

**THE
PARLIAMENTARY DEBATES**

OFFICIAL REPORT

(VOLUME 3)

**PROCEEDINGS AND DEBATES OF THE FIRST SESSION OF THE NATIONAL
ASSEMBLY OF THE SECOND PARLIAMENT OF GUYANA UNDER THE
CONSTITUTION OF GUYANA**

45th Sitting

2.00 p.m.

Friday, 17th October, 1969

NATIONAL ASSEMBLY

The Assembly met at 2 p.m.

Prayers

(Mr. Deputy Speaker in the Chair)

Present

His Honour the Deputy Speaker Mr. O.E. Clarke

Members of the Government

Ministers

The Honourable L.F.S. Burnham, Q.C.
Prime Minister

The Honourable M. Kasim,
Minister of Communication

The Honourable H.D. Hoyte
Minister of Home Affairs

The Honourable N.J. Bissember,
Minister of Trade and Parliamentary Affairs

The Honourable C.M.L. John,
Minister of Local Government

The Honourable S.M. Patterson,
Minister of Education

The Honourable B. Ramsaroop,
Minister of Housing and Reconstruction

The Honourable H. Green
Minister of Works and Hydraulics

Parliamentary Secretaries

Mr. J.G. Joaquin, O.B.E., J.P.,
Parliamentary Secretary, Ministry of Finance

Mr. W. Haynes
Parliamentary Secretary, Ministry of Works and Hydraulics

Mr. A. Salim,
Parliamentary Secretary,
Ministry of Agriculture and Natural Resources

Mr. J.R. Thomas,
Parliamentary Secretary, Office of the Prime Minister

Other Members

Mr. J.N. Aaron
Miss M.M. Ackman
Mr. K. Bancroft
Mr. E.F. Correia
Mr. M. Corrica
Mr. E.H.A. Fowler
Mrs. P.A. Limerick
Mr. S.M. Saffee
Mr. D.A. Singh
Mr. R.C. Van Sluytman
Mr. C.E. Wrights
Mr. M. Zaheeruddeen, J.P.

Members of the Opposition

Mr. C.B. Jagan, Leader of the Opposition
Mr. Ram Karran
Mr. R. Chandisingh
Mr. F.H.W. Ramsahoye
Mr. E.M.G. Wilson
Mr. G.H. Lall
Mr. M.Y. Ally
Mr. R.D. Persaud, J.P.
Mr. R. Ally
Mr. E.L. Ambrose
Mrs. L.M. Branco
Mr. Balchand Persaud
Mr. Bholu Persaud
Mr. I. Remington, J.P.
Mrs. R.P. Sahoye
Mrs. E. DaSilva
Mr. M.F. Singh
Mr. J.A. Sutton

Deputy Clerk of the National Assembly – Mr. M.B. Henry.

Absent

His Honour the Speaker, Mr. R.B Gajraj, C.B.E., J.P.	-on leave
The Honourable P.A. Reid, Deputy Prime Minister and Minister of Finance	- on leave
The Honourable R.J. Jordan, Minister of Agriculture and Natural Resources	- on leave
The Honourable W.G. Carrington, Minister of Labour and Social Security	- on leave
The Honourable S.S. Ramphal, C.M.G, Q.C., Attorney General and Minister of State	
The Honourable M. W. Carter, Minister of Information	
The Honourable H.O. Jack, Minister without Portfolio	- on leave

The Honourable Sylvia Talbot,
Minister of Health

- on leave

Mr. P Duncan, Parliamentary Secretary,
Office of the Prime Minister

- on leave

Mr. J. Budhoo, J.P.

- on leave

Mr. D.C. Jagan

- on leave

Mr. A.M. Hamid, J.P.

- on leave

Mr. E. M. Stoby

Mr. V. Teekah

Mr. R.E. Cheeks

- on leave

ANNOUNCEMENTS BY THE SPEAKER**Leave to Members**

Mr. Deputy Speaker: Hon. Members, I have to announce that leave has been granted to the hon. Minister of Finance (Dr. P.A. Reid) from 17th to 19th October, 1969 and to the hon. Member Mr. E.F. Correia from 20th October, to 10th November 1969.

PRESENTATION OF PAPERS AND REPORTS

The Minister for Trade and Parliamentary Affairs (Mr. Bissember): On behalf of the Minister of Finance I beg to lay on the Table the following Paper:

Consumption Tax (Petroleum) (Amendment) Order, 1969 (No.41), made under section 4 of the Consumption Tax Act, 1969 (No. 13), on the 3rd of October, 1969, and published in the Gazette on the 11th of October, 1969.

MOTIONS RELATING TO THE BUSINESS OR SITTING OF**THE ASSEMBLY AND MOVED BY A MINISTER****Suspension of Standing Order**

Mr. Bissember: Mr. Speaker, I have been told that, for this Sitting, we will continue until the Bill is finished.

Mr. Deputy Speaker: I believe that when the hon. Minister (Mr. John) took the Adjournment last evening he so suggested.

Mr. Bissember: Therefore the necessity does not arise for me to move the suspension of the Standing Order.

PUBLIC BUSINESS**BILL – SECOND READING****LOCAL AUTHORITIES (ELECTIONS) BILL**

Assembly resumed consideration of the following Bill:

A Bill intituled: “An Act to make provision for the election of members of Local Authorities, for the preparation of Electoral Registers for the purposes of such elections and of deputies in connection with elections to certain offices in Local Authorities and for matters incidental to and connected with the aforesaid purposes.” (**The Minister of Local Government**)

Assembly in Committee.

The Chairman: When we adjourned at midnight, the Committee had considered Clause 20 and we will now proceed to Clause 21.

Clauses 21 and 22 agreed to and ordered to stand part of the Bill.

The Minister of Communications (Mr. Kasim): Sir, I cannot seem to find the place.

The Chairman: Hon. Members, I think that the Clerk has been looking at the wrong Bill. I have here the correct Bill, so what we will do in the circumstances is to go over those two Clauses.

Mr. Bissember: Out of courtesy to the House shall I recommit those two Clauses?

(The Chairman indicated assent)

Mr. Bissember: I beg to move the recommittal of Clauses 21 and 22.

The Chairman: The formality may not be necessary. So far as the House is concerned the relevant Clauses were not put.

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

Clause 22

Mr. Lall: I would like to speak on Clause 22 (2) where the City Council with the permission or consultation – or should I say approval - of the hon. Minister will receive remuneration. I am suggesting that, instead of the hon. Minister fixing remuneration for a City Councillor, he should make an order to be laid before this Parliament who would give the hon. Minister so much power so as to allow him to fix remuneration. This point, as I see it, is debatable. This point should have the prior consent of the higher forum of this country, the Parliament.

Mr. John: In this matter the manner of fixing remuneration was initiated by the Council itself. It must be reasonable and must be able to face the electorate in whatever it undertakes in this regard. The Minister's position is that he has to approve or give a contrary ruling if he feels it necessary when the council arrives at what they think is a reasonable sum. I do not think that I can support the point made by the hon. Member.

Mr. Lall: I am saying that if the Government --

The Chairman: I think that the hon. Minister has replied. We do not have an Amendment on this clause and I will not allow any further debate.

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2.30 – 240 p.m.

Mr. Lall: I might induce the hon. Minister to change his attitude. You should allow me to speak; it is my democratic right.

The Chairman: But you have already spoken for five minutes.

Mr. Wilson *rose*.

Clause 22, as printed, agreed to and ordered to stand part of the Bill

Clause 23 to 25 agreed to and ordered to stand part of the Bill.

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Clauses 26 to 28, agreed to and ordered to stand part of the Bill.

Clause 29

Mr. Balchand Persaud: There is a typographical error here.

Mr. John: I am grateful to the hon. Member.

Mr. Lall: I should like to make one point on 29(2). I feel that Parliament or the municipalities should fix the number of councillors, and not the Minister. I think that too much power is given to the hon. Minister. Parliament should know the specific number of councillors that will be contesting the election in the Municipalities and we should approve or disapprove. It is stated here, "not less than 12, or not more than 15". This is ambiguous, and the Minister should change his attitude in making clauses that are ambiguous. We must have something specific, 12 or 15, not "not less than 12 or not more than 15."

Clause 29, as printed, agreed to and ordered to stand part of the Bill.

Clauses 30 to 32, agreed to and ordered to stand part of the Bill.

Clause 33

Mr. Wilson *rose* –

Mr. Chandisingh *rose* –

The Chairman: The hon. member Mr. Chandisingh.

