

LEGISLATIVE COUNCIL

WEDNESDAY, 23RD 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. V. Roth (Nominated).

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

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

The Hon. Capt. J. P. Coghlan (Demerara River).

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. McDowell (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 18th of August, as printed and circulated, were taken as read and confirmed.

ORDER OF THE DAY

RICE MARKETING (AMENDMENT) BILL, 1950.

The Council resolved itself into Committee and resumed consideration of a 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 7—Special Provisions relating to rice development company.

Dr. JAGAN: On the last occasion the hon. Member for Eastern Demerara (Mr. Debidin) made the point—I believe convincingly—that so far as he was concerned the new clause which has been brought in does not materially change the situation which was originally presented to this Council, and that is, this Company or Corporation which is to be formed will still be outside the provisions of the Rice

Marketing Board Ordinance. Sir, I quite appreciate the fact that many hon. Members of this Council, having taken the opportunity which was afforded them to listen in private conference to the views of the Government, have thereby changed their views with respect to this clause, but I wish to submit again that no matter what has been said, whether during that conference or in your statement, Sir, the subject matter of this clause has not materially changed, and I hope hon. Members are aware of that. Even if at some future time an agreement is to be presented to this Council, we have to assume in that agreement conditions will be set out which will subject the Company to be outside the provisions of the Rice Marketing Board Ordinance. It is true that there may be some agreement between the Company and the Rice Marketing Board so far as export marketing is concerned but, as I have said before, I do not see the necessity for having this double system, if I may call it that—the Rice Marketing Board on the one hand and the Corporation on the other hand going through the same process of marketing—and if there is a surplus of rice, which probably will be in the possession of the Company, to allow it freedom to export that rice to whatever markets it may be able to find.

I am not fully convinced, despite what has been said, that the agreement will protect the interests of the people of this Colony. Sir, in the event of a world war—we have to take that into consideration because no doubt that may be operating in the minds of certain Members of this Council, and probably the Company which is to be formed or the members who will be the Directors of that Company—will the Board be again subject to international commitments? Will the Board be forced again to sell to the West Indian markets as it has had to do during the last war and even up to the present time? I would like to find out from the hon. the Financial Secretary what will be the position. I would like to follow up the argument which has been raised, because it seems to me that in the event of a war the Company which will be formed will stand to gain whereas the people of the Colony as a whole may stand to lose a great deal. Let us assume for the moment

that this Company which is to be formed is outside the provisions of the Rice Marketing Board. It was given to us that even if this Company is outside the Rice Marketing Board it would still have to meet certain obligations—the obligation of supplying rice which is to be consumed locally and possibly if there is a shortage in the Rice Marketing Board to make up that shortage. In referring to shortage I mean with reference to the contract which we have with the West Indies. If the Company is subject to those two limitations and it is free in other respects—taking what is said that the Company wants this reasonable measure of freedom to market its rice—then it follows the Company will go outside, whether it is to Europe, North or South America, to sell the rice in its possession and get the best price, and whatever profits are made will go to nobody locally except possibly Government who will be a shareholder. But I want to state that the people whose padi and rice will be going to the Rice Marketing Board will not be getting those benefits. Consequently I feel that if this Company is to be subject to these conditions, these commitments, these obligations, then it should at the same time be within the provisions of the Rice Marketing Ordinance because it will suffer from no other obligations. If the Company is in the Rice Marketing Board it would suffer the same obligations of having to supply the local market and the West Indian contract, and whatever surplus is left to be sold wherever the markets can be found. No doubt the C.D.C. officials anticipate the C.D.C. will be in the Company and, we hope, it will get the best markets not only for its benefit but for that of the other people who will be participating in the Board.

That is why, Sir, I cannot agree with this amendment which has been put forward, because it will not in any way protect the farmers of the Colony, if this Company is set up and is able to be outside the Rice Marketing Board and is thereby able to sell and possibly in the event of war to the best markets, remembering that we still have at the expiration of the first contract another contract for another period of three years with the West Indies. If the Company is able to

get the best world prices in a world which is short of grain, then I feel, Sir, there can be nothing wrong about that, because every farmer would like to get better prices for his padi and, as the hon. the Financial Secretary pointed out sometime ago, the fear was expressed that the Company may be liable because of its better position to buy padi at a higher price—

THE FINANCIAL SECRETARY & TREASURER: I did not say that publicly!

Dr. JAGAN: I hope I did not let anything out of the bag, but that is common knowledge because we know that the large mills can operate more efficiently. It has been pointed out to us that such a mill working at full capacity can operate at almost negligible cost. I hope that statement is true, because that has been given to us by the officials of the central mills at the Mahaicony-Abary Scheme, and I therefore submit that with the operation of the central mill and the command of free world markets which will give the best prices, the Company will be in a superior position to the small millers of the Colony to get padi within its province. Of course it may be argued there is nothing wrong about that because the small farmers will benefit. I want to point out I am not against the operation of central mills, because if I do so then I certainly would be against efficiency and what I feel is in the best interests of the Colony. As my friend said he is not in favour of the kind of rice which we have to eat at the present time, the point is, since 1939 Mr. Parker came to this Colony and suggested what should be done so far as the small mills are concerned. He also advocated the setting up of central mills in the Colony. Apparently the Government is not prepared to accept a positive policy so far as that matter is concerned, and instead of that a policy of drifting is advocated.

That brings me to a point which was mentioned some while ago on a committee which was set up dealing with copra. Because we have in operation today two modern mills which can make deodorized oil from copra and because there is a shortage of copra meal which affects the pig industry and the cattle industry, it

was suggested by a very responsible official that attempts should be made to convert all cocoanuts into copra. I agree with that view too, Sir, but then again it is not right merely to say that we must convert all cocoanuts into copra and at the same time allow the Central Board of Health to issue permits for the operation of small mills. At the same time I am not saying that Government should buy out the small mills. But what is the use of strangulating the small mills by passing legislation to convert all cocoanuts into copra and thus deprive the small crude oil maker of his supply of cocoanuts, when it is not being said as a policy that something will be done for those people, that they will be given compensation, or that it is a definite policy that Government will not issue any more licences, etc., in respect of the operation of those mills? But we cannot have such a policy to convert all cocoanuts into copra and to stop issuing licences to small mills without either buying out those people who have small mills or giving them compensation. But if we allow that to go on as it is at the present time, then we will have the pig industry suffering and the cattle industry suffering. I brought that up to show what will happen also with reference to the rice industry, because if these central mills are set up and the Government does not set about a definite policy with respect to the small mills of the Colony, then it means the small millers must be afraid of strangulation because they know they will not be able to offer to the farmers the same price which the Company with its modern machinery can offer. The only thing which will secure them padi for their mills will be to tie the farmers down by contracts to supply them with padi for the operation of their mills

Therefore, Sir, I feel that possibly the best thing that can be done by the C.D.C. will be the setting up of modern central mills all over this Colony, and the first thing Government should do is to make a positive policy as to what is to be done with these small mills. I hope, Sir, that will be taken into serious consideration. But we are not going to have that; we are going to have instead the Company embarking on the cultivation of

rice on its own. The hon. the Financial Secretary said some time ago in his statement that it would be very good to see the technicians at work in the fields and in the mill at the Mahaicony-Abary Scheme, but I want to inform him that while it might be very good to see the machinery and the men at work in those places, it is a sad thing to know the state in which those people are living at the present time. We visited that mill too, we saw the machinery and the men in the mill; we went into the field and saw the men and the machinery there at work. But where we were not admitted or we did not see was the place where the people are living. I hope we are going to try and avoid these things—the disintegration of family life, those people having been taken away from their villages, their own type of economy, and the housing of the people in logies that sickens one to think that is the kind of life those people are committed to. I hope the Government of this Colony would see to it that such things are not permitted in the future.

