Mr. King continues)

They need no fear. This Government will not persecute irresponsibly. This Government will not act frivolously but this Government will act swiftly and soundly against those who, we are satisfied, are culprits and who knowingly and wilfully profiteer and hoard.

Again, I give the assurance that we shall do everything possible, while seeking to introduce punitive measures, to ensure a level of supplies which is in keeping with the needs of the nation and which will be a preventative action.

Mr. DaSilva: Mr. Speaker, the hon. Minister introduced this Bill to us this afternoon and called it a simple Bill which need hold no terror for upright businessmen. I would like to divide that into two, to agree and not to agree.

First of all, not to agree. I do not agree that it is a simple Bill. Much of it will need a lot of explanation and a lot of publicity in order that the small businessmen will have a chance to save himself from losing his very means of livelihood. And I agree that the Bill can be termed simple to the businessman who, by opportunity or by whatever reason, is a better educated man. Any little boy can add, subtract, divide and multiply. For a better educated businessman, it would be simpler and, naturally, to a straight, honest, educated, upright businessman, it would be simplest of all. Being fully conscious of the responsibility that I bear, not only to the people who voted for my party at election time but to all citizens of Guyana, I can say that in all this years that I have had the privilege of being a Member of this Honourable House I have never had to debate a Bill that has saddened me so much that has upset me so much by its sheer wickedness.

I read this Bill for the first time carefully on the day as we were all celebrating Youman Nabi. As you remember, it was a public holiday and I, therefore, had the opportunity to study it very carefully. It really upset me and spoilt my day and the rest of that season. It was a season of happiness for all of us because, remember, we also celebrated Phagwah Day and Easter Sunday. This Bill really upset that whole season because I could see not a ray of hope for the small Guyanese businessman, particularly the man and his family in the rural area who are trying to get

a livelihood in these hard days. This Bill is trying to deprive that man and his family from a means of living and is totally repugnant. It is a perfect example of man's inhumanity to man. If this legislation goes through as it is today there will be on the part of the Government no greater sin, crying to heaven for vengeance than this one.

I want to make it very clear to this House that we of the Opposition do not condone black marketing. I will repeat it again: we do not condone black marketing. We have always supported the Government in its stand to do all that it possibly can to remove black marketing.

On September 19, 1974, when my leader was out of the country, as Chairman Government's intention at the introduction of a system whereby you could remain anonymous. Telephone certain numbers make your report and it would be investigated. I supported that on behalf of the party, as it was a means of trapping people who take advantage of the housewife, the consumer, by selling at black market prices.

I also referred in that Press Release to an announcement that appeared in the **Daily Chronicle** of September 15, 1974, in which the hon. Minister of trade stated - I think it was for the first time – his intention of examining the question of taking away a licence form a man convicted for black marketing. I said then, as I say now, we are against black marketing. We will support anything that can prevent black marketing but there is this difference. This takes away the right of a man, his family and innocent children, some of them mere babes in arms, to a means of living. This we cannot condone. We cannot, in all conscience, vote for this Bill. We cannot support it.

This Bill is of great importance to people. In this debate in Parliament today we do not want to politics, to bandy words backwards and forwards with each other or to engage in semantics. This is not the time for that. This is a very , very serious matter because there are far – reaching implications if this Bill goes through as printed.

The hon. Minister, in the course of his introduction, referred to the fact that if there was need for surgery – I am paraphrasing what he said and not quoting his exact words – surgery would be done. They will cut off the offending limb. I appreciate that. But the hon. Minister is

not cutting off an offending limb; he is killing the entire person. If you cut off your hand or your arm you may be discomforted in some respect, you still live. But what this Bill is doing is not cutting off or taking off anything, it is completely taking away that person's right to earn and his right, therefore, to live. We cannot support it.

I would like to quote from Article 23(1) of the Declaration of Human Right to which we, as member of the United Nations, are supposed to subscribe. It states: "Everyone has the right to work, to free choice of employment." Everyone has the right to work, to free choice of employment. And as I go on I will show where this Bill will deprive people of the right to work of the free choice of employment. What is most heart rending of all, it brings unnecessary suffering not only to the wife and the older children of the family, but to small innocent babes, some just born, who through no fault of their own will go hungry because their parents have no means of earning a living. Their parents have been deprived of a right to earn their living, a right laid down in the Declaration of Human Rights.

[Mrs. DaSilva continued]

2.50 p.m.

And then the Minister tells us, “We are concerned” and he talks about the poor old women going to the shop and having to pay so much for their liniment and so on. When that time comes in the Drug Bill I am sure, if it is reasonable, he will get our support. But the poor old women are going to suffer in this too because this bill applies to shops and we think now of the shops in the rural areas. The further you get away from Georgetown, the more deeply you go into the country districts, you will find the little village shops not only selling flour, rice, sugar. They sell patent medicines, nails, hammers, screws and saws. They also sell thread, cloth, tobacco as well as drinks, cakes, mauby, buns and so on. The shop is everything to the people in that area. If the shop in any area happens to be the only one of its kind, the poor old woman would have to walk very far to the next village to get liniment. And the Minister is so concerned about the poor old women.

If the man of the family is the owner of the shop, he is deprived of his right to earn and provide for his family and with this Bill there is no hope, if he is Georgetown, of his getting any opportunity to provide for them under two years. And even if the Minister's heart was touched and he felt sorry for the man and wanted to help him his hands would be tied by this Bill. Under two years he could do nothing for them.

If the man is in the country maybe in three months' time he could appeal to the Minister who might be able to help him but then, on the other hand, he might not be able to help him and it might be 6 months, a year, even the full five years before the Minister can do anything for him.

If, as I believe – and the Minister has said it – the severity of this Bill is intended to act as a deterrent, we appreciate that point. We appreciate the need for a deterrent. The Minister did not say so but he implied that the jail sentences are not enough for the culprits. That is a fine state of affairs. I always thought that going to jail was a deterrent but from the indications it would appear to me that people do not mind going to jail at all. Even the maximum penalty given by a Magistrate – and it is mandatory on a second conviction to fine a man one thousand dollars and impose 12 months' imprisonment – is not enough. It is found that black marketers do not

mind going to jail. That is the reason given by the Minister for bringing this nefarious piece of legislation before this House.

First of all, I have always understood that the punishment meted out should be in proportion to the crime committed. Sometimes the offence is that of charging a few cents over the controlled price. Even if these little school boys are so bright that they can add, subtract, divide and multiply as well as the most educated person, everybody, even the hon. Minister knows and I am not casting any aspersions on the gentleman – that at the end of the year it is easy to make an error when we go from 31st December, 1974 to 1st January, 1975. I wonder if there is anybody in this House who has never written a cheque and dated it 1st January, 1974 when it should be 1st January, 1975?

Similarly, if a person is doing price control tags and is writing tags for something that is 55 cents, he writes 55 cents, 55 cents all the way down the line; then there is something else for 45 cents and he starts sticking on the tags for 45 cents, but with his mind on the 55 cents he may unwittingly write 55 cents. The most brilliant person can occasionally have a lapse like this.

Ask the hon. Minister Vibert Mingo. Sometimes while driving you stop at the traffic lights and you do not realise what is happening, you move off before the lights change. This sort of things happens. That man is sticking on these price tags and he put 55 cents on an item that should be 45 cents. A few minutes later in comes the control squad and the man is in trouble.

There again, too, these little country shops are the ones that will be affected. These are human errors that can be committed. The people who are going to be caught by this are not the big water street firms. By and large, they have the machinery, the people and the facilities to handle this, but it is the little man, his wife, his children, who are running a shop. It is their home, it is everything to them. The members of the Government say they are a people's Government; they are of the peoples and are with the people. They should know the conditions in these little country shops where the owners live at the back of the shop. There is a shop in front and at the back there is a room which is divided up with part – off and places where they cook and sleep. One may be a little better off; things might be better for him and he could have made his money

honestly too. He has increased his house a little bit so he has a little place upstairs where he can live. He may have done a little better and may have been able to put on a beer garden or a liquor restaurant. I am not talking about him so much but I am speaking about the real small man that the Government always talks about.

This man might have a family. His wife and the older children are all helping in the shop. Perhaps they have a baby. Don't worry about the little one in the hammock that is too small. But there is a three or four year old child who toddles in and out of the shop. Everybody knows what children are; they touch, they pick, they feel; they come along and grab things. That child could accidentally knock the tag down. It could happen. It does happen. Somebody come along, picks it up and sticks it back. They may even stick it in the wrong place. In come the price control squad and there you are, the man has had it.

The small man that we are concerned about will feel the hardships of the Bill. He is the little man who is trying to make a living. Incidentally, these people ought to be encouraged because of the two favourite words of the Government "egalitarianism" and "co-operativism". I am still hoping that some kind Minister will give me a definition of the concept of "egalitarianism". Sometimes I wonder if their idea of what egalitarianism is differs from mine. The way I understand "egalitarianism" is that there is equal opportunity for all. The little man with his little shop trying to earn a living must have the same opportunity as his brother in big business in town.

With egalitarianism everybody has the right to earn a living. There is equal opportunity for all. If you want to look at it as equal opportunity for black marketing, you can look at it that way, but that does not make black marketing right. I am saying there should be equal opportunity to earn a living.

The other favourite word is co-operativism. We must all get together and work as a group. I have this nice book here that was prepared by the Materials Production Unit of the Ministry of Education and Social Development for Guyana National Service. The third paragraph says:

3.4.75

National Assembly

2.40 – 2.50 p.m.

“Co –operation means working together to the same end. Co –operation is the act of two or more people coming together to work for the good of themselves and the group”

I say that this little self – employed businessman coming together with his family as a group to work for their benefit is a perfect example of co –opeativism and this little group to me does the Government more good than a registered cooperative society because that society is exempt from all kinds of taxes but this little man has to pay income tax, consumption tax, purchase tax and the lot. To me, he is the ideal kind of Guyanese; he is a perfect example of the fusion between the co –operative system and private enterprise and he should be encouraged instead of trying to correct his misdemeanours not by surgery but by killing him. It is for that reason that we are so concerned about this Bill.

3 p.m.