Mr. Chandisingh: Mr. Chairman, the amendment which I am now moving seeks to delete the entire Clause 33. This we consider to be one of the most vital provisions in this Bill which gives the Minister power, by order, to set up new district councils. While many other Acts do provide for the Minister by order making regulations and so on which are largely of procedural nature to give effect to the legislation, we regard this power here, as being of an entirely different nature. In short, we regard this as a matter of deep substance.

In the first place, the hon. Minister, despite repeated question from this side of the House, has been unwilling or unable, to give us any idea of what plans he has, what plans the Government has for the areas that are to become district councils in the near future. He has kept this a tightly-guarded secret even though the memorandum that he has circulated stated that new district councils would be established, in the first instance, one in Berbice, and the other in Essequibo. Nevertheless, we must observe that certainly the hon. Minister must have been working on his plans for bringing this into effect and the hon. Minister and his officers must be at a stage now where they can give this House and the public some intimation of the likely areas which would be considered within the whole broad territories of Berbice on the one hand, and Essequibo on the other. We must draw the conclusion that either the Government

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has been merely rushing through legislation without any concrete plan, or that the Government wishes to conceal for as long a time as possible, the areas which will, in the near future, come under the application of this legislation.

As from what we have seen also, judging from the provisions in the Bill as a whole and in the previous Bill which we discussed, and judging also by the apparent indifference of the hon. Minister to answer some of the pertinent questions which we have posed, the intention behind this is to clothe the Minister with power which he will exercise to the detriment of the Opposition, in particular.

Apart from these observations, I wish to say that the establishment of new district councils is something of great moment. We do not feel that it should be left merely to the discretion of the Minister or even the Government, so that they would spring these things on us, the Opposition, and also on the people who will be so concerned. We feel that adequate time should be given for the preparation of these district councils so that discussion can take place, proposals can be made so that the public would have the opportunity to make representations on so on.

In support of these remarks, I merely wish to refer hon. Members to subsection 3 which gives the subjects which the Minister would be able to bring into force by mere order. These include not only the name of the district and boundaries but also several other very important matters including the functions of the Council. Then in subsection 4, it is further provided that:

“A constitution order may prescribe or provide for such other matters as appear to the Minister to be necessary or expedient...”

And then going on to subsection (5), we see a further extension of this:

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“Without prejudice to the construction of any other provision of this Act in accordance with the provisions of section 21 of the Interpretation Ordinance, a constitution order may be from time to time varied or amended by order of the minister.”

We feel that although it is provided that an order or any part of that order, after being made, would be subject to annulment by Parliament, nevertheless, if we examine carefully the procedures involved as between making an order and introducing a bill establishing these local authorities, we will see that an order does not really give adequate opportunity for discussion and representations and so on.

2.50 p.m.

For one thing, even if an order, or part of it, is annulled, the acts committed during the period when the order was valid would not be invalidated and so on many things can be done which would cause a lot of trouble.

If, on the other hand, the Government agreed to delete this clause from 33 and agree to introduce these by way of separate Bills, we can see that this would give greater opportunity for having discussion, making proposals and so on. For, in the normal course of events, we know that a Bill has to be published. It is then introduced into Parliament; there is the First Reading, then time is normally given before a Second Reading takes place. This, I submit, does provide some saving grace so that the public generally, and particularly the people in the area affected, would be adequately apprised of the matters which would be discussed affecting them.

Once again I wish to submit an order, although it appears to meet the requirement in part, nevertheless is merely sprung on the people and Members of the House. Furthermore, we feel that new district councils should only be created after full discussion and consultation with the interested persons and bodies within the area and before they are brought before this House.

Another point which I wish to make is that each district council will be a separate scheme which would have its own peculiarities according to the legislation and would have, in any case, to set out in some detail all the requirements governing the functioning, the naming of boundaries and so on of that local authority. So, whether you have orders being made by the Minister, or Bills introduced for each district, as far as we can see it would involve the same amount of work by way of bulk of clauses, or what have you, and the argument that an order is a simpler and more tidy procedure would not hold any water in this case.

So, with all that has been so far, we would like a gain to move that this clause 33 be eliminated in its entirety in order to give the people and the House an adequate opportunity for discussion and consultation before certain areas are brought into effect.

Mr. R.D. Persaud *rose* –

The Chairman: I wonder if you listened carefully to the mover of this Amendment. I will stop you if you attempt to tread on any territory which he has covered.

Mr. R.D. Persaud: I will not. This is a highly controversial provision enshrined in this Bill. When one looks at it one finds that the Government is putting the cart before the horse. Why do I say this? I say it because when we look at subsection (6) of this clause we find that after a district is established and the constitution made and the order published the matter is brought before Parliament for discussion within a specified time. I quote:

“Any order made under this section shall be laid before the National Assembly within fourteen days after it is made, and if the National Assembly, within a period of thirty days beginning with the day on which the order is laid before it, resolves that the order or any part thereof be annulled, it shall be thereby annulled to the extent set forth in the resolution, and the order annulled to the extent set forth in the resolution, and the order or part thereof so annulled shall thenceforth become void and of no effect but without prejudice to anything previously done under the order or part thereof, as the case may be, or to the making of a new order.”

Now the proposal of my hon. Colleague and our proposal is, if the Minister, acting on behalf of the Government, establishes a new town or local government district, he should bring the matter as a whole – that is, the establishment of the area, what districts are going to be involved, what is going to be the type of constitution – for discussion before Parliament and whatever is the decision of Parliament the matter can be implemented thereafter. To my mind, that is a more reasonable proposal than to establish a district, draw up a constitution, publish it and then come to Parliament. Let Parliament first decide and then afterwards establish the town or local government district.

Mr. John: I cannot support the Amendment of the hon. Member. In the first place, there is provision that these orders should come before Parliament and pronouncement can be made on them. I think there are two fundamental matters which we must bear in mind. One is that we are changing the concept or approach to local government. It is not, as Dr Marshall said, like a glass of rum and water which you take if you want or leave if you don't wish it. In the circumstances in which local government is now approached it will all embracing so that in effect whatever be the case it will cover the entire country. While we agree that there is some merit in consultation, I think the whole approach to the speed with which this matter is brought about is a different one from that which is propounded by the hon. Member.

The second point which must be borne in mind is that on questions like these one has the experience from what has gone before. It is not a case that we are now beginning. We have experience in Georgetown and New Amsterdam, and there will be other areas where we can get the benefit from their experience. Right now the Local Government Board exercises, with the consent of the Governor-in-Council, the powers which are advocated. That is the body in which the power resides in relation to any district. That order when made is final. Government affirms it; nobody can ask about it.

The provision here is that the Minister will make the order but an opportunity is given for that order to come to Parliament and hon. Members can move a resolution and, if they are sufficiently convincing, Parliament can annul the order. I ask "What more does the hon. Member want?"

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Mr. Wilson: I do not know whether I can ask a question now or whether I should wait until the matter is determined.

The Chairman: When it is determined you can ask the question. I will not allow you to ask it now.

3.00 p.m.

Amendment –

That clause 33 be deleted.

Put.

Assembly divided: Ayes 15, Noes 23, as follows

Ayes	Noes
Mr. Sutton	Mr. Zaheeruddeen
Mr. M.F. Singh	Mr. Wrights
Mrs. DaSilva	Mr. Van Sluytman
Mrs. Sahoye	Mr. D.A. Singh
Mr. Bholu Persaud	Mr. Saffee
Mr. Balchand Persaud	Mr. Limerick
Mrs. Branco	Mr. Fowler
Mr. Ambrose	Mr. Corrica
Mr. R. Ally	Mr. Correia
Mr. R.D. Persaud	Mr. Chan-A-Sue
Mr. M.Y. Ally	Mr. Bancroft
Mr. G.H. Lall	Miss Ackman
Mr. Wilson	Mr. Aaron
Mr. Chandisingh	Mr. Thomas
Mr. Ram Karran - 15	Mr. Salim
	Mr. Haynes
	Mr. Joaquin
	Mr. Ramsaroop
	Mrs. Patterson
	Mr. John
	Mr. Bissember
	Mr. Hoyte
	Mr. Kasim - 23

Amendment negatived.

Clause 33, as printed, agreed to and ordered to stand part of the Bill.

Mr. Wilson: I should like to ask a question.

The Chairman: You want to ask a question but we have already passed the clause.

Mr. Wilson: The Minister might still be able to enlighten me.

The Chairman: Perhaps you may be able to ask the same question on another clause under the same heading.

Clause 34

Mr. Wilson: I should like to ask the Minister whether it is deliberate that in the order by which district councils could be established there is no provision for remuneration to councillors. I notice that there is a subsection here providing for remuneration to the chairman. Is it the intention that the councillors would not have any remuneration?

