

LEGISLATIVE COUNCIL.

FRIDAY, 16TH AUGUST, 1950.

The Council met at 2 p. m., His Excellency the Governor, Sir Charles Woolley, K.C.M.G., O.B.E., M.C., President, in the Chair.

PRESENT:

The President, His Excellency the Governor, Sir Charles Campbell Woolley, K.C.M.G., O.B.E., M.C.

The Hon. the Colonial Secretary, Mr. J. Gutch, O.B.E.

The Hon. the Attorney-General, Mr. F. W. Holder, K.C.

The Hon. the Financial Secretary and Treasurer, Mr. E. F. McDavid, C.M.G., C.B.E.

The Hon. C. V. Wight, C.B.E. (Western Essequibo).

The Hon. Dr. J. B. Singh, O.B.E. (Demerara-Essequibo).

The Hon. Dr. J. A. Nicholson (Georgetown North).

The Hon. T. Lee (Essequibo River)

The Hon. W. J. Raatgever (Nominated).

The Hon. C. P. Ferreira (Berbice River).

The Hon. G. A. C. Farnum, O.B.E., (Nominated).

The Hon. D. P. Debidin (Eastern Demerara).

The Hon. J. Fernandes (Georgetown Central).

The Hon. Dr. G. M. Gonsalves (Eastern Berbice).

The Hon. Dr. C. Jagan (Central Demerara).

The Hon. W. O. R. Kendall (New Amsterdam).

The Hon. C. A. McDoom (Nominated).

The Hon. A. T. Peters (Western Berbice).

The Hon. W. A. Phang (North Western District).

The Hon. G. H. Smellie (Nominated)

The Hon. F. E. Morrish (Nominated)

The Clerk read prayers.

The minutes of the meeting of the Council held on the 17th of August, as printed and circulated, were taken as read and confirmed.

PAPER LAID.

The FINANCIAL SECRETARY & TREASURER laid on the table the following:—

Memorandum on the facts relating to the History and Operations of the Rice Marketing Board.

ORDER OF THE DAY

RICE MARKETING (AMENDMENT) BILL.

The Council resolved itself into Committee to consider the Bill intituled:

“An Ordinance to amend the Rice Marketing Ordinance, 1946, with respect to the powers and functions of the Rice Marketing Board and the Executive Committee of the Board; and in other respects.”

Clause 2—*Amendment of section 5 of the Principal Ordinance.*

Mr. LEE: I move the deletion of clause 2

The CHAIRMAN: That is a direct negative. An amendment cannot be a direct negative. The hon. Member can vote against the clause when it is put.

The FINANCIAL SECRETARY & TREASURER: Let me state at once that in the course of the debate on the second

reading I think I explained the origin of this clause and some of the reasons which led up to it. I also hoped that hon. Members may have gained some idea of certain confusion of thought which may have existed in the minds of the members of the Board with regard to the intention of this clause. We heard, for example, the statement of the hon. Member for Central Demerara (Dr. Jagan) with regard to the lengthy agendas which came before the Board, and the criticisms of the hon. Nominated Member, Mr. Raatgever, in regard to the suggested usurpation of the Executive Committee, and the rejoinder of the hon. Member for Georgetown Central (Mr. Fernandes) with regard to what the Board thought about it.

There is no doubt that whatever may be the wording of this particular section of the Ordinance in its existing form, or in the form proposed by the amendment, the Executive Committee must function in accordance with the general policy of the Board. Whatever may be the form of words the functions of the Executive Committee and the Board cannot really operate correctly and in accordance with the intention unless there is complete understanding between the members of both bodies. On the one hand the Executive Committee should not—in fact cannot—usurp the functions which are by law specifically reserved for the Board, or deal with matters which ought in practice to come before the Board for its direction and policy mandate. Similarly, members of the Board should take care that its instrument of management is not deprived of the ability to function as it should do. That is to say, to carry out the management operations of the Board without necessarily calling together all the 16 members of the Board in order to consider and decide some small matter of management. The Executive Committee should not be unduly restricted. I think we were all glad to hear from the hon. Nominated Member, Mr. Raatgever, yesterday that this confusion has now resolved itself, and things are now working smoothly. Consequently this new clause may be regarded as probably unnecessary, but it is a matter for the Council. I believe I am right in saying that Government does not wish to press

the clause if, in the judgment of the Council, it is unnecessary. I suggest that the clause be put at once, and those who wish to negative it may do so right away. It is not necessary that there should be a long debate on it.

Clause 2 put and deleted.

Clause 3—*Amendment of section 15 (1) of the Principal Ordinance.*

The FINANCIAL SECRETARY & TREASURER: I wish to make one or two very brief remarks on this clause. Its intention, as has been said, is to allow supervisory power to the Director of Agriculture in certain cases where he is not satisfied, as a member of the Board, that the correct policy has been adopted with regard to the fixing of grades. May I say at once that if there is an agreement between the new proposed Company and the Government this, quite obviously, is one of the clauses that will have to come in. Just as the Board will be subject to this remote control of the Director of Agriculture in this important matter of grades, so also will the new Company have to be subject to this supervisory control. It has also been suggested to me that the Director himself may not necessarily be the right person to invest with this power of supervisory control, more especially as he is a member of the Board, but the point is that the Director of Agriculture is the functionary style of the office. It is the style of the Department of Agriculture, and it may be that in cases of this sort, where there is conflict of opinion between the Director personally and the Board or the new Company, he would undoubtedly call in experts of the Department. It would then become a departmental matter. The term really means the Department of Agriculture. I hope this explanation will satisfy those Members who feel that the Director of Agriculture in his two capacities is inconsistent.

Mr. DEBIDIN: This clause seems to me to be contradicting the very procedure of the Board and what is envisaged by clause 7. We have to remember that the Director of Agriculture is a member of the Board and is the Chairman of the Mahaicony-Abary Rice Expansion Scheme.

and we may also take for granted that he will have some large part to play in whatever programme will be put forward by any corporation that may be accepted into the Colony. It therefore seems to me to be rather invidious, so far as he is concerned, and most undesirable so far as the producers are concerned, to have the Director of Agriculture in this somewhat peculiar position of sitting on his own judgment. We must assume that the Board is functioning properly, and that it will fix proper grades. After all there are what are known as guide samples. It seems to me to suggest that those who have to do with the fixing of grades on the Board are not competent now. There is provision in the Ordinance of a right of appeal as regards any grade fixed by the Board which may not satisfy a cultivator who has sold rice to the Board. Where there is a right of appeal I consider this clause entirely unnecessary, and it is one of the clauses which have aroused a certain amount of suspicion. Why is it necessary to give this reserve power to the Director of Agriculture to approve of grades?

The FINANCIAL SECRETARY & TREASURER: There is a slight confusion of thought here. The Director of Agriculture will not be expected to act as an Appeal Board against the decision of the Rice Marketing Board with regard to its purchases of rice from individual rice producers. Nothing of the sort. The fixing of grades which is contemplated by this clause is the fixing in relation to what the hon. Member just mentioned, and that is the preparing of guide samples for the year, and the other feature would be the determining of the kind of grades which would be developed and used for sale. Members know that quite arbitrarily the Rice Marketing Board adopted certain standard grades such as Super, Extra No. 1 and 2, and so on, and has quite arbitrarily determined the content—the number of broken grains, the colour and so on of those grades.

As regards export the Board has also fixed quite arbitrarily the types of grades. That is the sort of thing which the Director of Agriculture will have the right to oversee. It may go further. It may be that the Director of Agriculture

may consider that in the interest of production a certain type of padi should be grown to produce a certain type of rice. High level considerations like those will come into it. It has nothing whatever to do with transactions between an individual producer selling his rice to the Board. That is governed by internal regulations of the Board under which an Appeal Committee has been set up, so that when a producer sells his rice to the Board and the officers of the Board fix the grade in accordance with the schedule of grades already approved by the Board, where there is controversy over any particular transaction then an appeal lies to the Appeals Committee set up by the Board. I do not think this supervisory power will be exercised more than once a year at the most. I hope I am right, and I would like to ask the Chairman of the Board whether I have put the position correctly.

Mr. FERNANDES: You are perfectly correct.

Mr. DEBIDIN: Let us accept what the Financial Secretary has said—that the Director of Agriculture would not act in the capacity of an Appeals Board—but nevertheless one must bear in mind that he has to approve of all grades, and the situation may arise during the course of a year, after the guide sample has been fixed, that as a result of deterioration of the quality of rice it may become necessary to re-fix the grade. A miller who in those circumstances is not satisfied with the re-grading of his rice, is sure to resort to the Director of Agriculture who would be bombarded with appeals. I assume that the Director would have to approve of any variation of grades at any time, and in view of that fact I am saying that it is casting upon the Director power which he, as a member of the Board, ought not to have. Being tied up with the Board as he is, and as he is likely to be with any corporation that will come in, the rice farmers must be suspicious that this power which he is being given is intended merely to benefit the corporation. The Director will be the instrument by which certain grades of rice will be approved for export, and this provision is sufficient to arouse suspicion that there will be a form of

discrimination in fixing a particular grade for export by the corporation and another by the Board for the producers of the Colony. Personally I would like to see this provision deleted until we see the necessity for the Director of Agriculture to intervene, in which case an amendment can be put before the Council. The provision seems to me to be improper, and certainly gives rise to suspicion.

The FINANCIAL SECRETARY & TREASURER: There was an incident which seemed to indicate that there should be supervisory control. Let me illustrate. I think the Council has learnt that rice sweepings — a mixture of broken grains and dust — got across to Jamaica as stock feed, and the Jamaicans were very glad to buy it, but to our horror we found that the product was being sold and consumed as rice. I presume that an enterprising Company might conceive it fitting to designate that particular product as "British Guiana Grade Z Rice", or something like that. If that were done the Director of Agriculture would have to step in and say "I am not going to approve of any such grade of rice from British Guiana because it would depreciate the fair name of the rice of the Colony." That is the kind of thing I mean. I cannot conceive that the Rice Marketing Board would have sold that stuff for human consumption.

Dr. JAGAN: Suppose it is stock feed rice and the people of Jamaica choose to eat it, how is the Director of Agriculture going to prevent that?

The FINANCIAL SECRETARY & TREASURER: Assuming that there was no Board and this stuff was available, I could see an enterprising commercial gentleman taking it across and merchandizing it as some kind of British Guiana rice. In the good old days before the 1939 Board, we had to prevent just that. All this clause seeks to do is to give over-riding control to a Government Department over just that sort of thing. I do not think this power is likely to be used at all freely. At the same time there should be this over-riding power of veto, both for the Rice Marketing Board and for the new Company.

Mr. FERNANDES: At present the Rice Marketing Board fixes the grades of rice. All that this clause seeks to do is to provide that those grades, as fixed by the Board, shall be subject to the approval of the Director of Agriculture. In other words, it ensures that the grades fixed by the Board are, as the hon. the Financial Secretary has said, approved by a Government Department or a branch of it, whatever name it may have. I am pretty sure that it would be very rare, if ever, that the Director of Agriculture will find himself in the position of having to disapprove of grades fixed by the Board. The reason for the inclusion of sub-clause (2) in this clause is that it is a general principle in cases of this kind. I do not like to pass legislation which is retrospective, except in the case of a clause which will come up later, to give the Board power to buy agricultural machinery. What that clause is asking is to give covering authority. In this case it is really dating back something. I do not think it is necessary. The incident that caused Government to include this amendment to the Rice Marketing Board Ordinance has been rectified and, therefore, I would like to delete subsection (2) of this clause.

The FINANCIAL SECRETARY & TREASURER: I entirely agree with the hon. Member. The circumstances which caused it do not exist. Consequently I would ask you to be good enough to include two subclauses separately.

Dr. JAGAN: I really do not understand the reason for this inclusion, because, if I am correct, the grades which have been fixed — by that I mean particularly the grades for the purchase of rice — whether super, No. 1, and so on coming down the scale, can be varied. I believe that under the Ordinance you have power, should the Board decide the standard of grades, to vary what has been set up.

The FINANCIAL SECRETARY & TREASURER: What is true, Sir, is that while the price is fixed the grades can be lowered.

The CHAIRMAN: The Governor has

power in regard to the price but not the grades.