As I said, this question of acting as a deterrent we appreciate, but the Minister told us - I have a note here – that there has been over 100 per cent increase in black marketing and I hope it will be possible for the Minister to give us the actual figurers of the number of convictions there have been let us say from September to the end of February. In yesterday’s **Daily Chronicle** it was stated that the Chamber of Commerce was concerned over the new Bill and today’s **Guyana Graphic** has reported “Chamber Backs Move Against Black market”. I will read one little paragraph but I do not know if I can make the two statements tally – the statement by the Minister and the statement by Mr. Noel Gonsalves who is the President of the Chamber of Commerce and who must be a very knowledgeable man.

The Minister said there is an increase of 100 per cent and I quote here from today’s paper, the **Guyana Graphic** of Thursday, April 3 : Mr. Noel Gonsalves, The President of the Georgetown Chamber of Commerce says and I quote:

“The efforts of the Price Control Squad resulted in a number of prosecutions and with an increase in available supplies, there appears to be some improvement.”

I am merely a consumer and merely a housewife who is very concerned that she does not have to pay black market prices. I am not a learned lawyer but I understand this to mean that Mr. Gonsalves is saying that black marketing is going down even if it is only by a small percentage. Therefore, the existing penalties of not less than \$500 or more than and jail for 12 months for a first offence and for a second offence a mandatory amount of \$1200 plus 12 months is having an effect; it is a deterrent. Black marketers do have some sort of respect for jail but then, apparently, the Minister does not seem to think so. Could the Minister explain because statement does not seem to be quite consistent with that of Mr. Gonsalves?

When I read Mr. Gonsalves' statement this morning, I thought that the amendment which I proposed to put in, which is extremely severe, would get the blessing of the Minister. He is not increasing the penalties, I am sure, to spite anybody or anything like that; he is doing it out of sheer concern for the situation in the country regarding black marketing. The amendment that I will put in when the time comes is that if the Minister wants a more severe deterrent he should increase the penalty but gives the person a first chance; let everybody have a first chance. He told us that when one plays football the referee speaks to the offender twice and can stay on the field but the time he has to go off. We are being a little more stronger than football here; the first time the person is given a chance but after that he has to lose his license. We are saying give the offenders a first chance and on the second conviction treble the fines as I believe it is done – I think the hon. Minister of Finance will correct me if I am wrong – in the fact of exchange control and customs. If someone attempts to smuggle gold or take money out of the country illegally, the fine is usually three times the value. The penalty on a subsequent conviction could be treble; it could be three thousand dollars and three years in jail. Surely that ought to be a severe enough deterrent and it will not deprive the man's family of earning a living which is our main concern. Where are they going to live? What are they going to do?

According to the Bill, sir, the man cannot rent his premises out. He cannot say "I got convicted and John Brown down the road is willing to pay me 'X' dollars a month for rent. Here is my stock." He gets a new licence and starts from scratch. He cannot do that because according to this Bill he loses his license for the premises.

In the case of a country area, as I say, if the Minister is soft hearted, after three months he can renew the man's licence but even then the penalty can run for 5 years. We hear about extenuating circumstances but until this Bill the man cannot rent his premises. How is he going to live? He has gone to jail because he is the owner of the licence. There is a mandatory sentence; the man has paid a fine of \$1000; he is in jail for 12 months; that leaves the mother and about 10 children at home to twiddle their thumbs because they have no means of living; the mother and the children cannot carry on the shop; the licence is cancelled; they cannot rent it; they have no means. This woman has 10 children; she has 6 girls; she has 4 boys. What are the 6 girls going to do? Come to Georgetown and walk Main Street as prostitutes? What are the 4 boys going to do? Join the choke and rob gang?

Incidentally, I am very amazed. We talk about the need for severity in the black marketing Bill, the absolute to have a very, very severe deterrent. When is this Government coming up with a severe deterrent to deal with the choke and rob boys because this is a cancerous occupation, if you wish to call it that, that has infested our society. I hope the members of the Government will put on their thinking caps and start doing something because unemployment is going to increase. Already we have a high unemployment rate of 20 per cent. I heard someone say 30 per cent but I shall not bother about that now. I might hear about the irresponsible news media again. But, we have a high rate of unemployment and we are now further adding to it. We are driving our women and young girls on the street and we are adding more choke and rob boys to those who are already there – increasing the headache of the Minister of Home Affairs and the Police.

Incidentally, I hear the jails are so crowded that sometimes they are three men in a cell. One can imagine, apart from the over-crowding, what other problem that can be present.

Now we come again to deal with the shops in the rural areas and the question of the man not being able to rent his shop. I should like to read from Section 20 of Chapter 80:01, the Tax Act – this is quite a lengthy bit of legislation but I shall not read the whole thing. I may have to read quite a bit because it shows how much those little shops encompass; how much benefit they offer to the community. When they close down what are the people going to do in a rural area?

Let us leave the towns for a while. In a rural there is one such store; it is a very small village; the other shops are nothing more than glorified cake shops as we know them. The villagers have to go to the next village, quite a few miles away to get their supplies. Section 20 (1) states:-

“Save as in the next section provided, any person who-

(a) occupies any store, shop, room, shed or yard, or any part of any such place, in or within one – quarter of a mile of the municipal boundaries of Georgetown or in New Amsterdam, wherein are sold, bartered or exposed for sale any goods, wares, merchandise or provisions other than spirits, drugs, patent or proprietary medicines or any article in respect of the sale of which a licence with a special fee is charge there on is required;. . . “

3.10 p.m.

It deals with the licence, and I want to show the type of things they stock. The villagers will have no hardware, no haberdashery; there will be no running out to buy a piece of thread if one is short. There will material, no toothpaste, no soap. The residents of that area will be deprived of all of that because this shop cannot operate, the man has lost his licence; neither can he rent out that shop to another man to carry on the business and so receive a small income.

Incidentally, the Government recognised the need for earning money, that income must come in order to exist, because on page 4, in subsection (7) (b), when dealing with the markets, it is stated.

“the requirement of the clerk of court to forward a licence and statement shall be construed as a requirement to inform the Clerk of Markets or other competent authority of the conviction and determination of the licence of occupancy.

and upon the determination of any such licence the licence shall vacate the premises within one month of the determination.”

Therefore, the Clerk of markets must be informed that the stallholder has lost the licence, and the stallholder has to give up this stall within a month. That stall is vacant. The Clerk of Markets or competent authority is not the owner of the stall, therefore he can rent that stall to another person and he can carry on immediately after the person convicted has given up occupancy.

As a matter of fact, in our egalitarian society, here is another unfair example. If you are unfortunate and your stall is situated in the market, then you have a ready – made clientele. You just move out; you have no trouble to sell your stall because the person who is to take over will be happy to buy it all ready – stocked. And not only that. All your old customer will say; “Carry on. There will be no problem; the stall will be there.”

The Government recognises the need for the continuity of earning an income in respect of its market but it does not recognise the need of a family to have an income coming in regularly every month. That is one of the hardest things we find to understand in this Bill. The same effect would be produced if it is carried out in a different manner.

Going back to the rural areas, going back to the man with his family. As I mentioned earlier on, in some of these smaller ones, this is their little shop. They secure as many things as they possibly can afford with which to stock it. They have a little room at the back and the members of the family live there; they put up a part – off, they eat, sleep, and cook there. it is their home; it is their shop; it is their business; it provides a job for the mother, father and some of the older children. It is a co –operative, it is a business.

When that man loses his licence, because usually the licence is in the name of the man, he is off to jail serving his twelve months, having paid his \$1,000 fine. Having lost his licence, his wife and children cannot carry on; they have no means of living. But let us suppose that by some terrific stroke of luck that woman is able to sell the stock because no business can be carried on there of a like nature. And then heaven smiles on her again and some generous person is willing to rent that shop for some after business which, under the law, it can have. All I can think of at the moment is cook shop or a liquor restaurant or a beer garden, and these are restricted to a certain number in an area.

Let us suppose that heaven has smiled on this women and she has been able to sell her stock and rent her place; the man is able to get a licence to carry on his business.

Is it reasonable that that man is going to want to occupy the whole place is he not going to want back room for his family? She and her family are out on the street. Again, is this a Bill that shows concern for the small man? It is not going to affect the Water Street firms because their people all have homes to go to. It is the little businessman in the country area.

There is another thing that I wish to draw to the attention of the hon. member and I will be glad if the hon. Minister would listen to this and explain clause 2 (c) on page 3. This is for consumer and a housewife, not a lawyer, simple terms, please,

(c) the licensee, and his agent or employee if he is a member of the household of the licensee, shall there upon be deemed to be disqualified from holding a licence under the said section of the Tax Act and from engaging in a business of a like nature for a period of five years;"

I give you again this same hypothetical family. It is not so hypothetical because there are families that exist like that, in which there is a young boy, 18 years old, who will be married shortly. The father has been convicted, the Bill is passed, and this boy gets married. The father did not know anything about this Bill coming up otherwise he might have been more careful. How he knows. But the marriage had been arranged and planned and in the next three or four weeks the boy gets married. The father with whom he works is on the East Coast and the girl comes from say, Anna Regina. They decide that when they get married, he call branch out on his own and he will start the same type of shop. Maybe the bride's father has given him a few dollars to help them start.

He is going tom move from the East Coast with his young bride and go down to Anna Regina to start his shop. As I understand it, that boy is a member of the man's household; he will be disqualified from operating for up to five years. That seems very hard. He has committed no crime. He is only the son of the man who has committed the crime. The man is really bad, and he really deserves the penalty for black marketing, but must that boy and his wife suffer and start

their new life without means? Is that boy to suffer because of his father's crime? I have never heard of any concept of justice that is the innocent suffer for the guilty.

I should be glad if the hon. Minister would explain exactly what it means. I think I must have made a mistake. I do hope that I have made a mistake because I hate to think of the implications and the problems that that will cause. **[Interruption]** I congratulate the hon. Minister. It makes me feel a little better too because I was wondering what would happen to the man who was charge, say last week for black marketing. Let us go a little before last week because he may have known about this Bill. Let us say he was charge last month, or at the end of January. He committed the offence not knowing the severity of the Act, that he could lose his licence. If he did know, maybe it might have had the effect of a deterrent. This man commits the offence. This would be his first conviction. The case is not heard yet, maybe it will be heard in another two or three weeks' time. in the meantime the Bill becomes an Act. He is caught in – between. Shouldn't he have a chance? It seems to me unfair. If he is convicted, he is convicted when this Bill has become an Act, and it will be his first offence.