As regards the ways and means in which this capital—Government's capital and the C.D.C's capital—can be invested in this Colony for the benefit of all concerned, I have mentioned the establishment of central mills and of tractor or machine stations. There is no reason why the Rice Marketing Board cannot operate as a truly co-operative organization, buying all the padi and giving it out to the mills, (whether they be central or otherwise), to be milled into rice on behalf of the Board. Certain Members feel that is a big task, but I do not think so. It is very simple and can be done readily. The Company can invest this money in machinery which can be rented out to the farmers on easy terms and also, as an incentive to those people who are attempting to set up a producers' co-operative, in loans to them at a smaller or lower rate of interest. But, Sir, despite all that has been said and written about this clause, as one of my friends pointed out to me yesterday, we do not want to happen in British Guiana what is happening on the Continent of Africa today. We do not want two types of laws to be made—one set of laws for one set of people and another set of laws for another set of people. If

there is to be a Rice Marketing Board, a single seller organization in the Colony, then I submit that whatever agreement, notwithstanding the Company, should come within the orbit of it. Not only it should come but it should be made to come within its orbit. I hope Government would in its wisdom not pursue this clause, as even though it may be passed the people of this Colony have their minds made up about it already. Last Wednesday when you, Sir, informed this Council that the Council was to be adjourned as you wanted to have a private discussion with the members of the Council, an ordinary peasant from the gallery called me and said "Don't let Government buy you over". The people were seeing what was happening. They know in their commonsense way of reasoning that no matter what is done they are to be restricted by the Rice Marketing Board. That fact stands out and no amount of argument will wipe that out. That is why I am appealing to the Government, because the passage of this clause will not make everything right so far as the people are concerned. There is going to be opposition outside of this Council. In view of what I have said I intend to move as an amendment to this clause as redrafted—

Deletion of the words following the word 'industry' in the fifth line of sub-paragraph (1) to the end of the clause; and the **substitution** of the following:—

'In accordance with this view and at a time when such a Company is formed, the Governor shall amend the Rice Marketing Board Ordinance to provide for—

- (a) the appointment to the Rice Marketing Board of 8 members selected by the Company and 8 members selected by Rice Producers' Association, the Chairman to be selected alternatively by the Company and the Association for successive periods of six months; and
- (b) to make other necessary amendments to the Rice Marketing Board Ordinance to confirm with proposals under (a)."

I have moved this because it is my firm conviction.

The ATTORNEY-GENERAL: The hon. Member said he moved it because it

is his firm conviction, but it seems so involved. Perhaps, if I get a copy of it I may be able to see what he is trying to introduce.

~~✓~~ Dr. JAGAN: I have moved this amendment because I feel convinced that the Company would not stand to lose in any way by having to operate under the provisions of the Rice Marketing Board. I have said so on several occasions, therefore I need not repeat what I have said. It follows that if the Company came under the Board the proceeds of the sale of any surplus rice by the Board after its contractual obligations have been met and local consumption requirements have been supplied, would be shared by the Company and the people of the Colony.

Why have I stressed the importance of having a rotating Chairman for six months? It is because the Rice Producers' Association suggested that eight members should be appointed by the Association and eight by the Company to the Rice Marketing Board, and they were willing to concede that the Chairman, with his casting vote, should be one of the representatives of the Company. I recall that in his reply to the debate on the second reading the hon. the Financial Secretary remarked that such a proposal would give the Company a monopoly which was not wanted.

The FINANCIAL SECRETARY & TREASURER: I did not say "monopoly." I merely said it was conceivable that in such circumstances the C.D.C. would dominate the Board and the industry.

~~✓~~ Dr. JAGAN: I think my word "monopoly" means the same thing, but I am glad for the exact words by the Financial Secretary. In view of that I feel it is equitable that there should be a rotating Chairmanship for six months. I know that this may be something new in the history of British Guiana, but we have examples of it in the United Nations Assembly where there is a rotating Chairman every month.

The CHAIRMAN: Not for the rice industry.

The FINANCIAL SECRETARY &

TREASURER: One knows what progress is being made in U.N.O. this month!

Dr. JAGAN: It may be true that it is not in the rice industry but nevertheless this is a matter of democracy. Whether it is a small Company, a large Corporation, or individual peasants, they should all have a say in the disposal of the rice, and I hope hon. Members will support the amendment I have moved, because I feel it would meet everyone concerned. It is a compromise, and I feel sure it would meet the situation.

Mr. FERREIRA: When this clause was first before us I disagreed with it entirely, and I think I made myself quite clear on the point, because it was stated quite distinctly that the provision would not apply to any public undertaking, and I considered that most unfair to the rice grower. Since then I am quite satisfied with the amendment which has been brought forward by Government, and that the agreement will govern the operations of the Company. That is something which is quite different, and something that meets with my approval. I am quite satisfied that the Company will not have its own way, and that whatever terms are agreed upon will eventually come before this Council for approval. What bothered me in the first instance was the fact that the Company would be exempt from supplying local consumption, and could pick and choose whatever markets were available abroad. I am quite satisfied that the re-drafted clause 7 provides protection for the rice growers and the people of the Colony, and that it is quite a reasonable provision for this Council to accept.

It has been stated that the rice producers will have to fulfil contracts with the West Indies. That is so, but it is also true that those contracts expire in 1951, and it is hardly conceivable that the C.D.C. or any Corporation, will come into being within a year. It is absolutely impossible, and it is well to note that the contract with the West Indies is renewable for a period of three years at prices not less than minimum world prices. In other words the rice producer is guaranteed prices not less than world prices, which is perfectly fair.

I have not been able to study very closely the amendment which has been moved by the hon. Member for Central Demerara (Dr. Jagan). There may be some merit in it but I cannot agree with the proposal that there should be a rotating Chairman every six months. I have never before heard of such an arrangement in a commercial undertaking.

We are always talking about capital being brought into the Colony, and we want it, but we want capital to come in on terms which are equitable to all concerned, and I think the amended clause meets all those requirements. I think it would be most foolhardy if I were, at this stage, to object to the passing of the amended clause. One would be fully entitled to consider me an obstructionist, because everything has been smoothed out, and I think Government has made an effort to meet the wishes of the Council. As far as I am concerned I am perfectly in agreement. I say without any hesitation at all, that where Berbice is concerned I see the outline of vast development. I have no doubt in my mind that the advent of the C.D.C. into the rice business on a large scale will bring about tremendous improvement in the economy of the County and of the Colony as a whole. I have no doubt about that.

There is one point, however, which I would like to mention. We are pleased to see capital coming into the country; we welcome capital but we would prefer to see such capital exploiting new avenues. I would therefore suggest that Government should discuss with the C.D.C., or any Company desiring to invest capital in the development of this country, the possibility of the establishment of a jute industry. In view of the condition of the world today and the political set-up in certain parts of the world, I do not think we would be far wrong in tackling such a project. If we are going to develop our rice industry on a large scale and increase our production of sugar, bag-making is an industry which British Guiana can well do with, and from what I have read on the subject I think we have conditions here which are well suited to the production of jute. I have digressed in making this suggestion but I would ask Government to bear it in mind if the

Department of Agriculture agrees with my way of thinking.

The CHAIRMAN: I have made reference to all this in my Address to the Council at the opening of the Session. There are certainly possibilities with regard to jute, and we are conducting experiments at the moment. We have had the greatest difficulty in getting the necessary seed to conduct the experiments on a large scale. Once they have been carried out I shall certainly do my utmost to get the necessary capital to come in. As I say, I mentioned all this in my Address to the Council, and it is very much in view.

Mr. FERREIRA: Thank you, Sir. I am quite satisfied with the redrafted clause 7 and I shall vote accordingly.

Dr. GONSALVES: I shall not be long. I am going to differ somewhat from the views expressed by one or two Members, to say that one difficulty still stands in our way in respect of this controversial clause which I am still opposing. I agree that clause 7 has been improved, and I visualize the enormous amount of capital that would be brought into my constituency if the C.D.C. or some large Company was established in the Colony, but what is in the way of establishing the Rice Marketing Board, constituted as it is proposed, as a co-operative organization? That is the whole point. I agree that it would be very difficult to get a Corporation like the C.D.C. to come in and be subservient to the will or the workings of the Rice Marketing Board. I think that if the Rice Marketing Board could be converted into a farmers' co-operative, to work in conjunction with the Corporation, the difficulty would be smoothed out in the long run. I feel that the majority of the rice farmers—at least I speak for those in my constituency—would be much more satisfied with such an arrangement which would remove their suspicions and bring about general co-operation which is essential if the Rice Marketing Board becomes a co-operative. The hon. the Financial Secretary has mentioned that of the 190,000 bags of padi which had been supplied to the Mahaicony-Abary mill three-fourths came from the small farmers.

