

Ministers (8)

Cde. U. E. Johnson, M.P.,

Minister of Co-operatives

Cde. J. N. Maitland-Singh, M.P.,

Minister, Consumer Protection, in the
Ministry of Trade and Consumer Protection

(Absent)

Cde. S. Prashad, M.P.,

Minister in the Ministry of Agriculture

Cde. Sallahuddin, M.P.,

Minister, Finance, in the Ministry of
Economic Planning and Finance

Cde. R. E. Williams, M. P.,

Minister, Fisheries, in the Ministry
of Agriculture

*Cde. Y. V. Harewood-Benn, M.P.,

Minister, in the Office of the Prime Minister

*Cde. H. Rashid, M.P.,

Minister, Office of the President

(Absent)

*Cde. R.A. Van West-Charles, M. P.,

Minister, Health, in the Ministry of Public Welfare

(Absent)

Ministers of State (3)

Cde. M. Corrica, M.P.,

Minister of State for Culture, in the
Ministry of Education, Social Development
and Culture

Cde. R.C. Fredericks, A.A., M.P.,

Minister of State for Youth and Sport,
in the Ministry of National Development

*Cde. C.E. Wright, M.P.,

Minister of State for Construction, in the
Ministry of Works and Transport

(Absent)

Parliamentary Secretaries (3)

Cde. A.W. Bend-Kirton-Holder, M.P.,

Parliamentary Secretary, Women's
Affairs and Housing.

(Absent)

Cde. D.A.N. Ainsworth, M.P.,

Parliamentary Secretary, Education,
Social Development and Culture

Cde. B. Bhaggan, M.P.,

Parliamentary Secretary, Foreign Affairs.

*Non-elected Member

Other Members (23)

Cde. M. Ally, M.P.
Cde. M. Armogan, M.P.
Cde. B. Beniprashad, M.P.
Cde. J.B. Caldeira, M.P.
Cde. A.A. Chin, M.P.
Cde. J.P. Chowritmootoo, J.P., M.P.
Cde. E. B. Davidson, M.P.
Cde. H. Doobay, M.P. (Absent)
Cde. A.B. Felix, M.P.
Cde. E.H.A. Fowler, M.P.
Cde. P. Fredericks, M.P.
Cde. E.F. Gilbert, M.P.
Cde. J. Gill-Mingo, M.P.
Cde. A. McRae, M.P.
Cde. J.M. Munroe, J.P., M.P.
Cde. R.N. Primo, M.P.
Cde. P.A. Rayman, M.P.
Cde. C.G. Sharma, J.P., M.P.
Cde. H.L.B. Singh, M.P. (Absent – on leave)
Cde. S.H. Sukhu, M.S., M.P.
Cde. B. Tiwari, M.P.
Cde. C. Vandenburg, M.P.
Cde. H.B. Walcott-Nascimento, J.P., M.P.,
Government Chief Whip

Members from the National Congress of Local Democratic Organs (2)

Cde. R. Bishop, M.S., M.P. (Absent)
Cde. B. Latchminarayan, M.P.

Members from the Regional Democratic Councils (10)

Cde. K.N. Jones, M.P. (Region No. 1 – Barima/Waini)
Cde. K.V. Jairam, M.P. (Region No. 2 – Pomeroon/Supenaam)
Cde. C.A. Singh, M.P. (Region No. 3 – Essequibo Islands/West Demerara)
Cde. W. Bipat, M.P. (Region No. 4 – Demerara/Mahaica)
Cde. H.I. London, M.S., M.P. (Region No. 5 – Mahaica/Berbice)
Cde. I. Chowritmootoo, M.P. (Region No. 6 – East Berbice/Corentyne)
Cde. N.R. Charles, M.P. (Region No. 7 – Cuyuni/Mazaruni)
Cde. D. Abraham, M.P. (Region No. 8 – Potaro/Siparuni)
Cde. A. Dorrick, M.P. (Region No. 9 – Upper Takutu/Upper Essequibo)
Cde. D. Hinds, M.P. (Region No. 10 – Upper Demerara/Berbice)

Members of the Minority (12)

(i) People's Progressive Party (10)

Minority Leader (1)

Cde. Dr. C. Jagan, M.P., (Absent)
Minority Leader

Deputy Speaker (1)

Cde. Ram Karran, M.P.,
Deputy Speaker of the National Assembly

Other Members (8)

Cde. J. Jagan, M.P. (Absent)
Cde. Reepu Daman Persaud, J.P., M.P.,
Minority Chief Whip
Cde. N. Persaud, M.P.
Cde. C.C. Collymore, M.P.
Cde. S. F. Mohamed, M.P. (Absent)
Cde. I. Basir, M.P.
Cde. C.C. Belgrave, M.P. (Absent)
Cde. Dalchand, J.P., M.P.

(ii) United Force (2)

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

OFFICERS

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

PRAYERS

NATIONAL ASSEMBLY

14:05 hrs

ANNOUNCEMENTS BY THE SPEAKER

Leave to Members

The Speaker: Leave has been granted to Cde. H. L.B. Singh for today's Sitting.

INTRODUCTION OF BILLS – FIRST READING

The following Bill was introduced and read the first time:

Forests (Miscellaneous Provisions) Bill 1982 – Bill No. 4/1982 [The Vice President, Parliamentary Affairs Party/State Relations on behalf of the Minister of National Development.]

PUBLIC BUSINESS

BILLS – SECOND READING

NATIONAL SECURITY (MISCELLANEOUS PROVISIONS)
(AMENDMENT) BILL 1982

Bill intituled:

“An Act to amend the National Security (Miscellaneous Provisions) Act for the purpose of re-enacting the provisions of Part II thereof with certain modifications”. [The Minister of Home Affairs]

The Minister of Home Affairs (Cde. S. Moore): Cde. Speaker, I beg to move that the National Security (Miscellaneous Provision) (Amendment) Bill No. 1982 be now read a Second time. This Bill seeks to re-enact the provisions of Part II of the National Security (Miscellaneous Provisions) Act Chapter 16:02. This Act which is now brought before this honourable Assembly for amendment was first introduced in 1973 when it was recognised by the wisdom of the then Assembly that this measure was needed for the protection of the State, it was needed in order that in appropriate circumstances, in circumstances which warranted such action, power was given under the Act for the preventive detention and restriction of movement of persons. That measure has proved in the hands of our responsible successive Governments to have been a useful tool and a useful measure. It is not, from its very character, a measure of first resort. It is a measure which is to be deployed in extraordinary circumstances and a measure which gives power

to deal with unusual situations. It therefore serves as a good insurance, a good support to the ordinary rules of criminal law to deal with such circumstances.

The fact that the Government has been using this provision sparingly or responsibly can be seen from the fact that at present there is no person detained under the provisions of this Part. I repeat that, there have been allegations about this Government restricting freedoms, but there is no one at present in detention under this part of the Act. Those persons who are now in prison are persons who have been sentenced to imprisonment by a court of law of competent jurisdiction after a trial under due process of law. Temporary detention of rather short duration is always, of course, a preliminary to a charge in many cases although not in all cases. So that apart from those short periods of a day or less when persons are held pending charge, there are no persons held under this provision of the Act.