3.20 p.m.

So he would not lose the licence. He would merely get a fine of about \$500 to \$1,000 or three to twelve month imprisonment. But, again, he would not be having equal opportunity with his brother businessman in that he is not going to start off like the school boy with a nice clean slate, through no fault of his own. He would have had a first conviction having been caught in between. I am very pleased that the Minister's heart has been touched about that. I understand the Amendment is before us and the Minister has shown a little bit of humanity in his dealings with this Bill. I am hoping that my pleading here will touch his heart. I do not think the Minister's heart is as hard as he tries to make it out to be.

I have dealt with co –operatives, and I have dealt with the choke and rob boys and unemployment which is driving our young girls and women on the streets Again, I want to plead with the Minister. He is not the Minister responsible but I want all the Minister here, when they go to Cabinet, to think of a severe deterrent to deal with those who choke and rob because it is just as important as black marketing and hoarding.

There is one other point I want to make. The hon. Minister brought a law not so long ago, so we hope that the stealing of motor car parts will be less. Something positive is being done because these cars have to be registered when the garages and repair shops get them for repair. There is something positive being done to curb the crime within our country. [It is said that the person who steals is bad enough but the person who receives is even worse. If there were no receivers, there would be no thefts and, when they are caught, the receiver is dealt with even more severely than the person who stole. In black marking, one does not hear that the person who bought at black market prices being charge. Some people buy because they do not know the prices and they are too lazy to be bothered to go and check on the right prices. Therefore, they pay whatever is asked. Some people genuinely do not have the means. People in the country areas do not get news quickly. It is all very well to say that it is reported in the newspapers and on the radio that the Regional Minister's Offices have the list and the Central Offices have it and so on. But people in country areas do not get the Official Gazette or the notification as soon as the price is changed, so they buy at black market prices. When they discover it they do not bother to report the matter. Instead, they go right back to the shop because, after all, it is the only shop in the village and they have to pay whatever is charged. What are they going to do? Something should be done in order to catch those people because if they do not buy at black market the person who is selling would have nobody to buy his goods, just as the thieves would not get any goods sold if there were no receivers. It is a two – sided thing and to punish only one side is grossly unfair.

The Minister dealt with hoarding. I should like to ask the hon. Minister to clarify the position with regard to a shop. This I should like clarified because I would like the Press to take it up and give it some publicity so that the people would understand and know.

Let us consider a Water Street firm having shops in country areas. I am not talking about Linden or New Amsterdam; I am talking about, for example, Anna Regina, Pameroon and the North West District. Right now, as everybody knows, milk is in short supply. There are two sides to this question of milk in short supply and two angles to this question of hoarding. Last week at the supermarket where I shopped the person at the check – out counter was handing out milk. She said “You can only have two tins because we are a little short. Milk is coming in next

week.” Is that supermarket hoarding? I do not think so. They are doing voluntary rationing to make a little bit go a long way. According to this Bill, if I had hundreds of dollars at my disposal and I was that kind of person I could take advantage of this hoarding business. I could go to a supermarket and demand to be sold a fantastic amount of milk, five cases of milk, for instance, because I could afford to buy it. Then I keep it and when there is a scarcity I bring it out and increase the price.

Are the supermarkets wrong in refusing to sell, when they say, “No, I can only give you a reasonable amount” last week I was told “Mrs. DaSilva, we are getting milk in next week so we only giving our customers two tins each.” I said, “Thank you. I will have two tins,” Is that hoarding?

Let us take another example. Milk has come in at Water Street firm which has customers in the Pameroon or at Anna Regina. People are there to buy but the firm has out aside a number of cases, already packaged, to take to the boat to be shipped to their Pameroon or North West customers. Should this be done? Could the price control squad visit them and say, “Look, what is all that milk there? Why have you not got it outside selling to the public? You are hoarding, you have no right to have that milk put up one side.” Why should they not be allowed to do that? Who is going to take care of their customers? They have to and they are only keeping it there temporarily until it is shipped out. Could the Minister please clarify if that is hoarding.

There is one other point for clarification. It concerns firms which have shops in country districts. Let us say that J.P. Santos has a country shop at Wakernaam and that shop J.P. Santos, Wakernaam, that is going to lose the licence or is it the firm of J.P. Santos & Co. Ltd? The licence is taken out in the name of J.P. Santos & Co. Ltd., for the shop at Wakernaam. Could the Minister say who lose the licence in that case? There are other shops but I merely chose that name because it was the first one I thought of as a shop that deals with various country districts.

I think I have dealt with and covered every aspect. I repeat in conclusion: we are fully aware of the need for a very severe deterrent. We have before this House issued an amendment in which we have given a suggestion for a deterrent. We believe in surgery. Our amendment is surgery. The Minister’s proposal of the Bill is execution.

3.4.75

National Assembly

3.20 – 3.30 p.m.

I should like to ask you. Mr. Speaker, if you would be kind enough to grant me the privilege of asking you to adjourn this House for fifteen minutes for the Minister and other members here to consider the situation. This Bill is of very great importance and we have very difficult people. Even if the hon. Minister does nothing, I am sure he would consider and think about these people. Each time you read this Bill you see another angle which gives you a thought. Is there anything we can do to help? If so. I am sure the Minister would admit it. He is honest enough to do so.

3.40 p.m.

[Mrs. DaSilva continues]

We appreciate the fact that the Minister and some of the members on the back benches have hearts, appreciation and understanding but we know that some of the others just occupy space. We have excuse them. They are not even like the Minister's boys; they cannot add, subtract, multiply and divide. Opportunity should be taken to reconsider the hardship and suffering that this Bill could cause to innocent people, especially to small children.

Is it too much to ask that you adjourn this House for 15 minutes so that the hon. Minister of Trade would have a chance to think the matter over? Each time you read this Bill, sir, you see the need to go into it more carefully because the implications are far reaching. I crave your indulgence, and I plead with you, Mr. Speaker, to grant we that and allow me, too, an opportunity to speak to the members who are really concerned. i am not going to waste time in that 15 minutes. I am speaking to those members who are concerned to see if a decision could be reached that will not bring suffering to an innocent group of people and innocent small children who have nothing to do with black marketing.

Sir, it is said that you should temper justice with mercy. I would like to ask the hon. Minister and those members who are concerned to think of the implications of this Bill and the innocent persons who will suffer and to temper justice with mercy.

Mr. Speaker: Hon. Member Mrs. DaSilva, if the Minister wishes an adjournment to discuss the matter with you I have no objection. If I grant you an adjournment and he does not wish to discuss it with you no useful purpose will be served. However, as an old experienced Parliamentarian I think you can get that adjournment by doing what is necessary. You have a colleague and the time is half past three. AT 4 clock I will take the suspension. I cannot tell you more than that.

Mr. Singh” I move that we take the suspension at this stage.

Mr. Speaker: To become more precise, what I really meant was you can speak for half an hour. You have that right, before i call on the Minister to reply. That will also take up some time.

Mr. Singh: The matter has been dealt with so eloquently by my colleague that I had not proposed to introduce any legal aspect to it. However, in these circumstances and in the circumstances in which we find ourselves, outnumbered as we are, I have no desire to attempt to play politics here. This is really a serious matter, a matter which touches at the root of what is right and what is just in this community; a matter which calls for justice to be tempered with mercy. I want to appeal from the bottom of my heart, as my colleague has done to the sense of justice and fair play in the hon. Minister. I appeal to the Government to recognise the suffering that may be done to innocent people, people who might have nothing at all to do with the offence, but are punished merely because they are part and parcel of their father’s household, will be made to suffer as a result of this legislation.

That is why I take your point that if the hon. members of the Government do not want to listen to us, well, no useful purpose will be served. I would be glad if they could at least give us the opportunity to speak with them further for a few minutes so we can appeal even further and privately to them. All we want is to prevent suffering by people who should not be made to suffer.

I give you a classic example: A father in the country district is in control of his household. The children are all part and parcel of that control. They are subject to the father's instructions. Why should innocent children be made to suffer? Why, for example, should an innocent son who is under the domination of his father be made to experience 5 years' disqualification merely because, like a good child, he carried out his father's instructions and went into the business and worked to help out his father. He was merely carrying out the instructions being part of his father's household. His father is convicted on the second occasion for black marketing. In the classical example given, the man get married and goes off somewhere else to live but he is precluded his parents may have been carrying on. He may know about the business and he may have expertise to carry it on. He will not have an opportunity to do that. Under the law, it is true, the Minister can be merciful to him. Why should he be subject to the mercy, the charity of the Minister? Why should he be made to suffer? Why should he not, as a right, be allowed to open up a new business, a business which he knows about by virtue of his apprenticeship with his father in some distant place miles and miles away?

I have an amendment in my name in which I suggest that those people who are members of the household, who have committed an offence under the Act, are the ones who must be made to suffer. They are the ones who must have that disqualification attached to obedient children following the true advice given in the Bible and indeed in all the holy books. All these books advise that children should be obedient to their parents; children should be subservient to their parents; children should have respect for whatever their parents; children should have respect for whatever their parents say and we, by this Bill, will be penalizing those children for so doing. I appeal to you, sir, to give us the opportunity to have another word with the Minister and the people on the other side.

Mr. Speaker: We will listen to what the Minister has to say in reply and, perhaps, with your eloquent appeal he may wish to confer further. Hon. Minister of Trade.

Mr. King (replying): Mr. Chairman, I am indeed disappointed, in fact, perplexed. The hon. member of the House says, on the one hand, that she supports this Government in the effort it makes to curb blackmarketing and hoarding and, indeed, that she could never condone

3.4.75

National Assembly

3.30 – 3.40 p.m.

blackmarketing and hoarding but, on the other hand, she says that she is saddened by the Bill that is now before this House. I referred in the opening remarks of this debate to the various legislative processes which has been introduced since 1971 to now, those processes which sought to increase the penalties for these breaches or offences and, more recently, the acts of the Court which sought to impose prison sentences.

In addition to that, may I say, in reply to the hon. Member of the House, that I have myself gone to street corners in New Amsterdam, on West Demerara, at Linden and, indeed, almost every member of this Government has taken to the street corner in forms of appeal; in forms of warnings; in forms of the entreating shopkeepers to conduct their businesses in a way commendable to the reputation of traders. All of this has gone amiss.