Mr. John: Unfortunately there is a confusion of thought. Remuneration is different from the sum of money which is available for entertainment expenses.

Clause 34, as printed, agreed to and ordered to stand part of the Bill.

Clause 35 to 39 agreed to and ordered to stand part of the Bill.

Clause 40

Mr. Wilson: This clause provides for persons who would be disqualified from holding their offices. I notice that paragraph (f) states:

“(f) if elected a member of the National Assembly.” I wonder whether such a person is not included in paragraph (c) which reads

“(c) is disqualified for being or is disqualified from continuing to be a councillor;”

It seems as if this is repetitious.

Mr. John: This is a refinement of drafting. In actual fact, paragraph (f) is for persons who would be elected subsequently.

Clause 40, as printed, agreed to and ordered to stand part of the Bill.

Clause 41 and 42 agreed to and ordered to stand part of the Bill.

Clause 43

Mr. R.D. Persaud: Could the hon. Minister tell us what influenced him to agree that a councillor should get nine month's leave? It means that when a councillor is elected for three years and he takes nine months' leave he would serve the district for two years and three month only. Under P.R. this may be an important person for a particular district and the villagers in that area may need to see him put over their complaints. There may be a number of matters coming up in the area. This member will not be able to serve the people effectively if he is on leave for nine months. I feel that that is really too much.

Mr. John: That is a consideration which should enter the mind of the - - -

Clause 42, as printed, agreed to and ordered to stand part of the Bill

Clause 44 agreed to and ordered to stand part of the Bill.

Clause 45

Mr. R.D. Persaud: We have complained about the Local Government Board being a hindrance. I think that this particular clause puts the Minister in this position, and I am sure no Minister will want to be in this position.

A council may pay to councillors reasonable travelling and subsistence allowances at such rates as may be determined by the council, which the Minister has to approve, in respect of expenses incurred by them in the course of or by reason of their performing their official duties. If a councillor during the course of the performance of his duties incur certain expenses that will be approved by the council, does the Minister have to approve of the expenses incurred, or even the rates which the council as a whole must approve? The council will be answerable to the people and if the council is answerable to the people, then the council will decide the rates that will meet wishes of the people in the area. I cannot see that the Minister will be more concerned than the councillors. I think the approval of the council is enough.

Mr. John: This is in accordance with a by-law that is approved by the Governor-in-Council.

Mr. Wilson: In relation to remuneration of councillors, in the previous clause when he referred to it as confusion of thought, that confusion of thought rested with the Minister. The councillors of the towns, when sitting, can be provided with remuneration in addition to travelling expenses but that is not so with the district councillors.

Mr. John: That is not so.

Clause 45, as printed, agreed to and ordered to stand part of the Bill.

Clause 46 to 54 agreed to and ordered to stand part of the Bill.

Clause 55

Mr. Chandisingh: I beg to move the Amendment standing in my name, that the words "one-third" appearing in the second line of the clause be deleted and the words, "one-half" be substituted therefor. Mr. Chairman, the purpose of this Amendment is to make the quorum one-half of the whole number of councillors rather than at least one-third as stated in the Bill. The reason for this are as follows:

It is possible that a council may be constituted with nine members as the minimum number in a district council. If we propose a council of nine persons, it would be quite possible

under the present provision in the Bill for three councillors to meet and to take decisions which would be binding on the whole council. In view of the fact that if we look at clause 53 which we have already passed, we read that,

“... want of service of a copy of the notice or of the agenda on any councillor shall not affect the validity of a meeting.”,

We can see it may be possible, in some instances at least, that certain councillors may be informed of a meeting and the agenda of the meeting but others may not be informed and have the opportunity to be present. And three councillors who wish to take some particular decision in the absence of the others may find it possible to do so. It is our contention that this Amendment will help to avoid certain bases of contention in local authority politics. We know that in local government politics there is often contention among members and we feel if the quorum is raised at least to one-half of the members, this would give a better opportunity for decisions to be taken without charges being made, counter charges, the necessity to recommit, and that sort of thing. We feel this is a better basis on which to take a decision.

We have seen from another clause in the Bill that once a decision has been taken by a vote of the council, a recommitment of such a decision would not be possible within a period of six months. To further support my Amendment, it is noted that councillors would be disqualified if they do not attend a certain number of meetings and I think this provision would encourage councillors to so attend meetings. Thus, generally speaking, one would expect over one-half the council would be attending any particular meeting since there is that provision that a person is disqualified for non-attendance at three consecutive meetings, not only of the council, but of any standing committee.

Taking all these things into account, it would seem unlikely that there would be a falling short of a quorum for the particular meeting, but the Amendment is intended to provide for those cases where it is possible that only three out of nine councillors will meet either by chance or by design and take decisions which would then be subjected to contention, dispute, and so on, by other members of the council.

So this provision is meant to secure more harmony in working of the councils.

Mr. Chairman: I wonder if the hon. Minister has anything to say on this

Mr. John: No, Sir, I do not wish to say anything. *(Interruption)* Yes, one-third has long been established as quorum.

Amendment put, and negatived.

Clause 55, as printed, agreed to and ordered to stand part of the Bill.

Clause 56 to 67 agreed to and ordered to stand part of the Bill.

Clause 68

Mr. Lall: Your Honour, I would like to speak against this Clause –

The Chairman: Generally? Or on a particular sub-clause?

Mr. Lall: I feel that a person elected as a councillor should not have any contract whatsoever, directly or indirectly, with that council. He should not only be disqualified from voting on matters pertaining to the contract, but he should not have the right to have a contract with the council. We see here in Clause 68 (2) where provision is made where a councillor has interest in a company of less than \$500, that councillor would be allowed to vote, but I would like to submit that if, let us say for example, a council is comprised of nine councillors and they form a company and they all have interest below \$500 then they will all have the right to vote for a contract for that company. The whole Clause should be amended so as to read – I am sorry that I did not move an Amendment as I know that the hon. Minister overlooked this Clause, because I feel that no councillor will give justice if he has the right to a contract as well as a say in the council.

I am asking the hon. Minister to reconsider this whole clause and rephrase it. I do hope that when he is rephrasing it, he would disallow any councillor from having a contract directly or indirectly with the council he is serving.

Mr. Chandisingh: I have a question on sub-section (9) of Clause 68. I would like to

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ask the hon. Minister why, in the case of the City Councillors , the City Council, and in the case of the Town Councillors and the Town Council, has the right to remove a disability form the district council but the hon. Minister who is given that right? Is this not discrimination against the district council?

Mr. John: No. We feel that this is a right for the Minister and, on this matter; we are not prepared to move. In the circumstances I do not support it.

3.30 p.m.

Mr. Lall: But in no democratic society it is right. Here in Parliament, if we are Members of parliament, we cannot have a contract with the Government, either directly or indirectly.

The Chairman: The hon. Minister did favour the hon. Member with a reply. I do not know why you are missing the point.

Clause 68, as printed, agreed to and ordered to stand part of the Bill.

Clause 69 to 74, agreed to and ordered to stand part of the Bill

Clause 75

Mr. Ram Karran: I merely wish to ask a short question. I observe that the chief officer in the district shall be the clerk. In Clause 74, there is no mention of clerk but there is mention of a chief executive officer. In Clause 75 it is stated that:

“The Clerk shall be the chief administrative officer of the council of which he is the clerk...”

I would ask that the Minister tell us the reason for the change – the difference in these names. In the clause describing the clerk, he is called administrative officer.

Mr. John: - - -

Clause 75, as printed, agreed to and ordered to stand part of the Bill.

Clause 76 to 79, agreed to and ordered to stand part of the Bill.

Clause 80

The Chairman: The hon. Member Mrs. Sahoye.

Mrs. Sahoye: I should like to raise a question. It is stated here:

“80 (1) A council may institute a Contributory Group Pension Scheme and Group Life Plan (hereinafter together referred to as ‘the scheme’) for the benefit of its weekly and daily paid employees and the following provisions shall apply in relation to such scheme –

- (a) every weekly and daily paid employee of the council who has attained the age of twenty-one years but is under the age of fifty-five shall join the scheme;
- (b) the council shall contribute to the scheme, in respect of each employee under the scheme, such amount as from time to time constitutes the contribution of the council thereto in accordance with the terms and conditions governing the scheme;
- (c) notwithstanding the provision of the Labour Ordinance, the council shall have power to deduct from the wages of every employee under the scheme, such amount as from time to time constitutes the contribution of the employee...”