That is very significant. It goes to show how necessary it is that there should be such amicable relationship between the farmers and any Corporation that is established.

It is quite true to say that Government is only being given a mandate to negotiate, but it seems to me that all the argument veers away from the possibility of converting the Rice Marketing Board into a co-operative organization, and that, in my opinion, is the bone of contention and will cause some set-backs. Be that as it may I am prepared to accept clause 7 as amended, because it is much better than it was originally. I do not think, however, that I should agree to it without trying to impress upon the elected Members of the Council the view of the people that we do not do the will of the electorate; that once we have been elected we just do as we like. Perhaps if I had the opportunity I would be able to satisfy my constituents as to the reasons for my decision to support the Bill. I am not apologizing for voting for the Bill but I still contend that it would be the greatest means of securing the co-operation of the rice farmers if the Rice Marketing Board could be made a co-operative organisation to work in conjunction with the Corporation. If that were done I am quite sure there would be harmony and general satisfaction.

Dr. SINGH: In my remarks on the second reading of the Bill I said that I attended a meeting of rice producers on the West Coast and I was requested to oppose the Bill *in toto*. I would like to point out that while some of those present at the meeting were illiterate they were, in my opinion, intelligent enough to know what the Bill was about. Having been called upon to reject the Bill I am placed in a very difficult position, because in my conscience I know that some of the amendments are good for the rice producers and for the Colony as a whole, and if we were to reject the Bill in its entirety it would mean that not an extra grain of rice would be grown in the Colony. When I say that I mean that there would be a sort of brake to any investment of capital from abroad. In Your Excellency's wisdom you amended the very touchy clause

7, and you met the Members of this Council in conference, as a result of which the mood of the Council was definitely changed. The position today is that whatever is done will be seen by the members of the Rice Marketing Board, after which it will come before this Council to be ratified. If Members of the Council feel that the agreement is not satisfactory they can throw it overboard. I am a citizen and a voter, and while I feel that I should agree with the views of the people of my constituency, I consider that I owe a duty to the Colony as a whole. I must think of the thousands of children leaving school every year with very little prospect of obtaining employment. I also have to consider that there is need for greater circulation of money in order that the standard of living of the people may be improved. By encouraging investors to come into the Colony we would be able to produce more for export, because it is only by producing more and exporting more that we can have any economic stability.

I feel that this Bill will help the rice growers—those people who work in the sun and rain and sometimes knee deep in water, which renders them liable to water-borne infection. It is for their good that this Bill is intended, and I am going to support it. To err is human, and if it turns out not to be in the interests of the rice growers they will pass judgment upon us. On the other hand, if it should bring them prosperity, perhaps many of us who support the Bill will not be here, but we would not need their encomiums.

Mr. DEBIDIN: Speaking particularly on the amendment moved by the hon. Member for Central Demerara (Dr. Jagan) I would like to say that I support him in the move he has made, because it seems to give effect to what the Rice Producers' Association has submitted in another memorandum addressed to you and this Council. For one thing it would eliminate two very controversial matters which have been agitating our minds during the last three or four weeks. The amendment is full of virtue, because it would bring the C.D.C. or the Company within the orbit of the Rice Marketing Board in a co-operative sense, in that they would join

with the other producers of the Colony in carrying out the outstanding provisions and functions of the Ordinance dealing with marketing and the production of rice in this Colony. There would then be for the first time in this Colony a completely producers' organization which would be the nearest approach to a co-operative organization which is so much discussed in this Council.

In the second place it would eliminate the other controversial matter of the agreement. I think hon. Members have heard me say that this agreement would have to be entered into in any case. It can only be made within the scope of the intention of the Corporation to operate in this Colony. This Council is constituted by 24 Members and it only requires the votes of 12 Members to carry any measure which is put to the vote. That is the fear I have expressed, and those who originally intended to oppose clause 7 should consider that, after the Executive Council has considered the agreement, it will be brought before this Council for approval. There are eight members of the Executive Council, and when the agreement comes before this Council Government would only require four additional votes to counterbalance the effect of the opposition to the C.D.C. One thing my experience has taught me is that when laymen try to pick holes in an agreement they get into great difficulties. Even lawyers find it difficult to do so. When the agreement is put before this Council it is going to be one of the most difficult things for the Members of this Council to unravel all those technicalities. I may be able to appreciate some of the clauses and their effect. I may be able to try and retwist some of the clauses for the benefit of the people of this Colony, but how many I will be able to convince in this Council that what I am trying to retwist is for the benefit of the Council? The hon. the Attorney-General and a few others have brought this before the Council and must know what they are doing. Unfortunately what is in the original clause and has been removed by this particular amendment put before the Council may still find itself in the law.

The hon. Member for Demerara-Essequibo (Dr Singh) has been expressing

pious regard and sympathy for the people who had been working in the industry. I want to state as a new fact what he has not considered on behalf of the people, and that is, in so far as the C.D.C's operation is concerned in a particular area, the Mahaicony-Abary, I have had a sad experience. That is why I have not given it before, but I wish to give it now for the benefit of him and others. There is one man who has leased a portion of land from Mr. Percy Wight who owns the first depth with a right to the second depth—25 acres of the first and 25 acres of the second depth. The third depth is under experiment at the moment.—

Mr. WIGHT: Mr. Percy Wight does not own any land in the Abary.

THE CHAIRMAN: I do not think there is any necessity for names to be mentioned at all.

MR. DEBIDIN: I do not think Members should be finicky about that at all. I think the hon. Member should listen first to what I am saying. I am making reference to something which is very much germane to what we are discussing. It is no use talking of bringing capital into the country, as some of the Members on my left and right urge. No man is more anxious than I am to see capital coming into the Colony, but I will welcome that capital only on one condition—when that capital is introduced into the Colony it does not displace and disrupt the economy of the present holders of this Colony's economy. In other words, when capital comes into the Colony we must be sure of the aspirations and development of a permanent economy for the Colony. It is no use displacing people who by their united efforts developed and produced for the Colony some permanent economy. That is the point I am dealing with now. This man has been told by the Manager of the present Mahaicony-Abary Scheme that he must give up the crop and the land of the second depth, after having ploughed and cultivated it and after spending \$300 for ploughing. He consulted me some time back and I am to try and make some attempt for him to reap his crop. Twice he had to do "shying", the floods

having destroyed his efforts on the first occasion, and he would like to recoup by reaping his present crop. There is another case, that of a woman whose husband died. She went to pay for the lease to find that the lease was deemed abandoned and the land taken over by the Scheme. There is another man whose land has been taken over by the Scheme. Lots of people have come to me, as the land on which the Scheme has erected its pumping-station, watch house and other buildings was previously held by them and they have not been given any compensation for it. I was amazed at the figure which other people have made from the produce of their land. That is the kind of thing we feel should be. The people have said "Give us the land and we will produce more than the Scheme, though we are hand-planting."

What is more important, talking about the Scheme—and here I join issue with my friend, the hon. Member for Central Demerara,—the small millers of this Colony have been producing a better quality rice than the Abary mill. That is common knowledge, and the reason for that is, the small mill-owner can devote personal attention to the boiling of his rice and to the proper degree of drying on his concrete dryer. As the result of closer supervision and a smaller quantity to be handled a better quality is produced. Very few people realize that small mills produce a better quality rice. The only thing the small mill cannot do is to obtain bi-products.