However, Cde. Speaker, the continuation of the provision is necessary so that if a situation which needs a detention of any person for the purpose of public safety or public order or for the defence of Guyana becomes necessary, Government may not find itself lacking in legal support. In other words, it is more prudent to have a measure of that kind available to be used if the need should arise, rather than to wait like the foolish virgins for a situation to become extant to find that the hour is upon you and you are not prepared. So that it is for the purpose of having a measure available to be used, if necessary, that this amendment is being proposed.

The amendment is being proposed because the law makes it obligatory that there should be amendments from time to time because the Bill is only limited duration. As the provisions of that part lapsed they were re-enacted on two earlier occasions, once in 1973 and then in 1977, Acts No. 15/1973 and 16/1977. Approval of the National Assembly every two years is required for the continuance of this measure. The provisions of the part have now lapsed and it is for that reason that the Government is seeking re-enactment of the provisions with two consequential modifications in Section 14.

Cde. Speaker, you have not got before you any novel measure, you have not got before you any new provision. You have before you a Bill which seeks the amendment of a provision to give it further life, of a measure which has been extant since, as I said, 1973, which is itself a useful and well thought out measure which exists, I might say, in many other parts of the world, and a measure which has been responsibly and prudently handled by the Government over that period.

Question proposed

Cde. Reepu Daman Persaud: Cde. Speaker, this is not an innocent measure, it is an iniquitous Bill, one of the most disgusting, since the last election. A Bill of this nature can properly be qualified for debate and examination if the situation warrants such a measure. I know the Cde. Minister is a lawyer but I am led to believe that he did not ponder deeply enough upon his brief or briefs. It is not that he is not capable of doing it. He spoke about the Act not used, no one being in detention. He could not make those points if he had looked at the brief properly. It could not have been use because it was not in force. He used a word like “extant”. It was, since 1977 the Act lapsed.

If you look at Act No. 16/1977 you will find that Section 14(1) dealing with the Preventive Detention Act it stats: “Provided that the period may from time to time be extended for a further period of two years by resolution of the National Assembly passed before the expiration of the previous period of two years.”

When this Bill first came to my hand my first reaction is that it could not have been extended because the Bill was expired. But then on second look I noted the word “re-enacted”. So what, in fact, is being done at the moment is that we are moving a Bill before the Assembly that was allowed probably deliberately to lapse.

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(Cde. Reepu Daman Persaud continues)

In 1977, the Government must have come to the conclusion that there was no civil commotion, there was no disorder, there was no likelihood of breach or any such actions that can lead to public disorder and similar things. That being so, the bill was buried literally and part two of the act was literally suspended to use a simple term or a layman's term. Therefore, the Minister could not tell this House this afternoon that this law was in the hands of a responsible Government. It was not misused, no one is in detention. No one could have been in detention because the law was not in force and I feel that my points are fatal.

What is being done, Cde. Speaker, is the Preventative Detention Act is being brought in Guyana in 1982 when the economic situation is disastrous. My reaction to it with the greatest sincerity is measures of this kind cannot and will not motivate, will not help, but indeed will go to destroy even the little impetus that are left in people to do something to better this country. I want the Government to ponder on that aspect of the Bill. I was expecting this afternoon a presentation of a different kind. I was expecting the Minister to say that the Preventative Detention Act was not in force when it was expired in September 1977, but the situation now warrants the re-enactment of this measure, because as Minister of Home Affairs, I am in possession of information that public order and security and what have you have been threatened and therefore, it is necessary for this measure to be enacted then we would have had a different kind of approach to the measure. The Minister comes and speaks as if this thing was there and therefore it was well used and since we have had it and we have put nobody in detention, there is no need why you should not give us the power and if at all it is to be used, it will be used prudently.

That argument cannot hold. The Minister obviously has missed the bus and has committed undoubtedly in the Parliament a great 'fopa'. Cde. Chairman, I pose the question under part three of the Principal Ordinance – the Minister is right – restriction of movement in projected area because part three and four are in force. If you look at four and at section 17, the Police enjoys the power, the power of entry, seizure and the rest. If ammunitions and areas were suspected to be in any premises, an Officer can enter and search. All those laws exist in the current legislation, and even if an Officer of a lesser

rank is in charge of a Police Station he will qualified to carry out the acts under section 17 and indeed to enforce chapter four of the National Security Miscellaneous Provision Act. I think, we need this afternoon, looking at the legislation to get our prospective clear.

What I think can be truly said this afternoon Mr. Speaker, is that powers which exist and are enforced under part three or four of the act, in our view were not prudently used. In fact, those powers were abused in many instances. If we are to judge by the performance of those who are the Law Enforcing Bodies from 1977 to 1982. Many people have complained, the Human Rights Report Chronicle a number of incidents, and there are a number of incidents that we are all aware of . Mr. Speaker, there can be no doubt this afternoon, the Government does not have any justification for bringing this bill before the House.

I think I should say a few words on what this Bill is. This Bill really makes the incumbent of the Ministry concerned powerful. I speak with no aspersion to the personality. Whoever may be the Minister, I would have opposed this Bill. Why! because now, after this Bill would have been assented to, the Minister can, by an order, detain any person and send that person to any place he wishes. That person is kept for three months without trial. The tribunal will be appointed of course, and once a *prima facie* case is made out before the tribunal, the continued detention of the person subsequent to the three months can be ordered and it was before that tribunal that the person so detained can represent his position or probably attempt to present his innocence. I do not think any decent person can sit and give approval to such measures. When these tribunals are appointed (it is better I speak now, because nobody has been appointed, no aspersions can be cast) that those who compose the tribunal are people who are clearly close and friendly, probably part and parcel of the P.N.C. and Government. We have not seen in the past when such tribunals were set up. Disemblance of impartiality – I make the point very honestly and very frankly, all persons detained will then have a clear situation of trying, probably if you put it that way, not that he necessarily will be a devil of trying the devil in hell.

Cde. Speaker, why is it we must, at this juncture of our country's history and everyone recognising the serious plight in which we are introduce any measure which can bring down the wrath of the people against the Government. I want to make the point that the security forces which comes under the control and supervision of the Minister – the forces are adequate to deal with such situations without recourse to preventative detention.

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If I read 16 of 1977 and additional provision which comes in this amendment. It was not in the Principal Act when it was as enacted 15A1 – the Minister if he is satisfied with respect to any area that it is necessary – I am talking about three which is in force already.

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(Cde. Reepu Daman Persaud continues)

“The Minister, if he is satisfied with respect to any area that it is necessary in the interests of the public safety, public order, the defence of Guyana or for the purpose of preventing the subversion of democratic institutions in Guyana, to impose restrictions in pursuance of article 14(3) (b) of the Constitution on the movement of persons in that area may, by order, direct that subject to any exemptions for which provision may be made by the order, no person in that area as specified in the order shall, between such hours as may be so specified, be out of doors except under the authority of a written permit granted by the Minister or such other person as may be specified in the order.”

The Speaker: That is only restriction of movement.

Cde. Reepu Daman Persaud: I am saying, sir, you have no complaint that there is need for this thing, that something is happening in this country and you need to restrict movement. In fact, if I take the Minister on what he himself has said this afternoon, purely from a debating standpoint, he has not complained about anything.

The Speaker: The Minister’s point is very simple. He said this thing was made in 1973. It was re-enacted in 1977. During that period of time the Government did not see it fit to have anybody locked up under this order. This power is necessary now and they will use it in as prudent a manner as was done in the past. That is all the Minister is saying.

Cde. Reepu Daman Persaud: Mr. Speaker, I am sure --

The Speaker: I am telling you what the Minister said.