* Dr. JAGAN: This whole thing has arisen from an incident which happened in the Rice Marketing Board. If I am mistaken, Members can correct me. Some time ago it was suggested that the Board should lower the grades which have been set up, and the reason for that is this: It is argued that at the beginning of the crop the colour of the rice is superior to that obtained if that very rice is milled later, say 6 or 9 months after reaping. Consequently it was felt by certain members of the Board that the grades should be varied so far as the colour is concerned. As you know, the grades are fixed according to the percentage of broken grains and also with reference to the colour. I may mention, that at no time did it enter the minds of the individuals to vary the grades which have been set up for export or for sale locally. What was intended was merely to give the farmer, who may have had his padi at the mill at the beginning of the crop and because of the fact that there was so much rice in the mill that padi could not have been milled, the opportunity to qualify for the same price or grade which he might have earned had the padi been milled on the very first occasion it was taken to the mill. On account of the lowering of the colour and consequently the lowering of the grade, the farmer is made to suffer a loss through no fault of his own, whether he is growing pure line seed or any kind of padi which is given to him. That question was taken up with the Board and, I believe, it was the majority decision that in that particular case the guide samples which were set up for the purchase of rice should be varied not on the percentage or broken grains but merely on the colour. I believe the Director of Agriculture and a few other individuals felt that was wrong and consequently — I do not know if that was the motive — this clause has been brought at the present time.

I do feel that the members of the Board should have made an earnest attempt to give the farmer his rightful due, and that in doing so the members of the Board should not in any way have

tried to tamper with the grades which have been set up either for local consumption or for export. If any attempt has been made in that direction, I feel sure Government has all right to bring such a protective clause. I also feel sure that, Government having a majority of members nominated to the Board with the Chairman having a casting vote, that occasion will never arise when the Board or the rice producer section will want to lower the standard of grades set up for local consumption. I hope I have made myself clear.

For the moment I do not feel it is necessary, because there has been no reason in the past to make Government feel that the rice producer section is contemplating a lowering of the standards. That is what is being intimated, and it is also said we must be very careful to see that we are selling the standard quality at all times, so that people buying rice can be certain and can rely on the fact that when they buy Super grade they are getting that quality at all times. The Rice Producers' Association has delegates on the Board and they have not yet made any attempt as to let Government feel that they intend to interfere with that sacred trust. I hope that Government will see its way to withdraw this clause now in view of what I have said. If there was a threat, I would say there is necessity for this clause. One hon. Member of the Board said that in other countries there is this precaution so far as grades are concerned. I agree that in the U.S.A. there is a Bureau of Standards which regulates the grades of products manufactured with technical knowledge behind it. I would ask why is there not a Board to determine the grade of bauxite? Why is there not a Board to determine what grade of sugar should be produced? That same argument should be used when there are no grounds for doubt that the producer members will use their influence to lower the grades, which have been set up and which have been abided with for so long and throughout all this time.

Dr. NICHOLSON: If an industry of any kind is to be set up on a firm basis, it must have the machinery of Govern-

ment behind it to give it due consideration abroad. Think what it must mean to the countries outside our own Caribbean area to know that the Government of British Guiana — in this instance the Agriculture Department — is responsible for the fixing of the grades of rice. That is all I can see in it. It will give the industry status-stability and prestige abroad. That is the meaning of the whole thing. Countries within the Caribbean area might regard the Rice Marketing Board as a proper authority, but countries outside of the Caribbean area who know nothing about British Guiana would be happy to know that the Government of British Guiana, in this instance the Agriculture Department, is _____ for the grading of rice.

Mr. FERREIRA: I think, Sir, we have been devoting much more time to this clause than it really deserves. I do not see really the time will come when the Director of Agriculture will be called upon to use his power, but it is well that the power should be there. If there is one clause I agree with in this Bill this is it, because I do feel there should be a set standard whereby buyers outside the Colony may know that they can depend on that set standard. The rice producers have a duty to the public. If you give a monopoly to a certain set of people, then they must in return give justice to those who are relying entirely on them. The remark was made that there are no set standards for bauxite. That may be true as regards Government grading, but I happen to know that 1,000 tons of bauxite is lying down in this Colony for three months because it did not come up to the required standard. One previous shipment did not reach the standard and, as a result, you have 1,000 tons lying there and cannot be shipped. I go further and say that you cannot ship timber to the out-world without the Forest Department-stamping that timber. You must your grades preserved. It will be unwise not to do so. I am taking a long range view. That is why I support this clause.

THE FINANCIAL SECRETARY & TREASURER: I agree with what the hon. Member said. Something that

fell from the lips of the hon. Member for Central Demerara I cannot compliment him on this occasion. It is true guide samples are set up for the purchasing of rice, but the Chairman of the Board can tell you that there are no guide samples for the sale of rice for consumption here and in the West Indies. It follows that although we are trying to have two standards, Grades A and B, and to keep them up to a certain level, the consumer cannot go and buy Grade A and demand that it should come up to a set standard, as there is no such standard fixed. Therefore, if the purchasing grades are allowed to deteriorate what would happen is that gradually the rice sold for consumption in the Colony would get worse and worse, and there is nothing the consumer can do about it. He has to take what comes to him. As regards export, also there is no formal sample put up in the office as a specific grade being sold to Trinidad. There are known type samples and, consequently, if the purchase grades are lowered in the middle of a crop it costs the Board more to buy rice to maintain the samples on the one hand in regard to export and on the other in regard to local rates. If you allow the purchase grades to go down, your selling grades would cost you more. In the case of rice for local consumption, if the Board tries to maintain a good standard it would also cost the Board more. But what I feel sure would happen is that the consumer would get worse rice to eat. That is the position.

Mr. DEBIDIN: May I just say that the hon. Member for Georgetown North (Dr. Nicholson) seems to suggest that because the Agriculture Department of this Colony is concerned with the fixing of the grades of rice, there will be greater authenticity with regard to the grades. I think, at the beginning of his speech the hon. the Financial Secretary made it clear — as a matter of fact he had corrected me — that the authority for rice in this country is the Rice Marketing Board, and it is so well established that it is the authority which has been contracting with the Colonies outside British Guiana. If any country, whether it be Venezuela or Brazil deal with this country in _____ when _____ know

they are dealing with the British Guiana Rice Marketing Board so far as rice is concerned they will surely know that the Director of Agriculture is on it. The set up will be known to them and, so far as authenticity goes, it is as good as if the Director himself puts his stamp on every bag of rice exported. I am sometimes very amused at the speeches of the hon. Member. He has not only shown his full intention following his seconding of this Bill, but he has tried to make out that this particular clause is going to give this Colony's rice a greater amount of stability.

Dr. NICHOLSON: To a point of correction! I did not second the Rice Marketing Bill.

The CHAIRMAN: The hon. Member is entitled to his opinion as the hon. Member who is speaking. Let us get on with it.

Mr. DEBIDIN: I think we are all forgetting the points which I and those opposing this clause have put forward. I would ask hon. Members to realize the point which is being made and that is, the approval of the Director of Agriculture is being sought in the matter of the fixing of grades for export as well as for local consumption. The Director of Agriculture is already a member of the Board which goes into the whole question of the fixing of the grades. It seems to follow — I am going to say it now for the first time — that this Council, if it does vote for this clause, or the Government who is putting forward this clause is afraid of the democratic set up of that Board, afraid of the rice producers, and the whole of these suggested clauses seem to emanate from that one cardinal outstanding consideration, that the rice producers may dominate the Board. The hon. the Financial Secretary said it. Let us get down to brass tacks. The hon. the Financial Secretary suggested it in his speech. That seems to be the whole thing. That is why it seems to me that if the Board is given the power to fix the grades by Ordinance and it fixes a grade which the Director of Agriculture who is on the Board feels it should be higher or lower, as one man he can outside of the Board hold up the whole thing. He can sit down in his office at the Botanic

Gardens and hold it up. Is that right? That is what I am asking.

The CHAIRMAN: The hon. Member made that point exactly four times now. He made it in his opening speech in Council and three times this afternoon. I would ask him to move on. I cannot have this constant repetition. The hon. Member has four times said exactly the same thing.

Mr. DEBIDIN: With all due respect to you, Sir, it is the first time that I have referred to the point that this particular clause is intended to meet a fear. I did not mention that four times at all. I had to repeat the balance of my remarks to make it complete. I do not want it to be known that I am being railroaded in the committee stage of this Bill.

Mr. LEE: We have a Director of Agriculture, and, if we are going to protect the producers against this company or corporation, the Director as a paid Civil Servant ought to be given that control of the fixing of the grades. If we do not have confidence in the members of the Board, then we must give someone that approval whereby we can control the grades. It is not that the Director is fixing the grades. He is to give approval to the grades fixed. We can call him, as a Civil Servant, to book as regards his exercise of that approval, but we cannot call the Rice Marketing Board to book. I think this clause makes it clear that the Government desires to have one of its officers giving that approval to the grades fixed by the Board.

Mr. FERNANDES: To a point of explanation! It may interest Members to know the value that is placed on the certificate of the Agricultural Department. When the contracts were being negotiated with Trinidad and other West Indian Islands they insisted that this clause be put in. The various grades and qualities were referred to in paragraph 5 of the contract which reads:

"The various grades or qualities referred to in paragraph (3) shall be determined in the following manner, that is to say, according to whatever standards as may be set by the THE VENDOR from time to time provided

there shall be no lowering of the standards during the continuance of this agreement below the level at present obtaining and provided further that such standards shall be certified by the Director of Agriculture of British Guiana as conforming to existing standards. THE VENDOR undertakes to supply THE PURCHASER from time to time with type samples to be indicative of the average standards of quality to be maintained".

* Dr. JAGAN: The hon. Member read the contract, but it seems to me that those people had been buying our rice for the last four years and the Director of Agriculture never had this reserve power which we are now trying to give him. My point is this: In introducing the Bill the hon. the Financial Secretary stated that the Board is so constituted as to represent the various interests in the Colony — the growers, the millers, the landlords and the consumers. In that constitution we have the balance of power on the side of Government, as the Chairman has a casting vote and the Director of Agriculture is a member of the Board.

Mr. RAATGEVER: I do not think the Chairman of the Rice Marketing Board is a Civil Servant. I am not aware of that.

* Dr. JAGAN: I said the Chairman of the Rice Marketing Board besides being a member of the Board has a casting vote, and I am saying also that the Director of Agriculture is also a member of the Board. What is being sought here is frankly this: The Board agrees to the samples or grades, and the Director of Agriculture who is a member of the Board must finally agree or disagree. As I have said, the balance of power is with the Government already, and you are now seeking further reserve power to be given to the Director of Agriculture—power to disagree with the entire decision of the Board. Let us say there is a meeting of the Board and at that meeting of the sixteen members 15 voted "for" and the Director of Agriculture disagreed. The majority decision in that case would mean nothing because under this new clause with Director of Agriculture would be able to say finally "I disagree with that". Therefore it would tend to what the hon. Member for Essequibo

River (Mr. Lee) has said—it would have to come before this Council.

Mr. LEE: To a point of correction! If the Director of Agriculture is in the minority, the Board can go to the Administration and say "We have by a majority come to a decision and we ask that the Director of Agriculture, who is a Civil Servant, be directed to adhere to that decision". That can be done.

* Dr. JAGAN: In view of the fact that it is stated in the contract that the Director of Agriculture should be in agreement with the samples, which have been set up and must be maintained, and which we have been supplying to the West Indian Colonies under the same contract for so many years without any trouble and without the Director of Agriculture having this further reserve power, I say it is not necessary at the present time. If the necessity arises in the future for it, we can then consider it.

The clause as amended was put, and the Committee divided and voted as follows:—

For—Messrs. Morrish, Smellie, Phang, McDoom, Kendall, Fernandes, Farnum, Ferreira, Raatgever, Lee and Wight, Dr. Nicholson, the Financial Secretary and Treasurer, the Attorney-General and the Colonial Secretary—15.

Against—Mr. Debidin, Dr. Jagan and Dr. Gonsalves—2.

Motion carried.

Clause 4—*Amendment of section 16 of the Principal Ordinance.*

The FINANCIAL SECRETARY & TREASURER: This is the clause which I wish to ask permission of the Council to delete. I would like to say that my information is that the International Emergency Food Council has removed rice from its function as from the 1st January, 1950. This clause had been drafted to meet that international obligation, and that having gone by the board it is no longer necessary for the clause to remain. The only thing, I would like to say, is that had this clause remained the

same obligation would have rested on the company.

Clause 4 deleted.

Clause 5—Amendment of section 18 of the Principal Ordinance.

Clause re-numbered as clause 3 of the Bill.

Mr. LEE: I would like you to take this clause in parts, because I am voting against Sub-clause (2)

Sub-clause (1) put, and agreed to.