To come back, therefore, to the amendment as suggested, if we adopt the suggestion that the concern comes into this Colony and participates with the other producers in the very machinery we have, then there is no need to pass a new law. The very set-up of the Rice Marketing Ordinance which gives eight members of every side to form the Board will do. We will have the advantage of knowing that whatever the C.D.C. does in the way of marketing or other development of the rice industry will be an advantage coming to the other producers as well, those who are operating through this very Board. That is the sole reason for the opposition so far as I am concerned, and I am not precluded by the tendentious

argument of the hon. Member for Western Essequibo (Mr. Wight) and the hon. Member for Demerara-Essequibo (Dr. Singh). I am not concerned about the attitude to the voters, but what the position is today and the way in which things are put forward are things which I cannot help observing. I always used to read about British diplomacy, and I have seen the successful operation of it through this Bill. As far as I am concerned, I am not wandering from the stand I took, because I speak for the common man not with my tongue in my cheek but with an open mouth on this particular issue. In other words, the particular amendment means exactly what I stand for and what, I believe, the hon. Member for Central Demerara (Dr. Jagan) stands for and all those who think in the interest of the common people or the present producers. That is, if we are speaking of development of this Colony and if we are introducing a body to come and develop a particular industry, it must not come in a way which will make it eventually dominate that industry to the detriment of the people engaged in that industry, or in a way which makes it say to the Colony. "We are not bound in our conduct", or from what may appear in the agreement in a way that it is sacrosanct, that it will operate for its benefit but will assist us from time to time in some way. I venture to say—and I am going to be very guarded because I anticipate this clause will be passed—that we must be sufficiently guarded in this agreement. We will see how many Members will have to take back their word when we come to the agreement. I would like to see what their stand will be when we have to pass that agreement. I hope they will have that courage and strength to stop the force of the advance of that particular vehicle under this clause. I ask Members again to consider what the hon. Member has put forward. It is a compromise which, although I was against the clause, will make me accept the clause in its amended form, because it is one in which I can see a very vast co-operation to the benefit of the people of the Colony.

Just one other point I wish to make, and that is on the question of the export trade. I want to say for the benefit of

Members that the producers of this Colony are feeling that this corporation will be assisting in the export trade which this Colony through the present Rice Marketing Board will be able to obtain. I venture to say that is a wrong opinion. Even in the quantity of rice, I feel sure, they will find markets more than the present contracts provide. I have been given this information fairly authentic, that rice had been exported from this Colony before the war to places other than those of the contracts, such as Jamaica, Martinique, Bermuda, Curacao, Guadeloupe.

Mr. ROTH: May I enquire from the hon. Member from what he is reading?

Mr. DEBIDIN: I am reading from the minutes of a company which was operating in this Colony and was exporting rice on behalf of Bookers, Walcott & Co., and others—a company known as C. R. Jacob & Co., Ltd. I have been handed this yesterday. If the hon. Member is questioning it, I hope, I would be in a position to refute it.

Mr. ROTH: May I ask if that institution is still in existence? How many years it has been defunct?

Mr. DEBIDIN: The hon. Member should know that it has been killed. If he had been listening to the debate he would have known that war measures had stopped all persons from exporting rice except the Rice Marketing Board. (Continuing his speech) Halifax, Montreal, Barcelona, Nassau, Haiti, Cuba, St. Thomas, St. Croix—those were places to which this Colony had been already exporting rice and very good prices were obtained. It seems to me that if this Colony had established markets like those before the war, it would have very little difficulty to re-establish markets in those places. It is to my mind something which is merely a pious suggestion on the part of this amending clause which says:

"This agreement shall arrange the marketing for domestic consumption and export of padi and rice produced in the Colony and the fixing of grades and prices in relation thereto in collaboration between the company and the Board."

I do not know, but I am very anxious to see this agreement, to see how well the giving of independence of operation to this Company is going to determine the way in which collaboration will be achieved. It will be curious to see how that agreement will be framed. I do not know whether this Council, when the C.D.C. comes into this Colony, will appoint a committee to go into this agreement first, because the people would be far more satisfied if a competent committee draft within the framework of the various promises made the agreement in the interest of all concerned. I do not know if I would speak again this afternoon and, before I take my seat, I must say this: Companies have come into this Colony and have had full sovereignty over their employees. So far as the people of this Colony are concerned, there are only two industries which afford free enterprise for the small man—rice and cocoanuts. If these people should come and take up large areas of land, I trust the compensating feature would be the opening up of other places by way of proper irrigation and drainage whereby the people of this Colony would find an avenue for the development of their own pursuits, and that it would be incumbent upon those people to employ as much as 90 per cent, if possible, of our local people in whatever avenues there are for employment in so far as their operation is concerned. I cannot help viewing the method of appointment to the present Board with alarm and a certain amount of disgust. The people who ought to be appointed have not been appointed.

The CHAIRMAN: The hon. Member must stick to the clause and not go back to the constitution of the Rice Marketing Board. I would ask the hon. Member to stick to the point!

Mr. DEBIDIN: I hope we will some day have the Board under fire in this Council. The point I am making, Sir, and I hope hon. Members will bear it in mind, is that due consideration be given to the employment of the people who will be dispossessed and removed from their land by this Company in so far as the taking up of a livelihood. It is not just that you should dispossess people who plant rice and then appoint someone

from Georgetown to take charge of some particular work in connection with the industry. I think the whole thing has been mishandled in the past, so far as the Board is concerned. I hope when that day comes, when this concern with \$6 millions is put into operation, it will have regard for the claims of the people of the rural districts to employment in the various avenues for employment thus created.

THE CHAIRMAN: I am astonished that this talk should still persist that the rice farmer is going to be deprived of his land. I have stated more than once that the whole object behind Government's policy is to increase the holdings of land of the rice farmers, and during the last three years not less than 25,000 acres have been given out to over 4,500 different East Indian families for rice growing. That is the position, and action speaks louder than words. That is a fact. I am quoting from an official document. I have said it before in this Council in my address and, it seems, I must keep on saying it that nearly 4,500 families have been given lands for rice cultivation and are at this moment cultivating those lands. That has taken place during the past three or four years, and the total area is over 25,000 acres. That is Government's policy in practice.

MR. DEBIDIN: I would like to examine the source of that information.

THE CHAIRMAN: I will give the details—Crabwood Creek, 4,000 acres; Block 111, 12,500; Bloomfield-Whim, 3,224; Cane Grove, 3,015; Verger-oegen, 1,671; Anna Regina *cum annexis*, 1,870. I do want hon. Members to understand what is Government's policy and what Government is doing. Our policy is to increase the holdings of the rice farmer and to do so as rapidly as we can and as the irrigation schemes come into being.

MR. DEBIDIN: Does not that bear out the case? The very population of our Colony is quite willing and ready to take up lands. In so far as Land Settlement Schemes are concerned, they are open schemes, and it seems to me, Sir, the point I have been making is quite different from the reference now made.

THE FINANCIAL SECRETARY & TREASURER: The hon. Member used the word "dispossessed". That shocked me at once.

MR. DEBIDIN: Just allow me and I will certainly come to it. The question of dispossession I speak of is in particular reference to the Mahaicony-Abary area. On both sides of the Creek the lands are complete holdings, either by complete transport with a right to the second and third depths or by licence of occupancy leased for 99 years. When the Scheme was established most of the people had to give up their lands. Those who are at present cultivating lands adjacent and around the Scheme, if the C.D.C. comes in and is to extend its area and operation, will have to give up their lands. That is clear. The lands are all held by licence of occupancy. How can those lands be got but by the people being dispossessed?

DR. JAGAN: I was one of the persons who mentioned this question of land. It seems that Government has taken my criticism very seriously. I am not accusing Government. What I was talking about was that a big monopoly company would be in the position in future, if allowed to destroy the small mills, to offer to the peasants higher prices and at a later stage to squeeze those same farmers when they have nowhere else to sell their padi. We are not saying that Government is going to take away the land, and I hope I did not give that impression. My view is, if a monopoly is allowed to continue and no provision is made, eventually it would be in a position to swallow up the small producers who would be in their grasp.

MR. LEE: If I may let my hon. Friend view it in this way for argument sake, would a Minister under self-government not be privileged on account of his responsibility to negotiate with any monopolist or otherwise and then go to the Cabinet or the Members of the House to ratify that agreement?