I should like the hon. Minister to give us some explanation. I should also like to bring to the attention of the House that in reading this Bill one gets the impression that there will be one scheme, then on reading it a second time, it appears as if there will be two schemes. If this is so, we are flouting our own Labour Ordinance. It must be remembered that we now have the National Insurance Scheme which is a compulsory scheme; every employer is compelled under this scheme to deduct from those employees who earn more than \$10 per week in order to contribute to this scheme. I am a bit worried on behalf of the workers. Is it that the workers will have to contribute to these two schemes in addition to the N.I.S.? It is highly impracticable to be contributing to two schemes because of the wages workers receive in Guyana today.

Mr. John: In the first place, under Section 80 there are not two schemes because one is alternative. This section merely gives power to the council, notwithstanding the fact that other

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schemes can exist. I do not think the hon. Member is serious when she says that there would be two schemes. With regard to the fact that this scheme will operate in addition to the National Insurance Scheme, what the section is trying to do, is to keep the state of things which are not dissimilar. To some extent the contributions from N.I.S. are in addition, and different to otherschemes. I think it is good that the hon. Member has mentioned this point, because there is no reason or reasons to terminate one, because national insurance has come into play. In fact, the Minister responsible for national insurance made that point so often during the last two weeks. I think the hon. Member need not be disturbed.

3.40 p.m.

In fact, they cover categories which are not co-existent.

Clause 80, as printed, agreed to and ordered to stand part of the Bill

Clause 81

Mr. Ram Karran: I beg to move the deletion of this clause. It seems to me that the Government is now imposing a condition of employment on local government officers, a condition which prevails nowhere else in this country. Clause 81 (1) states:

“Every local government officer to whom this section applies shall, not later than six months after his appointment insure his life and keep it insured for a sum not less than the minimum annual remuneration of the office which he holds, and every such officer shall, as often as he is promoted to an office of higher remuneration, effect an additional insurance of his life to the extent of the annual increase in his remuneration.”

No one in his right senses would condemn the principle of insurance. Insurance, we all know, is a good thing, but when the employer is a local authority and when the Government sits on the local authority and breathes down its neck and tells it “These are the conditions under which your employees shall serve:”, then it seems to me not only undesirable, but ridiculous.

It is for the employee to take into account his condition, the size of his family the obligations that he may have. He might be a young man stating out in the service with perhaps a

mother and a number of young sisters to take care of. It is ridiculous for the Government to talk about an employee being compelled to take out insurance of this kind.

The hon. Minister (Mr. John) in replying to my colleague on the question we have just decided referred to the hon. Minister of Labour and Social Security (Mr. Carrington) and his "sweet" talk on the radio about the schemes other than the National Insurance Scheme has created loopholes for big business to remove some of the very lucrative schemes to which they contributed. *[Interruption by the Prime Minister]* Let the Prime Minister go to Bourda Market and he will find out what people are saying about the scheme.

Many of the schemes were very attractive. The employers contributed large sums to them, but the Government, because it is disinterested in the welfare of its employees, has created a situation in which the compulsory scheme is there and that is all the workers have. They have lost what they fought for years and year ago.

The hon. Minister, Mr. Carrington said very clearly over the air that he is appealing to them to retain the old schemes. This is the minister who wanted to goal the sharks, who wanted to goal those who fixed salaries and wages below the salaries and wages prescribed by Government. *[Interruption]*

The Chairman: Order!

Mr. Ram Karran: Before we proceed, I beg to move that the Prime Minister remove from the Chamber.

I think it is ridiculous for the Government to suggest that every officer of the council should be insured. What is even more ridiculous is that it is provided somewhere else in this Bill that the council or the Minister is to decide which insurance company this man is to be insured with.

Clause 82 states:

“Every insurance effected pursuant to section 81 shall be effected in a company approved by the City Council and the class and nature of the insurance shall be subject in each case to the approval of the council.”

This reminds me of the days of the Wights and Seaftrths.

The Chairman: It does not appear that at the Minister decides. The council decides.

Mr. Ram Karran: This reminds me of the days when the chaps who ran Georgetown and in some cases ran British Guiana sat down in their offices as, as they owned insurance companies, they decided that since these employees were under them they should be insured with this and that company. This is what this so-called “socialist” Government is introducing today. Are we going back to the old days?

As I said, I am not for one minute quarrelling with the principle of insurance. Perhaps the council or some knowledgeable person can advise employees and officers what type of insurance to buy, but for the Government to lay this down in an Act – which is not a by-law of the council but a national statute of the country – is ridiculous. This is a system of paternalism even worse than what we had on the sugar estates.

I would like the hon. Minister to rise and tell us that this is copied, because all through this Bill he seems to be a very faithful copyist. I should like him to tell us why this measure has been brought and what will be its effects if not paternalism.

The Chairman: Does the hon. Minister wish to say anything?

Amendment –

That the clause be deleted –

put and negatived.

Clause 81, as printed, agreed to an order to stand part of the Bill.

Clause 82

Mr. Ram Karran: I do not wish to go over the ground again. I have already said that I want to say under clause 80. I formally move the Amendment.

Amendment –

That the clause be deleted –

put and negatived.

Clause 82, as printed, agreed to and ordered to stand part of the Bill.

3.50 p.m.*Clause 83*

Mrs. Sahoye: Here again the Minister is adding insult to injury in that a man is compelled to take out a life insurance policy in favour of the Town Clerk. We speak of all the freedoms in Guyana, we say that there is so much democracy, and here it is a worker has to take out an insurance policy in favour of the Town Clerk. As we go on to the other clauses we will observe that there is provision for the Government to not only muzzle the workers but to force them to do things I am certain they are not anxious to do. I therefore ask the Minister to delete this clause.

Mr. Ram Karran: I wonder if the hon. Minister has not omitted something. Isn't there a provision that the councillors should decide who are the women their employees should get married to ?

Mr. Wilson: I suppose the Minister will explain this provision which we are seeking to delete by saying that it may happen that the officer –

The Chairman: What are we seeking to delete?

Mr. Wilson: Clause 82.

The Chairman: We have passed clause 82 long ago.

Clause 83, as printed, agreed to and ordered to stand part of the Bill.

Clause 84 to 94 agreed to and ordered to stand part of the Bill:

Clause 95

Mr. R.D. Persuad: I am opposed to the establishment of a Local Government Service Commission. We have experience with respect to the functioning of these Commissions. People are dissatisfied with the manner in which these Commissions function. This is another opportunity to provide jobs for the boys. I feel that there is no need for the establishment of a Local Government Service Commission. Employees can be promoted and disciplined by the municipalities and the various district councils. There is no need for a super structure over and above the municipalities and village councils. There are capable members in the municipalities and village councils who can deal with various matters that will arise from time to time in the respective phase of local government. Therefore, there is no need to have a Commission the members of which will be appointed by the Prime Minister. The Prime Minister will have the right to suspend a member of that Commission and he will also have the right to discontinue the suspension and give back the member his job. How could such a Commission be impartial?

In view of our experience with the Public Service Commission and the Police Service Commission, I say that the Local Government Service Commission will serve no useful purpose. The whole intention behind the Commission is to have an impartial body. A member appointed to the Local Government Service Commission has to go to the Prime Minister to take an oath. The Prime Minister administers the oath or he designates someone – maybe a clerk in his office – to administrate the oath. The Prime Minister also has the power to say when a member can be removed from the Commission. If I am being paid to serve on a Commission and I really want to remain on that Commission, can I indeed discharge my duties fearlessly and without any favour whatsoever in the interest of all concerned? People are being given all sorts of honours to sell their souls and to forget that there is something called “conscience”.

I say that the Commission will indeed serve no useful purpose because – I say without fear of contradiction – there will be interference in the functions of the Commission. It is in the Bill that if anyone interferes with any member of the Commission that person can be prosecuted, but when you read further down it is also stated that the Director of Public Prosecutions has the right to say whether or not a prosecution can be brought. We know this is so under the Constitution. If a man feels that he has a case against an individual and he takes that person to Court and prosecutes with his own money, the Director of Public Prosecutions can go before the Court and tell the Magistrate, “I direct that the prosecution should be discontinued”, and the Magistrate will have to obey.

This is the position as we see it and in view of this I would urge the hon. Minister to reconsider this idea of establishing a Local Government Service Commission because, like the Public Service Commission and the Police Service Commission, it is not going to be impartial. In fact, the members are going to serve their own interests. The Commission will be a Government Commission, so to speak, a P.N.C Commission.