Cde. Reepu Daman Persaud: I am not sure that anyone was detained during that period. I am not sure at all.

The Speaker: He said so.

Cde. Reepu Daman Persaud: He was saying more than that. He was saying he had this law which was in force; nobody is in detention now. Let us be honest. He more or less said that in clear terms and we all heard him. He cannot say that anybody is in detention. That is pellucid language. If nobody is in detention, the obvious implication is

that the Act or the power which gives the right to detain was not used. I say the power could not be used because it was not in force, hence nobody could have been in detention. My argument to that is that if the power was there the possibility is that people could have been in detention. I think it is clear.

I am saying further that there is no complaint even or argument or evidence adduced by the Minister to necessitate the imposition of Parts III and IV of the Ordinance which gives wide powers of even restricting movement in a particular area. There was no need for that. I can understand if the Minister comes and says, “Look, I have exercised the power under Parts III and IV because there has been disorder, threats to national security, and those powers are inadequate to deal with the situation, hence it has become necessary to arm myself with greater powers.” If the necessity arises in a situation that was already existing, I am sure I would not have contributed in the manner I am contributing here currently. But that is not the situation. Parts IV and V have not been used. There was no need to use them because no situation has arisen. Why is the Minister anticipating? I am sure it is a Cabinet decision and he has to defend it. From 1977 to 1982 there was no need to bring Part II of the National Security (Miscellaneous Provisions) Act back to the House. Why is it suddenly that there is this need? If there is, then the Minister owes the House an obligation. It is the duty to tell us why. This ought to be a deliberative forum. The Minister, I think, has a duty and I am sure he would like to persuade every conceivable Member of the House – [Interruption] The Minister has the duty, as I was saying, to persuade every conceivable Member to see eye to eye with him so that he can win the support of the House as a whole.

Any Member who brings a measure before the House – and particularly one of his nature which is grave; this is a measure with far-reaching effects. This is a serious piece of legislation, a far-reaching measure, and even when the principal legislation came before the House I was a Member and I made my contribution effectively on that occasion. It was not a case that there was wisdom in the legislators then and they brought it. It was vehemently opposed. It was simply a Government measure.

I am saying currently, in simple terms, there is no need for it. We are opposed to it and measures of this nature must be seen as strong political weapons, political weapons which can be used against political opponents, something which can indeed add to the already prevailing consensus that people’s rights and liberties and freedoms are treated with contempt though they are provided for and enshrined in the framework of the Constitution. Surely when news goes outside the borders of Guyana to the effect that the Government had to take recourse to a measure of this kind, it can send the message of disunity among the people of Guyana.

This is not a question of sovereignty of the nation. This is not a question of defending our country. This is a measure which has its beginning in maintaining internal order and preserving security internally. Is the Minister saying that there is a threat, to, or evidence of a threat, to our internal security? Is the Minister saying that the people of this country are against the Government to the extent where the security is threatened and therefore the Government has become fearful of the populace and, because of these considerations, it became necessary to revert to this iniquitous measure of preventative --

The Speaker: You have about five minutes more, Cde. Persaud.

Cde. Reepu Daman Persaud: I want to call upon the Minister to withdraw the Bill. If he insists that the Bill ought to be continued with, let the Bill be taken to a Special Select Committee of the House, for which there is provision under the Standing Orders, so that we can talk about it, because we are not convinced at all and the Minister himself has not uttered one word to justify the presentation, the introduction, the re-enactment, of this measure before the House this afternoon. I call for the discontinuation, withdrawal and scrapping of the Bill.

Cde. Collymore: rose --

The Speaker: Please don't repeat the arguments of Cde. Persaud.

Cde. Collymore: I am not a lawyer and I am not aspiring to be one.

The Speaker: Is there an inference that Cde. Persaud is a lawyer or is aspiring to be one?

[Cde. Reepu Daman Persaud: "There is nothing wrong in that. I recall on one occasion you told me I should have entered that field".]

The Speaker: You must be complimented. You are a priest and it is the same thing.

Cde. Collymore: Cde. Speaker, we note what the Minister has said in his introductory remarks. We have to point out that the Government has been using this particular Act despite the fact that it has lapsed. We say that the Government has been using this Act because of what has been transpiring in the country at large. Persons have been arrested under this same Act which the Minister seeks to re-enact. It means that it

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must have been in force. That is our interpretation. Persons have been detained. Of course, he is truthful when he says nobody is in detention now. He is scrupulously speaking the truth, but people have been detained for periods ranging from 48 hours up to 10 days under this particular Act when it was allegedly not in force.

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(Cde. Collymore continues)

Homes have been searched under various pretences and in many other way, activities of the police were conducted in such a vindictive way. There will be an increase of those activities if this Act is enforced. Cde. Speaker, we say that from its inception, this Act has been abused by the police authorities. In fact, to put it more concretely, it has been abused by the political administration because the political administration has been manipulating the police the police force, and is manipulating the powers enshrined under the laws giving the police certain powers. The Act has several political overtones. During the time when this particular law has been in force, we have seen not only political overtones, but there has been in some circumstances, no action from political intimidation. In his contribution just now, my colleagues said that there is no need for this Act. The Act or the powers of the act has been used to cover up what we call the aspect of police discrimination. Only yesterday we were talking about the police and the use of maximum force in certain respects but there are those who use maximum force when there is no justification for that force.

Cde. Speaker, the Minister said yesterday, and he has actually intimidated in his speech today as he has been telling me constantly, that the police force is interested in combating crime and, therefore, have to take these extraordinary measures in order to do this. I wish to remind him that in doing this extraordinary measures must also be taken to secure the nation. They are arresting our supporters when they are arresting criminals. It means, therefore, that they have something against political supporters and critics.

This brings me to the point where I would like to speak about the crime situation which, if this Act is going to be used against crime or to curb crime, we will have nothing against it. I do not think that this is the intention. If it is going to be used against criminals, it is only going to be by the way.

Cde. Speaker, right now there are lots of arms at large in the country. We feel that more and more arms are at large in our society does not mean greater security for the nation. We are asking that if the Parliament sees it fit to re-enact this Bill or the law that the nation comes prevailing over this ramification, the police force should take the necessary steps to see that stringent control is kept on weapons, particularly firearms. Too many irresponsible people have arms and they use it just because they have it at hand. Some of these people have been identified as P.N.C. activists. In other words,

some of these firearms have been involved in irregular activities. We are urging the Minister to compile a list of the people who have firearms so that the nation will be able to review that list. People want to carry out criminal activities and therefore, rent their weapons to carryout such activities. The business community is fearful and afraid and many of them are pulling out. It appears as though the criminal gangs are concentrating their activities on businessmen. You listened to the Vice-President in his Budget Speech talking about the need to protect the private sector. We on this side of the Assembly would be prepared to do so. We think that the police should be more careful because with the increased retrenchment and increased unemployment crime will increase. Therefore, the whole thing is interlocked.

Cde. Speaker, where crime in the locality is concerned we are advocating as I said that the expansion of the community police system or the vigilante system is good since that is affecting the flow of crime. In some of these communities, the police are harassing innocent people. The crime intelligence is very poor and therefore we would like to urge the police force to see whether they cannot effect greater control with the aid of the community at large and the police force and agencies.