DR. JAGAN: The hon. Member is speaking of 62 years hence. The question of self-government does not come into the picture.

Mr. LEE: The hon. Member talks about 62 years hence, but the present amendment to clause 7 only gives power to the Government or its officers to go and negotiate. This Council has to ratify it.

Mr. DEBIDIN: The hon. Member is a lawyer. Where in this amendment it says that?

Mr. LEE: Perhaps I cannot read, but I would like the hon. Member for Central Demerara and the hon. Member for Eastern Demerara to know that I can read. The agreement has to come here and be ratified. They cannot get away from that fact. If we are still Members here and are interested in the producers, would we not protect the producers' interests? Are we not going to allow Government to negotiate? If we throw out the clause, we are telling Government not to negotiate. Let Government negotiate and then we will be able to say whether we accept it or not. I think, if we are thinking of the interest of the Colony we would allow the Governor or any person of responsibility in the Government to go and negotiate and make the terms, but the ratification and execution of it must be in our hands.

The ATTORNEY-GENERAL: With regard to the amendment to the clause which has been moved by the hon. Member for Central Demerara, I suggest to him, and to hon. Members of this Council, that in the form it is presented to this Council it is completely unacceptable, because it cannot be put into the Ordinance. There may be ideas there. If the hon. Member would just read it and refer to the clause he would see in effect it is really in the form of a resolution. What the hon. Member is endeavouring to put before the Council is that after the formation of the Company Government should amend the Rice Marketing Ordinance to provide (a) for the appointment of a Rice Marketing Board of eight members selected by the Company and eight members selected by the Rice Producers' Association. But implicit in this is the acceptance of the formation of a Company, because that is what the hon. Member says in effect:

"In accordance with this view and at a time when such a Company is formed, the Governor shall amend the Rice Marketing Board Ordinance to provide for—

(a) the appointment to the Rice Marketing Board of 8 members selected by the Company and 8 members selected by the Rice Producers' Association, the Chairman to be selected alternately by the Company and the Association for successive periods of six months; and

(b) to make other necessary amendments to the Rice Marketing Board Ordinance to conform with proposals under (a)."

The hon. Member is only expressing his views in a form which I suggest should be embodied in the terms of a motion, and not for incorporation in an Ordinance.

Mr. DEBIDIN: With all respect to the hon. the Attorney-General, if his point is correct it seems to me that the whole amendment is out of order, because it proposes to do something contrary to the present Ordinance, in that it is suggesting a set-up whereby the agreement will govern the operations of a Company, and there will be collaboration with the Board. What the hon. Member's amendment suggests is that the Governor should appoint to the Board 8 members selected by the Rice Producers' Association and 8 members selected by the Company to be formed.

The CHAIRMAN: Notwithstanding the provisions of the Ordinance?

Mr. DEBIDIN: It is merely a suggestion. I agree that the suggestion of a rotating Chairman is a matter of procedure.

Dr. JAGAN: I have put up a counter suggestion but I am not suggesting that the Ordinance should be amended now. I concede that Government should be given the right to negotiate the terms of an agreement with the Company to be formed, but when an agreement has been arrived at the Ordinance should be amended accordingly.

Mr. FERNANDES: The position seems

very simple to me. If the hon. Member's amendment is accepted I cannot see how the Governor is going to get around the provision in the Ordinance for the appointment of two Members of this Council, two Officials and four commercial men, except perhaps the 8 members of the Company will secure election to this Council and four others will be appointed as Officials.

The CHAIRMAN: The difficulty about it is that it does not fit in with the other amendments.

Dr. JAGAN: I suggest that we make other necessary amendments to conform with that one. It follows that the entire Ordinance would have to be amended—the Executive Committee and the method of choosing members of the Board, and so on. The main point in introducing this amendment is to say that the Company shall be subject to the provisions of the Rice Marketing Board, as we are proposing now.

The ATTORNEY-GENERAL: What the hon. Member is proposing is an amendment of the Ordinance to provide that some time later there would be an amendment of the Ordinance, which the Council always has the right to do. Legislation must be of some definiteness.

Mr. DEBIDIN: The whole emphasis is on the question of the provision in the re-drafted clause 7, that the Governor may "direct the establishment of a colonial rice development company." What follow after the words "in accordance with" are merely descriptive and more or less points of detail.

Mr. LEE: When the agreement comes before this Council and the hon. Member desires that the Ordinance should be amended he can suggest that as a condition precedent to the ratification of the agreement.

Mr. DEBIDIN: The hon. Member has forgotten that the suggestion is to cut out the agreement.

Dr. JAGAN: The original idea of leaving the Company outside the provisions of the Rice Marketing Board is

still intact. My suggestion is that the Company should come within the provisions of the Board.

Mr. LEE: The re-drafted clause provides that the agreement shall include such provisions as may be necessary for the purpose of "ensuring the promotion and advancement of the rice industry and the protection of the interests of rice producers in the Colony generally."

Dr. JAGAN: The hon. Member has missed the whole point. The main point is that in the agreement the Company would not be subject to the provisions of the Rice Marketing Board, and that is what we are trying to bring about.

The FINANCIAL SECRETARY & TREASURER: I shall be very brief. There are two points which have emerged during the debate which are rather disheartening to me, and a serious challenge of the wisdom and common-sense of this Council. Listening to the hon. Member for Eastern Demerara (Mr. Debidin) and, to some extent, to the hon. Member for Central Demerara (Dr. Jagan), it seemed to me that they challenge even the ability of Members of this Council to judge for themselves what is best for the Colony and the rice producers in particular. That is what it means. The hon. Member for Eastern Demerara has gone so far as to say he is not quite sure of the Constitution of this Council—and there are Members of the Executive Council on it—and I submit that it is almost improper openly to challenge the ability of this Council to decide on the merits of the agreement which we are speaking about.

The other thing that disappointed me is that the private conference which was held between Members of the Council and the Governor was intended to make clear some of the ideas which are in the minds of Government officials in regard to the terms of the proposed agreement, and I should like to say publicly that there is no intention to hide those ideas. The reason for not publicizing them in such a way that they would become records of this Council is quite simple. They are unilateral ideas which are in the minds of those of us on this side of the Government who are going to

negotiate with the C.D.C. for the formation of a new Company. Those ideas are not in themselves sufficiently concrete in our own minds. They are ideas which may have to be changed even before we go to the Company, and it would scarcely be right that we should embody them in the records of this Council as if they were definite points on which we expect that the agreement will be framed. I remarked during the conference on what had happened as a result of my speech on the second reading of the Bill when I referred to capital of \$10 million. I think the next day, or two days after, the information appeared in the **Financial Times** of London that a Company had been formed. There was no truth in it. All I was showing was a hypothetical picture, and if here we debate the possible terms of the agreement we may run ourselves into just that sort of difficulty.

My third disappointment was when the hon. Member for Eastern Demerara, in the course of his lengthy speech, asked certain questions which were answered quite definitely, and one of them publicly. He said that if and when the Company is formed the first thing that is going to happen is that it will take over the Mahaicony-Abary Scheme, thereby depriving the Rice Marketing Board of a considerable volume of rice which now passes into its custody and is sold for export. The hon. Member then asked: How is the Board going to fulfil its contract? The answer which was given him at the private conference was that one of the clauses of the agreement most definitely would be that the new Company must undertake to provide the quantity of rice necessary for the Rice Marketing Board to fulfil its contractual relations, yet the hon. Member publicly asked that question rhetorically.

Mr. DEBIDIN: I think the hon. the Financial Secretary told us he did not know what the C.D.C. would agree to, or what would be the terms of the agreement. Now he is telling us what the terms will be. We had to debate on mere assumption.

The FINANCIAL SECRETARY & TREASURER: I am not giving the terms

of the agreement. I am showing, as I said at the private conference, what were the ideas passing through our minds. When the hon. Member asks questions I am bound to answer them, because it is not right that it should go down on record that there was no answer to them.