3.50 p.m.

[Mr. King continues]

It was almost like casting seeds upon the rock. They have been sown in vain and have brought forth no pant. They have fallen on deaf ears.

3.40 p.m.

Apparently the Member of the House is unaware of the situation, unaware of the realities of life as it is in Guyana. For, in fact, I have a case on record for a man who was charged on West Coast Berbice and who openly said that he would formally appeal and then take his prison sentence after the Christmas rush was over. This was a way in which, as she correctly was informed, imprisonment no longer hold any terror for these men who are bent on exploitation. I do not know whether this is because of the new – fangled method of dealing with prisoners today, whether it is because of a more humane approach, whether it is because they can relax in the comfort of the prison but it is evident, from our experience in the field, that this no longer holds any deterrent.

The hon. Member speaks of surgery and I would like to correct my statement if it was misunderstood by her. I did not refer to surgery to shop-keepers or traders. I referred to surgery

which is necessary for the healthy growth of this society and if there are members that comprise this society who are ill in mind, who cannot get the message of fair dealing, then they must be removed by surgery from the system. If there are member that comprise this society who are ill in mind, who cannot get the message of fair dealing, then they must be removed by surgery from the system. If they are a part of the system of illicit trading, of corrupt trading, then, Mr. Speaker, I submit respectfully that they do not have a place in that system. **[Applause]** It may well be that having removed that person from our society we may, by a process of correction, make an honourable, worth – while citizen in the years to come.

May I answer a question which was directly posed by the Member of the House. I believe age challenged the accuracy of my statement with regard to the increase in the offence of black marketing and hoarding. In 1972 the number of cases brought before the Court was 97 and in the year 1974, the number of cases brought amounted to 188. If my arithmetic is right – and I do not claim it is right – it is approximately 96.5 per cent. I am sure the hon. member will not make me a liar for 3.5 %. In the year 1974, between the months of January and March, the number of charges brought amounted to 19 and in 1975 the number of charges brought between January and March amounted to 31. In my arithmetic that is approximately 100 per cent. **[Mr. Singh:** “So Noel is wrong?”] Mr. Speaker, I am not prepared to challenge the accuracy of so outstanding a person, but I have on record these facts which I make available to the House.

The hon. Member speaks of refers to the Bill of Rights – the right to work, the right to enjoy the freedom of choice of employment. This Government has no quarrel with this. Indeed, it supports that and it is indeed the whole purpose behind this Bill to ensure that the human rights is maintained and that honest businessmen may continue to enjoy that freedom. We have not taken the example of other countries: the one in the Philippines which elected to set up a string of state shops - a string of outlets to distribute merchandise – thus removing all of the Chinese grocers from the scene. Nor have we elected, like one of the famous African leaders, to string up the shopkeepers and shoot them. We only seek to provide a law which shall act as a deterrent, which will encourage shopkeepers to deal justly, uprightly and fairly. May I reiterate: this Government has no wish to collect fines; this Government has no wish to send people to prison; all we seek is

to them the straight and narrow path, a path which, I am sure, the hon. Member walks in the fear of the Almighty.

The hon. Member referred to the aged women and the suffering which could be brought about as a result of this. She speaks of the imposition of hardship on the family; she speaks of an egalitarian society and she seeks to definition of what an egalitarian society is. Well, let me say that an egalitarian society certainly would have no part of bandits, for culprits, for unjust shopkeepers – **[Applause]** – who seek, at the expense of the consumers – **[Mrs. DaSilva:** “That is not a definition.”] I am telling the hon. Member what it is not.

First of all, we must find solutions to our problems; we must find solutions to those people who are bent. Mr. Speaker, if I may continue to quote figures – I believe I have satisfied the hon. Member with regard to my percentage or near - percentages but she has this great fear that half of the shops in the villages, half of the shops in the country will be closed. I do not see this because out of 188 persons who were charged, there were only 15 persons who were charge twice and therefore it seems to me that this Bill seeks to take care of those hard –bent ones who will not learn.

The other thing that I wish to say is that the present law allows by manipulation – and I am sure the hon. Leader of the Opposition will know that better than I do because of his profession – it provides for a system in which appeals can be made and appeals could go on for months and months while the offender continues to practise, the evil of black marketing and hoarding. In fact, there are cases on history where there has been persons charge a second time while the appeal is pending.

In all seriousness, is this what the hon. Member of the House wishes to see in Guyana? I am sure not. I am sure that she supports this Government as indeed she has said that she can never condone these evil acts and I know that she is sincere in saying that.

I know that she is supporting this Bill but she seeks to spell the whole effort by saying that it is a Bill which saddens her heart, and she refers in passing to the softness of my heart. Mr. Speaker, that is something which is yet to be determined but I hope it is still soft.

[Mr. King continued]

I also wish to refer to a direct comment made by the hon. Member in which she speaks of the price tags which may drop from articles. Let me make it very clear that this Bill does not embrace the entire gambit of price control breaches. It does not attract the penalties for failure to expose price tags and therefore if a price tag drops off the merchandise, this Bill does not apply. Under the existing legislation, there would be charges laid, but this Bill simply seeks to impose these penalties on two items under the Price Control Ordinance, and that is, profiteering or black marketing, and hoarding.

This Government has no intention of applying this legislation frivolously or irresponsibly. We allow for the fact that there could be, as the member says, an incorrect stamp put on a tin, but surely, no Price Control Officer, if he finds fifteen marked correctly and one whit and error of one digit would bring a case. This would be irresponsible. The charge applies when the sale actually takes place, when the transaction becomes effective. The Bill apparently, is somewhat misunderstood and I hope that in the light of this explanation the hon. Member of the House will now give us fuller support.

Referring to the comments on the market stalls, here again we do not have any priority on the revenue from the stalls. What we do have is consideration for the consumers because if we cannot have an upright man operating in that stall. Then the Government must, by its authority, seek to put an honest and upright person to serve in that stall in order that the consumer can be satisfied, the revenue is irrelevant. What we seek to do is to establish a marketing system whereby commodities can move through the distributive system through clean hands, through upright dealings and transactions.

I refer now to direct question in terms of hoarding as it affects main stores and branches. As I said earlier, we have, in fact, adhered to the spirit of consultation. We have met business firms and organisations and discussed this Bill. One of the things that was indicated to them is that where a national shortage should be brought to the attention of the Ministry of Trade, and the competent authority will then authorise the rationing of milk – two tins at a time, and four tins at a time – until the bulk shipment arrives.

[Mr. King continued]

We have no quarrel with this. We do not regard the rationing of commodities at a time of real shortage as hoarding. What we know and understand as hoarding is when a shopkeeper removes from his premises three or four hundred of cartons of milk, lodges this milk at some unregistered address, and at the same time seeks to sell two or three tins when, in fact, there is no national shortage. When a national shortage is indicated and verified by the Ministry or the competent authority, surely, this is a situation which would justify rationing which will be authorised by the Ministry. It will also protect those consumers who cannot buy in bulk as, indeed, the member alluded to, and we agree that there are some housewives who use their resources, because they are in a more privileged position financially than others, to seek to protect or over – insure their households by purchasing more than is necessary. Those persons should be rationed in a time of shortage.

As I said in opening the debate, we are dealing with human nature and it is difficult to generalise or to say exactly how housewives behave, but I hope that those housewives will in time take a more realistic approach and co – operate with the Government and with the distributors in purchasing only their need in times of shortage.

The other question asked was, in the case where an act was committed by a branch, whether the entire company will suffer. As I understand it, each outlet operates under a separate licence. If the branch in Wakenaam of J.P. Santos was found guilty of any of the breaches cited in this Bill then the licence for Wakenaam would be suspended and it would have no effect on the main store.

Referring now to the main store which seeks to keep stocks to service branches or country customers, we have already explained to the business organisations that this can only be done where there is historical data. The price control officer could never accept it, if he finds this is kept for customer “A” or customer “S”. There should be evidence of an Order, evidence of monthly shipments to customer “A” or customer “B”, or weekly shipments, and such facts should be verified. We seek to operate and to implement the law responsibly,

[Mr. King continued]

May I refer to some of the hardships which the hon. Member refers to as it affects in – laws. The whole purpose of this Bill is to seek to prevent what we have now recognised as a serious interplay of family relations. Something appears to have come upon the scene in which parents can perform subhuman acts in which they put their children, hold them to ransom and allow them to be charged.

Surely, the hon. Member cannot condone parents, however loving they may be, however devoted they may be, using their children, using their in – law, consciously and knowingly being aware that they are charging black marketing prices and exposing them to the risk of prison sentences. This must appear to be common practice among some of our citizens. This must be deplored. This must no longer exist and I think that parents who so use their children must recognise they have a greater responsibility parentally. If we allow this to continue, then we could easily have a situation where a family can go through seven charges, seven different children, and still be allowed to survive in business.

4 p.m.

Is this what the hon. Member wishes to see in Guyana? I am sure she does not. And I am sure that this Government will not stand idly by and see – as she has referred to – an honourable son – in – law suffer. We will certainly provide for him. We have the institutions if he has the skills. The small industries Corporation will have him in light industry. If he has the agricultural know-how, the Agricultural Bank will find the necessary means of setting him up in business. There are many other ways in which children, who suffer by the acts of their parents, will be protected and will be looked after by their Government.

We cannot allow and permit a situation in which it becomes almost hereditary, in which child after child continues in black marketing and where that germ, that disease, is passed from generation to generation. It must stop. Mr. Speaker, I respectfully suggest that 1975 is the year in which we shall stop it.

[Mr. King continued]

Finally, we speak of the publication of prices. As I said earlier, we are continuing stabilised our prices. We are continuing to let prices remain as long as we possibly can and we are ensuring that these prices will continue to be published and that these prices will be known. But I believe that the Member of the House is really pulling a smoke – screen on this. The price of flour is known by every child in this country. It has been known for at least two years, and yet we find that the price which is currently charge throughout Guyana, in the villages, is never less than twenty or twenty – five dollars per bag. What they know is the black market price and not the control price because it suits them to know the price which is black market. They never take the trouble of knowing the controlled price.