This Act they are seeking to re-enact today has been used as seen fit to harass Trade Unionists, farmers, it has been used to intimidate our supporters and critics and it goes on. It has been used by the activist for all sort of things. It has also been used to issue threats of violence under the cover of the law. It has also been used to cover up summary executions and total harassment. I say this without fear of contradiction; summary executions and total harassment.

At the Timehri Airport. I would like to oppose what is happening to those who are opposing to the policy of the Government. Just imagine, the police are searching opposition elements and the P.P.P. I object. [Cde. Ram Karran: “They searched the Speaker once”.] Well, they must know why they searched him.

Cde. Speaker, I object to any searches being made against persons belonging to the P.P.P. because they are P.P.P. members. I personally object to being searched. This object to being a Member of Parliament. They are being harassed at the airport when they come and when they come and when they go as though they are common criminals. Cde. Speaker, I think that Members of Parliament should be treated with respect and they should not have their baggage tumbled up when they are leaving the country. What are you searching for when we are leaving Guyana?

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(Cde. C. Collymore continues)

What you are searching for? Let me tell you what they looking for. I do a lot of travelling and every time they search me they look at my documents. What do we carry overseas? Copies of Thunder, which any police or Minister can see at Micheal Forde Book store or any book store. Copies of Mirror which all the Ministers get including the Speaker.

The Speaker: The Speaker buys his own.

Cde. Collymore: I was inferring that.

The Speaker: I have voting shares in the Mirror so be careful what you say or you might lose your job.

Cde. Collymore: P.N.C. periodicals. When we go to conference overseas we take books, pamphlets, Chronicle – Government newspaper, P.P.P. booklets, P.P.P. leaflets which any Minister or any Activist of the P.N.C. can see because one of the Ministers in this current Budget debate held up a pamphlet showing that we are saying ‘struggle for food’. They call that treason. Copies or draft speeches which are prepared to be made at these particular forums, Government propaganda articles, personal effects. What they are looking for. I would say that if Government feels that these are opposition elements and they are very dangerous people. I think they want to overthrow the Government so we will look for machine guns when they are coming in. Why are you searching us when we are going out? It is an irritant and an act of harassment without any justification or logic or any rationale. It is just ... and you ... I asked the Commissioner of Police why they are doing it. He is getting instructions. Who is instructing him? It has to be that one. He likes to give instructions. Cde. Speaker, I think it is a stupid act of searching and so on. I would also like to say that the Members of this House are honourable and every Member of this House on both sides should have a certain amount of V.I.P. treatment at the airport going and coming.

On several occasions when I have to come into Guyana after I was searched at Customs Special Branch searched me again. They said, “Colly, you bringing in

chocolates. What you want with chocolates” and make such remarks. What I want to illustrate here now is that on a certain occasion when my leaving Guyana coincides with trips to the airport by senior ministers or when some senior Ministers are coming in they are quite friendly. I cannot say they are hostile and I normally get V.I.P. treatment. Let us take this Minister there. Sometime I was coming back to Guyana and I met him at the airport and he gave me V.I.P. treatment. I was not searched by any special branch. Why am I being searched when the Minister is not there? I am saying that every Member should be issued with I.D cards and should expect V.I.P. treatment at the airport. This nonsense of searching M.P.’s at the airport should stop, whether they are P.P.P., P.N.C. or U.F. just stop it.

Cde. Speaker, I would like also to point out that searching at the airport of documents is in contravention of the Constitution of this Republic and I would like to read what article says. Article 146:

“Except for his own consent no person shall be hindered in the enjoyment of his freedom of expression that is to say freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference and freedom without interference with his correspondence”.

This is also seen to be supportive of the United Nations Universal Declaration of Human Rights on the same aspect which says:

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”.

Cde. Speaker, I therefore, trust I have made out a powerful case for the cessation of searches at airports. Now what are the political ... of the National Security Act? The Government obviously expects to have popular manifestation. The Minister talking before inferred that. Why? This is an Act. Why is it being re-enacted? The Government expect to have manifestation of popular opposition of Government policies; struggling over food shortages, over sacking, over total hardships and over all P.N.C. policies. We on this side of the House are inclined to believe that the Government is trying to unleash violence of one sort or the other on the people of Guyana. This is the reason why they want this Act re-enacted. Government plans to have again restricted movement of persons. Curfews. They are having curfews on some parts of the East Cost. You cannot walk in villages at nights. The police in plain clothes stop them and say where you going, go home. That is curfew. Dangers and what I referred to earlier, police terror and

thuggery. The issue of the National Security Act I feel took over from the state of emergency which was imposed following the upheaval of 1964. Some of these draconian powers came from the state of emergency. What has been happening consciously over the years is a perpetual state of emergency and is Government's way of getting ...

We are therefore opposing the re-enactment and finally what I would like to ask the Minister to tell this honourable House what has caused the Government to re-enact this Act at this particular time. Are the Venezuelans coming which is the reason why this Act is set up or in the P.N.C. regime going? Cde. Speaker, I think this is all for the time.

Cde. Ram Karran: Your honour, we are getting the first fine day after a very gloomy set. We are getting the first bright day after a gloomy budget debate. We are meeting on the eve of a great Christian holiday when most of the world will be thinking of the Garden of Gethsemane and the peaceful era. All these things will be passing through the minds of the people and should be passing through the minds of Government, of the Ministers. It is in the midst of these thoughts that Government has decided to introduce this measure which my friend calls draconian, which is a monstrosity having regard to the fact that in spite of all these tricksters, these oppressive measures that there is peace in this country.

The honourable Minister in presenting the measure said that it might be used for extraordinary circumstances, special circumstances and so on. We know, Sir, that at the moment there are no, I think the Minister has admitted so far, extraordinary circumstances. Why then is the need for it? Is it in anticipation of something? The Minister might have told us. His colleagues in discussing the matter outside referred to no extraordinary circumstances. They referred, of course, to the threat of Venezuela. I did not hear the Minister mention or use one single sentence or word about the threat to Venezuela. We have been giving the assurance and I do give that assurance now that in so far as the threat of Venezuela is concerned the P.P.P. and the members of the P.P.P., whether inside the House or outside the House, will not flinch one moment to defend the territorial integrity of our country. We will not flinch and that assurance must be clear not today but long before to the honourable members of Government. But we take issue and I do not want to belabour that point now, to the handling of the Venezuelan issue and giving it status by the bankrupt P.N.C. In so far as the defence of our country is concerned there can be no doubt whatever in the minds and policy of the P.P.P. My friends cannot expect us to support bankruptcy in their minds in so far as the handling of the issue is concerned. There is room for us to differ in the way in which they handled the issue and we differ with them very strongly in this particular measure before the

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House today. In fact we know that they have even in this House supported the idea of renting a crowd when the need arises for activity outside of this House.

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NATIONAL ASSEMBLY

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(Cde. Ram Karran continues)

Here they have a permanently rented crowd in this Assembly to vote on any issue within twenty minutes if the Government decides to call a Sitting of this Assembly. It is permanent, all they do is say “aye”. I wonder if it does not bore them, that is all they do.

What is the need for this thing to be brought here today except for the purpose of terrorising the people. He said it is for the protection of the State. I remember a story. A man was infected with a very dangerous disease – the Government likes to use the word “organ” – and one of his organs had been so severely deteriorating that a very humane doctor thought it ought to be taken off completely. But he still had hopes in the future and he turned away from that doctor and went to another doctor. He was discussing the advice the other doctor gave him that he should cut it off and so on. The second doctor told him the first doctor was very callous, “don’t worry with him, why he wants to cut it off, it is going to fall off itself”. That is what is going to happen to the P.N.C. They cannot make legislation to protect the State, the State is different from the P.N.C., but they manipulate the word as if the P.N.C. is the State. But they are going to fall off, they are going to rotten.