There is provision in one of these clauses for the Prime Minister to select one person from the Guyana Association of Local Authority or any of the organizations that are functioning within the framework of local government. The Prime Minister will just appoint other persons whom he thinks are eligible for employment on the Commission.

Local Government will definitely involve the Opposition. It will involve the Opposition because the whole country will be involved in local government elections. There should have been some provision for the Leader of the Opposition to be consulted with respect to the appointment of at least one member of the Commission. In view of all these points, I say that the Local Government Service Commission will serve no useful purpose and is just an opportunity for the Government to provide for the boys.

4.00 p.m.

Mr. Wilson: I challenge the Minister to show that the Georgetown Town Council and the New Amsterdam Town Council are not showing responsibility in making appointments to

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4.00 – 4.06 p.m.

their services and if they are showing due responsibility in the matter of making appointment to the highest position, why is it necessary that they should have a Local Government Service Commission appointed by the Prime Minister? I do not want to repeat. We are accustomed to the ultimate turnout. They become arms of Congress Place. (*Interruption*)

Mr. Bissember: I think the entire public of Guyana has expressed great confidence in these members of the Public Service Commission. I think it is unfair, with the greatest respect to you, sir, that every time a matter of this nature comes up, a member abuses the privileges of this House to attack a member of a statutory Commission. In terms of the Constitution, the Public Service Commission is appointed and it is most unfair to members who do a public service for hon. Members to make allegations in their absence when those persons are not in a position to defend themselves. I think it is a very bad practice and to set the record straight, I think they should desist from these nefarious practices.

Dr. Jagan rose –

The Chairman: At this stage, I am not going to allow a debate on this matter. I think that all of us including perhaps the Chair have been guilty of what the hon. Leader of the House just mentioned, and this afternoon, I did not make the observation when the hon. Member made it, I did not observe that this was the tendency, but I had anticipated that some hon. Member may have called a name. No name was called this afternoon, this is why I did not call the Member, but I am aware that we abuse some of our privileges from time to time. I am going to ask at this stage that hon. Members remember that we have limits to our privileges and we ought to remember what those limits are and try to speak and keep within the framework of the Standing Orders. Before I ask the House to resume, I wonder if hon. Members, having taken up the last three minutes in this discourse, will allow me to put clause 95 before we resume.

Dr. Jagan rose –

The Chairman: I do not think I can allow the Leader of the Opposition to debate this. He has mentioned this in the debate and I did not call him up.

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Leader of the Opposition (Dr. Jagan) This is an important matter. I do not want to delay this House. That is why I have been keeping quiet. But this is a very important matter. All afternoon I have been asking questions among our members concerning little services that are needed, dispensers, a little wing at a high school and so on. There is no money and we are going to add to the bureaucracy of the Government. We are saying it is not necessary and the Minister comes along here and beats his breasts - - -

The Chairman: The question concerned the pay for public officers and people who are serving this country in statutory offices under the Constitution. What we are talking about is the question of the references which were made in this House with respect to the officers. I understand what you are talking about. It is a matter akin to it but it is not the same. I would hope you would not delay the time of this House any further in raising this matter. Having regard to what has transpired so far, I ask that the House resume and we take the break for tea.

Assembly resumed.

Mr. Deputy Speaker: The sitting is suspended for half an hour.

Sitting suspended at 4.06 p.m.

4.55 p.m.

On resumption --

Assembly in Committee

The Chairman: When the suspension was taken, we had concluded consideration of Clause 94 and were about to put Clause 95.

Clause 95, agreed to and ordered to stand part of the Bill.

Dr. Jagan: I thought that you were concluding Clause 94.

The Chairman: I am sorry you did not hear me. I said that we had concluded Clause 94 and would put Clause 95.

Mr. Jagan: I would like to speak on Clause 95.

The Chairman: There is a substantive Amendment to Clause 98

Clause 96

Dr. Jagan: My colleagues referred already to the question of the necessity for having the local Government Service Commission. They said that the function could be just as well done by the Public Service Commission. In Clause 96, we see that the members shall be appointed by the Prime Minister from among such persons as appear to him to be suitable qualified. This seems to be a departure from the normal practice. I do not know why a distinction is being made here between the Local Government Service Commission and the other Service Commissions in the country – the Judicial Service Commission, the Police Service Commission, the Public Service Commission. It should be done in such a way as to remove the direct appointment of members from the hon. Prime Minister.

These appointments are made by the Head of State on the advice of the Prime Minister, and, in some cases, the Prime Minister has to consult the Leader of the Opposition and other persons before proposing names to the Head of State. I would like to ask the hon. Minister what is the reason for the departure in this case. One assumed that the principle will apply of having impartiality from the political side of the Government. Therefore, I would, like, not only to find out from the Minister why the justification for the change, why the necessity, but also to propose that the words “Prime Minister” be deleted from this Clause and the words “Governor-General” be inserted in its place. Already there is great dissatisfaction with the way the Public Service Commission and other Commissions are functioning. Already public criticisms are made from the Civil Service Association and the Police Federation – I am not speaking now, as the hon. Minister referred a moment ago, of denigratory statement, I am speaking of responsible organization – and now we seem to be going even beyond that to put this Commission directly under the control of the Prime Minister. This is wrong in principle and, therefore, I move the

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deletion of the word “Prime Minister” and the substitution therefor of the word “Governor-General”

The Chairman: There is no substantive Amendment to this Clause.

Mr. John: I am well aware – when the other hon. Members have made their contributions I shall reply. I am not here to get up at Dr. Jagan’s disposal.

Dr. Jagan: I know that certain procedures have to be followed but you, sir, are aware that the Opposition raised very serious reservations of taking through this Bill in such a short period. Night after night in this House, sufficient time is not given to prepare all these Amendments and put them up properly; one must use one’s discretion in this matter -- *[Interruptions]* – for this to be allowed at this time.

The Chairman: Does the hon. Minister have any reply to make?

Mr. John: No. probably I will say something on another Clause.

Clause 96 put.

Dr Jagan: Division!

Assembly divided:

Ayes

Noes

Mr. Sutton

Mrs. Sahoye

Mr. Singh

(At this stage there was an interruption)

Dr. Jagan: Can you say whether the Clause was put, Mr. Chairman?

Mr. Chairman: I have put the Clause.

Mr. R.D. Persaud: Hon. Members were under the impression that the Clause did not put. *[Interruption]*

Mr. Feilden Singh *rose --*

The Chairman: Order! If I am to proceed, let me have some order! I said before I put the Question on the Clause that an Amendment was not proposed in the proper manner and that, as a result, I would put the Clause. I put the Clause and a division was called for and it is now being taken.

Mr. M.F. Singh: If I can be heard, sir? I once told you, privately, sir, that sometimes it was very difficult to hear you at this end of the Table. On this occasion, this is the case. We did not hear you put the Clause. What I thought Your Honour had put was the Amendment; it is so difficult to hear you that one must request that the count be taken again.

The Chairman: In the circumstances of your explanation I ask that the Clerk take the division again.

Assembly divided: Ayes 21, Noes 14 as follows:

Ayes

Mr. Zaheeruddeen
Mr. Wrights
Mr. Van Sluytman
Mr. Saffee
Mrs. Limerick
Mr. Fowler
Mr. Corrica
Mr. Correia
Mr. Chan-A-Sue
Mr. Bancroft
Miss Ackman
Mr. Aaron
Mr. Thomas
Mr. Salim
Mr. Haynes
Mr. Ramsaroop
Mr. John
Mr. Bissember
Mr. Hoyte
Mr. Kasim

Noes

Mr. Sutton
Mr. M.F. Singh
Mrs. Sahoye
Mr. Bholu Persaud
Mr. Balchand Persaud
Mrs. Branco
Mr. Ambrose
Mr. R. Ally
Mr. R.D. Persaud
Mr. M.Y. Ally
Mr. Lall
Dr. Ramsahoye
Mr. Chandisingh
Dr. Jagan - 14

Mr. Burnham - 21

Motion carried.

Clause 96, as printed, agreed to and ordered to stand part of the Bill.

5.05 p.m

Clause 97 agreed to and ordered to stand part of the Bill.

Clause 98

Mr. Balchand Persaud: Mr. Chairman, clause 98 stated:

“Every member of the Commission shall, before performing any of the functions of his office, take before the Prime Minister or someone designated by him an oath of office in the form set out for this office in Schedule 2, and the Prime Minister or someone designated by him is thereby authorized and empowered to administer such oath.”