I believe that we must, indeed, come to the point where this society, where this Government – as we have attempted to do in this Bill – gives these gentlemen one last opportunity in which they will put their houses in order, in which they can continue to exercise their human right by trading, by carrying+ on shops, But all we say is that they should do it justly. I hope I have answered all of the questions raised by the hon. Minister of the House to her satisfaction.

Question put, and agreed to.

Bill read a Second time.

Mr. Speaker: The Sitting is suspended for thirty minutes.

Sitting suspended accordingly at 4.04 p.m.

4.25 p.m.

On resumption --

Assembly in Committee.

The Chairman: Hon. Member, I wish to draw your attention to two or three small corrections. In Clause 2, subsection (5) line 5, instead of the word “see” it should be “sell”. On page 3, in subsection 6(a), it should read “the licence mentioned in”. The word “is” should be “in”. And subsection 5 should be in parenthesis. I am sorry, but before that I should have mentioned on the same page 3 that there is a line transposed. Subsection 5(c), the third line “. . . shall therefore be deemed to be disqualified from holding a licence under the said section of the Tax Act and from engaging . . .” On the next page, page 4, subsection (a), the first line reads “the reference to the licence subsection 5”. That 5 should be in parenthesis.

In respect of the amendments, I propose doing the amendments of Mr. Singh first, then that of the hon. Member Mrs. DaSilva and then we will take all the amendments by the Minister of Trade. There are three in all.

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

Clause 2.

Mr. Singh: I rise to move the amendment standing in my name. The first amendment in respect of Clause 2 is as it reads:

“In the proposed new subsection (5) of section 5, between the words “offences” and “arose” in the eleventh line, insert the words “committed subsequent to the coming into operation of this subsection,”

The purpose of this is to correct what apparently must have been an oversight in the drafting of the legislation. The position is that as the legislation now stands it means that a man who was charged before the coming into operation of the Act, but whose conviction arises after the coming into operation of this Act, will have, as the legislation now stands, the conviction chalked up against him. The Minister has said that the intention is to let him start with a clean slate. In other words, when he committed the offence he did not know he would have been incurring these

[Mr. Singh continues]

4.30 p.m.

If that is the case his conviction after the passing of the Act, in respect of an offence committed before the Act was promulgated, would be unfair. It would be unfair to hold him guilty as chalking up one ten or twelve convictions before the passing of the Act and who would not be affected. It is only because he was in this position of committing before the Act, but being convicted after the Act that he would be caught.

There is an amendment in the name of the hon. Minister which does the same thing as my amendment, sir. Since this was drafted by the law officers, even though I am satisfied that my amendment does the same thing, under the circumstances I would withdraw my amendment. The hon. Minister's amendment is to put in the words "subsequent to the coming into operation of this subsection" to qualifying the phrase "carrying on of a business" it would mean, therefore that the conviction must arise in respect of the carrying on of the business subsequent to the coming into operation of this section. It does the same thing as mine which sets out that "the conviction must be in respect of an offence committed subsequent to the coming into operation of this section." Under the circumstances I will bow to the drafting of the law officers even though I am satisfied that my amendment does in fact do the same thing.

Now, sir, the other amendment proposed by me is a very serious one and one in respect of which there is no amendment forthcoming by the hon. Minister . That deals with the new subsection (c) of section 5. I am proposing that between the words "employee" and "if" in the first line, we should insert the words "employee" and "if" in the first line, we should insert the words "convicted for an offence as aforesaid." This section as it is reads thus:

"The licensee, and his agent or employee if he is a member of the household of the licensee, shall thereupon be deemed to be disqualified from holding a licence under the said sections of the Tax Act and from engaging in a business of a like nature for a period of five years."

What does this really mean, sir? It means that not only is the licensee who is convicted disqualified. It means further that every member of his household who is employed in the business, every agent of his is also disqualified.

I have been assured that is the position by the hon. Minister and the law officers.

The Chairman: Is that to be read with section 5 (5):

“Where a court convicts a licensee of premises licensed for the carrying on of the business under section 20 or 22 of the Tax Act, or his agent...”?

Where the court convicts a licensee or his agent or his employee for the offence?

Mr. Singh: That, with due respect, sir, is what I am advocating, and to make it patently clear we should qualify that by adding in the words “convicted of an offence as aforesaid.” Tie it in with 5 and let it be somebody who is convicted. I am advised by the law officers and the hon. Minister that it does not mean what you think it means and what I think it should mean. And thank you for the tea interval which we were entitled to. What it does mean is that if any person who is employed in the shop. . .

The Chairman: Hon. Leader of the Opposition, I think what has been explained and to what I think I alluded, is that the member of the household must be an employee. He must be in the employ of the licensee. He must be in the actual shop carrying on the business.

Mr. Singh: That is exactly what I did say. I said that any employee who is not the subject of a conviction under subsection (5). In spite of the fact that he is not the subject of a conviction he will be disqualified for 5 years from carrying on any business.

The Chairman: But is not this section put in there to prevent the mischief of having the licence transferred from one employee to another and to avoid the very objective for which the Act was instituted? I am sorry I am having a dialogue with you.

Mr. Singh: I am sorry about that too because I preferred what you originally said. I would have preferred it if you had stuck to reading it in conjunction with (5). That is what I have

been told during the tea interval, in spite of the fact we did not have tea. I was told it is put in to prevent the licensee from transferring it to anyone of his children who may have been an employee in the business.

There are two ways of looking at this. There is always the other side of the coin. Under subsection 5 (b) it says:

“If such premises are owned by the licensee or his agent, or his employee.”

those premises cannot be the location for any business under section 20 or 22 of the Tax Act for five years. So that on those premises, provided they are rented premises, you cannot carry on any business. They cannot continue to carry on any business for 5 years provided the Minister does not exercise any discretion after two years as in the case of the municipality and at any time in the case of the country districts.

4.40 p.m.

This is fair enough. We know what discretionary powers there are but on the face of it, those premises are disqualified for five years. But, not only are the premises disqualified for five years, in addition to that, providing they are not rented premises, those sons in the family who may have been employed in the business who may want to start a life of their own – under the law they are disqualified from going that type of business for five years except the hon. Minister shows them some charity. But straightway, as the law stands, they are disqualified for five years.

These persons may not have done anything at all. I said before, they may just have been obedient children. They are in the house, their father tells them: “You are in the house; you have just finished school; you have to come and help in the business; you can’t sit down and eat without working.” So the children, obedient children, go and work in the business for the father. Those children were merely being good children, obeying their father. Will those innocent children be disqualified for five years?

The argument is put forward that it is to prevent the father from putting the business in their name and carrying it on in their name. Now, if it were not rented premises, there would not

be a business on that spot in any case. If we are talking about carrying on business somewhere else, the father does not have to take his children. If he wants to carry on business, he will find somebody else; he will find he wants to carry on business, he will find somebody else; he will find a nephew, a cousin or somebody somewhere who is not part of his household whom he will put in the business. This Bill therefore does not stop him from using somebody else to carry on business; he will find somebody else if he really wants to find.

If we are getting at the bandits and rascals the hon. Minister talks about, well the bandits and the rascals shall find somebody to start the business somewhere else in that other person's name. What are we doing in the final analysis? We are penalising the poor innocent child for having been obedient to his father. I am talking about the person who has not been the subject of a conviction. **[Interruption]**

Some of the hon. Members on the other side may even have read the Bill. They may not know what they are talking about. I am speaking about people who are innocent from the point of view that as Your Honour rightly pointed out, the Bill embraces not those people who are the subject of a conviction under subsection (5), but those who have not had any conviction at all.

My amendment is to limit the disqualification to those members of the household who are employees' or agents and who are convicted. If they are convicted, together with taking away the licence, disqualify them for five years if you want to go ahead with this Act. Mine is only subject to the Government not accepting my colleague's amendment which is to scrap the whole thing and increase the penalties. We are not in favour of this at all. We say scrap the whole thing and increase the penalties.

My hon. colleague will move an amendment to increase the penalty to three years' imprisonment and a fine of \$3,000. I am trying to ameliorate the hardship which is going to be imposed by the Bill. I am trying to soften the blow of the household who are employees of agents who are convicted under subsection (5).

[Mr. Singh continued]

If they have committed on offence, by all means, disqualify them for five years but why should we allow the innocent to suffer – people who have not committed any offence, people who as agent have merely carried out instructions, people who as children have merely been good and obedient children. Why should they be allowed to suffer? Why should they be denied the right to work?

The hon. Member Mr. Kit Nascimento knows this book very well, **Highways to Happiness**. I see him going to Cuba but in his open letter some years ago he talked about Cuba, I think I can give the house the exact things he said. In the open letter on April 2, 1961, the hon. Minister Mr. Kit Nascimento said:

“We shall all before long suffer the bloody fate of Cuba and be used as the pawns in its plan for the conquest of Latin America by international imperialist industries.”

The Chairman: Can we come back to the Bill now?

Mr. Singh: That is what he said in those days, sir, and he has the temerity to come here and talk about what is right and what is wrong when he is going to Cuba very shortly.

Let us go back to the Bill, sir. Article 23 of the Universal Declaration of Human Rights says very clearly that everyone has the right to work and to free choice of employment. Where is the right of these innocent people to free choice of employment? Where are the right of these innocent people to work and their free choice of employment? They were in the business; they know how to run a business like that; how to operate it. They are being penalised under the flimsy pretext that the father of the licensee might use them to carry on a business. I repeat, if he wants to use someone, he will use anybody. He will not use the members of his household; he will find somebody if he is such a terrible person as the hon. Minister makes him out to be. He must be a terrible person if he indulges in this sort of things.

Let us look at the other side of the coin. Why should we allow the innocent people to suffer as we are doing by virtue of these provisions? I know the hon. Minister will say that he has a discretion in the matter. I would not like to put forward that laws should be subject to the discretion of any particular Minister. This particular Minister, I feel, will exercise his discretion justly and rightly but I am not sure how much longer he will be there. His days may be numbered. After all, the Ministry of Trade has had birds of passage for a long time but we do not know. We have the Declaration of Sophia. We do not know what will result after these returns are sent in. So, we are making law here not to be subject to the discretion of the individual Minister but to be subject to the discretion of all Ministers.

The Chairman: Hon. Leader of the Opposition, you and I are very fortunate; the Declaration of Sophia does not apply to us.

Mr. Singh: Sir, I have said that I am prepared to comply with the Declaration of Sophia and I reiterate that.