The hon. Minister begged the question when he said no person is detained at the moment. We concede, but we know that this Act and actions that are even more draconian than this legislated one are taking place in this country. The hon. Minister admitted yesterday that a man died in police custody. I do not want to go over that point because I have a feeling that the Minister was sincere when he said that it was going to be investigated. I do not want to ask why the man died, what he died from. The Minister cannot say that we in the P.P.P. did not co-operate because all the statements I got were sent to him. But we are waiting, I hope not until All Fool’s Day next year, for a reply. We hope there is some efficiency.

The hon. Minister admitted yesterday that two lads were sent to the doctor for examination after they were maltreated by the police.

The Speaker: He did not say that, he said after it was alleged that they were maltreated.

Cde. Ram Karran: Thank you and he is investigating those claims. But a lot of them come to our knowledge. I do not want to intervene in yesterday's debate, but evidence is available to us but we know that investigations do not make anything. Why the National Service vehicle operated in Canal on a certain night a month ago, deprived people of their property? Personnel from the National Service were engaged in it. Do you have to pass law like this to catch these lawless people? It is happening all the time. People cannot sleep in their beds. They are paying taxes for the maintenance of the police for their own protection and people have to work whole day in the hot sun or in the rain and all night they have to wake up to see that thieves do not carry their cows or carry their wives or their property. That is going on all over the East Coast. What is the police doing? Is this law going to stop it, hon. Minister, I want to ask?

The hon. Minister does not deny that he said that all the people who are in custody are people who have been convicted. That is not so. A large number of people are still awaiting trial. I read that in the newspapers everyday and I wish the hon. Minister will go through the record, whether they are kept at Brickdam and allowed to escape or whether they are kept in the Georgetown prison. There are a large number of remand prisoners. I remember in colonial times when I was an inmate at the prison there were no less than fifty people awaiting trial for a longer period than three months. If it was so bad in those days I can well imagine what it is today.

You do not need the law for this. The machinery can be manipulated and this Government and the operators and operatives in this Government are experts in manipulating the law. This is an era in which files get lost and people sit down in jail forever and nobody hears anything until something goes on.

The hon. Minister says the Bill is of limited duration. But that is exactly what it is. It is a Bill intended for extraordinary circumstances in the event of some serious disruption, I anticipate. I think that any reasonable Government will take action to promulgate such a measure. But we are living in times of peace, at a time when the P.N.C. provokes the people to violence, to action, and yet we are peaceful. That is the sort of people we have. Is it that they intend to have further provocation, to starve them out, to prevent them from getting more food, so that in anticipation of that they propose to bring this Bill? As I said just now, they have a permanent crowd everywhere right here and it is very easy, within twenty minutes, to call a meeting of the Assembly. I will come and my colleagues will come. The whole thing is, the Government cannot govern, they cannot carry it on because of the baksheesh, because in 1978 they rigged the Referendum. I did not say who is a party to that, I merely turned around Your Honour.

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The Speaker: I am only seeking a reflection.

Cde. Ram Karran: Reflex action. In 1980 they rigged the thing and they got the baksheesh and that is why the situation has deteriorated to the point where starvation faces the land and where extraordinary measures like these have to be taken in normal times. All this is not necessary. You free the elections and free the electorate. Let them say who they want to represent them and they will also say what they want to eat, not for the Government to decide for them what they must eat.

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NATIONAL ASSEMBLY

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(Cde. Ram Karran continues)

That is what is happening. My friend said that we are protesting when the law breakers are apprehended. No such thing. It is a distortion for my friend to say that. My friend is expressing something that is not true. I remember sometime ago, when he had recently been elected to the Ministry of Home Affairs, a huge plan was concocted at the commencement of the crop that the P.P.P. and the G.A.W.U. are going to do this and that and the other to the rice crop. We were able to trace that some people in the Government, particularly in the Ministry of Home Affairs – I am not saying that the Minister is responsible, but this plan was concocted and when we revealed the fact of the boy who cried wolf, we found that another tactic was adopted for the next crop and one of the P.N.C. activist masquerading as a Trade Unionist made the report again. When I asked why was the Police not called to charge those alleged G.A.W.U. activist operating in the area against the Government, there was no answer. The Police did not act because there was no action, it was just a fabrication, a fabrication made under the name of the honourable Minister of Home Affairs. When we had our congress in 1980, the year when Walter Rodney was murdered every single car and everybody passing from – in fact some people from the Caribbean said they are not coming back to G.A.W.U. congress because the Police harass and hassle them too much.

Why did you search? Why did you take away the congress papers from the delegates of the congress. Why did you repeat it in Canje on the 20th and 21st? Were you looking for criminals in the G.A.W.U congress? Maybe, but how is it that you did not search the East Coast when the tugs are going or the West Coast when the National Service is going, to take away people's money and so on. It seems to me and I agree with my friend at the back who said that this is a legislation that is being enacted for one section of the people. It is no use. My friends over there on the front bench of the P.N.C. were talking yesterday and the day before about co-operation. We all admit that the country is in 'dire straits'. We know that production has gone down to nothing. What can we do about it? Why can't we come together and help. This is our country and we owe loyalty to this country and we are proud of the fact that we are citizens of this country.

We owe no loyalty to people who have raped our constitution and raided every single institution in this country. But, nevertheless, all citizens of Guyana have a right to a better standard of living and we can provide them with a better standard of living. Do

not, day by day destroy the institutions of this country, the means of increasing production and productivity, the opportunity for raising the standard of living for our people. Do not throw those opportunities away. They talk to us about it emotionally and come in this House and throw these things at us. This is not going to help. We must find the means by which we can talk as equals, forgetting all the rapings of the constitution and all that has gone on. Our people deserve better. Some of these jokers say we do not produce flour and we should not eat it, we do not produce split peas, mattar dhol and we should not eat it. These jokers should know and I have repeatedly said this in this House, that any country worth its salt must produce the things that it can produce.

We can produce rice, why aren't we doing so. We can produce sugar, why aren't we doing so. We can produce bauxite, we can produce milk, we can produce beef, we can produce coffee, we can produce a lot of things. We are a very lucky country. Why don't we produce these things, sell them and buy the things that we do not produce so as to enable our people to live a reasonable life. That is what all civilised people do. It is only the undeveloped people who eat only what they produce. In this civilised world, we must be able to produce the things we can produce and exchange it, either by barter or by selling it and buying the things that we do not produce.

Any semi-intelligent person outside there will believe and will understand that. That is the lesson I have been trying to sell to the members of the P.N.C. for some years. Do not bring bills like this. This is going to stagger production, it will stagnate the country. It is going to make us all creep rather than be able to walk.

I was referring to the searching of the cars and the personnel. What does the P.N.C. Police want with our congress papers, they did not even return them. We were raising funds for a congress.

The Speaker: Cde. Ram Karran, avoid all of that the next time by sending them a copy.