First of all, the Prime Minister is a political figure, and one can take into consideration that he would not be impartial in administering oaths and this will certainly raise doubts. I should like to know whether there is an additional clause with these words: “I swear to be loyal to the Prime Minister and to do all in my power to rig the elections in favour of the PNC. *[Interruption]*”

According to this clause, the Prime Minister could designate somebody else. But they are usurping all the powers of the elections, and this Government is saying that there will be free and fair elections. (**The Prime Minister:** “What Husak did”) Husak did what you cannot do. I feel that the Chief Justice would be a better person to carry out such a task; such a person will be impartial. Why is it the Prime Minister has to administer the oath? The Prime Minister must not push his nose in everything.

I urge the Government to accept this Amendment because the whole Clause is set up for suspicion. I should like an explanation. It is only fair that all the consideration be given to this.

Mr. John: There are two points which are missed here. One is that local government is subordinate to the central government; therefore, one cannot put the Commission in the same way as the other Commissions. The whole concept is that whatever is done by the administration is subordinate to the central administration. What the clause here does is to empower the Prime Minister either to administer the oaths himself or to designate someone if he wants; he could designate the Chief Justice or any other officer. The hon. Member is misunderstanding the true position when he seems not to realize that even the Chief Justice is appointed by the Prime Minister under certain circumstances set out in the Constitution.

I do not know what hon. Members on the other side really think.

Amendment

- The substitution of the words “Chief Justice” for the words “Prime Minister”.

Put and negatived.

Clause 98, as printed, agreed to and ordered to stand part of the Bill.

Clause 99 to 101, agreed to and ordered to stand part of the Bill.

Clause 102

Mr. Chandisingh: The Amendment that I wish to move now is along the same lines as the one proposed by the hon. Member Mr. Balchand Persaud in Clause 98. I should just like to add one little point because I thought it was an obvious error until I heard the hon. Minister justify the inclusion of that term “Prime Minister”. I must assume that the hon. Prime Minister is perhaps, accustomed to having oaths sworn by him or at him but I think that the Prime Minister should be kept out of this category of oaths.

5.15 p.m.

It seems to me rather incongruous that this taking of an oath by a public officer should now come before the hon. Prime Minister, who is the head of a political party. This seems to me to be a rather strange innovation. I wonder why it was necessary to bring the Prime Minister into

this position when it would have been quite in order for oaths of public officers to be taken before the Chief Justice or some other public officer who is able to administer oaths. I should like, one again, to move the Amendment.

The Chairman: Does the hon. Minister wish to add to what he said?

The hon. Minister indicated in the negative.

Amendment

That the words "Prime Minister" be deleted and the words "Chief Justice" substituted therefor in paragraph (c) –

put and negatived.

Clause 102, as printed, agreed to and ordered to stand part of the Bill.

Clause 103

Mr. John: I beg to move the Amendment standing in my name. This is consistent with what appears in clause 96. The Amendment is that the word "Prime" be inserted before the word "Minister".

Amendment put, and carried.

Clause 103, as amended, agreed to and ordered to stand part of the Bill

Clause 104 to 106 agreed to and ordered to stand part of the Bill.

Clause 107

Mr. John: I beg to move an Amendment for the insertion of the word "Prime" before the word "Minister".

Question put, and agreed to.

Clause 107, as amended, agreed to and ordered to stand part of the Bill.

Clause 108 agreed to and ordered to stand part of the Bill.

Clause 109

The Chairman: The hon. Minister has a similar Amendment.

Mr. John: I move the Amendment standing in my name.

Mr. Ram Karran: There is another Amendment.

The Chairman: I shall put the Amendment by the hon. Minister first.

Amendment

That the word “Prime” be inserted before the word “Miniser” in the first line.

put, and carried.

The Chairman: The hon. Member Mrs. Sahoye has an Amendment.

Mrs. Sahoye: I beg to move the substitution of the word “Commission” for the word “Minister”.

Mr. R.D. Persaud: This is a very reasonable Amendment. A Commission is to be appointed. Surely you should give the Commission the right to appoint staff. What will be done for the employment of a secretary and other personnel to work with the Commission? Will all the positions be advertised. Will the Prime Minister tell us? He will have the exclusive right to appoint the secretary at his will and to appoint all the members of the staff.

Mr. Ram Karran: This is an after-thought. Will the hon. Minister tell us why there is a change from “Minister” to “Prime Minister”? Is it a case of the Prime Minister suffering from an over dose of inferiority complex and, therefore, he wants to see his office in every part of the Government. This is the first time during all the years I have spent in this Parliament that the Prime Minister, a politician, with this responsibility. The original has the word “Minister” and this is now changed to “Prime Minister”. the proposal seeks to remove these politician and to let the Commission do it. If the Commission cannot appoint its own secretary it is not worth its salt. If it is a responsible Commission it should be by itself. (**The Prime Minister:** You all really

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believe I am going to the trouble of appointing them!) If the Prime Minister is not going to the trouble of appoint – the secretary why did he change the word “Minister” to “Prime Minister”? I cannot see any reason at all for it.

Mr. Lall: I wish to make a new point. Since the Prime Minister affects to advise in appointing the Governor-General and the judges (**Prime Minister:** “I appoint.”) The Prime Minister said, “I appoint.” He also advises the Governor-General to appoint judges. I am saying that since this Commission is so small it is not right that the Prime Minister should appoint the secretary. The Prime Minister should allow the Commission to appoint its secretary or it should be done by the Minister of Local Government.

The Chairman: You have made your point. Hon. Members, I will put the Amendment.

Amendment –

That the word “Commission” be substituted for the word “Minister” –

put and negatived.

Clause 109, as amended, agreed to and ordered to stand part of the Bill.

5.25 p.m.

Clause 110

Mr. Chandisingh: I should like to ask just one question. In view of the fact that the Prime Minister is going to appoint the Commission and also appoint and dismiss members of the Commission in the interest of his party, I wonder whether the hon. Minister would not agree that the hon. Prime Minister himself or his party should bear the expenses.

(The hon. Minister offered no reply.)

Clause 110, as printed, agreed to and ordered to stand part of the Bill.

Clause 111 agreed to and ordered to stand part of the Bill.

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Clause 112

Mr. John: I beg to move the amendment standing in my name. This amendment seeks to insert the word “Prime” immediately before the word “Minister” in the first line.

The Chairman: I shall put the amendment.

Amendment –

That the word “Prime” be inserted immediately before the word “Minister” in the first line.

Put and agreed to

Clause 112, as amended, agreed to and ordered to stand part of the Bill.

Clause 113

Mrs. Sahoye: I beg to move the deletion of subsection (2) which reads as follows:

“(2) No prosecution for an offence under this section shall be instituted without the consent of the Director of Public Prosecutions.”

[**The Prime Minister:** “Why do you want it deleted?”] Because of our experience. [**The Prime Minister:** “Well talk, convince us.”]

The Chairman: I shall put the amendment.

Amendment:

That subsection (2) be deleted,

put and negatived.

Clause 113, as printed, agreed to and ordered to stand part of the Bill.

Clause 114

Mrs. Sahoye: The same applies to clause 114. I bet to move the deletion of subsection (2).

Mr. Ram Karran: As far as I understand, the Director of Public Prosecutions has the power to institute proceedings against anyone, to withdraw proceedings if they have begun, and to do all the things that this Bill required to be done. I see no reason why this subsection should be inserted here:

“(2) No prosecution for an offence under this section shall be instituted without the consent of the Director of Public Prosecutions.”

If a man has committed an offence, why do we want him to be protected? If he is suspected of committing an offence, why do we want to protect him?

It has been recorded in this House that a holder of the post of Director of Public Prosecutions acted very indiscreetly by going to the Governor to find out whether a certain person should have been prosecuted. The Governor did not deny that this took place. There was the most ridiculous case where persons charged with murder were acquitted by the Magistrate at the preliminary inquiry and Director of Public Prosecutions directed or instructed that those persons should be charged with the same offence for which they were acquitted.

I know that an eminent Q.C., one of the strongest supporters of the Government – perhaps he has recently fallen from grace to be banished to Caracas – is one lawyer who took up the matter and convinced the Governor and the Director of Public Prosecutions that the thing was ridiculous. I am not going to make a statement here that I cannot make outside. Having regard to the fact that the Director of Public Prosecutions has these powers, there is no justification for this inclusion here unless the hon. Minister wants to make his will look more important because these are not the only clauses under which we find this provision. All through the Bill we have this –

The Chairman: We are dealing with the clause.

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Mr. Ram Karran: I am only saying that if that is the reason I can understand. The Minister can probably boast to his grandchildren, “I presented the largest Bill in Parliament, a Bill with three hundred clauses.” That can be the only reason for the repetition.