Sub-clause (2) —

Mr. LEE: I think the question of grants by the Board to the Rice Producers' Association is a domestic affair between the Board and the Association, and I see no reason why the approval of the Governor should be necessary.

Mr. WIGHT: I do not agree with the hon. Member because the Chairman of the Rice Marketing Board has given us figures by which he has shown us the reason for the Governor's approval. I myself am rather alarmed, and I have raised the question with Government as to the mounting tide of expenditure. I raised it in connection with the last trip made to Surinam. We are going to have many more trips, and in view of the galaxy of talent we have had here during the debate these last three weeks I would like to know at whose expense those people were brought here. I think the figure given of the expenditure in grants to the Rice Producers' Association was something like \$22,000. The grants started very low but they have been mounting from year to year, and they have been causing me some concern. It is true that they are paid to the Association for incidental expenses, but I am sure that the expenses incurred by the Association are not all absolutely necessary. What is agitating my mind is whether this Council would not be entitled to call for the production of a statement of expenditure. I think there has been a little "battle of the bulge" between two members of the Rice Marketing Board.

Mr. DEBIDIN: I object to the hon. Member's remark. He has been pitching about like a kite. I stand here on two feet. His suggestion is that we were paid by the Rice Producers' Association to oppose this Bill.

Mr. WIGHT: I do not know what the hon. Member is objecting to.

The CHAIRMAN: I think the hon. Member is quite wrong there. There was no suggestion of the kind in what the hon. Member said. I think he has stretched it beyond its limit.

Mr. WIGHT: The hon. Member is a lawyer and is able to interpret language. I thought he was objecting to the remark I made about the "battle of the bulge" between two members of the Rice Marketing Board, but he got up to talk about kite flying. I would suggest to him to read *May's Parliamentary Practice*. I have not suggested that one penny of the funds of the Rice Producers' Association has gone into the pockets of any of those gentlemen. I do not know if the hon. Member is suggesting that he has been briefed by the Association, because I have not said so. I have no idea of suggesting that the Rice Producers' Association has paid him to come and fight its battles here. I referred particularly to the speech of the Chairman of the Rice Marketing Board who, apparently, was himself alarmed at this rising tide of expenditure, but, as he said, it was their money and he was just waiting to see just how far it would go. I think this Council should have the right to scrutinize items of that expenditure.

I would like to take this opportunity to correct an impression created by a remark by the hon. Member for Demerara-Essequibo (Dr. Singh) which will be recorded in Hansard. The hon. Member suggested that he and the hon. Member for Essequibo-River (Mr. Lee) were responsible for the protection of the rice farmers provided by the Rice Farmers (Security of Tenure) Bill. The hon. Member for Demerara-Essequibo distinctly said that the hon. Member for Essequibo-River and he had caused Government to put the Rice Farmers (Security of Tenure) Bill through.

Dr. SINGH: I said that we approached Governor Lethem. I do not want any credit; my friend can have the credit. The deed was done and it does not matter who gets the kudlos.

Mr. WIGHT: The hon. Member having said that I will refer to Volume 17 of the Hansard report for the period May 30, 1944 to January 26, 1945, columns 608 to 613.

Dr. JAGAN: I think the Council would get on much faster if the Hansard reports were taken away from the hon. Member.

The CHAIRMAN: I agree with the hon. Member. (laughter).

Mr. WIGHT: I am glad that the hon. Member wants to see the Hansard reports taken away because he would not be able to lead the band. Reference has been made to the expenditure on salaries, bonuses and passages to employees of the Board. I feel that if there is any extravagance on the part of the Board in that respect it should not be concentrated on the employees in Georgetown but the rice producers should enjoy some of those benefits. It is for that reason that the clause is necessary.

Mr. LEE: I understand that the Rice Producers' Association submits an estimate of its expenditure to the Board and it is scrutinized in detail.

Mr. FERNANDES: That has not been done this year, and I do not know whether it will ever be done again. Since the newly constituted and properly elected Rice Producers' Association has been formed the Board has not seen those estimates. We are simply asked for the money.

Mr. LEE: If members of the Board are incapable of scrutinizing those estimates then they are not fit to be members of the Board. I have been told by a member of the Association that for every cent the Association requires an estimate is sent to the Board. I have a copy of such an estimate which the Board has scrutinized. If the Board does not do so then it is its fault. I do not see why

the Governor should be brought into the matter. Members of the Association are given an allowance of \$5 per day to come to Georgetown, to attend meetings, and some of them have complained that the amount is not sufficient to keep them two nights in Georgetown. Let us forget the little things that have passed and let the Board act and have the respect of everybody.

Mr. McDONN: I recall the Council of the Rice Producers' Association asking for money to carry on their business, and that the Board felt that they should submit an estimate. They did submit an estimate which was scrutinized, but the Board was not prepared to advance the money. Representation was then made by the President of the Association (I think it was Mr. Deeroop Maraj) to some higher authority (I believe it was the acting Colonial Secretary, Mr. Parkinson) who telephoned somebody on the Board suggesting that the Association be given the money they wanted.

Mr. FERNANDES: I am dealing with 1950 and the newly elected Rice Producers' Association, and what I have said I will say again — that we have had no estimates from the Association. I would like to take this opportunity to correct a statement which appeared in the Press, and to have it put on record that the figures I quoted when I spoke on the second reading of the Bill are absolutely correct. When I quoted the figure of \$20,247 as the expenditure for 1950 I was referring to money given to the Association during the current Board year, which started on the 1st October, 1949, and ends on the 30th September, 1950. The amounts were paid by the Board by cheque in every case, and the numbers of the cheques are available to the Association. In order that the whole of that amount should not fall within the current year the Board paid a proportion of the amount asked for, assuming that the entire amount would not be spent by the end of September. The Association took strong objection to that and insisted on having the entire amount which was paid by the Board immediately.

Mr. RAATGEVER: I would like to support what the hon. Member has said.

He is perfectly correct as to the figures given. In my remarks on the second reading of the Bill I said that the Rice Producers' Association were asking for too much money, and I did not see that the results justified the tremendous expenditure they were allowed. In that statement I was supported by another Member. No estimate was submitted for this year's amount, but I said that if they asked for the money we would have to give it to them, but some limit must be placed on their expenditure.

Dr. JAGAN: Figures can tell a lot of truth but sometimes they can tell a lot of lies. It is true — I confess to it — that the expenditure of the Association has gone up tremendously, but why aren't Members honest enough to say what are the changed functions of the Association? Merely to compare figures is not enough. I have here estimates for 1950.

Mr. WIGHT: To a point of order. I do not know whether the hon. Member is suggesting that Members of this Council should be honest enough to say so. If he is, then I take strong exception to that. It is distinctly unparliamentary. If he is suggesting that we are not honest in our statements I take exception to that.

The CHAIRMAN: I am sure the hon. Member did not mean that. Is that correct?

Dr. JAGAN: Yes, sir.

Mr. FERNANDES: The little rejoinder has caused me to interrupt. I did not accuse the Rice Producers' Association of over-spending money. I have said before that I have never voted against paying any money whatever to the Rice Producers' Association at any time. I want to make that perfectly clear, and I was not trying to suggest that the money was being wasted or anything of that kind. The hon. Member who made the very ridiculous remark has in his hand the estimate of the Rice Producers' Association for 1950. I have never seen it, and I had no means of quoting any figures from it.

Dr. JAGAN: I did not impute any dishonesty on the hon. Member's part, and I am sorry he misunderstood me, because

I know that on several occasions he has told me privately that he did not like the word "may" in the provision that the Board may make grants from its funds to the Rice Producers' Association to defray its administrative expenses, and that he preferred the word "shall." He has also said so in Council. Nevertheless the impression has been created that the Association has been spending too much, and that the expenditure has been rising. It is being implied, therefore, that the Association is squandering the money.

The CHAIRMAN: It may shorten the debate if I reminded hon. Members that under section 9 (7) of the British Guiana Rice Producers Association Ordinance it is provided that:

"(7) The Council shall keep such books and accounts as may be necessary to record its receipts and payments and shall, on or before the thirty-first day of March in each year, transmit to the Colonial Secretary a statement of its transactions to the thirty-first day of December in the year last past, which statement shall be audited by an auditor qualified under subsection (8) of section one hundred and nine of the Companies (Consolidation) Ordinance and published in the *Gazette*."

That statement is also laid in this Council. The point is that if the Association wants a grant the initiative is with the Rice Marketing Board to give it. It seems to me that before the Association is given a grant its first act is to submit a proper estimate of its expenditure for the year which would serve as a guide to the Board as to whether the amount asked for is necessary. It has been said that in applying to the Board the Association is applying to a body, half of whose members are members of the Association, and therefore all it is seeking is the approval of the other half of the Board. That is what it boils down to. The question is whether the Association should submit to the Board an estimate for the year in order that the other half of the Board should approve of it, or whether the matter should go to the Governor in Council. The suggestion is that the Governor should approve of these estimates and tell the Board to give the grant.

Dr. JAGAN: I merely wanted to correct the impression which has been

created in the minds of the public, that the Rice Producers' Association has been spending a lot of money. Early in 1949 when the new Rice Producers' Association was properly constituted by elections, it found itself in the position of requiring funds to carry on its activities properly. An estimate of the funds required was prepared and submitted to the Board, certain members of which felt that the amount was too high and did not want to take the responsibility for payment of the money. Consequently they felt that Government should give the Board some directive on the matter. I have here a copy of a letter which was written by Mr. Heape when he was Colonial Secretary, and with your permission, Sir, I will read it.

The CHAIRMAN: To whom is it addressed?

Dr. JAGAN: To the Secretary of the Rice Producers' Association. It is dated 25th March 1949, and reads as follows:

"Sir,

I am directed to refer to my letter No. 108344 of the 22nd March and to our conversation on the telephone yesterday, and to inform you that I have seen the Manager of the Rice Marketing Board and that you may expect to receive a letter from the Board on the question of your estimates in the near future.

Sgd. W. L. Heape,
Colonial Secretary."

Then there was a letter by Mr. Mahadeo, Asst. Manager of the Rice Marketing Board, to the General Secretary of the Rice Producers' Association, suggesting that there was no need for the money. What I want to clear up is that this wrangling has been going on, and as you say, the Colonial Secretary has the right to approve of the estimates of the Association.

The CHAIRMAN: No, they only have to be submitted after the event — why, I do not know. I do not see the force of that particular provision in the Ordinance. It is the rice producers' money, but do we want the Association to submit estimate of expenditure to and have them approve of their expenditure, just the same as the

Rice Marketing Board has to submit its estimates for approval? I do not mind accepting the responsibility if it is more convenient for the Association's estimates to be submitted to the Governor, but I should have to take advice on that from my advisers. It is just a simple question — whether the estimates should be approved by somebody, and who should do it.

Dr. JAGAN: I am not objecting to estimates being submitted to the Colonial Secretary, because he has the right to require estimates to be submitted before he sanctions payment. On the question of the Association's expenditure I have here the estimates for 1950 which amount to \$19,403.80. I will refer to the major heads in order to show how the money is being expended. There is one item — General Secretary, \$6,300. Another large item is Subsistence and Travelling, \$2,760. The reason for this is that the Ordinance provides that the Association shall meet from time to time, and provision is made in the estimates for eight meetings during the year, each of which will cost approximately \$320. It may be that certain members of the Board may consider that expensive, and I personally may take the same view, but when I look around I find that Government is very generous in giving its officers \$7.20 per day as subsistence allowance when they go on trips, and Members of this Council also get subsistence allowances. Therefore, although this item may seem to be large, Government's example is there for the Association to follow. If a correction is made at the top corruption will cease at the bottom. Another item on the estimate is \$1,000 in connection with the trip to Dutch Guiana. Perhaps it will be argued that it was not necessary, but I have argued in this Council that many of the trips which are being made today at Government's expense are also unnecessary.

The sum of \$4,602 has been set aside for the Districts Supervisory Organisation. That may be considered a very large sum but, Sir, it must be remembered at the same time that the Association some of the

But rightly or wrongly a decision has been taken by the Board to abolish this supervisory organisation which is costing the Board \$18,000 a year. The hon. the Financial Secretary mentioned that. The point is, the decision of the Board was to remove the Districts Supervisory Organisation and the Rice Producers' Association was to take on the job at a great saving to the Board.