The hon. Member spoke of international obligations in time of war. Quite obviously the new Company, like the Rice Marketing Board, must be subject to any emergency powers or obligations which are imposed as a result of war-time conditions. How can it be said, as he did say, that the Rice Marketing Board would be subject to Emergency Regulations and the new Company would be free to go all over the world and dispose of its rice? When I moved the deletion of clause 5, which gave the Governor the right to authorize certain limitations on the export of rice, I said definitely that had it remained in the Bill it would also have had to appear in the agreement, therefore Members should not think that the new Company would not be subject to any war-time restrictions also.

One important point which really emerged out of all this Committee stage was the question of compensation to millers. At long last that has come out, and it is just as well, because it is an important point. No active consideration has been given to that matter since this Bill arose. Members know that at the time of the Parker report and the report of the Committee of which I was Chairman (I think it was the 1939 report on the Essequibo Coast rice cultivation) the question of compensation for millers whose business was abandoned by virtue of the creation of central mills was definitely accepted as one of the factors of the situation. As a matter of fact there was a formula devised by which that compensation could be granted. I must say that at that time I was thinking of central mills operating by virtue of law. That is to say that the small mills within the area would be compelled by law to close down. However, my point is that the question of compensation is certainly a matter which ought to be considered, and I have no doubt that as these matters get nearer their climax that question will

have to be considered. I do think that there is still some scope for the small mills. Even if they do not actually mill, their drying floors and storage bonds will be of service, because in these days of modern cultivation drying floors are particularly necessary because padi which is reaped by the method of the Combine must be dried almost immediately after reaping if it is not to spoil and produce bad rice. Consequently it is conceivable that there may be some opportunity for dispossessed millers still to use their premises, bonds and drying floors. However, I make no commitment, but I do say that that particular point must certainly arise and must certainly be considered.

There was one other point mentioned by the hon. Member for Eastern Demerara with regard to housing — an important point. Quite obviously, if there is going to be any large-scale organization of central milling it should be one of the considerations that the people are properly housed if they are going to reside within the compound of the mills. Personally I would prefer that wage-earners should live in adjacent villages, and that there should be some means by which they could get to and from their work quickly, but if there is any question of living within the compound I have no doubt whatever that one of the chief provisions should be that proper housing should be provided. One of the things that is necessary at Mahaicony-Abary is good housing, and I do hope that as a result of this such improved housing will be provided.

Lastly, there was the point mentioned by the hon. Member for Eastern Berbice (Dr. Gonsalves). He seemed to think that everything would come all right if we could only tell him how the Rice Marketing Board could convert itself into a farmers' co-operative. As you have said, Sir, it would be something that Government, and I think everyone here, would welcome with acclamation if there should be a possibility of a co-operative being formed to take over the Rice Marketing Board. Actually, in the first part of my speech I did emphasize the restrictive nature of the Rice Marketing Ordinance. What I ought to say, of course, is that the

Rice Marketing Board is not really this tremendous restrictive monster which people have now described it to be, but is really a protection of the producers — farmers and millers—as a whole, and in order to make that protection complete the Ordinance contains very severe restrictions. Members must remember that as a co-operative the same sort of organization will be required. All the farmers must agree to be members, and must agree to their padi being sold to one central body. All the millers must be members, and if you cannot get an organization of that sort then your co-operative is going to fail. The Rice Marketing Board was established with a view to protecting, not hindering the rice producers, and getting them together forcibly. That is why this Rice Marketing Ordinance has all these restrictive provisions. While it lasts it is a good thing. I am convinced that the Rice Marketing Ordinance is a very good thing for the rice industry. If, however, the Board can be turned into a co-operative by all means let them do so. I challenge the hon. Member for Eastern Berbice (Dr. Gonsalves) to make a start. Let somebody start. Do not expect Government to do all the work.

Finally, I do hope that if a Company is formed, some means will be found by which the Rice Marketing Board on the one hand, and the new Company on the other, will work hand-in-hand in the matter of marketing. I do not know at the moment how it is to be achieved. I have suggested that there may be some joint marketing committee to discuss and agree on export policy, prices, grades and so forth. I do not know how it is going to be accepted on the other side, and how it will work out, but let us hope that something of that sort will happen. I do suggest to hon. Members that that is an infinitely better idea to work for than the idea suggested by the hon. Member for Central Demerara (Dr. Jagan) and in the letter which has since been received from the Rice Producers' Association — a Rice Marketing Board composed of eight members nominated by the C.D.C., and eight members selected by the Rice Producers' Association, and the Chairman nominated by the C.D.C. or the Company, or, as the hon. Member

himself suggested, a six months alternate Chairman. Quite obviously there would be what hon. Members all fear—domination by one side. I do not think for one moment that that should be accepted. What should be done is that the agreement should be framed with conditions to protect the interests of the rice producers and the Rice Marketing Board, with goodwill on both sides. That is what I hope we will succeed in getting.

Dr. JAGAN: There are two questions I would like to ask the hon. the Financial Secretary. He has told us about unilateral ideas. Have those been given out to the Council officially?

The FINANCIAL SECRETARY & TREASURER: Only some of them.

Dr. JAGAN: On the other hand the Financial Secretary says that the peasants will be protected by those unilateral ideas. Nevertheless let us work on those ideas. One is that the Company will have to meet the local consumption. Secondly, it will have to meet the deficit if there is a deficit with regard to the Board's contractual obligations with the West Indies. Thirdly, in the event of war the Company would be subject to the same international obligations to which the Rice Marketing Board would be subject. My point is then, what advantage will the Company derive by being outside the provisions of the Rice Marketing Board as compared with what they would gain by being under the Board? I would like the hon. the Financial Secretary to answer those questions honestly. He says he does not know how it will work out, but that is all in the air. I want him to answer this question: Will the Company gain or stand to lose by having to meet all those obligations and restrictions which will be imposed on them by those unilateral ideas, as have been suggested?

The FINANCIAL SECRETARY & TREASURER: I always answer questions honestly, as the hon. Member knows.

Dr. JAGAN: I am sorry. I should not have said that.

The FINANCIAL SECRETARY &

TREASURER: The whole point is that the Company must be free, or must have reasonable freedom to develop new markets for itself, and when it does that it must be able to share those markets with others, and through the development of those markets, to pay the best prices it can to those with whom it associates. No undertaking would invest millions of dollars unless the one thing that determines whether that risk is profitable or not is left in its hands. That is the whole point. With the law as it now stands, and as you, Sir, have said in your Address, and as I have said over and over again, it leaves no loophole whatever even for an invitation to someone to come. Consequently, that is the reason for this amendment of the law—to leave a loophole to invite somebody to come in and talk with us.

Dr. JAGAN: The last point I would like to make is, the hon. Member in closing said that is the law as it now stands. If that is the difficulty, why not amend the Rice Marketing Ordinance to allow the Company the right to be within the Board?

The FINANCIAL SECRETARY & TREASURER: The Company has not yet been formed, and I have no idea yet that it will be formed. Before you can kill your hare you must catch it. What we want is to go and hunt for the hare and bring in it, and the hon. Member will not allow us to do that.

Amendment by Dr. Jagan put, and the Committee divided and voted as follows:

For—Dr. Jagan, Mr. Debidin—2.

Against—Messrs. Morrish, Smellie, Phang, Peters, Fernandes, Farnum, Ferreira, Roth, Raatgever, Lee and Wight, Dr. Gonsalves, Capt. Coghlan, Dr. Nicholson, Dr. Singh, the Financial Secretary and Treasurer, the Attorney-General and the Colonial Secretary—18.

Amendment lost.

Clause 7 as redrafted put, and the Committee divided and voted as follows:

For—Messrs. Morrish, Smellie, Phang, Peters, McDoom, Fernandes, Farnum, Ferreira, Roth, Raatgever, Lee, and Wight,

Dr. Gonsalves, Capt. Coghlan, Dr. Nicholson, Dr. Singh, the Financial Secretary and Treasurer, the Attorney-General and the Colonial Secretary—19.

Against—Dr. Jagan, Mr. Debidin—2.

Motion carried.

Clause 7 re-numbered as Clause 5 passed.

The Council resumed.

THE FINANCIAL SECRETARY & TREASURER: I think we would be justified in taking the third reading at once, and in consequence I beg to move that the Bill be now read a third time and passed.