Cde. Ram Karran: I sent copies to them. I sent to the Minister of Home Affairs. I sent to the Vice President of Labour. They have all the documents. The T.U.C. gets it. The T.U.C. is an arm of the P.N.C. These papers are very expensive and costly, aside from that, we had foreign delegates. I wrote the Minister of Foreign Affairs – he was very kind in assisting and I publicly wish to thank him for the assistance he gave with respect to the arrival of these people and the sort of semi – VIP treatment they received at the Airport. It did not look good when they received all that reception, to have the Police, eight of them trampling with heavy boots early in the morning as they were going to have

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their breakfast in the Hotel Astor in New Amsterdam. Those sorts of things are things to be deplored.

I was embarrassed – sitting with these men having coffee early in the morning when the Policemen came in with their guns.

Cde. Speaker: Cde. Ram Karran, did I hear you say you were embarrassed. I think you have passed the stage for that.

Cde. Ram Karran: If I was alone, it did not matter, but sitting with strangers, Europeans and Caribbean Comrades, I was very embarrassed. I wish to appeal to the hon. Minister and to those above him – to recognise that this is not the spirit in which we can sit down and talk about co-operation. If they think that co-operation is still possible for the salvaging of our country and for the introduction of a better opportunity for our people, particularly those who are retrenched and the thousands of others who are leaving schools and who will soon be leaving school in a month or two. I want to appeal to the Minister, who has been so far, far more reasonable than his predecessors in so far as the Ministry is concerned and to ask him to use his influence to ensure that we do not create a situation that will cause a great deal of misery to the population. Thank you.

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NATIONAL ASSEMBLY

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The Speaker: Cde. Minister.

Cde. Moore: Cde. Speaker, commencing from that last note by my friend, the Deputy Leader of the Opposition and I believe also the Deputy Speaker, I am indeed in his debt for the kind remarks with which he ended and I wish to assure him that I will use that same reasonableness as long as I retain this portfolio to make sure that the National Security (Miscellaneous Provisions) (Amendment) Bill, when passed, will be reasonably and properly applied.

In our country there is a certain bird known as the carrion crow. That bird, happily, has no resemblance to any member of this honourable House, but that bird is known for its unwisdom in waiting until the rains come before making a shelter. I believe that, at this time, when we are in the midst of unreasonable showers from the heavens that there are many carrion crows flying and flapping their wings in a frenzy seeking some place within which to place their heads because they did not have the prudence or the foresight to make provision before hand. I very much doubt whether the Government, of which I have the honour to be a member, would wish to find itself in the situation of that hapless bird. It would be better to have made provision before hand, to have had the apparatus in place, to have had the machinery established so that when the occasion arises the machinery is there for use and not to find yourself in the situation like the foolish virgins in the Bible who, at midnight, when the bridegroom passed, were then seeking to find oil with which to trim their lamps. Of course, the rest of the story is history. Even those of my friends on the other side who do not adhere to the Christian religion by belief, who are devotees of the Hindu faith, or who are members of the Islamic religion, or those who do not even believe in the Deity, would know that when the five foolish maidens arrived puffing and blowing with their lamps five after midnight, the bridegroom had gone.

Let me first correct, admittedly, an unwitting misrepresentation by my friend Cde. Reepu Daman Persaud who said that the measure had lapsed in 1977. It did indeed lapse in 1977 but, as the Judge said to the young advocate, when he had read a certain passage and stopped there, "Read on, counsel, read on". You must tell the whole story, for the measure was re-enacted in 1977 by Act No. 16 of that year. It was extended by Resolution dated the 28th August 1979 with effect from the 2nd September 1979 and did

not eventually expire until the 1st day of September in the year of Our Lord 1981. So that straightens the record in relation to that matter.

I was indeed flattered and I believe that all my colleagues in the Government should be heartened to have heard the hon. Deputy Leader of the Minority Party declare honestly, as he always does – sometimes, of course, he declares both honestly and humorously – that we are living in times of peace. Indeed, we have been living in times of peace in Guyana since 1964 when the People's National Congress took over the Government of this country. [Applause] The hon. Member is quite right, but the fact that we have been living in peace is not due to any accident or chance. It has been because of good government and when the need arose it was because of firm and resolute government which took decisive action to deal with any embryonic threats to the peace and security of this state. Those are the two basic reasons why my friend could truthfully rise in this House and say that we have lived in peace.

It is true that we are now in times of economic difficulty. It is true that we now face a Venezuela threat; but I have always thought that some of the spokesmen for the minority parties, particularly the larger of the two minority parties in this House, have been rather short-sighted when they sought to obtain – I don't want to use the word 'cheap'; 'narrow' is perhaps a more neutral word – political advantage by attempting to suggest that by warning the people of this country of the threat which we face from Venezuela this Government was trying to make political capital out of a threat to our security from beyond our western border. I would invite my friends on the other side of the House – and, indeed, they deserve the invitation for they are responsible, we hope, leader of – I think one of my colleagues described it as 'some dwindling measure of support'. At this time we see the need for unity, we see the need for involving that dwindling minority, that misguided minority which still supports my friends on the other side, to play their part and to become aware of the reality of the threat facing Guyana from Venezuela.

The Vice-President responsible for Economic Planning and Finance, in his Budget Speech, referred to some 80 odd violations of our air space. There are not only violations of our air space for the purpose of effecting joy rides. There have been violations of our air space for the purpose of gaining military intelligence concerning the situations and readiness of our defences, concerning the location of our airstrips and our facilities in this country; and those violations continue. [Interruption] I will pause while my friends confer because this is important and I want them to hear all of it.

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Those violations of our air space continue. There have been attempts at provocation, of compromise of our people in the border locations. That is a fact. In case we have been misjudging the threat, the Argentinans will, I believe, have removed the scales from the eyes of even the most myopic. They have resorted to naked force. They have effected a naked invasion of the Falkland Islands which is a matter the world now knows about. One of the nations which applauded that action and shouted “Bravo!” was Venezuela. Need I say more?

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(Cde. Moore continues)

One of the nations which was the only nation in the world, or rather in the developing world, to cast a certain vote – I cannot remember the details of the thing now. If my friend, the Foreign Minister were here he would tell me – was Venezuela. They were completely inconsistent with the rest of the developing world on a matter which I believe had to do with the inviolability of frontiers. They voted with the powerful group. Comrades, I think it is my duty to tell the members of the Minority Party that a true perception of the Venezuelan threat is that it is only too real. If you look at the purchases they have been making, if you look at the exercises they have been carrying out, the manoeuvre that they have been carrying out, if you examine their conduct historically, annexing Ankoko, promulgating the Leoini decree, the opposition of the financial arrangements for the hydro; interference with the agricultural sector loan. That adds up to a state of persistent and serious hostility.

Comrades, in that regard as well as with the Bill, we need to put ourselves into a state of readiness, into a state of preparedness and we cannot wait until the 11th hour as Britain has done. Britain had to admit to the world that she got caught with her knickers down and could not effect a response at the time when the Argentinian invasion struck. Now that they are going belatedly like the foolish virgins, as my friends on the other side would have us do, they will meet an enemy dug in and entrenched and stocked up and armed up and fortified and prepared to make their invasion costly in blood, costly in materials and long drawn out in time. That is the result of dilatoriness. That is the result of a failure to prepare. And as every school boy knows, a failure to prepare is a preparation for failure.

So Comrades, let us not with all these facts before us repeat the manifold errors of history which is replete with examples of people who have wrung their hands because they did not prepare.