FERNANDES: To a point of correction! The Association decided to take on a small portion of the work of the Districts Supervisory Organisation of the Board — to investigate the complaints of growers against millers. The work of the supervisors was also to control mills and to inspect mills. The inspection of mills has been completely removed. There is no one responsible for the inspection except one supervisor whose services are retained; in case of any complaints in any part of the Colony he would be sent out to inspect those mills. Formerly the Board relied on its supervisors for getting information as to the amount of rice in the mills. Now the Board has to depend on the law which compels millers to forward their statements at the end of each month. Up to now we have not been getting those returns regularly, and it is probable that the Board may have to resort to pressure to get that information in. I may say this information is very essential to the Board in order to know what stock of rice is in hand and how we stand with our contract.

Mr. RAATGEVER: I was not there when the decision was made. I was told the rice producers have employees who will take over the work at no additional expense and the Board will save the expense of having its employees in the country districts. This is something new.

The FINANCIAL SECRETARY & TREASURER: As the names of Mr. Heape and Mr. Parkinson have been mentioned, let me mention that I was present at the conference which took place. The Rice Producer's Association found difficulty in getting the funds necessary for certain of its activities, particularly its new activities in connection with the

districts organisation which had been set up. Government was asked to intervene, and there was a discussion in the Colonial Secretary's office arising out of which a letter was sent to the Board which, I remember, was drafted by me, inviting the Board to be as generous as possible in connection with the activities of the Rice Producers' Association. The letter went on to point out that the Association was a necessary adjunct of the Board to be supported in every possible way, and finally it was suggested to the Board to call for estimates from the Association every year, check through those estimates, strike out anything unreasonable and pass a grant for the remainder.

What is really worrying the Board is that the Rice Producers' Association may be inclined to exceed or take their functions a little too far and cause unnecessary expense. The visit to Surinam by members of the Council of the Association is an example. It is not so much a question of the estimate and expense as of the function which the Association intends to perform. These are the points where there may be some difficulty in the Board's checking of the estimate — what should they really be allowed to do and how far they should go. That is why, perhaps, it is better that the decision be not left wholly to the eight members of the Board who are not themselves members of the Rice Producers' Association. That is all there is to it. If the Board feels itself competent — it is obvious from what the Chairman said it is fully competent — to determine the estimates, this, perhaps, would not be necessary. But the very fact stands out that the Board feels slightly embarrassed in deciding something between 8 members on the one side and 8 on the other side, and Government should come in as referee and, as I said in my opening remarks, the estimates called for would be submitted to the Colonial Secretary, scrutinized by the Governor and passed by him on advice given with respect to various items.

The CHAIRMAN: I think the hon. Member for Central Demerara (Dr. Jagan) was speaking. I would ask hon. Members to be as brief as they can.

Mr. FERNANDES: I would like to mention one point that I forgot. There was a majority of producer members on the Board. In most cases they had the majority vote to decide what should be paid. I said so on the second reading of the Bill.

Mr. RAATGEVER: To be fair to the rice producers, it was not their fault that they are present all the time. It is the fault of Government to nominate four Government Officers who are far too busy to attend the meetings of the Rice Marketing Board regularly. They have too much to do. The Heads of Government Departments are over-worked and are expected to sit on too many committees. The hon. the Deputy President has agreed with me on that. You cannot blame the rice producers if the other members are not there.

Dr. JAGAN: I find myself appointed to one committee only and some are appointed to six or seven.

The CHAIRMAN: I do not think that is being discussed. Come to the point at issue.

Dr. JAGAN: I will come to the point. I do not feel personally that the Association has been too extravagant. If they have done so, then they have taken a leaf out of Government's book, and I hope in the future some concern will be given to the spending of money by the Rice Producers' Association, because in a way I feel that it is the people's money. The rice growers will eventually have to pay whatever it is. If less is spent the more would be to the rice growers. I feel that if it is felt that the Government nominees are embarrassed in the Rice Marketing Board, what can be done, Sir, is instead of saying as the new clause proposes "the Board may with the approval of the Governor" let it be "with the approval of the Legislative Council". I hope, Sir, in that case the Government would consider the estimates; the hon. the Financial Secretary would then approve or disapprove of it and the approved figure and details then brought to the Council. I am sure that in Finance Committee it will get I therefore beg to move an

amendment to the clause, saying "that the Board may with the approval of the Legislative Council."

Mr. DEBIDIN: I have listened with very careful attention to what has been said on this particular clause. I think, Sir, it was the hon. Member for Eastern Berbice (Dr. Gonsalves) who gave us that famous phrase of "brick wrapped up in blanket". I would say, Sir, this particular clause like all the other clauses --- I am going to repeat what I have said before --- seems to be another instance of fear of democracy. It is a white feather wrapped up in a clause. I look upon it as cowardly fear on the part of Government of the working of a statutory body. The hon. the Financial Secretary is sincere in what he has said --- probably it is unwittingly said --- that it would be a good thing if the rice industry were to be changed into a co-operative, if it were changed these very men, who seem to have a shadow of suspicion thrown at their heads by this clause, would be the ones to carry it on unfettered by officialdom, etc. That is what the industry would be. Government does not intend to deprive them of the opportunity of it being a co-operative but says "Let the people do it on their own initiative". I know the Defence Regulations were used first, and we have today an Ordinance incorporating the whole of those Regulations. We know what the hon. the Financial Secretary has said about that. He said clearly that the whole of that Ordinance is not something that tends to the proper extension of the industry. When we come to that stage we can appreciate what is being done. At the moment I am against the principle of the clause.

The CHAIRMAN: We are not talking about the principle of the Bill any longer. Here is a particular clause with a particular purpose I would ask the hon. Member to let us get on with the Bill.

Mr. DEBIDIN: I am sorry to mislead you, Sir, by the use of the word. I am against the clause in principle. In on the clause I am that this particular clause, asking that you be

given power to approve, just as the previous one asked to give the Director of Agriculture power to approve—is a subtle attempt to safeguard against any action of a democratic statutory body of the rice growers of this Colony. It is clear — and I am glad the hon. Member for Central Georgetown (Mr. Fernandes) has reminded us that there are times when the producers are in the majority at the meetings of the Board — they may pass something for themselves. I look upon this clause as being a clause which seems to indicate that the people who form the Board are not capable men, that the people of this Colony are far behind in the assumption of responsibility here and there. We have 16 men forming the Board, men who have the interest of the industry at heart, and I fail to see how 8 men nominated by you, Sir, can have the interest of the industry at heart any more than the eight who represent the Rice Producers' Association. If 16 men get together to think of something in the interest of their own industry and they say they would give X dollars to run the association, a statutory body, which has been found necessary as a part of the proper working of the Board and of the industry, I see nothing wrong in that. It would be gross interference to my mind with the proper working of a statutory body in this Colony to hinder them. You have said it just now, and I am glad it has come from you that you are not the one to disapprove, and you will have advice

The CHAIRMAN: I said I shall be the one who shall approve, but I shall not do so without advice, naturally.

Mr. DEBIDIN: Probably again I have used language which is not quite clear. From what you have said, you may not be the only one to do so. Each time you have indicated you will do so with the advice of your advisers. That is clear. It seems we are as far from self-government as anything.

The CHAIRMAN: I must ask the hon. Member to stick to the point of the clause. He cannot wander over the whole field of debate on the principle of the Bill. Would he stick to the clause?

Does he think it should be submitted and, if he does, to whom should it be submitted? If he makes clear his point of view we may get on.

Mr. DEBIDIN: I think I have made it clear that I am against the clause. I only desire to say that if in the Committee stage I am only permitted to vote and not to express the reason why I am against the clause, then it seems we had better go home or do not say a word in this Council.

The CHAIRMAN: The hon. Member has been speaking for nearly an hour. It is becoming wearisome.

Mr. DEBIDIN: You use the word "wearisome"! I would ask in the interest of the industry that Your Excellency do not rush anything. It seems to me from what you have said and the use of the word "wearisome" that you wish to come to an end of this debate as early as possible. I think that is wrong. I was talking about this clause and I was making the point about your approval. I would like us to know your point. I am making the point where you have given your approval. Just there we, the people of this Colony, cannot be satisfied. Past experiences have shown that the advice given is not always to the best advantage of the people of the Colony. If you want I can take up the whole afternoon in showing glaring cases of what amounts to maladministration, but I will not do that at this stage. I will make the point that it is not sufficient, and it is because of the type of advice that is given the people are sceptical. As Head of the administration you may have the best in intentions, but those will disappear in the face of the advice given you here and there. It is because of the advice that is given that this Colony is not progressing in the way it should; it is because of the narrow orbit in which the advice is given. I say so because I know what I am saying and that that particular phase of the administration is taking into account not the interest of the people, those engaged in the rice industry. As far as this clause is concerned, I mean the rice producers of this Colony. If they are to be given the

right to form committees of their own and the right to elect representatives to the Council and finally to go to the Board, they are carrying out a most democratic performance. If the poorest class person can join committees on the sugar plantations and so much is said as to the necessity for that, moreso as far as the rice industry is concerned they are doing a useful work and no attempt should be made to curtail expenditure.

The CHAIRMAN: There is no attempt to curtail anything. It is simply a question of putting up an estimate. The hon. Member is making an assumption. They should have this grant from the Rice Marketing Board. The whole power is in the Board. I have never said anything else. It is a different question to the control of expenditure, and the hon. Member is as keen as anyone in this Colony in doing what he can to control expenditure in this Colony.

Mr. DEBIDIN: As far as that point goes, I wish to say that the mere fact of taking complete responsibility from the Board, which has to account for this expenditure to the Colonial Secretary, is suspicious. As a matter of fact the Ordinance which we have here, section 21 of the Rice Marketing Ordinance, states clearly that not only must the account be placed before the Colonial Secretary but the report shall be laid before the Legislative Council and shall be published in the *Gazette*. This expenditure will eventually get into the report on the expenses side and, I am sure, the Board must go into it carefully to see that it has not been spent wrongly. It seems to be wrong in principle to remove what seems to be a democratic right. It is aiming through fear of the operation of the rights of the Rice Producers' Association at curtailing what might be regarded as their rights and privileges. Those are things which must make them suspicious and make me so myself.

Dr. SINGH: I also feel that the activities of the Rice Producers' Association must continue, because they have a large field — Berbice, Essequibo and Demerara. But I feel that the expenditure must be scrutinized by somebody. It must come

at least under the scrutiny of the Rice Marketing Board. That is how I feel about it.

The amendment by Dr. Jagan put, and the Committee divided and voted as follows:—

For — Messrs. Peters, Fernandes, Debidin and Lee, Dr. Jagan, Dr. Gonsalves and Dr. Singh — 7.

Against — Messrs. Morrish, Smellie, Phang, McDoom, Kendall, Farnum, Ferreira, Raatgever and Wight, Dr. Nicholson, the Financial Secretary & Treasurer, the Attorney-General and the Colonial Secretary — 13.

Amendment lost.

Sub-clause (2) as printed put, and the Committee divided and voted as follows:—

For — Messrs. Morrish, Smellie, Peters, McDoom, Kendall, Fernandes, Farnum, Ferreira, Raatgever and Wight, Dr. Gonsalves, Dr. Nicholson, the Financial Secretary & Treasurer, the Attorney-General and the Colonial Secretary — 15.

Against — Messrs. Debidin and Lee, Dr. Jagan and Dr. Singh — 4.

Motion affirmed.

Sub-clause (3) put, and agreed to.

Clause 5 passed as clause 3 of the Bill.

Clause 6 (re-numbered Clause 4) — Insertion of new section 29A in the Principal Ordinance.

Mr. LEE: I do not feel that this power should be given to the persons mentioned in this amendment. That will be exercising too much authority over these poor producers who have to plant their padi and take it to the mill. Already they are compelled under the Ordinance to take their padi to the mill, and they cannot handle it any more after that because the law prohibits it under a penalty. I would like to find out from the Government or the persons who think it desirable, why there must be this power.

Let us assume for the sake of argument that the Manager cannot leave Georgetown because his presence is so much occupied. The Assistant Manager has to carry on if the Manager is away. The Secretary is also occupied because there are so many complaints and things to be attended to. The clause goes further and says "or any person authorised in writing by the Board so to do". That is giving authority through the Board to any person other than those responsible officers of the Board. If that person has a spite against another person he can make a complaint to the Board and get authority to seize that person's padi. There are many instances where these producers take their padi to places where they should not. Many instances have been brought to the attention of the Board where the padi is carried to the mill and it has been left there for days without the miller being able to soak it and thereby it deteriorates. The moment he tries to take it to another mill the Board's agent will go in and seize the man's padi, and the padi is lost to the man. I cannot agree to this clause, knowing as I do the conditions in my constituency, where the growers are dependent upon the goodwill of the millers.