The ATTORNEY-GENERAL seconded.

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

For—Messrs. Morrish, Smellie, Phang, Peters, McDoom, Kendall, Fernandes, Farnum, Ferreira, Roth, Raatgever, Lee, Dr. Gonsalves, Capt. Coghlan, Dr. Nicholson, Dr. Singh, the Financial Secretary and Treasurer, the Attorney-General and the Colonial Secretary—19.

Against—Dr. Jagan, Mr. Debidin—2.

Motion carried.

Bill read a third time and passed.

MOTOR VEHICLES AND ROAD TRAFFIC (AMENDMENT) BILL.

THE ATTORNEY-GENERAL: I move that the Council go into Committee to consider a Bill intituled—

"An Ordinance further to amend the Motor Vehicles and Road Traffic Ordinance, 1940."

THE FINANCIAL SECRETARY & TREASURER seconded.

Question put, and agreed to.

Council in Committee.

Clause 3 — Sections 61 to 66 of the Principal Ordinance to apply to certain vehicles.

DR. JAGAN: When the hon. Mover told us why it is intended to bring this clause, I do not know if he said it is intended to ask that these vehicles be provided with brakes and other contraptions which cannot be obtained at the present time

THE ATTORNEY-GENERAL: The whole point is, the same control that is now excercised and enforced for all public vehicles carrying passengers should also apply as far as it can be done to these animal drawr. vehicles. It will be appreciated that these vehicles carry passengers for hire and those passengers are entitled to a measure of protection. Animal drawn vehicles can become a danger to road users and those who pay their fare to ride in them. Then there is also the question of fares and routes where they must stop and take passengers.

MR. DEBIDIN: I believe on the last occasion the hon. Member for Essequibo River (Mr. Lee) made certain very pertinent points relative to this particular clause, and I also offered opposition on the ground that it is well nigh impossible to establish or build a proper braking system on an animal drawn vehicle. It is going to cause accidents worse than is contemplated at the moment. An animal is not like a motor vehicle where you can apply brakes and the whole vehicle comes to a spot. The animals will be still going when the brakes are applied. There is no clutch to push in where the animals are concerned unless one pulls their tails back, and that is impossible. Any braking system on an animal drawn vehicle may cause injury to the animal or cause the vehicle to shift to the right or the left to the danger of other vehicles.

THE ATTORNEY-GENERAL: Where does the hon. Member get the question of brakes from ?

MR. DEBIDIN: I understand it is the intention of the Competent Authority to see that a braking system is applied to these vehicles. The whole question of licence fees and other provisions applying to motor vehicles will apply to these animal drawn vehicles. These vehicles do not compete in the full sense with other vehicles, as another motor vehicle will, as

the station wagons are competing with the buses. These are slow moving vehicles, and it is impossible for any such "contraption" as we know them, to traverse farther than six miles. I can never conceive of a passenger service with these animal drawn vehicles between Mahaica and Georgetown. They will not even reach as far as Buxton with the condition of our roads. Their use is merely intended for short distances, as from Plaisance to Georgetown, and possibly on such a run such a vehicle can only make about two or three trips for a day. They have been doing exceptionally good work in the past as a passenger service serving Vryheid's Lust, Plaisance, and Pln. Ogle. Pln. Ogle has a long driving road inwards from the public road, and one cannot expect the railway to accommodate the residents there in the way these animal drawn vehicles do by going into the estate and taking their quota of passengers there and bringing them down to Georgetown. I think the small service which these vehicles are giving can well be considered as a public service of a nature which should exempt them from all the restrictions which govern motor vehicles. Let something come by way of a concrete statement from the Commissioner of Police as to the reasons why they should be put on the same restrictions as the motor vehicles.

Mr. FERREIRA: I do agree with the last speaker. These animal drawn vehicles give good service to the community, particularly so during the last war when there was a shortage of gasoline. But on the other hand it must be remembered we owe a duty to the public. It is only right that the Competent Authority should have some control over the functioning of these vehicles, which can go into a dilapidated condition and become a danger to the users. There are only about six in the Colony at present. The question of brakes is largely an assumption on the last speaker's part. There was some talk some time ago about brakes for donkey carts and drays, but that has been withdrawn. You should have their routes fixed; you should have a schedule in respect of departures, fares, etc. Those are things definitely in the interest of the users of the road. I do not see that there

should be any objection to the clause. It is something to assist the public.

Mr. LEE: If the Council is going to insist on this clause being passed, I would like to make an amendment which would meet the case. Instead of the words "six passengers" in the fifth line substitute the words "fourteen passengers". The present animal drawn vehicles throughout the Colony do not carry more than twelve or fourteen passengers. I think it is wise to limit the carriage to that amount so as to help the poor man. In my constituency there are no horse drawn buses; the people have to use donkey carts as they cannot afford to hire a motor car to take them from their homes to the stelling, a distance of four or five miles. Sometimes the steamer arrives there late and the people have to walk home. If Government is insisting on the clause I move an amendment substituting "fourteen" for "six".

Mr. SMELLIE: It seems to be the impression amongst certain people that this particular clause is framed to drive the animal drawn vehicles out of business and off the road. That is not so. It was pointed out twice by the hon. the Attorney-General that it is simply to protect passengers riding in those vehicles and other users of the road. The idea is not to do anything oppressive. It is simply providing protection that they should come under the same regulations as apply to mechanically driven vehicles.

Mr. DEBIDIN: May I make a point upon what has been said before? It seems that what comes into this is the question of accommodation. I think hon. Members are forgetting the limitations of these vehicles. No owner of such a vehicle is going to strain his animal to carry more passengers than can be comfortably carried. People would not want to go into that slow moving vehicle if there is not sufficient accommodation for them. When we know that today the buses, station wagons and hire cars give speedier and much more comfortable ride, the question of overloading can be eliminated. I cannot see why those who inspired this clause should have any fear. I do not know of any accident or mishap in con-

nexion with any of these vehicles. I would like to point out in answer to the hon. Member for Berbice River (Mr. Ferreira) that there is an influx of motor vehicles in the Colony and they are becoming a danger to the users of the road. First, the roads are narrow; secondly, they are reputable in their condition. I cannot see anything wrong in permitting these vehicles to continue as they are doing. I would like to point out, and the hon. the Attorney-General can bear me out, that if anything is done which would cause the animal to suffer injury the S.P.C.A. has ample provision to step in on behalf of the animal. There is already provision where an animal drawn vehicle cannot take above a certain weight. That can be applied to these vehicles. It seems to me there is already provision, but possibly they feel these vehicles should come within the Motor Vehicles Ordinance and it is only going to cause the people to suffer inconvenience.

The ATTORNEY-GENERAL: The hon. Member has continually referred to these vehicles as "contraptions". In other words he admits they are not kept in proper order.

Mr. DEBIDIN: Not necessarily.

The ATTORNEY-GENERAL: It will be clear to hon. Members that it is desirable that vehicles which are on the road should reach some reasonable standard of efficiency and should be in a condition to carry safely passengers from whom they receive fares, and they should come to some extent under the same regulations that govern other vehicles which ply for hire on the roads. The Prescribed Authority, I presume, with the Advisory Body put forward the suggestion that these vehicles should be brought within the ambit of this legislation. Hon. Members are making special pleas, but at the same time we have to look at this matter from a balanced point of view—the point of view of those who use this particular type of vehicles and pay their fares, and also the point of view of other users of the road. The hon. Member for Eastern Demerara (Mr. Debidin) has said that so far nothing has happened, but as he travels along the East Coast road he has often seen the manoeuvring around these vehicles. In a

matter of this sort the Prescribed Authority with the Advisory Body will have to administer the administrative side of the operation of these vehicles so far as legislation is concerned. It is fair that they should be brought within the ambit of the legislation governing vehicles plying for hire. One hon. Member refers to his constituency and to the fact that there are some vehicles there which will have to go off the road through this legislation. I can assure hon. Members, this legislation is not designed to put any vehicle off the road. It is only a protective measure that these vehicles which go on the road should be fit to carry passengers safely and in a proper way.