Mr. Lall: I should like to add

The Chairman: What would you like to add? I would not take --

Mr. Lall: Please allow me. I just want to show how incompetent is the advice of the Director of Public Prosecutions. I think I have the right to guide this House.

The Chairman: Proceed.

Mr. Lall: One Harry Lall was charged for sedition. This case was dismissed in the Magistrate’s Court and the Director of Public Prosecutions ordered that Harry Lall should be committed for trial at the higher court. One eminent Q.C. in this country, who will be senior counsel shortly, argued the case and that case is now on the Statute Book of this country. Harry Lall versus the Queen. [**The Prime Minister:** “The Law Reports.”] Very well. It was because of misdirection by the prosecutor that that case had to be inserted in the Law Reports of this country. Therefore, I am submitting that we should not allow ourselves to depend on the advice of the Director of Public Prosecutions when we have an Attorney General’s office. We should take our advice from the Attorney General’s office and not from the Director of Public Prosecutions. He is just an individual, one man. We have very many eminent lawyers in the Attorney General’s office and we should seek our advice there. I think that we should recommit the first amendment and the Government should agree to it. Do not bulldoze all.

5.35 p.m.

Amendment –

That subsection (2) be deleted.

put and negatived

Clause 114 as printed, agreed to, and ordered to stand part of the Bill.

Clause 115

Mr. John: I beg to move the Amendment standing in my name, that the word, “Prime” be inserted immediately before the word, “Minister” appearing in the second line of subsection (1).

Amendment put, and agreed to.

The Chairman: Before I put the Question, I have Mrs. Sahoye’s Amendment.

Mrs. Sahoye: ...

The Chairman: Are you withdrawing it?

Mrs. Sahoye: No Sir.

The Chairman: I was about to put the Amendment that the hon. Member has proposed.

Amendment --

That subsection (2) be deleted,

put and negatived.

Mr. Lall: I will put up the same argument and ask the Government to amend subsection (2) of clause 115 and instead of seeking the advice of the Director of Public Prosecutions, the Government should obtain its advice from the Attorney General’s office. The Government should not depend on the advice of the Director of Public Prosecutions.

The Chairman: I think you proposed that but your advice was not accepted.

Clause 115 as amended, agreed to and ordered to stand part of the Bill.

Clause 116 agreed to and ordered to stand part of the Bill.

Clause 117

Mr. Chandisingh: I beg to move the Amendment standing in my name, that all the words immediately after the word, “office” in the eighth line of subsection (1) be deleted. The clause as it now stands gives power to the councillors to appoint, discipline, and remove all persons employed whose emoluments do not exceed \$4,800 per annum, but there is an exception to this in the case of the appointment of the chief executive officer whose emoluments may be less than \$4,800 per annum.

The Amendment to that proposal will have the effect of making all appointments of officers – including the chief executive officer – whose emoluments do not exceed \$4,800, subject to the power of the councils themselves. In passing, I should like to ask the hon. Minister to give an explanation for this point whereby only one officer is excluded from the control of the councils.

Mr. John: In respect of the exceptions, that of the chief executive officer and senior officers, their appointments ought to be subject to the approval of the Minister. We feel, as I said, local government is subordinate to central government and there is every good reason. Other bodies outside... the Ministry should have the last word.

Mr. Chandisingh: If I may just say something and follow and accept the explanation of the Minister. All I understand him to say is there is precedent for this practice and there are good reasons for this. I am not quite satisfied with the explanation of the Minister and, therefore, I would have to move this Amendment.

Amendment –

That all the words immediately after the word “Office” in the eighth line of subsection (1) be deleted,

put and negatived.

Clause 117 as printed, agreed to and ordered to stand part of the Bill.

Clause 118 to 126 agreed to, and ordered to stand part of the Bill.

Clauses 127 to 154 agreed to and ordered to stand part of the Bill.

Clause 155

Mr. Ram Karran: I wish to make the observation that the hon. Minister seems to allow the Town Council to approve their estimates, but, in the case of the local authorities, the hon. Minister allocates to himself the responsibility of approving the estimates of these bodies. This is an age-old question and the hon. Minister has been very strong in his condemnation of the dictatorial actions of the Local Government Board in approving the estimates and expenditure of the local authorities. Having regard to the fact that he himself has condemned it – and it is universally condemned that we are giving local authorities greater autonomy and greater responsibility – how do we expect these bodies of strong men and women to be responsible? What sort of responsibility are we going to create in them and the community? What sort of development do we expect them to have? If, in this enactment we are going to say that the hon. Minister must stretch his hand in their affair, what sort of responsibility will they carry? What puts him the position to announce the estimates?

As I have pointed out repeatedly, the hon. Minister is, with his title and everything, a politician. Perhaps, a naked politician who is seen through and through. A politician who has his own axe to grind. What would be the position if a council in Mabaruma expresses a political view opposite to their party? Let us say that there is a United Force council in the Mararuma and a P.P.P. council in the Corentyne, it is a great disadvantage if the hon. Minister were to approve the estimates. It would be one party ruling the other. The United Force will try to develop their community with a view to re-election. They will do all they can – they will go to the ratepayers and say: “we want to make a special effort, we will put on a half per cent tax to build a ferry.” The same thing applies to the Corentyne where, allegedly, the P.N.C. have breached the P.P.P. stronghold. The councils, in order to develop the area, in order to improve the community, in order to enhance themselves may decide to do “X” and tax “Y”.

But they have to pass a hurdle and this is not an impartial hurdle, this is not the Civil Service or the Local Government Board, this would be an enemy in the form of the opposing political party. And the hon. Minister says that this shall never pass. I imagine it would have to go back to the council to be amended, and no politician, whether he be the Minister of Local Government or the Prime Minister, ought to have the opportunity to sit in judgment against the actions done by his political opponents. It is unfair and disgraceful. If the hon. Minister says that he is a good copyist, I should like him to reply.

Mr. John: The question of approval of estimates is one of the fundamental parts of local government, and there is no reason to remove that. But as I pointed out when discussing the main programme of the Bill now before the House, that right is already being enjoyed, and it is not proposed to remove that right now, except in strained circumstances.

Mr. Ram Karran: I am saying that I observe that the municipalities of Georgetown and New Amsterdam would be free to submit their estimates which the hon. Minister is bound to accept.

Mr. John: All powers.

Mr. Ram Karran: The hon. Minister inadvertently perhaps is answering the question himself. Why does he put in these repugnant clauses?

The hon. Minister is one of the most knowledgeable men in this country as far as local government is concerned, and this is something which he himself has objected to, and I cannot see why he says he is a copyist. If there is provision for default then the hon. Minister should take powers from that section, less this very reprehensive Clause where the Minister must approve estimates will prove undesirable and not at all in keeping with good Government.

Clause 155, as printed, agreed to and ordered to stand part of the Bill.

Clause 156 to 158, agreed to and ordered to stand part of the Bill.

Clause 159

Mr. Ram Karran: I wish to commend this one to the hon. Minister of Finance (Dr. Reid) who is not in his seat, so far as the central government is concerned.

Mr. R.D. Persaud: Could the hon. Minister explain why in the case of municipalities they will approve of their own estimates, and in the case of village councils, they will have to go to the Minister? In the case of municipalities, on a particular day of the year, they can have supplementary estimates tabled and passed by the municipality, but so far as village councils are concerned, they will have to go to the Minister for his approval for supplementary estimates. Could the hon. Minister explain why this difference? I feel that they should be given equal treatment. We are not saying that people of the country areas – rural Guyana – are not intelligent and competent enough to handle their own affairs. I should like the hon. Minister to give us an example as to the distinction between “rural” and “urban”.

Mr. John: We have to be realistic in this matter. The distinction between “urban” and “rural” is the extent of development of one set of areas, as against others. We must realize that many of the districts would be new areas.

Clause 159, as printed, agreed to and ordered to stand part of the Bill.

Clauses 160 to 161, agreed to and ordered to stand part of the Bill.

Clause 162

Mr. M.F. Singh: I should like to speak very briefly on this Clause. I should like to advocate that the Government set out as early as possible some basis or formula on which it would make grants so as to ensure that they are not made merely on an *ad hoc* basis with political considerations on the basis of partiality. We all know that all the local authorities in this country are sadly in need of funds. All of them would be coming to the Minister for grants and assistance. We want him not to be accused of being partial. Let them know what monies will be provided by Parliament for grants and let them know how the grants would be given, and on what basis; you should set some definite position. Let us not leave it to the whims and fancies of the Minister. In the United Kingdom, and other countries, there is a basis or formula on which local authorities can apply for grants.