The FINANCIAL SECRETARY & TREASURER: I would like to explain in more detail than I did on the second reading, the origin of this particular clause. I said then that the Board had specifically requested Government to introduce this provision, and I ask permission to quote from the correspondence in the Government file in order to make the point quite clear. There is a letter dated 7th May, 1949, from the Manager of the Rice Marketing Board enclosing a copy of a resolution forwarded to Government asking for this provision for better control. Also enclosed with the letter was a copy of correspondence with the legal advisers of the Board. I do not propose to name the legal advisers of the Board, but in a letter to them the Manager of the Board set out the facts of an actual case which brought the point in issue. In that letter the Manager wrote:

"In a recent case before Magistrate Sharples rice miller G. A. Fredericks, of Nonpareil, was charged with having

forwarded a consignment of rice from his factory without the accompanying Notification Form as provided under Section 24, sub-section (2) of the Rice Marketing Ordinance.

"In actual fact the case resulted from the fact that our District Supervisor, Mr. Bacchus, suspected that this miller was despatching rice from his factory without the covering forms, and on seeing a cart loaded with rice travelling along the public road, he stopped the driver and asked him for the form. When the driver was unable to present the form Mr. Bacchus asked a rural constable, who was with him, to seize the cart and the rice, both of which were taken to the Police Station.

"In giving his decision in this case Magistrate Sharples stated that neither Mr. Bacchus nor the Police had any right to seize the rice. If this is the case then it would appear to be an impossible task for us to proceed with any prosecution for breaches of this nature, as there would obviously be no evidence.

"I would be grateful if you will let me have your opinion in the matter, together with any suggestions that you might be able to offer as to what action should be taken in similar instances in the future."

Then the legal advisers replied to the Manager of the Board in this way:

"We are, however, in agreement with Mr. Sharples that an agent of the Board has no right or power to seize the rice, as in this case, for we can find nothing in the Ordinance or the By-laws authorising such an act. We also think that the Board's agent has no right even to stop a cart under circumstances such as this.

"We do, however, think that a policeman has the power, if he thinks an offence is being committed, to stop such a cart with rice, and if the driver of the same has not the proper notification as required by the section, to seize the rice, not with the idea of having the same confiscated, but to produce as an exhibit at the hearing of the case.

"In order to have this matter put on a proper basis and beyond any doubt, we suggest that Government be approached to bring in additional Regulations empowering any servant or agent of the Board, or any constable, to stop carts, seize rice, not only for a breach of this particular section but also in a general manner where breaches of the Ordinance warrant such action".

This is an actual case in which the

lack of this particular power denied the Board any effective sanction such as is provided in the Ordinance. I do not think the Board would have much to do with the movement of padi, but it should be very much concerned with the improper movement of rice from one place to another without proper permits. As the letter says, it is not a question of confiscation but of stopping the movement of a consignment of rice so as to produce it as evidence in case of prosecution.

Mr. LEE: I cannot put my hand on the section at the moment, but in the case of a summary conviction offence — and any offence under the Rice Marketing Ordinance is a summary conviction offence—a rural constable can seize an article and take it to a police station. I therefore do not agree with the legal opinion quoted by the hon. the Financial Secretary. Apart from the material evidence of the rice, if a Supervisor seized that rice and has a witness to prove that it was being removed, can't a conviction be brought home to the person removing the rice? I do not agree that it is necessary to seize the rice in order to establish a case. There have been cases in which rice millers have been found giving rice to growers. The police saw it and gave evidence of what they saw, and the millers were convicted.

Mr. DEBIDIN: I think this clause has given rise to a great deal of suspicion. I say so because it has been advanced by rice producers and millers that great inconvenience can be caused if some wicked-minded person, acting under supposed authority, seized rice in order to inconvenience a miller. It is just possible that such action may be taken against a miller who is a member of the Board and is giving trouble. The clause may not be intended to operate in that way but it may be used in order to curb a troublesome miller. The police have power to act in these matters, and to a large extent a rural constable can also act. Section 32 of the Principal Ordinance provides:

"32. (1) (a) Any person who, without lawful authority or excuse (the proof whereof shall lie on him) or without the permission of the Board, removes or causes to be removed any padi from the factory shall be guilty of an offence against this Ordinance.

(b) It shall be *prima facie* evidence of the commission of an offence by a manufacturer under this subsection, if it is proved to the satisfaction of the Court that the quantity of padi in the factory on the date on which the offence is alleged to have been committed is less than the quantity which, according to any return, account or stock-taking, ought to be therein."

Sufficient evidence can be obtained on the spot to support a charge by the police. There is also sufficient safeguard in the provision for the sending of returns, so that there is absolutely no necessity for provision whereby seizure can take place *carte blanche*. These things make people wonder what is behind it all. The Manager and the Secretary have far more important duties to perform. One case at Sparendam lasted three months. I had one case and I went to Barbados, and when I returned I found that it had been withdrawn. On one occasion the Board retained a private practitioner who prosecuted in one of the cases. I cannot imagine what could have inspired the introduction of this clause.

The ATTORNEY-GENERAL: I think the last question of the hon. Member was answered by the hon. the Financial Secretary. The reason for this clause was the case which was stated to the Council. Information may reach the Board that certain rice or padi was being transported illegally, and the circumstances may warrant action being taken. The importance of the matter justifies some provision of this nature. As a legislator, and from a statesmanlike point of view I think the hon. Member will agree that it is desirable to have a provision of this nature. As a lawyer practising in the Courts he will appreciate that the absence of such legislation would enable him to get a client off.

Mr. DEBIDIN: The absence of such a provision cannot be raised as a defence in a case coming under section 32 which I have quoted. In such a case all the evidence needed would be the books of the person. The mere production of the books would be sufficient.

Mr. WIGHT: If, as is suggested by the hon. Member, somebody gets informa-

tion and acts on behalf of the Board, and action is taken against a miller whose rice is seized and he cannot continue his operations, but the case is dismissed, as a solicitor my friend knows full well that the Board would be liable to an action by the miller for malicious prosecution.

Mr. DEBIDIN: Where the police bring a case an action for malicious prosecution hardly succeed, unless clear malice can be proved.

Mr. WIGHT: I still stake my opinion against that of the hon. Member. We are not talking about the police but the Board — the Manager, the Assistant Manager, the Secretary, or any person authorised in writing by the Board. The suggestion is that one of those persons would bring the case. It is the Board and not the police. It is against all the text-books that the intervention of the police precludes an action being brought for malicious prosecution. It seems to be very much safer, in the interest of all concerned, to retain the clause.

Mr. LEE: Neither the hon. the Financial Secretary nor the hon. the Attorney-General has answered my question whether a rural constable has the power to seize rice if he believes a person is committing an offence against the Ordinance.

The CHAIRMAN: I gather that all this has arisen out of the case of seizure of padi, in which it was ruled that a rural constable had no power. It is what the Court has said.

The FINANCIAL SECRETARY & TREASURER: I quoted from the decision of the Magistrate

Mr. LEE: The point is can a rural constable seize any rice or padi where he believes that an offence is being committed against the Rice Marketing Ordinance?

Dr. AGAN: I have listened to the statement read by the hon. the Financial Secretary, but only last week's statement was given to me by Mr. Fredericks, he

miller, showing that he was prosecuted for a similar offence of transporting rice in two carts without a consignment slip, and he was fined by the Magistrate. I hope that the hon. the Attorney-General will communicate the decision referred to by the Financial Secretary to all Magistrates so that they would not convict such people. In one case the learned Magistrate decided that the person who made the seizure had no authority.

The ATTORNEY-GENERAL: I do not know what the circumstances were in the particular case referred to by the hon. Member. The charge may have been the same but the circumstances may not have been the same

Mr. DEBIDIN: The hon. Member for Essequibo River (Mr. Lee) has asked for an interpretation. I will refer him to section 70 of Chapter 14 which says:

"70. Anyone who is found committing any offence against the person or against property, which is punishable on summary conviction may be taken into custody, without warrant, by any police or other constable, or may be apprehended by the owner of the property on or with respect to which the offence is committed, or by his servant or any other person authorised by him, and shall in the latter case be delivered as soon as possible into the custody of some police or other constable, to be dealt with according to law."

The CHAIRMAN: What is the great objection to giving these powers which it is proved are not held by the police, to two or three people who are members of the Rice Marketing Board? Even assuming that the police have the power, there are people specially interested to protect the Board's interests and the interests of the rice producers, and the rice producers on the Board have recommended this. It has come from the Board as a recommendation from the industry. I cannot see what hon. Members are intending about — that these few officers of the Board should not be given this power.

Dr. NICHOLSON: I move that the question be now put.

Mr. PETERS: I raised this question last week in the course of my speech. I

certainly do feel that something ought to be done to prevent any grower or miller, or other person contravening the law in respect of the storage of padi and rice, but I certainly do hesitate to support this amendment which seeks to give the power to seize and detain padi, rice or bags, to the Manager, the Assistant Manager, the Secretary or any person authorised in writing by the Board. I feel that it would be vesting those persons with quasi police powers, or Magisterial powers, and what is more, the wording of the clause is so vague that if the Manager, the Assistant Manager or the Secretary of the Board desired to hold up someone's padi or rice for weeks before the matter is investigated, nothing is said in the clause as to what might happen — how long is he to detain it? The seized article may be detained for six months. It does emphasize the feeling that the Board is being clothed with too much power for the matter of its service to the community.

I would counsel that this particular sub-clause be given some further thought, if it must be made acceptable to me so far as I am concerned. More than that, you have the Police in the community and the Rural Constables. They are sufficiently vigilant and competent to take care of functions of this nature. Why should we feel at this time that they cannot be depended upon to look after this matter? For instance, this particular sub-clause is very much akin in spirit to the Law of Unlawful Possession. A policeman, or a rural constable, seeing one going around with an article which is supposed to have been unlawfully obtained or stolen, has the power to stop that person and make him go along with him to the station in order that investigation may be made by the Magistrate the next day. Why should we assign such powers, as we are trying to do here, to the Board? Why hand such powers over to the Board? They have enough, and I do not see why we should overload the Board with powers.

Mr. WIGHT: I do not think that legal Members of the Council should make statements and that they be allowed to be recorded without contradiction. I say that both for the information of the hon.

Member for Essequibo River (Mr. Lee) and the hon. Member for Eastern Demerara (Mr. Deb'din). They should know, as well as anybody else, that the provision of section 70 of the Summary Jurisdiction (Procedure) Ordinance, Chapter 14, which was quoted by the hon. Member for Eastern Demerara, only relates to the arrest of the offender and has nothing to do with the property. Section 10 of the same Ordinance deals with the property. The detention or seizure of the property can only be done by a search warrant sworn to. That is a simple procedure, it seems, that should be adopted. I personally see no harm in the clause. It is not going to create any hardship on anybody. The hon. Member for Western Berbice (Mr. Peters) has spoken of unlawful possession. He knows fully well that in that there is the question of suspicion. In this case more or less the padi may be stored in certain places which may not necessarily give rise to reasonable suspicion. It may be stored in circumstances which need not give rise to reasonable suspicion. Therefore, any person seen committing an offence in connection with that property, what are you to do? You are merely to get a search warrant from the Magistrate, execute it, seize the property and detain who is committing the offence. It seems that a person should have the right to seize padi or rice if there is the question of inaccuracy of the estimates. It does help in the administration of the Ordinance. I can see very well the difficulty if this clause is omitted. There will be quite a number of chances of escape through technicalities. This clause more or less closes the door and tightens up the law in that respect. If the hon. Member says the law should not be tightened up, then the clause is not necessary and the law must remain lax as it is. It seems to me the decision for hon. Members to make is as to whether the law should be tightened up or not. At the moment there is a great deal of laxity. At the moment there are a great number of loopholes, if you leave it to the Summary Jurisdiction (Procedure) Ordinance, Chapter 14.

Mr. LEE: With all due respect to my friend, the hon. Member for Western Essequibo, I will read section 27 of the Constabulary Ordinances, Chapter 30:

"Any member of the force may arrest without a warrant —

(a) anyone committing in his view an offence punishable either upon indictment or upon summary conviction; or
...."

If my learned friend looks at section 32 of the Rice Marketing Ordinance, subsection (4) (b) he would see it says:

"Any person who delivers or removes any rice from a factory otherwise than in accordance with the provisions of this Ordinance....."