Mr. LEE: Your Excellency, I would like to draw your attention to the fact that during the planting and reaping seasons of the rice industry in my constituency the women—more than six and sometimes eight to ten — can be seen seated together in carts being taken to and from the ricefields. It means that this cannot be done any more, as vehicles carrying over six passengers fall within this Ordinance and the owners will have to attach brakes to them.

Mr. ROTH: The hon. Member has overlooked the words in the clause "constructed and used for the carriage of not less than six passengers for hire or reward". A cart is not built to convey passengers at all and, therefore, does not come into this at all.

Mr. LEE: The person who is a passenger will fall within this legislation. Make it for 12 passengers. The horse drawn buses carry more than twelve passengers. I am trying to protect the people who have to carry workers and also the small van-owners who try to make a living by the operation of their vehicles.

The ATTORNEY-GENERAL: The hon. Member should read the whole clause. It says "constructed" first and "used" second "for the carriage of not less than six passengers for hire."

Mr. FERNANDES: I agree entirely that any vehicle which carries passengers

for reward should be subject to some standard of efficiency, but that is not the point that worries me. Bringing these horse drawn vehicles under this Ordinance may mean their being put off the road under the provision that they must obtain a licence to operate on the road. It may be just possible that those operating on the lower East Coast road will be driven off the road on the ground that they are in competition with the Transport and Harbours Department. I, personally, would agree to this clause if Government gives me the assurance that none of those vehicles would be removed from their business at all and the only thing they would be really subject to is the efficiency and condition of the vehicles and that they be in a position to carry passengers safely and, as one hon. Member said, be safe to other users of the road.

Dr. JAGAN: Not very long ago we were discussing in this Council whether the small station waggons should be given hire car licences, and even though this Council agreed that they should be given it, nevertheless those people are being so much harassed.

The ATTORNEY-GENERAL: I think they harass a lot of people the way they go along the road.

Dr. JAGAN: Apart from the mechanical requirements which may be necessary, the other fact has to be faced—whether those vehicles, especially those operating on the lower East Coast, will be considered as competing not only with the trains but with the buses operating in that area. That is another reason why we should have been given an explanation why it is necessary.

The ATTORNEY-GENERAL: I think I have explained that the moment a vehicle is put on the road plying for hire it is necessary that it should conform to requirements in respect of efficiency and the other obligations. The other vehicles have to put down their passengers at certain points. That would not create any difficulty so far as these animal drawn vehicles are concerned, neither would any difficulty be caused by a reasonable standard of efficiency. It has not been sug-

gested that they are in any way competing with anybody, because I believe they have done very useful service, particularly during the war years, but it must be emphasized that they are using the road, and as they are plying for hire it is fitting that they should comply with all the necessary requirements. What Members are trying to do is to provide an exemption for them.

Mr. FERNANDES: I thought the hon. the Attorney-General would have given me the assurance I have asked for—that those new vehicles running near to Georgetown will not be taken off the road on the ground of competition with the Transport Department. It is surprising to know the grounds on which some of those vehicles have been refused licences in the past. On more than one occasion a licence was refused because a vehicle would compete against the railway, and it was found that the railway could not handle the traffic. I was at the Kitty railway station at 8.15 this morning and I saw a freight train pass there hopelessly overloaded.

Mr. LEE: I do not think the Attorney-General can give that undertaking because it is the Licensing Authority which has to deal with it.

Mr. SMELLIE: So far as I am aware there is nothing behind this recommendation except the safety of the passengers in the vehicle and persons using the road. There is no intention to take them off the East Coast road because they are competing with the railway. The whole thing is the safety of the general public.

Mr. FERNANDES: I am pleased to hear that, but the same Committee that deals with these matters will not always be there. Except I get an assurance from Government I am afraid that, much as I would like to vote in favour of the other part of it, I will have to vote against the clause. I operated one myself during the war for two or three years when gasoline was rationed.

Mr. FERREIRA: What the hon. Member is asking for is a statement to the effect that it is not Government's intention to drive those vehicles off the road. I cannot imagine that it is.

Mr. FERNANDES: All Government need do is to make a statement in order to have it clearly understood that that is not the intention of the Bill.

The ATTORNEY-GENERAL: As the hon. Nominated Member, Mr. Smellie, has said, it was not the intention of the Board or the Prescribed Authority to drive these vehicles off the road, but that they should maintain a standard of efficiency for the safety of those who use the vehicles, and that other users of the road should be safeguarded. There is no intention on the part of Government that those vehicles should be driven off the road to make way for other competing interests—either rail or motor transport.

Mr. FERNANDES: I thank you very much.

The CHAIRMAN: It is a very necessary condition for vehicles that ply for hire.

Dr. JAGAN: The Prescribed Authority has power under the Ordinance to regulate how those vehicles should operate. If the Regulations are contravened a licence can be confiscated. That is what is facing many people. I think Government will have to decide on two major policies—railway versus bus and bus versus taxies—and then we will know what power the Prescribed Authority is exercising. At present his powers are very wide. The powers of the Prescribed Authority being what they are they may later intervene in the same way as was done in the case of the station waggons, and throw these vehicles off the road. That is the fear.

The CHAIRMAN: The fear is that the Prescribed Authority will not exercise its authority justly. Is that it?

Dr. JAGAN: That is the fear held by the majority of the people who use the roads.

Mr. FERNANDES: That is not my opinion. It may be their opinion that these vehicles should not operate in competition with the Transport Department. It is quite possible that their way of thinking may not be the same as mine and other people's.

Mr. DEBIDIN: May I draw attention to another point, and that is that immediately this clause is passed these vehicles will come under the licence fees which apply to a particular type of vehicle.

The CHAIRMAN: They already come under them.

Mr. DEBIDIN: I am not so sure. Under the Tax (Amendment) Ordinance, No. 23 of 1940, the licence fee for each four-wheeled carriage is \$10, but immediately these vehicles come under section 61 of the Motor Vehicles and Road Traffic Ordinance I am afraid they will come under the general law governing vehicles carrying passengers. Here again what we would not like to see happen may happen, and these vehicles may have to be scrapped. I have taken no part in the discussion on this particular clause. Had I done so I would have put my experience at the disposal of the Committee. We should pass legislation particularly applicable to this type of vehicle, just as we did in the case of the station waggons, rather than allow it to be governed by conditions which apply to motor vehicles. The whole of Part VIII of the Motor Vehicles Ordinance relates to Road Service Licences, and they are, and must be, very stringent conditions.

The CHAIRMAN: If the hon. Member looks at Ordinance 23 of 1940 he will see that for a hackney carriage the licence fee is \$3.

Mr. DEBIDIN: If this clause is passed these vehicles will be taken out of that provision and put in the same category as motor vehicles. There will be certain provisions affecting these vehicles with which they cannot comply, and the result will be that they will not be eligible for a Road Service Licence.

The CHAIRMAN: If the hon. Member reads section 32 of the Tax (Amendment) Ordinance, No. 23 of 1940, he will see that the licence fee for vehicles of this type is clearly stated.

Mr. DEBIDIN: That Tax (Amendment) Ordinance by accident follows the Motor Vehicles and Road Traffic Ordinance. At present where the provisions of the Motor Vehicles and Road Traffic

Ordinance do not apply to animal-drawn vehicles, the Tax Ordinance will apply in so far as hackney carriages are concerned, but the moment sections 61 to 66 of the Principal Ordinance are made to apply to any vehicle, other than a motor vehicle, constructed and used for the carriage of not less than six passengers, the Schedules to the Motor Vehicles Ordinance which prescribe the licence fees to be paid under section 61 must apply to those animal-drawn vehicles.

The COLONIAL SECRETARY: I

think the hon. Member is wrong. Section 16 of Ordinance 22 of 1940 makes provision for licence fees for motor vehicles as set out in the First Schedule to that Ordinance, and does not apply to animal-drawn vehicles.

The CHAIRMAN: I suggest that the Council should adjourn at this stage so that we may get the facts clear.

The Council resumed and adjourned until Thursday, 31st August, at 2 p.m.