Cde. Speaker, no minister of this Government wields draconian powers. This Government behaves in a responsible manner under the law. My friend Cde. Collymore did read from certain passages of the Constitution and also some passages from, I believe, the Universal Declaration of Human Rights. I wish to educate him to the reality that freedom is never absolute. Freedom is always subject to constraints, otherwise freedom would become anarchy whereby every man is allowed to do his own thing and we would

rapidly descend to the law of the jungle if we were to pursue the concept of absolute and untrammelled freedom. For the purpose of our country, it would be true to say, it would be fair to say accurately in a nutshell, that all freedoms are always subject to two overriding considerations. All freedoms are always subject to the rights of other persons, the rights of another individual and to the rights of the public at large, and the rights of the State. We always must enjoy our freedoms subject to those two restraints, the rights of other people and the rights of the State. So although you may print what you like, you may not print libel or you may not print sedition. Or you may not print anything which involves a breach of the law; that is trite. So when one is searched – of course, one is free to travel and I want to assure the Learned Member, the honourable Member rather, for I doubt whether learned would be the correct designation in law – I want to assure the hon. Member that if and when the police do effect searches, they do not effect searches against this P.P.P. Member or that P.N.C. supporter. They will carry out a search against a person whom they believe, upon information and upon an evaluation of that information, whom they believe on good ground and *bona fide* have committed or are about to commit an offence. If my friend is not aware of the number of ways in which the law could be broken by people who are departing from Timehri I would be only too ready to educate him on that regard as well. For people may break the law – My friend, Cde. Sallahuddin perhaps might be more competent to pass on that education for he is responsible for finance and also the Customs and Excise and so on – and the outflow of foreign currency which can take place by passengers departing and the outflow of gold and other things. You know this Assembly is a privileged place and so one may say things within the portals of this House which one would dare not repeat outside. So I give free legal advice. Speak it now but withhold it outside otherwise you would have to consult with somebody who does know law and not one who purports to do so.

Well, Cde. Speaker, the security of our state is the overriding consideration and notwithstanding the complaints of persons who may have had to be searched on one occasion or another, as long as the police are satisfied that they have good ground and they are acting *bona fide* and in the proper execution of their duties, they will not be deterred by baseless complaints made in this Assembly and elsewhere. However, I believe having consulted this book here Chapter 16:02 that the power under the Act is to make detention orders and it says here:

“Subject to section 6, the Minister may, if satisfied with respect ... make an order - ”

and he has to do certain things after he has made the order including every order including

“every order under subsection (1) shall come into force upon making thereof,

“Subject to section 6, the Minister may, if satisfied with respect ... make an order - ”

and he has to do certain things after he has made the order including:

“Every order under subsection (1) shall come into force upon the making thereof, notice of which shall be published in the Gazette within seven days after its coming into force.”

So those rascals and thieves who are detained temporarily at Brickdam are not detained under this Act. I would invite the hon. Member to search the Gazette for orders made and published under this Act, and I very much fear, Cde. Speaker, that he will search in vain.

Let us go further, for the English Language is a rather beautiful instrument in the mouth of the learned and the hon. Attorney General who speaks it with a fineness which I admire, or the Hon. Leader of the House who speaks it with a flourish which is rather dazzling, or the Vice-President responsible for Works and Transport who speaks it with a boldness and a forthrightness which is commendable, but in the mouth of one who finds it but a halting medium of communication, there might be some difficulties of comprehension as I said last night in reference to a letter which was written.

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(Cde. Stanley Moore continues)

You see the Act caters for that sort of person and the Act says that the Permanent Secretary shall be served by a policeman or the order has to be under the hand of the Permanent Secretary shall be served by police or such persons and the statement referred to in Section 1(b) shall be communicated to him in a language he understands and I believe our people who have to serve these they are capable of communicating in English or some other variation or variant of that tongue which will suit their rather limited powers of comprehension of any one who may have to be searched under that Act. The point I am making is that the detention of the common garden variety everyday criminal is not, I repeat not, under the provision of this Act. It is detention under the ordinary criminal law of the land. So let us not confuse the two things. My friend, Collymore has a laudable interest in the prevention and detection of crime and I would wish that will continue.

Cde. Speaker, I wonder if we have lost some of the delicacies of this House when instead of referring to one's colleague as the honourable Member one so roughly and in a rather coarse manner says 'that one' with an aggressive jab of the finger. But Cde. Speaker, my hide is tough and therefore I am not offended. But I only mention it to see the graces.

The Speaker: Cde. Moore, let us deal with merits of this argument. I mean we have been here a long time on this Bill.

Cde. S. Moore: Cde. Speaker, I believe if one were to strictly confine oneself to the question before the House a lot which was said by the other side would have been irrelevant and I was hoping you would grant me a similar indulgence. I bow to your ruling. I was saying I was heartened by the declaration in this House which I hope will be repeated outside this House that the P.P.P. will not flinch to uphold and defend our territorial integrity. I would hold them to that for I believe this statement made by the Member is an honestly and seriously made statement which I personally applaud.

Cde. Speaker, the matter relating to some National Service vehicle is a matter which, if the Member gives me the necessary information I will personally deal with. Persons awaiting trial are not detained under this Act. They are held either because bail

has been refused or because bail has not been posted. That is a matter which has to do with the delay in the prosecution of criminals which is a world wide phenomenon. I have been frequently writing to the learned Chancellor and in consultation with my colleague, the Minister of Justice, in order to expedite the hearing of cases. Cde. Chariman, we are in difficult times and the temptation is either to panic or to come up with some simplistic panacea – Oh, if we should only do this all will be well. I have to say sadly there is no panacea. There is no simple thing to do by waving a wand. We all have to work and we have to work jolly hard and work together in order to make our way out of the difficulty in which we find ourselves. I think the arguments advanced by my friend on the other side have been effectively answered and I would therefore ask that the Bill be read a second time.

Question put, and agreed to.

Bill read a Second time.

Assembly is in Committee.

Clauses 1 and 2 agreed to and ordered to stand part of the Bill.

Assembly resumed.

Bill reported without Amendment, read the Third time and passed as printed.

MISCELLANEOUS ENACTMENTS (AMENDMENT) BILL 1982

A Bill intituled:

“An Act to amend certain enactments [The Minister of Finance in the Ministry of Economic Planning and Finance]

The Minister of Finance in the Ministry of Economic Planning and Finance:
(Cde. Sallahuddin) Cde. Speaker, in accordance with Article 171(2) of the Constitution I signify that Cabinet has recommended the Miscellaneous Enactment (Amendment) Bill 1982 for consideration by the National Assembly. I beg to move that the Bill be read a Second time.

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Briefly, Cde. Speaker, I want to touch upon the various aspects of the Miscellaneous Enactment (Amendment) Bill 1982. Now Clause 2 seeks to empower the relevant Minister to make regulations to classify cinemas, to specify their charges for admission to the cinema and also to prescribe fees at which distributors may rent films to exhibitors. Cde. Speaker, we saw these measure necessary because we feel that as a Government we have a responsibility to protect the entertainment interest of the Guyanese people. I think we do not differ at all anywhere that we as a people are a great cinema going and cinema loving people.

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(Cde. Sallahuddin continues)

Essentially, what we also aim at as a result of this piece of legislation is substantial improvement in the quality of accommodation at the cinemas.

Clause 3 essentially, seeks to increase certain fines from \$100 to \$250 for violation of certain by laws under the Municipal and District Councils Act.