Therefore the removal of rice by anybody is an offence. At the time of the removal of the rice the person is committing an offence, even the cartman is committing an offence, and any policeman or rural constable can arrest the person and detain that property because an offence is being committed in his view. What then is the necessity for this clause?

The ATTORNEY-GENERAL: The one point the hon. Member has made is about removal. The proposed clause does not say anything about removal. The hon. Member is proceeding on the assumption that it is necessary for the rice to be on the road being transported, but you may have it at the place of somebody else, who has nothing to do with rice, hiding it there. It may be a matter of collusion or conspiracy to get the rice away; and that rice, or padi, or bags, may afford very valuable evidence in any case that is brought. So far as section 32 of the Ordinance is concerned, it says:

"Any person who, without lawful authority or excuse (the proof whereof shall lie on him) or without the permission of the Board removes or causes to be removed any padi from a factory shall be guilty of an offence against this Ordinance."

You may get the information but you have to get the evidence on the information which is supplied. By the time you get there you may find you have only the statement of the person who gave the information. In this case not only the information is given to the Board but the actual evidence by way of the material itself. That is the real essence and reason for this clause. I think hon. Members would agree, if it is the desire of this Council to see everything is done whereby

there should be no under-current or no undesirable action in regard to dealings with rice, or padi, or bags, this clause should be retained.

Mr. LEE: That is why in my opening remarks on this Bill I said that all these inspectors of the Board should be made Rural Constables. In that case there would be no necessity to go and search for a rural constable or a policeman if an inspector sees an offence is being committed. He can act at once.

The CHAIRMAN: You think if they are made rural constables that would solve the whole question?

Mr. LEE: Yes, Sir.

Mr. DEBIDIN: With reference to what the hon. the Attorney-General has said, the case instanced was where a cart was seen travelling with something, but this case is where some rice or padi is stored in somebody's house. It is the same offence. With that information you can go to a Justice of the Peace, who is always to be had in a district, and obtain a search warrant and seize the rice. If a cart is seen going along the road with rice the Police can take it to the nearest Police Station and a charge is brought. I would like to point out further in answer to what is said, that this clause which is sought to be inserted is in the path of section 32 (1) (b) which prescribes all that has to be done in order that a charge or offence is brought home. I would like to draw attention to section 32 (1) in respect of where a charge is brought against a miller he has to prove his innocence. It reads:

(a) "Any person who, without lawful authority or excuse (the proof whereof shall lie on him) or without the permission of the Board removes or causes to be removed any padi from a factory shall be guilty of an offence against this Ordinance;

(b) "It shall be prima facie evidence of the commission of an offence by a manufacturer under this subsection if it is proved to the satisfaction of the Court that the quantity of padi in the factory on the date on which the offence is alleged to have been committed is

less than the quantity which, according to any return, account or stock-taking, ought to be therein".

The CHAIRMAN: The hon. Member has read the whole section already and now he is reading it again.

Mr. DEBIDIN: I ask your indulgence just to make this point. Under paragraph (a) the onus of proof is on him, and under paragraph (b) the quantum of proof is given. In other words, the mere deficiency of padi in his factory to what his books show will be sufficient evidence to convict him. In other words, the Ordinance, which was a thorough job when it was drafted — I do not know if the hon. the Attorney-General had to do with it — is sufficient in this particular case to bring home an offence. Therefore when you are seeking now to go and seize padi, which is necessary to bring home a case, paragraph (b) of section 32 (1) of the Ordinance states clearly that it is not necessary to seize the padi. The miller has to send in regular returns to the Board and you just reckon the padi in his mill and check it with the returns sent in. You may seize his books but not the padi. That is exactly what I am asking to be done. If power is given to authorize Mr. X, who knows nothing about the law, to seize if the Manager or the Assistant Manager, or the Secretary cannot do so —

Mr. SMELLIE: To a point of correction! The Manager, or Assistant Manager, or Secretary has no power to authorize anyone to seize. That person has to be authorized by the Board.

Mr. DEBIDIN: I may repeat what I am saying. The Manager has power, the Assistant Manager has power, the Secretary has power. If they do not exercise that power somebody else is authorised by the Board who is not a responsible official of the Board and who may not know what to do, or may have a grudge against the miller and goes and wrongfully seizes the padi.

The ATTORNEY-GENERAL: The hon. Member is suggesting that the Board is so irresponsible and incapable as to authorize someone who is not sufficiently

capable to deal with a matter of this sort. I think it is a reflection on the Board to make that suggestion.

The CHAIRMAN: I wish hon. Members would make up their minds in regard to this clause.

Mr. WIGHT: The hon. Member for Essekuibo River (Mr. Lee) has again quoted something in error. Chapter 30, section 27, refers to arrests. It says "any member of the force may arrest", but that has nothing to do with the subject matter concerned in this clause.

Dr. GONSALVES: I am just going to make a few remarks broadly. What I want to say is this: The clause on the face of it appears harmless, particularly as it has been done with the acquiescence of the Board, but in spite of this and because of the experience as related by the hon. the Financial Secretary it is all the more reason why in the view of the Government the clause is necessary. But on the practical basis of it, I believe, whenever power of this kind is vested in a Board or an individual it is done with the best intention. But is that intention carried out? That is what we are afraid of. It is only because of past experience we fear what is going to happen in the future. It is because of experience we know that whenever the law vests power in persons, people with small minds will do harm to their neighbours simply because they are covered by the law. I will refer to the impounding of cattle, which is a proper thing to do in order to prevent the breaking of the road, but it is also true that those gentlemen who are authorised as cattle-catchers go into private yards and remove people's cattle at nights and with the concurrence of the Police tie the cattle in the Police Station yard until the morning. There is a case coming up where a Sergeant of Police kept two or three cows like that. That man was brought down as an ordinary criminal because he sheltered those people

It is true that we want to see the law enforced, but I do not believe that it is the intention of the framers of this Bill to see that undue hardship is placed on

in the Bill, we should call upon the hon. Member. I am saying, if his clause is inserted in the agreement of the Board, I take it, it is done with the best intention, but I am still calling attention to the fact that there is great danger if this authority is passed down, unless it is to be used with the greatest of judicious care.

THE ATTORNEY-GENERAL: I do not want to prolong the debate. Does the hon. Member realize that the subsection says "The Manager, the Assistant Manager, the Secretary, or any person authorised in writing by the Board"? If he considers that, he would see that it is not a case of giving authority *carte blanche* to every body to seize *padi*. There is no question of fines which may arise as in the impounding of cattle.

DR. GO SALVES: I am not saying that at all. What I am saying is this: The fact that it says "The Manager, the Assistant Manager, the Secretary, or any person authorised by the Board", the impounding of cattle which I illustrated is also a power handed down from one Department. The Heads of Departments to whom power is given by law we have no right to question, but look at to whom they transfer that power. How do we know that the same carelessness will not be exercised by the Board in giving this power to other persons?

Clause put, and the Committee divided and voted as follows:—

For: Messrs. Morrish, Smellie, Kendall, Fernando, Farnum, Ferreira Raatgever and Wight, Dr. Nicholson, the Financial Secretary and Treasurer, the Attorney-General and the Colonial Secretary—12.

Against: Messrs. Phang, Peters, Debidin and Lee, Dr. Jagan, Dr. Gonsalve and Singh.—7.

Clause re-numbered as Clause 4 passed and printed.

Clause 7 re-numbered 5 — Insertion of new section 36A in the Principal Ordinance.

The FINANCIAL SECRETARY &

TREASURER: I ask permission to have substituted for clause 7, as printed in the Bill, a redrafted clause which has been printed and circulated in the form attached to Your Excellency's Statement. I also desire to move two minor amendments. I will state these amendments at once:—

"The insertion of the following words at the end of subclause 2(b) of the re-drafted clause and whose participation therein shall have been approved by the Legislative Council" and in sub-clause 3(b) the insertion of the words "for domestic consumption and export" between the words "marketing" and "of" in the first line thereof."

Before I explain these amendments I would just like briefly to touch on one or two points of importance raised in the general debate yesterday to which I did not reply because of lack of time. Your Excellency's statement to this Council on Wednesday last did, I am sure, remove some of the more grotesque of the misconceptions which had been circulated about this matter. For example, I am sure, there is now no general belief that the coming of this new development will serve to take away people's lands. I am quite sure those canards about the new company wishing to confiscate the lands and that the rice growers will be prevented from cultivating their lands, if believed by any Member of this Council and persons outside of this Council, have ceased to exist. There were two points made in this Council by two Members—the hon. Member for Central Demerara (Dr. Jagan) and the hon. Member for Western Berbice (Mr. Peters), which are allied and are also points that, I think, should be countered.

The hon. Member for Central Demerara emphasized that the coming of this new development would mean a change from what he calls "peasant economy" to what he calls "plantation economy". Somewhat along the same lines the hon. Member for Western Berbice said it may mean a change to "wage economy". I want to say that is far from being the case. This new development does not contemplate a complete change to "plantation economy" or to "wage economy". I do not want to admit that "plantation

economy" is very necessarily a bad thing. What is important and open to objection is, I think, the method and procedure by which such a system may be carried on. Be that as it may, that is not the intention. Your Excellency took pains to explain all the means by which more lands will be secured, and that the intention is to allow the farmers to have as much lands for cultivation as possible. I know the hon. Member for Western Berbice is concerned with the psychology and theories attached to peasant farming and that this arrangement should not be disturbed. There is no intention to do that. As regards the "wage economy" I feel sure there will be undoubtedly benefit for certain categories of our wage-earners. It is a very good thing to visit the Mahaicony-Abary Scheme and to see the technicians at work with the machines in the fields and in the mills. They are wage-earners. There is nothing wrong about that. I do hope there will be a large number of wage-earners of that particular type added.

The other point, which I should have referred to, has reference to this Colony and Steel Bros. You have said in your statement, Sir, that there is no question of the Steel Bros. coming in to take over the Mahaicony mills and other mills contemplated. In the speech of the hon. Member for Central Demerara the name of Steel Bros. was mentioned and there was some further talk by other Members about private investors coming in to try and get dividends. With that in mind I had a discussion with the hon. the Attorney-General and we agreed to propose that those words to which I have just referred be inserted at the end of sub-clause (2) (b). The clause as it stands deals with the method of securing the capital for this new company, and may I read it.

"(2) The capital required for the establishment and the operations of the Company shall be met —

(a) with the approval of the Legislative Council from funds of the Colony and by the transfer as part of such capital of any assets owned by the Colony."

It is quite clear that power is completely within the control of the Legislative Council

"(b) from funds provided by any person or body of persons who, on the invitation of the Governor, shall have agreed to participate in the establishment and operations of the Company."

In order to make it quite clear that the person or body of persons invited must also be subject to approval by this Council, it is proposed to add these words "and whose participation therein shall have been approved by the Legislative Council". The effect of that is this: If any future Governor sees fit to invite Steel Bros. or any person, who may not be **persona gratia** with the people of this Colony, to participate in this company that participation cannot take place until this Council has given its approval. The amendment is to make assurance doubly sure that the partnership in the company will be of persons approved by the Legislative Council itself.

Lastly, the amendment I have suggested to sub-clause (3) (b) — the insertion of the words "for domestic consumption and export"—is to make it doubly clear that this arrangement between the Board and the new company is to cover the whole field of marketing—the marketing of rice and padi for domestic consumption and for export. That is to say, the agreement must cover the whole field of the disposal of the produce of rice and padi in this Colony. Those are the two points, and with that I would ask to move the amendments I have indicated.

Mr. DEBIDIN: May I ask the hon. the Financial Secretary to repeat what he said about the whole field would be covered by that clause? I did not hear him.

The FINANCIAL SECRETARY & TREASURER: I said, that indicates that the agreement should contain a clause or clauses which would ensure adequate arrangements between the Board and the new company which would cover the whole field of marketing for both domestic consumption and export of the padi and rice produced in the Colony. It is to quite sure, where it is necessary, that the new company shall contribute to the volume of rice required for domestic con-

sumption. It is to make it clear. That is all it does.

Mr. DEBIDIN: I ask that further discussion of this be postponed to another day, as we are under notification of a meeting immediately after this and we are already late. I think the hon. the Deputy President, Mr. Wight, will be able to say about that meeting. If this is prolonged it would prolong the time of that meeting.

The CHAIRMAN: I said, we had been debating this Bill three weeks now. If the Council wants to adjourn it would only mean another week, and so the time goes on. I am in the hands of the Council.