I should like to say that this Bill should not be subject to any discretion. The man should be free to carry on business anywhere else provided he has not had any convictions chalked up against him. I really would like to commend this for favourable consideration of the hon. Minister. Let it relate to an agent or an employee who has been convicted for an offence as aforesaid.

As I am on my feet – and I have just thought about this while we were talking about discretion – I should like to move another amendment. It is a simple one. We have the present hon. Minister and we should take advantage of all avenues for ameliorating the hardship under this Bill. I feel that there is a hardship in subsection (5) (b) in that it does not give the Minister a discretion before the expiration of two years in respect of municipalities. In respect of a licence for premises he can exercise his discretion. Under his written approval, a licence may be issued in respect of premises which had been disqualified. In the country areas this can be done at any time but in the municipalities it cannot be done until after the expiration

3.4.75

National Assembly

4.50 – 5 p.m.

[Mr. Singh contd.]

4.50 p.m.

I should like to move an Amendment to clause 2(5) (b), to take out that restriction on the hon. Minister. This Amendment would mean the deletion of the words appearing immediately after the word, “obtained,” in line 8 to the semicolon after the word, “Act”. The words are: “Which approval shall not be given prior to the expiration of two years from the date the disqualification commenced where the premises are situated in Georgetown, New Amsterdam or in any other town established under the Municipal and District Councils Act; “. Let the word, “and”, which follows, remain.

We have a Minister who, we are all confident, is performing his duties with fairness and with rectitude and, under those circumstances I see no reason why a mandatory curb should be put on his discretion. Let us remove the restriction on his discretion and let us give him a genuine discretion to exercise, before two years, after two years, as he sees fit according to the circumstances of the case. Take out the restriction. I am sure the member of the Government and the hon. Minister himself would have no objection to his having a total discretion in this matter and not being cut down by a legislative restriction of two years.

These are the Amendments I should like to move and I commend them very sincerely for the favourable consideration of this House.

The Chairman: Hon. Leader of the Opposition, understanding Order 51, (3)(e), in order to save time and repetition of arguments, the Chairman may allow a single discussion to cover a series of inter – dependent amendments. Perhaps you may wish to go through with contribution on the other Amendment as well.

Mr. Singh: would you like me to speak on the hon. Minister’s Amendment too?

The Chairman: You can speak on the amendment proposed by the hon. Member Mrs. DaSilva’s by indicating support, if you so wish, and then on those proposed by the hon.

Minister. Or if you prefer to deal with yours and the hon. Member Mrs. DaSilva's, then we can dispose of that, and then we can come to the hon. Minister's. If that is more convenient to you

Mr. Singh: I would prefer my fellow member to speak on her Amendment. I would not want to detract from what she has to say.

Amendment – proposed.

The Chairman: Does any hon. Member on the Government side wish to say anything?
[Pause] Hon Minister of Trade and Consumer Protection

Mr. King: I cannot understand the constant reference by the hon. Leader of the Opposition to article 23 of the Declaration of Human Rights. In actual fact, article 29 also says that it is necessary for the Government to act in the interest of the nation. Guyana has a very unfortunate record of family business. While, in fact, we understand some of the inconvenience which could be brought about by convictions arising from this Bill, we cannot be unaware of the history of family business in Guyana.

A number of hon. Member in this House my perhaps be too young to recall the death of family business which have never in fact contributed to the national interest and which have never grown because of the abdication of the very children whom the hon. Leader of the Opposition seeks to protect. I refer to such business as M.N. Rick, Hutchinson, J.N. Perreira. I refer to one now, C.R. Jacob, and I can go down the line where the very children, whom the hon. Member seeks to protect, have left the business and have left Guyana all the poorer.

While there is some merit in speaking about the choice and human rights, I think we must understand that the history of Guyana has never shown that family businesses have been able to be sustained. I can go to Berbice – Francis Sam, Ganesh Sookool. One must understand that very often he is seeking to protect a situation that will never arise and a situation which is perhaps inimical to the interest of the nation. Therefore, we cannot on this side support the Amendment put forward by the hon. Leader of the Opposition.

In relation to the new Amendment which has now been put forward, which seeks to give new discretionary powers to the Minister, I should perhaps indicate that this provision was put in not so much on behalf of the person operating the business but more in the interest of the consumer. We recognize that in the towns where there is a heavy density of shops, the consumer may not necessarily suffer but we also recognize that there may be some areas in the country which could be bereft of a good supply and a good distributive system which would mean a good supply and a good distributive system which would mean a restoration of that shop at a period much earlier than in the case of a shop in the municipality. It is the consumer's interest and not so much that of the offender which we seek to protect.

The Chairman: I will now put the Amendment by the hon. Leader of the Opposition.

Amendment-

- a) That the following words: “convicted for an offence aforesaid,” be inserted between the words “employee” and “if” in the first line in the proposed new subsection (5) (c) of section 5.
- b) That the following words be deleted: “, which approval shall not be given prior to the expiration of two years from date the disqualification commenced where the premises are situated in Georgetown, New Amsterdam or in any other town established under the Municipal and District Councils Act”

put, and negative.

Mrs. DaSilva: I rise to move to the Amendment that stands in my name. It reads:

“Clause 2

Section 5 of the Principal Act is hereby amended by the deletion of the existing subsection 4 (b) and the substitution therefore of the following-

‘(b) a fine of not less nor more than three thousand dollars together with imprisonment for not less nor more than three years, on a second or subsequent occasion.’ ”

(Mrs. DaSilva continued)

Sir, I will not detain this House very long because during the debate on the Bill I dealt at great length with our reasons. First of all, there is our realisation that the severity of this Bill was called for by the need of making it to be a deterrent, but we felt that the severity was going too far. In spite of all the examples, the hon. Minister referred a little while ago to what happened in an African state when they strung up the shopkeeper who black marketed, in the Philippines when they got rid of the Chinese. I think in one of the African states, they cut off a man's hand. We realise in this country that that is really carrying something too far. Would you like your hand cut off if you stole five cents? The point is this: The penalty must be in proportion. I welcome the hon. Minister's explanation about our sick society. I still do not think we are going in for surgery. I maintain that we are going in for execution. I admit that we have to curb black marketing I admit we must have severity and that is why I have put this amendment in because I hope it will be s deterrent.

The hon. Minister keeps saying that the black marketing do not mind going to jail. Are we trying to make two wrongs make a right? It cannot work that way. They do not mind going to jail, says the hon. Minister. I took as a precedent what is done by the Customs when finding people for taking currency out of the country illegally or smuggling gold and things like that. I used that as an example. But surly, that is a severe deterrent.

It is all very well to say a man does not mind going to jail since it is such a nice place to go nowadays. They go there and spend three months and have a good rest, if not a holiday, at the expense of our Government. But when you think of it, three years is another matter. On the question of money, I tripled the fine, moving it from \$1,000 to \$3,000. When we were given a half hour interval, which we eventually did get through the process of time – I was very grateful for it and I add my thanks to those of my leader – we had on opportunity for it and I add my thanks to those of my leader – we had an opportunity to discuss the matter with the hon. Minister and his advisers. When I mentioned a fine of \$3,000, the Minister said that many of the convictions relate to small shops and the owners do not even have \$3,000 worth of stock. They

just do not have \$3,000. It is no deterrent to them. If they do not have the money they do not pay. They go to jail for three years.

But the point is this: If the Minister did not think imprisonment for three years and a fine of \$3,000 server enough, he could increase it to ten years or \$10,000 and if he thinks he would not get the fine then he could increase to jail sentence. I suppose if I had made the fatal mistake of saying use the 'cat' as a deterrent I would be accused of being a colonialist and of wanting to bring back the old days. But the penalty must be so severe that they will respect it. It is a great pity that people have no respect for jail sentence and for jail. I do not know what is going to happen in the ordinary run of things if people do not mind going to jail. We want a severe deterrent. We have suggested one. If the hon. Minister does not think it severe enough, let him make it more severe. But we cannot consider depriving innocent people of a means of livelihood.

I made a note of two things when the Minister was speaking just now. I thank him for the figures he gave me about the number of charges and convictions for black marketing. I want to assure him that never once did I doubt his arithmetic nor his honesty. I merely wanted to satisfy and to reconcile his statement about black marketing being on the increase on the one hand and the statement made by the President of the Chamber of Commerce, on the other hand, in which he said, no, that is not the case. I do appreciate the Minister's explanation.

The hon. Minister said, too, that if, for example, there are seven children in the family, the offence will be committed down the line. If you figure that they will have to pay the fine seven times, then that would be \$21,000. Even some of the big boys and the hardened black marketers, who can always find a way out would think twice about that. And as my leader says, too, there is always a way of getting around the laws if you want to. The hardened black marketers, like the hardened criminals, know all the angles, know of the little loopholes through which they can squeeze.

When we were talking during the break, the idea crossed by mind and I asked the Minister what about the van driver, the man who owns a van and takes out a licence and sells all sorts of things from that van. Is he not going to be caught under this? Will the man who has been

sentenced under this law and loses his licence, be allowed to have a van licence and sell as a huckster? Once you have proposed a legislation that shows the slightest bit of favouritism to one person as against another, it should not go through. If there is the slightest doubt that any innocent person will suffer, that law should not go through. Therefore, first of all we will have to vote on considering my amendment and approving it in the interest, as I said to the hon. Minister, of tempering justice with mercy. Falling that, would the hon. Minister come back with a more severe measure if he thinks he can get a more severe measure? We will willingly consider it. We feel that this Bill cannot and should not go through as it is.

Mr. Singh: Yes, sir, very briefly. I rise to support very heartily the amendment standing in the name of my colleague. The effect of it is simple, that is to scrap the whole of Clause 2 of this Bill and to introduce, instead, an increase in the penalty so that those people who commit the offence a second time are caught – as this deals with a person or the commission of the offence in respect of the business on the second occasion - would have a much stiffer penalty, a penalty not of \$1,000 and imprisonment for one year, as in the present position, but \$3,000 and three years imprisonment.