Clause 4 is in preparation of and for what we expect to begin to flow sometime in this country petroleum and therefore, as with the case referred to earlier by my colleague Cde. Stanley Moore, preparation is made in advance for the collection of royalties, rents and fees and other monies and for those monies collected to be paid into and to form part of the Consolidated Fund.

Clause 5 may be regarded as a once-for-all tax measure, in that it seeks to recover from the exhibitors of cinematographic films all those excesses which would have accrued to them as a result of their unilaterally increasing the cinema admission prices, which act we regard as a breach of good faith. I am sure we all recall that at the time when this unjustified and unjustifiable action was taken by the cinema proprietors, in the Ministry of Finance we were in the process of examining their claim with a view to determining any reasonable increases. We advised that we needed a few days in addition to the time we had already spent in examining their case but the cinema proprietors took unilateral action. This measure is intended to bring into the treasury and the Consolidated Fund what additional takings would have accrued to them by way of that exercise.

Clause 6 has to do with the substitution of the new income tax bands. I simply want to point out that since these bands become effective from Year of Assessment commencing 1st January, 1982, that for all practical purposes the taxpayers have already enjoyed the relief intended by this new measure because the Year of Assessment 1982 would have been based upon the year of income 1981. In fact, may I point out that because of the expeditiousness with which certain operations and exercises were conducted during last year by the Inland Revenue Department, the implementation of the new bands is already in place and persons have already enjoyed the measure of relief which, in gross terms, would have meant during 1981 less taxes collected by Inland

Revenue to the tune of about \$14 million. This means, if we were to put in the positive way, our tax paying public kept within their pay packets during last year about \$14 million.

Clause 7 seeks to correct a clerical mistake and I am sure I need not elaborate on that.

Clause 8 seeks to increase the number of persons who form and sit on the Premium Bonds Committee in that it is an attempt to give a wider cross-section of the Guyanese population, many of whom commendably have already purchased their fair quota of defence bonds, greater representation in the decision-making processes for the conduct of the defence bonds exercises. With these brief remarks I conclude.

Question proposed.

The Speaker: Comrades, I do not know if it is the intention that we should sit beyond 16:00 hrs to complete the Bill.

Members indicated in the affirmative.

Cde. Reepu Daman Persaud: Cde. Speaker, I would just want to make a few observations. First and foremost if I am correct – and I hope that Attorney General agrees with me – I do not in my humble experience in this Assembly see this as a Miscellaneous Act or a miscellaneous legislation because each of the Sections of the Bill deals with positive amendments to certain existing laws. I think the laws could have been better read if the Bills had come separately to take care of each amendment so that when the legislations are read in their respective volumes you would have the amendment affixed to those volumes. It will mean that to really follow all the legislation, one would have to take care at all times to make sure that miscellaneous legislations are examined before you can reach proper conclusions as to the position in respect of the law. I simply want to draw this to the attention of the Attorney General and I trust that he will find my contributions here objective. I sincerely suggest that in the future we do not have this kind of amendment on Bills.

The second observation is applicable to Clause 5 of the Bill. My Party has always been strongly opposed to retroactive legislation. Let me simply say quickly here on one statement made by the Minister that I do not think, from his own contribution, that the cinema owners or the proprietors took unilateral decisions. The reason for that is that

there was no law before that made it obligatory on the exhibitors to have the consent of the Government before they can increase charges for cinemas. It is not that we support increases. We are ever conscious of the people's economic plight. But I would say that if there is no legislation, there is no law, and if any section of our community takes action those actions should be treated as actions not in violation of the law. It might be in violation of the discussion and any agreement we do not have knowledge about.

But then, coming to this particular clause, what will the Government gain? Good, you were talking to us and you did not say. We have the power and we will bring legislation to make you hand over all the money to the coffers of the Government. I hope the Minister understands our contribution and observations in this matter. That kind of attitude we do not support. I do not think the legislative process should be used along this line because it does not augur well at all for the country. A citizen must be free to make representation and if all the legislations have been examined – and I am sure they were advised by legally qualified men – and they took action not in violation of any law, I do not think the Government should take action subsequently to show that we have got the power and therefore we will bring you to your knees. Those are the very simple observations I would like to make with respect to this. I do not know what the collection would be like. The Minister has not given the involvement of the figure. I am more concerned with the principle of the matter. Probably it will cost them more to collect.

What I have observed clearly from the amendment which the Minister has not moved yet, is that it is clear the exhibitor has paid to the distributor and which money the exhibitor will now have to recover from the distributor. This amendment seeks to give him the right to recovery but it cannot be enforced. What will have to happen it looks like is, let us assume only for argument that the distributor refuses to pay, it will involve litigations in the court to recover the sum because there is no penalty section that if they did not pay this will happen or that will happen. These are the observations I would like to make.

1982-04-07

15:55 – 16:05 hrs

NATIONAL ASSEMBLY

15:55 hrs

Cde. Sallahuddin: Cde. Speaker, simply to say that we regard the decision as unilateral in the sense that it is not only these decisions which are governed by law which are statutory, that have to be honoured in the entire industrial operations sector of this nation. I am sure my friend, honourable Member Ram Karran knows this even better than I know it.

The Speaker: Please do not bring him in because he may want to say something.

Cde. Sallahuddin: I am speaking by way of reply Cde. Speaker, so he will not have the opportunity to do that. All the collective labour agreements we have in this country are not legal instruments. They are collective agreements that are like gentlemen's agreements and for some time now, this process had been going on between the Government and the cinema proprietors. Whenever they felt there was need for an increase in the price of cinema admission fees, there were discussions held between them and the Government, that is why we regard this one as unilateral. We see no difficulty with the measures being retroactive. In fact the cinemas are still currently charging these increased prices and ... continued measure.

Thank you Cde. Speaker.

Question put, and agreed to.

Bill read a Second time.

Assembly in Committee.

Clauses 1 to 4 agreed to and order to stand part of the Bill.

Clause 5

Cde. Sallahuddin: Cde. Speaker, I wish to indicate that Cabinet has also given approval for the amendment to Clause 5. This amendment has been circulated.

Amendment –

That the following new subsections be inserted in the new section 56A after subsection (4):

“(5) Notwithstanding anything contained in this section, a distributor of cinematograph films shall be liable to pay such portion as is specified in subsection (6) of the additional tax payable under the preceding provisions of this section and such portion of the additional tax shall be paid in the manner provided in that subsection.

(6) Any person who is liable to pay any additional tax under subsection (2) and pays the same shall be entitled to recover from any distributor of any cinematograph film such portion of the additional tax as corresponds to the proportions of the additional income paid by him to that distributor as rental of that cinematograph film”.

- (b) Renumbering of existing subsections (5) to (10) (inclusive) as subsection (7) to (12).
- (c) Insertion after the word “exhibiting”, of the words “or distributing” in subsection (9) as renumbered.
- (d) Substitution of “Subsection (7)” for “subsection (5) in subsection (8) an (12) as renumbered.

Put, and agreed to.

Clause 5, as amended, agreed to and ordered to stand part of the Bill.

Clause 6 to 8 agreed to and ordered to stand part of the Bill.

Assembly resumed.

Bill reported with an Amendment to Clause 5; as amended, considered; read the Third time and passed.

ADJOURNMENT

Resolved, “That this Assembly do now adjourn to a date to be fixed”. [The Vice-President, Parliamentary Affairs and Party/State Relations].