Mr. WIGHT: The other meeting can be postponed. I do not think we are in such a hurry about that.

The CHAIRMAN: It will mean we will have to meet on Wednesday on this Bill again.

Mr. DEBIDIN: I do not think you will mind me saying this matter is very vital and is still very important. While we have voted that the whole of this proposed clause 7 should be inserted in the Committee stage, it does not necessarily mean that this matter will not be debated. That is the stage where it is debated in detail, and I for one will ask that I be given my full right to debate this matter fully. I am prepared to do so, if that is the intention to get a decision this afternoon.

The CHAIRMAN: I am in the hands of the Council. If you do not wish to proceed we could still go on.

Dr. JAGAN: In view of the fact that when the hon. Member for Eastern Berbice (Dr. Gonsalves) wanted to speak yesterday you, Sir, gave the assurance that he would be allowed to talk under this clause, it would do much good if we have another opportunity on Wednesday.

The CHAIRMAN: I would say hon. Members must have a limit of time to speak. Any person speaking to a motion only has half an hour, but I have allowed

much more latitude. I cannot allow Members to continue doing that. We have to observe the Standing Rules and Orders.

Mr. RAATGEVER: I see no necessity for postponing this debate until next week. The matter has been fully ventilated. There is no question of this clause not passing the Legislative Council now. It is hopeless. It seems, although Members have a right to speak, in speaking for hours it is only a waste of time.

Mr. DEBIDIN: I object to that, a Nominated Member saying that an Elected Member in speaking at length it is only a waste of time. I move that we adjourn at this stage.

Dr. JAGAN: I second that.

Mr. RAATGEVER: A Nominated Member under the Constitution has the same rights and privileges as any Member of this Council, and I take strong exception to any Member, elected or otherwise, making any insinuation against a Nominated Member. Nominated Members represent the whole Colony and not one section of it.

Mr. DEBIDIN: My point is, it does not come with good grace for a Nominated Member to say of another Member that he is wasting time when he speaks.

The CHAIRMAN: Does the hon. Member wish to move his motion?

Mr. DEBIDIN: I move that the Council resume.

Dr. JAGAN: I second that.

Question put, and the Committee divided and voted as follows:—

For: Messrs. Phang, Debidin, Farnum, Ferreira and Lee, Dr. Jagan, Dr. Gonsalves, Dr. Nicholson and Dr. Singh — 9.

Against: Messrs. Morrish, Smellie, Peters, Kendall, Fernandes, Raatgever and Wight, the Financial Secretary & Treasurer, the Attorney-General and the Colonial Secretary — 10.

Motion lost.

Mr. LEE: Although the motion is lost, the time is 10 minutes past 5 o'clock. It is beyond the hour of sitting of the Council.

The CHAIRMAN: The Council has decided that it wishes to continue. I do not know how long the hon. Member wants to go on talking on this clause, but if we can finish by six o'clock it is better than taking it on to Wednesday next. Every Member of the Council has said all he wanted to say. It is not a question of controlling the debate. Two Members have had the opportunity of saying everything they wanted to after the new suggested amendments were put before the Council.

Mr. DEBIDIN: The Official Members threw in their lot and so there was a close division.

The CHAIRMAN: The hon. Member must abide by the decision of the Council.

Mr. DEBIDIN: Sir, we are very tired. You have the power to adjourn.

The CHAIRMAN: Let us go on and see how we get on.

Mr. DEBIDIN: If I am to proceed I would like to refer to the amendment which is before the Council, as moved by the hon. the Financial Secretary. In the first place I want to say here that this amendment is nothing new to the Council. It does not go very much further, and I shall show the difference between it and the original clause 7 which most Members of this Council had expressed very strong disapproval of. What are the differences between the original clause 7 and the proposed amendment? In the first place it is clear that an agreement has to be entered into at some stage between Government on the one hand and the Corporation, whether it is in the form of a local company or not, so as to determine the relationship between Government and that company and how it should operate in this Colony. It seems to me that is the over-riding feeling of Members of this Council. Unfortunately I am speaking with those Members not present now, as what I have to say is intended for

their benefit. Therefore it seems to be a barren speech I am making. There is, however, one thing I may say in their absence, and that is: This amendment here has been presented at a point of time when several Members had shown complete disfavour particularly on the ground that it is making fish of one and fowl of the other, as the new corporation in whatever form it takes will be free from the control of the Rice Marketing Board and the provisions of the Rice Marketing Ordinance and will be able to operate freely so far as marketing is concerned. That has been objected to completely.

Is the position changed today? That is the question I am asking. It has been cleverly introduced in this amended form that whatever agreement is to be entered into must come first to the Legislative Council of the Colony. It is a studied plan, and I am going to ask Members to consider the various steps those who are promulgating the particular clause have taken and the movement away from the Bill that has been incurred. In other words, an agreement had to be introduced originally and now an agreement is referred to in the proposed clause which says:

"(1) Subject to the provisions of this section, the Governor may, with the approval of the Legislative Council, direct the establishment of a colonial rice development company (hereinafter referred to as "the Company") for the development of the rice industry and the extension of the export trade in the said industry in accordance with an agreement to be entered into between the Government and the Company (hereinafter referred to as "the Agreement") and, notwithstanding the provisions of this Ordinance, the provisions of the Agreement shall govern the operations of the Company."

In other words, the emphasis is now on the agreement. It has been transferred from sub-clause (2) of the original clause, exempting the corporation to an agreement to govern this company. It says this agreement shall govern the operations of that company and that this agreement is to be put before the Legislative Council of the Colony. All I can say is, the position in so far as this agreement is concerned has

not changed, because Government in any case will be entering into the agreement and the provisions of the Rice Marketing Ordinance will still be kept out. I say so because of the particular set up of the Board. I am now in a better position to say that with the new amendments, which have been proposed and may possibly take effect, and with the set up of the Government of the Colony as it is, we have removed from sub-clause (2) and gone into a probably worse position, because what is intended to control and to keep the company out of the Rice Marketing Board will be put into the agreement. In other words, though you have cut out sub-clause (2) — that the company shall not be governed by the Ordinance—the agreement has made up for it. That is why the suggestion of the hon. Nominated Member, Mr. McDoom, is very sound, that there should not be further consideration of this Bill until we have seen what that agreement is.

What will be the agreement which will be put before this Council? Will the terms of the agreement be within the scope of what has been said in this Council? They will be within the scope of something which will be removing the company or corporation entirely from the control of the provisions of the Rice Marketing Ordinance. That is clear, and I am going to ask leave to refer to what I regard as being a tremendous anxiety on the part of Government and those who are promulgating this Bill to see it passed. I have to refer stage by stage to the various things which make us today have to consider a hundred times whether we can safely leave the agreement to the Council, an agreement which will have everything necessary to remove the company completely from the Rice Marketing Ordinance. That is so, according to the wording of the amendment — “the agreement shall govern the operations of the company”. If the agreement says so and it is allowed to be passed here that this company shall not be bound by the provisions of the Rice Marketing Ordinance, the position would be the same as before and we would be bound by it. I recall the statement of the hon. the Financial Secretary when he said in effect that the

company will not — I will read his exact words.

“I hope in my early remarks I made it quite clear that there is no possibility whatever of attracting the necessary capital unless the undertaking can be exempted from what were really war-time emergency control restrictions since put into the law.”

We have to start with that hypothesis as the basis of what that agreement will be, but it seems to be clear that with this foundation that agreement will never reach the stage where it will contain anything but the exemption of this company from the operation of the Rice Marketing Ordinance. I want to refer to the fact — and we must not be misguided by it; it is very easy for the hon. Member for Western Essequibo, (Mr. Wight) to talk about being misguided, but we must not be misguided — that when the question of the C.D.C. coming into the Colony came up in the form of this Bill, if you are granting it with all the feelings of good intentions for the industry, why was the Bill not introduced in its present form? Why seek first to exempt this new company from the provisions of the Ordinance? It was only after there was opposition to it, after two days' discussion and after seeing that the clauses would have gone by the board, that we find Government introducing something which would tend to bring the hearts of Members of the Council round. Taking the words of everyone who spoke at the conference, they do not know what the C.D.C. will agree to. We are groping in the dark, and we can only take the facts as given.

I feel that my hon. Friends, who have committed a change of heart and who had at first thought of the interest of the people of the Colony, have completely now removed from their consideration entirely what they had been thinking in the interest of these people. It seems to me that when we come to consider what has taken place, when we come to consider the anxiety of Government, that is something to make me and other Members of this Council take it for granted that there is never any possibility of a complete fusion of the company with the Rice Marketing Board in its operations, whether it is trading for export or for local consump-

tion. It is all a pious wish. I am driven to ask a question. If on the one hand the Government spokesman is saying it is not known what will be the agreement, I am at a loss to understand how they can come down and make a compromise by saying that sub-clause (3) will ensure the industry. I say, in the absence of such knowledge it is a pious wish that whatever is done will be in the interest of the industry, and that the company will be an asset to the industry in respect of its domestic consumption and exports. We do not know whether the company will accept. What is our guarantee that they will accept? There is none whatever.

As I have said, we are at a dangerous point if there are going to be two operations. If we are going to fulfil our contracts with the West Indian Colonies, if we are going to be bound to do that for years to come, it seems positively clear to me that in so far as this agreement is concerned the rice producers presently engaged in the industry will be bound hands and feet and will have no consideration given them. Very little will come to them in the increase of the price of their padi, whereas this company will be free to make good its losses, because it will be able to sell in the outside markets free from the imposition of those contracts. In other words, it will be able to make profits, but the peasant industry will not be able to do so because it is tied down to contracts and to prices. As I have pointed out, give us two cents per pound more in the West Indies for our rice and it will bring into the Colony millions of dollars more. I must say that the whole question at this moment resolves itself into this: Can we accept Government's word that excluding this company from the control of the Rice Marketing Board the rice industry and those engaged in it will be satisfied to know their interests will be sufficiently taken care of by this Council? We have too much evidence to the contrary. My friend, the hon. Member for Western Essequibo, has made fun at the people, the vast number of producers who have come into the Council. He has decried them.

Mr. WIGHT: I am not going to be misinterpreted. I have not decried any

of the rice producers. I would like the hon. Member to quote my words. I would ask him not to misinterpret what I say.

Mr. DEBIDIN: The hon. Member said he did not know if they were paid to be here.

Mr. WIGHT: Again I did not say that. I said I did not know who was paying their expenses.

Mr. DEBIDIN: We can only interpret that to mean they would not have been here if their expenses were not paid.

The CHAIRMAN: Would the hon. Member proceed?

Mr. DEBIDIN: Can the producers properly agree to say their interests will be fully taken care of by this Council? I have them here set out — what the attitude of the hon. the Financial Secretary has been, what the attitude of the hon. Member for Western Essequibo has been and what the attitude of other Members has been. I shall refer to the last person first. The hon. Member for Western Essequibo made reference to mass meetings as though these people who kept the mass meetings were doing so for their own interests. He assumes that the people have been misguided and that their decision is not as important as the decision of the Chamber of Commerce or anything else. Some Members referred to a memorandum flying about. If that is the consideration Members would give to the recognized organization of the Rice Producers of this Colony, what hope can the rice producers have for their destiny under that agreement? I assume that every Member would like to know the pros and cons of the matter, and that memorandum coming from a recognized institution I expected them to read every word of it and not in a way certainly sarcastic and bad to refer to it as a memorandum flying about. Can we then expect the agreement to be entered into will be in the interest of those people when consideration of the rice producers' viewpoint is casual to such an extent?

We come to the hon. the Financial Secretary and his eager anxiety to get

this Bill through in favour of clause 7. What do we find? Two important things stand out—his feverish anxiety and action—which make us think a thousand times before we can approve of this Bill. The hon. Member for Central Demerara (Dr. Jagan), has certainly referred to the one fact where the hon. the Financial Secretary had a discussion with him and asked him to the effect whether if he could persuade him in a certain direction he would use his influence inside and outside this Council in favour of the Bill.

The FINANCIAL SECRETARY & TREASURER: I do not think the hon. Member for Central Demerara ever said so. I did in a private discussion with him asked him if this Bill passes into law whether he would take the initiative in trying to convince the rice producers of the Colony of what we are doing.

The CHAIRMAN: I am not going to allow private conversations to be ventilated in this Council.