In answer to that, it is suggested that the present – day system of jail sentences and fines is no deterrent. Our whole system of punishment in Guyana is based on jail sentence and fines as deterrents. If we are saying that now, are we really saying that our whole system in Guyana is wrong, that what the Courts are administering as punishment generally throughout the very length and breadth of Guyana is wrong? If that is wrong, let us do something to correct it. Let us not come before this honourable House and pick one single section and say that it is wrong in respect of that and we will correct it immediately, but we will do nothing about all the other things. What are we doing by singling out this particular one? I need not go back and reiterate what I said. Hardship will be done to innocent people who have never committed any offence at all and they will be caught by this legislation. Let us increase the penalties to deal condignly with those who commit the offences, but for heaven's sake, let us not inflict punishment on those people who have only been good employees and good children.

Amendment proposed.

Mr. King: I am indeed, indebted to the hon. Member and also the leader of the Opposition in drawing to our attention the fact that vans have been excluded from this Bill. I believe that we should obviously have to correct that situation in the very near future.

While being in sympathy with the amendment which the Member seeks to move, I must also say to this House that if we accepted such an amendment we would be making even further criminals out of the very people whom we seek to protect and save from themselves. What will we find happening, if we increase the fine? Those charged will go to money – lenders, they will, perhaps, go to barrowing institutions, and borrow money at high interest rates to pay the fine.

They will then have heavier liabilities and go back to their scene of crime and do more black marketing and more hoarding in order to meet those heavy obligations created out of an offence which attracted a fine. It is a vicious circle. Where do we end?

5.10 p.m.

What we seek to do here, as I said earlier in the debate, is to correct the practices and the deficiencies which exist in the minds of people who have now become chronic in the art of black marketing and hoarding. Unquestionably, we have to save these people from themselves and what this will do is to remove them perhaps from a field of occupation for which they are not suited and put them into occupations for which they may be better equipped to serve themselves, their families, and the nation.

With respect to the laws of Guyana, if I may, with respect, remind the Leader of the Opposition we do have a situation in which licences are either suspended or granted for dance halls, liquor restaurants and hotels. These licences would not be granted or could be revoked if an opposition is put in by the residents or the people who live in the neighbourhood.

This is nothing new. Can we not hear the calls of those housewives? Can we not hear the calls of those poor citizens who are being oppressed and exploited? Do you want a greater call than that, a greater reason for which we should suspend licences? I submit that the reasons advanced for us to entertain this Amendment really cannot be justified and consequently really cannot be entertained by this side of the house.

Amendment put and negative

The Chairman: Hon. Minister of Trade.

Mr. King: Mr. Chairman, I rise to move three Amendments standing in my name. The first one is in Clause 2 (a):

“Clause 2

(a) In the proposed subsection (5) to section 5 of the Principal Act, delete the words “subsequent to the coming into operation of this subsection” in the ninth and tenth lines and insert those words immediately after the words “carrying on” in the twelfth line.”

This Amendment seeks to fulfil the wishes of the Leader of the Opposition and indeed seek to provide all traders, all shopkeepers with a new opportunity. It is said in the “Good Book” that the great “Being” requires that which is past. Now, we have been very generous. We are not requiring the past. This merely seeks to expose persons who have been charged subsequently to the passing of this Bill and who may be convicted.

The second amendment, Mr. Chairman, under Clause 2:

“In the proposed subsection (7) to section 5 of the Principal Act, delete the words “paragraph (a) and in the first and second lines and substitute therefore the word “paragraph.”

Mr. Chairman, this is merely to be consistent in the drafting of the Bill and to maintain that consistency which is required under the law.

And, finally, under Clause 2 add the following subsection; subsection (10), to section 5 of the Principal Act.

(10) “Any person disqualified from holding a licence under subsection (5) or (7) who to the satisfaction of the court is shown to frequent premises with respect to which the disqualification arose and at which business as mentioned in those subsections is carried on shall unless he proves to the satisfaction of the court that his presence there at related to the transaction of his

business as a customer, be deemed to be engaged in the carrying on of business contrary to subsection (9) (b).”

This Amendment, which I trust will be entertained by the House, merely seeks to enable the Prosecution to bring home against a person the offence of engaging in business while being disqualified. We are aware of the problems and we envisage that there may be certain steps taken by persons who have been qualified under this law to circumvent the course of justice and to attempt to return to business under certain guises and, so to speak, be the man behind the scene.

This Amendment seeks to tidy up that arrangement which I believe will be in the interest of the nation.

Amendments proposed.

Mr. Singh: Sir, the first Amendment is really a different wording to the one I proposed. We agree with that, of course. The second Amendment is a drafting matter which we have no quarrel with as such. We complain about the entire Bill. The third Amendment which is the one which recently found its way into my hands, one that we never saw before; one that was thrown at us shortly before the suspension

The Chairman: That is not a fair comment. The rule provides for it to be done that way.

Mr. Singh: I am relating to the factual situation. I was not saying whether it was fair or not. I was saying what factually took place. It was served on us shortly before the suspension was taken so we were seeing it for the first time then. Fair enough, the rules do provide for that. Rules provide for that. Rules provide for lots of things; morality may provide for different things, sir.

The effect of this Bill is that any person disqualified from holding a licence cannot frequent a shop unless he is going there engaged in the genuine business of a customer. I have already pointed out that under subsection (5) (c) an innocent person – innocent in the sense that he has never been convicted of an offence – merely because he belongs to the household and is employed in the business and is engaged in the business, is disqualified also. The rationale is

that the father, or the licence, should not be allowed to transfer his licence to him in order that someone else may carry on the business. That person cannot carry on a business under subsection (c) because he is disqualified. Under this new amendment, he cannot even take employment in a business. That is what it means. He cannot work as an employee in any business of a like nature.

If somebody entirely different, not a member of the household or a relative, took over that business and were running it, that person, that innocent person, cannot be employed in that business. He cannot be seen around that business. He cannot go there frequently to play cards or anything like that. I am not advocating that that sort of thing is good but what I am saying is that the only reason for him to escape an offence under this section is that he must go there as a genuine customer. Any other reason at all is an offence. The father of that person may be in jail; his mother may be relying on him to bring in subsistence for a household of children and this may be the only shop in the district and hon. Minister may have exercised his discretion to give somebody else a licence to operate that business.

5.20 p.m.

That son who is knowledgeable in the running of a business cannot go and work in that business in the employment of an entire stranger. The hon. Minister has given one side of the coin. I am giving the other side. Is it fair that we should deny the son that right? First of all, we are denying him the right to open up a business of his own anywhere else in the country. Secondly, we are denying him the right to be employed in a business of that nature. By all standards of justice, how can it possibly be fair that we deny a man the right of employment in a field in which he has some expertise? Are we saying he should go into the interior into a different field? [**Hon. Member:** “It means he must not black market.”] This is not black marketing. This is employment in the service of a business which is existing viably, by the charity of the Minister, or otherwise. It viably exists there. And this person is denied the opportunity of employment in that business. That is what it means sir. It has nothing to do with black marketing and that is what we object to. It gets worse and worse all the time. I thought that the Bill was terrible as it was but this is adding double insult to injury. It is worse than that. Here

we are denying an innocent person – character without blemish – without any convictions at all, we are denying him the right to work in a business in which he has expertise. Sir we cannot in all conscience support this amendment.

Amendments put, and agreed to.

Clause 2, as amended, 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.

MOTION

CONFIRMATION OF THE PURCHASE TAX (MOTOR CARS) (AMENDMENT)

(No. 2) ORDER 1975 (No.29)

“Be it resolved that this National Assembly in accordance with section 5A of the Motor Vehicles and Road Traffic Act, Chapter 51:02, confirm the Purchase Tax (Motor Cars) (Amendment) (No. 2) Order 1975 (No. 29), which was made the 20th March, 1975, and published in the Gazette on the 20th of March, 1975 [The Minister of Finance]

Mr. Speaker: Hon .Minister of Finance.

The Minister of Finance (Mr. Hope): Mr. Speaker, I wish to move the Motion standing in my name. Sir, the Motion essentially is to introduce into the tax system a new type of car carrying a new type of engine which was not in fact catered for in the current legislation.

What has recently happened is that we saw just a few months ago, the importation of a number of cars with rotary engines. When we compare the displacement of those engines, as measured in terms of their cubic capacity, we find that when we speak of a given size of engine of the rotary type and compare it with a similar size engine with two different engines. We are dealing with cars of a different class.

We sought advice from a number of authorities and the consensus was that the system of measurement is standard so, having measured the engine in the standard way, one may in fact, let say, arrive at a situation where we have a 900 cc car which is of the rotary type but, other things being equal, the advice was that such a car was equivalent to something of the order of 1800 cc's of the conventional type. It is very significant when I say "everything else being equal."

Therefore, it was quite clear that when we sought to tax a car of the rotary type that carried, let us say, 1100 cc's we were in fact taxing that car at a much lower level than it ought really to have been taxed when compared with a car carrying an engine of a conventional type so that what we have sought to do, therefore, was to rationalise that this rotary engine measures 1100 cc's we are not disputing that. All we are saying is that if the car is of a rotary type we will accept for the various taxation bands a cubic capacity of displacement in the engine which is much lower than if the car was of the conventional type.

In our tax system, we recognise three bands. First of all, there is a band 1800 cc's and over; that band carries the highest amount of purchase tax – roughly 51 ½ per cent. There is a second band which says the size must be over 1600 but less than 1800 and then there is the third band, which carries the lowest level of taxation, of under 1600 cc and less.

What we have therefore said is that wherever we have 1800 cc's of the conventional type we have said that this is equivalent to 900 of the rotary type and wherever we have 1600 cc of the conventional type we have introduced a concept of 800 cc of the rotary type. So that a car with a rotary engine would have to be less than 800 cc's to qualify for the same tax as a car of 1600 cc's of conventional type. Similarly, if a car is over 900 cc of the rotary type, it will pay the same rate of tax as a car of 1800 cc and over of the conventional type. This is basically what we have done and we think, bearing in mind the comparative power of the two cars that it is rational and just that we introduce these different levels of capacities where the car is of a rotary type.

[Mr. Hope contd.]

5.30 p.m.

In this, and I wish to stress this, we have done nothing to restrict the importation of motor cars of a rotary type. All we have done is to say that if the rotary type engine is over 900 c.c., a higher tax will have to be paid, and to pay the lowest tax, it must be no more than 800 c.c. With that explanation, I should like to commit the Order for the confirmation of this honourable House.

Question proposed.