Mr. DEBIDIN: I had made an exact note of the words he said. The next thing is this, and this is public property. I do not know if the hon. the Attorney-General was there at the time. The Editor of the "Daily Chronicle" had been writing very strongly against the clauses of the Bill and the hon. the Financial Secretary actually got the Editor of that paper before him and, in the presence of the Managing Director of the "Daily Chronicle", Ltd., pilloried him and as a result there was a change of front in that newspaper. To use measures of that kind, to threaten a man with dismissal if he continues his policy of writing, is not right.

Mr. WIGHT: I must object! I am objecting on the ground that we have the private affairs of the Editor of the "Daily Chronicle" being brought up in this Council. We do not know if what is being said is true. We do not know what the position is. We do not know that the hon. Member has that person's permission to ventilate his private business in public.

Dr. JAGAN: The hon. Member is

anticipating what the hon. Member has to say, and he has no right to do that.

Mr. DEBIDIN: I am asking for freedom to say what I have to say. My point is, can we, the Members of this Council, who have the interests of the people of this Colony in our care, properly say that we can place our case with the Executive Council knowing that it will be gone into and then brought to this Council? Those are things we must consider. Can we accept assurances given that everything will be all right? I have referred to something which the people have a right to think about—the attitude adopted in this matter. Where such action, as I have pointed out, has taken place it certainly indicates very strongly the tremendous motive on the part of Government, or the individuals to whom I have referred, for wishing clause 7 to be passed. That brings me to the next point. You are the only person, Sir, according to the hon. the Second Nominated Member (Mr. Raatgever), who had an opportunity of speaking to the C.D.C. We know, however, that the hon. the Financial Secretary had an opportunity to speak to those very people in Barbados. You have knowledge of what is taking place, but have we got that same knowledge?

The CHAIRMAN: I may tell the hon. Member at once that there is not a single bit of knowledge I have in respect of what I had to do with the C.D.C. that he does not know and any other Member does not know. I have told him so, and if he thinks that things are going on behind the scenes that I have not disclosed to the Council, I must repudiate it emphatically. Let us get on with the matter. You have got my assurance and my word in this matter.

Mr. DEBIDIN: I have said it has changed from the idea of excluding sub-clause (2) to exempting the new concern from the Ordinance. We know this. The matter had been postponed for a whole week, and so you and the hon. the Financial Secretary and others have had the opportunity to prepare a statement while it was being postponed from week to week, and on Wednesday last you

asked us to a conference. Whether it was quite the procedure or not I have not examined it, but it was a process which tended to give Members an opportunity to have a change of heart. But very little more was said than was said in the statement, except that the hon. the Financial Secretary had mentioned the two further amendments, which he put forward today and which do not carry the point any further. The company will still operate independently. That is why I am asking myself "Must we give the Council, which seems to have this eager desire to put through something, the opportunity to do so?" Yesterday when I moved the deferment of this matter until we understand what are the terms of this agreement, you stopped me from speaking and, I think, the hon. Nominated Member, Mr. Roth, spoke. I have looked up the Orders in Council, and from what I saw it was not an amendment of the Bill but something to defer consideration of the Bill completely which ought to have been done first. It was to my mind trampling upon my constitutional rights. Why? The hon. the Attorney-General ought to have known that it was something to defer consideration of the Bill and it should have been put first. Then came this anxiety, causing the Council to continue to sit later than usual. Here again we have the same thing today. I refer to this because it seems to me that everything is being done legitimately to force through clause 7 as amended. Why? It seems to me that the answer is, that in the present way in which Members are depleted, with Government's first statement, then the conference and yesterday's proceedings, the issue will be forced.

For those reasons I feel that this Council and the people of this Colony cannot be too happy, as I am not, over this clause 7 being brought by the Government first of all. Who knows that the people of this Colony might agree to everything that the agreement might have, but with the present way in which this is being put through I cannot agree, and I am asking myself whether what I am saying is not true and inspired. Apart from the proceedings, the whole question of this new Bill, the C.D.C. coming into this Colony, if the development of the rice

industry is to take place in this Colony, I am asking that whatever that development may be it be shared by the people of this Colony. They must share in the export of every bag of rice. How can anyone accept this clause when that is not clear? My own personal experience of motions in the interest of the rice industry of this Colony is that they are not brought forward to be discussed. I had moved a motion asking for a review of the legal interpretation of the agreement or contract in the light of Devaluation, but it never saw the light of day. A deceased Judge of this Colony, Mr. J. A. Luckhoo, at a big function held at Dr. Singh's house in my honour, when I was elected to a seat in this Council, said I was one of the three leading solicitors of the Colony. If I bring forward something as the result of my research, of my knowledge of the law, I think some consideration ought to be given to it. His Honour the Chief Justice, Mr. Worley, at the introduction of my brother, said to him "There is no one more astute in the legal profession than your brother".

The CHAIRMAN: No one has said anything about that. It is quite unnecessary to say it.

Mr. DEBIDIN: I say it because at the back of that motion was the fact of that legal learning and the fact of what I have done. Why in the interest of the producers of this Colony it was not brought forward? I would respectfully say the reason for it was, if the motion was to succeed and be law this agreement would go by the board. I respectfully submit that by it you will be able to get the minimum world market price, in which case this Colony will gain \$2 million more. If we in this Colony had clearly the development of this Colony in mind, the present producers could have developed this Colony by receiving by way of added amounts for their padi and with that extra money which would go to the Board help in the irrigation and drainage of the lands. The industry would have been developed and exporting 50,000 tons of rice quite easily. It would not have been necessary for the C.D.C. to come in and collect part of the profits. But you say at this moment "Restrict the producers to the contract and

let the C.D.C. come in and operate on their own." In other words, no consideration was given to the people for whom my motion was to benefit. When we come to consider the attitude of Government as regards irrigation and drainage, we are alarmed at the question as to whether the present producers of this Colony can expect very much. How can they when, without any idea of the C.D.C. or any corporation coming in, we did not help the farmers in a legitimate way? Probably the E.C.A. funds could have been brought into this Colony to assist in our irrigation and drainage, for it seems it was intended for such a purpose and not necessarily for making profits. It seems that if the E.C.A. money had come in for irrigation and drainage we would have had something better than what is proposed. If Sir Frederick Seaford, who was one of the experts of this Colony, said it was not possible to drain the East Coast Conservancy water into the Demerara River, and now Mr. Hutchison says it is possible, how can we rely on the experts?

The CHAIRMAN: Why get back on the same story you said when you spoke on the Bill? You also have a motion on it in respect of which you gave notice in this Council. Therefore move on!

Mr. DEBIDIN: Government could have exerted this tremendous interest, which it is taking now in the rice industry in its favour, in the years past. Can we expect Government to have that sympathy for the present producers of the rice industry as to agree to terms agreeable and favourable to them? We have known with bitter experience in the past how many a good intention has been expressed but never implemented. Since we know what I know now, that Lord Trefgarne is coming and the C.D.C.'s intention is to make the best they can get out of the rice industry, it seems to ring badly to us that they are coming in the interest of the present producers of the Colony. I respectfully say that I am not convinced that they are coming in the interest of the rice producers of this Colony. I cannot bring myself to believe they are coming in the interest of the rice producers of the Colony. The modern idea of development the greatest good for the greatest

number. That is what I feel. The quantity of rice which the Mahaicony-Abary Scheme has put into the Board, when the Scheme is handed over to the company, will be withdrawn from the Board because the Scheme will form part of the new company and, therefore, it will reduce the chances or the ability of the Board to fulfil its contract and less money will go to the Board with which to tide over its expenses. At the very threshold of the formation of this company a considerable quantity of rice will be withdrawn from the Board through its absorption by the Scheme. That is something to be considered, as it is going to have some effect on the Board. According to the last report of the Board they are struggling with a deficit and, unless they get better prices in their markets, they will not be able to do better.

Mr. RAATGEVER: I would like to draw attention to the fact that the hon. Member has been speaking for 45 minutes!

Mr. DEBIDIN: The hon. Member is establishing what I said before. It does not come with good grace. I am prepared to submit to any ruling of the Chair. Whatever is done with this Bill at this stage will only give more credence to what I feel and the vast public feel. If it is passed and further representations are made, these are all facts we are going to use. I am sure I am not going to be muzzled. I am being handicapped as there are Members who might listen to me and might be turned my way, otherwise the purpose of the prolongation of this meeting is lost.

Dr. JAGAN: It is now getting on to 6 o'clock. I beg to move that the Council resume.

The CHAIRMAN: If the hon. Member wishes to say anything else he may go on!

Mr. DEBIDIN: This report has been written after that increase of prices.

Mr. RAATGEVER: Again the hon. Member is wrong. The increase of prices came in from April this year. He seems to know more about the working of the Board than the members of the Board.

Mr. DEBIDIN: Since this Bill I hardly think I can learn very much more. Paragraph 35 of the Report of the B.G. Rice Marketing Board for the period 1948-1949 says :

"It is however obvious that if no adjustment is made in respect of the export prices of 1950-1951, the Board's operation for those years would result in serious financial loss."

Surely that includes the April prices referred to, and yet my hon. Friend gets up and says I am wrong.

Mr. RAATGEVER: Apparently the hon. Member cannot understand what he reads. The increase is from April, 1950.

Mr. DEBIDIN: This report is for the year 1948-1949, but they have stated here that they have got increased prices within that period, but if they do not get further increased prices —

The CHAIRMAN: What is the point?

Mr. DEBIDIN: The point I am making is that unless we do get an increased price the producers of this Colony are going to suffer considerably through the Rice Marketing Board, and if this company operates by itself with this increased help it will get from the Scheme, the padi withdrawn from the Board, it will be able to sell 40,000 bags of rice more and get the benefit of that, but the Board will not have it. Therefore in this financial crisis which the Board anticipates, the company will be more enhanced in its operation by the effect of the withdrawal. The whole issue is — should not this new company be at one with the Rice Marketing Board so that the Board can share in the profits and losses together? With all due respect to what has been stated here and the amendment, when we look and see what will be the scope of this agreement we see another objectionable feature of this agreement which speaks of "ensuring the promotion and advancement of the rice industry and the protection of the interests of rice producers in the Colony generally". That is a clear bait to get Members to agree to the company coming into the Colony and into the industry, because since the company will not be coming under the Ordinance it will be functioning in a form

which will be opposed to the functions of the Board. I will not be tricked by this interpretation that the company is going to dictate terms on the one hand and the Board will dictate terms on the other hand. If the company is to do it, it is going to have an over-riding power over the Board. We are to go on facts and we see, if the proposal of the Rice Producers' Association is that the eight members nominated by Government should be the eight members from this Company, who may be persons of this Colony, and that is refused, the scope of the agreement within the wording of the clause of the Bill. In other words, the company is going to have an over-riding influence in the Board, an influence which it should never have. It seems that the company wants to have an over-riding influence which will place it in the position to dictate terms to the Board. It seems that is the only interpretation from the set of circumstances as existed from yesterday to now.

The CHAIRMAN: May I appeal to the hon. Member that this agreement, it has been made perfectly clear, will be subject to the prior approval of this Council? I would suggest that all those matters are matters which can be debated if and when we get that agreement.

Mr. DEBIDIN: If what you yourself say, that we cannot do anything until this agreement comes before this Council, then we are giving a blank cheque. In other words, we are invited to pass the vehicle for something which we do not know whether we will accept. I say it is a dangerous procedure. After having introduced the crucible for this agreement it seems that the C.D.C. will come in on terms forced down the throats of Members of this Council.

The CHAIRMAN: The hon. Member has been speaking for an hour and I must ask the hon. Member to wind up his remarks.

Mr. DEBIDIN: I have several points to come to which I had reserved for consideration on this occasion, and I would certainly like to deal with them. I have read the Hansard of the previous debate

on the Rice Bil and I have seen the fair latitude given in Committee to Members. I do say it would not come with good favour if I am asked to close down at this stage. It is nearly two weeks since I last spoke.

The CHAIRMAN: I think it would come with equally good grace if the hon. Member would be as concise as he can and let us come to a decision on this matter.

Mr. DEBIDIN: I am going to take it that the closure has been put on me, and I will say no more.

Dr. JAGAN: I propose to move an amendment to this clause, but I have a

very important meeting to attend elsewhere, an executive committee meeting, and if I do not go it may be possible that there will not be a quorum.

The CHAIRMAN: In that event the Council will resume and adjourn to Wednesday next. I do plead with hon. Members not to let the debate go on indefinitely. We must conclude this debate. There is a tremendous amount of business to be done. There are about 20 items on the agenda already. Surely we have said enough already for us to make up our minds in this matter.

The Council resumed and adjourned till 2 p.m. on Wednesday, the 23rd August, 1950.