Mr. Singh: On the last occasion when we had one of these Orders before the House, I did appeal to the hon. Minister. I pointed out the necessity to codify and have readily available for Joint Public the various multitudinous Orders which we seem to be making under the Motor Vehicles and Road Traffic Act. This is another one which hon. Minister tells us is very necessary.

I should like to repeat my appeal for the legislation under the Motor Vehicles and Road Traffic Act to be codified. It is increasing to such an extent that I am sure the ordinary person will not be able to get the figures, and even the junior officers in the Licence Revenue Department would have to keep continuously going to their senior officers for advice on this.

This Order specifically applies to vehicles with the rotary type of engine. While noting what the hon. Minister said, I note also that the present system of taxing cars remains based on cubic capacity, because we continue talking about cubic capacity. This has not been changed. In respect of the rotary engines, cubic capacity has also been used.

What appears to be the position is that while accepting cubic capacity as the yardstick, the Government is saying that if it is a rotary engine, then if the displacement is 900 c.c. or above, it must pay purchase tax in the category of 1800 c.c. and above. In other words, the Government is regarding the present rotary engine, which I understand has a displacement of 1146 c.c., as equivalent to at least 1800 c.c.

If this is so, a question arises. The hon. Minister has answered it but I will ask it again: why are we allowing these cars to be imported? We have banned cars above 1600 c.c. except Cadillacs or cars for V.I.P.s in the Government, or except those that were bought before a certain date by people coming back to Guyana, are to be allowed in the country. If we are regarding these cars as being in the category of 1800 c.c. and if we are making them pay the purchase tax on the basis of 1800 c.c. and if we are making them pay the purchase tax on the basis of 1800 c.c., we are saying they have the 1800 c.c. power and they must pay on the basis of 1800 c.c.

We have said in our general statements in the House that cars with a cubic capacity of over 1600 c.c. burn more gas; they are a drain on the economy, and, therefore, they should not be allowed into the country. Are we making fish of one and fowl of the other? How is the Government on the one hand saying that these cars of 1800 c.c. must pay purchase tax on the basis of 1800 c.c. because they have the power of 1800c.c. but yet it is allowing them to come into the country? Should they not be banned if they have this kind of power when the ordinary car above 1600c.c. is banned? Why should they be allowed? What kind of double standards are we setting up here?

Mechanically and by an engineering yardstick, we are saying that the car is one size, size "X", but legally we are now saying that the car is "X" plus. It is 1146 c.c. but, for legal purposes, for taxation, it is 1800 c.c. This kind of reasoning needs an explanation and I am not satisfied with the present system.

Obviously, there is a problem but we are not tackling the problem properly. The reasoning is that even though the car is 1146 c.c., it is capable of a lot higher performance. I suppose this is because of the revolutionary make of the engine. The conventional engine goes up and stops and then comes down and stops before it goes up again, but this one goes around continuously resulting in less loss of power. I understand that is part of the rationale used. I presume the hon. Minister would have been guided by some professional expertise. We have not been told what professional expertise was used.

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I hope he is not acting on the professional expertise of one of the members of the opposite side of the House. I do not know what the rationale was in rating an 1146 c.c. engine as 1800 c.c. I am told that the rotary engine uses a very low grade of gas whereas the conventional engine uses premium gas, by and large. If it uses a much lower grade of gas, there must be a saving in foreign because it cost less to buy low – grade gas.

I understand – and I should also like to hear that this is a fairy tale – that it has the least amount of moving parts and as a result of that, there is a smaller amount of money to be spent in stocking up spare parts for an engine of this kind. That would result in a saving in foreign exchange. I am glad the hon. Member does admit there is some truth in what I have to say. One would have thought there never would be an admission like this. When there are facts which cannot be disputed, one is forced to elicit an admission of truth from the other side.

I understand that the life of the rotary engine is double that of the conventional engine and therefore the care would last twice as long, leading to a reduction in foreign exchange in respect of these particular cars. These are the things I understand. I am subject to correction. I made investigations because I should like to know, before I come to this honourable House, that I am going to talk knowledgeably about something. I go to people who may know about these things, and ask question, unlike other people who come to this honourable House and do not even read what is before them because they are not required to speak. I have to speak. I want to speak knowledgeably in order to be constructive in what I say; unlike so many to speak knowledgeably in order to be constructive in what I say, unless so many others who cannot even move Church Bills in this honourable House.

5.40 p.m.

Let me stress that I am not speaking in respect of any particular manufacturer, agent, or group. As I understand it, all of them have quotas in this country.

[Mr. Singh contd.]

5.40 p.m.

And the quotas are much smaller than they would normally sell so that all the cars will be sold. I am speaking from the point of view of the consumer. The consumer who wishes to buy a car with rotary engine will now have to pay more for it. He will have to augment the Government's coffers by putting more money, which will go to the Government, into the purchase of a car like that.

In some respects it seems as though we are legislating to the disadvantage of progress and against the advance of technology. This is, perhaps, how one might be tempted to look at it. In this respect one might say that it would be justifiable for Japan to put a higher rate of duty on the Guyanese bauxite imported into Japan because we produce a better grade of bauxite.

My main point is that we should have a uniform system. That is how it seems to me. Do not let us ask the consumer to pay more without letting him understand the reasoning behind it.

I am reminded that the conventional car could be made capable of a lot more by putting on two carburettors and "supping" it up. My hon. Friend over there knows well about that. You can "sup –sup" a conventional car to really increase its performance, to make it capable of a lot more. There are cars like the Tran spike, Toyota G.T., the Midget, the Motor Saloon. The Motor Saloon is 1500 cc but it can be "supped" up to give better performance than that. I am told that the Toyota G.T. can also be "supped" up and one mender has said rightly that all cars can be 'supped' up.

In view of the fact that the rotary engine seems to be the things of the future, in view of the fact, as I read it, that all manufacturers are interested in rotary engines and are seriously giving consideration to producing the rotary engine – some have started, but we are getting only one make in Guyana right now. I am not concerned about any make in particular. I am not concerned about the system used. What I would recommend is that the hon. Minister give consideration to streamlining the system used. We are at the present moment using the system of

a cubic capacity displacement as a yardstick. Maybe it is time for us to move towards using as a yardstick the brake horse – power. Let us use the performance of the engine, or the brake horse – power of the engine as the yardstick rather than using the cubic capacity. As the hon. Minister says, cubic capacity is not acceptable in respect of rotary engines. Let us bring all in one category. I am not against the legislation as such. I am appealing that the legislation should be made uniform. Let us scrap the system of cubic capacity displacement and let us introduce a system of brake horse – power of some such system to meet the advance in technology in the world today.

Mr. Hope (replying): Mr. Speaker, I wish first of all to clarify a number of misconceptions which the hon. Leader of the Opposition certainly displayed a moment ago. As a matter of fact, I was thinking for a moment that it was a representative of the particular firm who was speaking because I heard all of those arguments, almost verbatim, when I was talking to the manufacturers concerned.

I was careful to use the words “everything else being equal.” in that I was avoiding the question of “supping – up” or doing something to the engines to make it work in a more powerful manner.

When I acted in the way I did by signing this Order, it was after we had sought advice from the Customs Corporation Council at Brussels. We do operate on the basis of the B.T.M. In fact, what came out of that were copies of the manufacturers’ assessment of the engine. The manufacturer of that particular car was at pains to say that it would be a mistake to measure the rotary engine in terms of cubic capacity and attempt to compare it with the conventional engine. The manufacturer of that particular car himself said that and, therefore, there could be no other authority above that. Therefore, I think we were on correct grounds when we established the kind of comparison that we have established in the Order before us.

Certainly, we in the Ministry of Finance would want to do nothing to keep back progress or to deny Guyana the fruits of advancing technology. Whether the rotary engine represents a better form of technology than the conventional type, is open to substantial doubt, I am told. There is a lot of doubt as to whether that is really so. But whether that is so or not - and I was at

pains to say this - we are not attempting to ban or to restrict rotary engines as rotary engines. What we are saying in the case of rotary engines is that we are taxing them at a higher level depending on a certain level of cubic capacity. If, in fact, a rotary engine could be imported into Guyana of 800 cc, it would be a perfectly legitimate act to declare it here. It would be taxed in the way laid down in the Order. What has been restricted is the rotary type engine of a certain size in the same way we have restricted conventional engines of a certain size. If the restriction does apply, it would apply only to the size and not to the type. I want to make this absolutely clear.

This Order does not deal with restriction. It is purely a taxation Order. The question of restriction is matter for my colleague, the Minister of Trade. Therefore, I do not think the hon. Leader of the Opposition could have expected to see restrictions referred to in this particular Order. I am sure he knows that the importers themselves know that should they import a rotary car about 900 cc there will be substantial difficulty in having it pass the customs. We have said to the importer – and in this case we did give the importers the benefit of the doubt – that they did import cars of 1146 cc of the rotary type in ignorance of the true position. We gave them the benefit of the doubt and, therefore, we said that those cars which were already in the country and those cars for which they might have irrevocable letters of credit established will be permitted in providing they pay the right rate of duty.

But thenceforward they will not be permitted in the country. We would try, in fact, to be fair to an importer to whom we gave the benefit of the doubt and I think the hon. Member knew that because he obviously sought advice from that particular source. All of what he said were repetitions of what those people said and I am sure they would not have left out that fact.

5.50 p.m.

I am sure that the hon. Member understands me. I would hate to believe he does not because I am being perfectly clear. I said the engine would have substantial difficulty passing customs and, of course, if a trade order is to be issued the proper authority, the competent authority, is the Minister of Trade. Importers know that they can no longer import cars of the

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[Mr. Hope contd.]

rotary type in excess of 900 cc. Those which are coming now for which irrevocable letters of credit have been established prior to this decision, will be admitted in but after that none other.

I think, sir, those are fundamentally the answers. The member raised a substantive point, the question as to whether the present system of cubic capacity is the best system in the circumstances. We recognise that now it is not, perhaps, the best system and in fact the function has been delegated to one person to work out a more rational system which we could adopt for this purpose of taxation and for control of entry of vehicles.

Question put, and agreed to.

Motion carried.

ADJOURNMENT

Resolved, “That this Assembly do adjourn to a date to be fixed.” [Mr. Ramsaroop]

Adjourned accordingly at 5.55 p.m.