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6.15 – 6.25 p.m.

Let us do it in that manner so that we can have the people knowing exactly how they will qualify for grants and exactly what they are likely to get. Let us have a fair impartial system so that this can operate not as political patronage with one area getting more grants than another because of the political support which it gives to a particular political party. Let us have a standardized system set down in black and white.

The Chairman: Does the hon. Minister wish to say anything.

Mr. John: We have already pointed out in a White Paper the bases on which grants will be made. It will depend on the need of the area. I have already said that we have made certain new advances in relation to the giving of moneys to the local authority areas by the Central Government. For one thing, the Government will pay rates on all its properties. That is a new provision made by this Government. It is a substantial one, one that makes a sum available to the authorities. The bases which we will use are their ability to engage in self-help schemes and their need. Those are the bases on which grants will be made.

The same point was made by the hon Member of the major opposition. I think we still give some recognition to the hon. Member Mr. Feilden Singh – the same point was made by him and I did point out that it was an enactment in the 1960 Act.

This is a question on which there must be some consideration because the final judgement must be that the Government has to look not at the percentage of the grant it gives but at the particular circumstances prevailing in a particular area. One may well find one area has a different problem from another area; it may have a different drainage conditions. All those are matters that exist and all those are matters which change from time to time. The condition of one local authority now is not the same as it will be tomorrow. The principle on which we shall make grants is set out in the White Paper.

Mr. Ram Karran: The person who has ability to produce a document like this would certainly be able to produce a document setting out the difficulties together with the varying

conditions in the areas and to set out the broad principles, with exceptions, to give the House and, indeed, to give the local authorities an opportunity to know that the Central Government funds are not going to be used to help their friends and their friends alone.

Clause 162, as printed, agreed to and ordered to stand part of the Bill.

Clause 163 to 183 agreed to and ordered to stand part of the Bill.

The Chairman: I should like to point out that the marginal note should be “Disallowance and surcharge”. This is a printer’s error.

Clause 184, as printed, agreed to and ordered to stand part of the Bill.

Clauses 185 to 187 agreed to and ordered to stand part of the Bill.

Clause 188

Mr. R.D. Persaud: When this Bill is carefully examined it is clear that, no matter where you run, you are at the mercy of the Minister or the Prime Minister. A local Government Service Commission will be established. To do what? You set certain duties but there are other matters which may be taken to the Commission and there might be some appearance at fair play. Clause 188 states:

“Any person who is aggrieved by a decision of the auditor on any matter with respect to which he has made an objection at the audit, and any person aggrieved by a disallowance or surcharge made by the auditor may, within six weeks of the date of the decision, disallowance or surcharge, appeal to the Minister.

The Minister is accountant, judge, and jury. This is what one finds in the Bill. This is terrible and disgraceful and I cannot see the Minister explaining this. What it means is this: here is the surcharge; you disagree with the auditor, you have to go to the Minister. The law does not allow you to appeal to a group of men but to one man. Normal justice demands that you must go to a forum where there must be an appearance of justice. If not, one can say that there will be a denial of justice. This is a popular maxim.

I should like the Minister to tell us why he is putting himself in all these very difficult position. This can also operate against the Minister in some cases. The Minister might find himself in a position where a P.N.C. activist – of course he will use his judgement, but we are living in a world of reality – has been surcharged by the auditor and he is called upon to make a decision. I do not want to question the integrity of the gentleman who holds the portfolio. I am not discussing Mr. John, but the Minister. I think this power should be vested in the council or the Commission, but not the Minister.

Mr. John: Again I must say that local government means what it says. It is subordinate to the Central Government. The Minister can appoint a judicial officer to deal with any particular matter, so the Minister can seek advice if he wants. I think it will be very wrong for Members to feel that, at any stage, and - - - of the Minister's powers is something that we - - - this type of argument always comes from hon. Members who possibly see the functions of the Minister different from those - - - I would wish that they read a little more and see how these rights are exercised.

Mr. R.D. Persaud: I am sure the Minister will consider it reasonable that the proper person to deal with such a matter would be the Director of Audit. (Mr. John: "Ridiculous.") This is a question of accounts. The Minister has the power to do what he likes with the elections. He has the power to employ whom he wishes. Surely, he would not want to exercise the power of a Judge. This gives him power to decide everything.

Clause 188, as printed, agreed to and ordered to stand part of the Bill.

Clause 189

Mr. Ram Karran: The hon. Minister suggested that Members on this side should read. I have read a lot. I wonder if the hon. Minister would like to defer consideration of clauses 198 to 191 so that I can present a little later to this House voluminous records of what his colleagues on that side were saying with respect to this particular matter.

What the hon. Member Mr. R.D. Persaud was advocating was quite fair. The Minister is not only judge and jury he is also executioner. Nowhere – not in the English or American system – will you find a politician exercising these powers. We are familiar with the municipal system as it obtains here as it has developed here, and as it obtains in other countries, and I challenge the hon. Minister to tell us where is it that the Minister has the power to discharge judicial duties, dismissing and disciplining civil servants. (**An hon. Member** (Government): “Russia”.) My friend seems to know more about Russia than I who have been there, even though he has only heard about these places.

This Local Government Service Commission will be dealing with 210 employees at the most – 10 employees in receipt of salary at the rate of \$4,800 per annum and 200 employees in the municipality of Georgetown. One does not know yet how many will be employed above \$4,800 per annum at Mackenzie/Wismar. This Prime Minister has the right to select and discipline the members of the Commission, and those members will be dealing with 210 persons to be exact.

Why is it that in the case of the Civil Service the ministerial system is supreme? Why is it that if a humble porter or messenger commits an offence he is not tried by the Prime Minister or the Minister in charge of the department in which he works? Does this Government have a system where civil servants who run afoul of the regulations have to appeal to the Government? Maybe it has, but, as far as I am aware, the practice at the moment does not allow a civil servant who is charged with an offence and has to be disciplined, to go to the Minister.

There is a Police Service Commission. If a policeman runs foul of the regulations he does not go to the Minister of Home Affairs. Even if he is convicted by the Police Service Commission or the superior officer in charge, he does not go to the Minister of Home Affairs. Even though the Prime Minister or the Minister of Home Affairs might have appointed members of the Public Service Commission and the Police Service Commission – I am reminded of Sase Narain who has been awarded a C.M.G – he does not go above the head of the Commission to discipline or to act as an appeal court in the event of any offence committed.

The hon. Minister is not arguing like a lawyer. He is arguing like a child. He is saying, “Because I appointed a Commission, I must do everything.” He crosses every “t” and dots every “i” except when the Prime Minister says that it should be the Prime Minister. As an experienced local government official, the Minister ought to pull himself up. He can consider only one thing at a time. I know he is very bright that is why he is there. The Commission will comprise a number of people who will appeal against the decision of the audit section. He cannot have it both ways. I strongly condemn this measure which the Minister seeks to continue.

Mr. R.D. Persaud: In respect of the trial of an individual, the Constitution states at article 116 (4) on page 83,

“In the exercise of his functions under this Constitution the Director of Audit shall not be subject to the direction or control of any other person or authority.”

He is free to do what he likes. Clause 199 (a) (ii) of the Bill states,

“the auditor” means –

(ii) a public officer authorized in that behalf by the Director of Audit.”

This is what I have been telling the Minister, that the Director of Audit is the particular person to deal with a surcharge in this matter.

The Chairman: The hon. Minister did not reply on his feet.

Mr. R.D. Persaud: I know that sir, but I am suggesting this because he is away from everything and should not be under the direction of the Minister.

The Chairman: Hon. Member, I shall put the Amendment.

Amendment –

That clause 189 be deleted,

put and negatived.

Mr. R.D. Persaud: Division.

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6.25 – 6.30 p.m.

Assembly divided: Ayes 15, Noes 21, as follows

Ayes

Mr. Sutton
Mr. M.F. Singh
Mr. Sahoye
Mr. Remington
Mr. Bhola Persaud
Mr. Balchand Persaud
Mrs. Branco
Mr. Ambrose
Mr. R. Ally
Mr. R.D. Persaud
Mr. M.Y. Ally
Mr. Lall
Mr. Chandisingh
Mr. Ram Karran
Dr. Jagan - 15

Noes

Mr. Zaheeruddeen
Mr. Wrights
Mr. Van Sluytman
Mr. Saffee
Mrs. Limerick
Mr. Fowler
Mr. Corrica
Mr. Correia
Mr. Chan-a-Sue
Mr. Bancroft
Miss Ackman
Mr. Aaron
Mr. Thomas
Mr. Salim
Mr. Haynes
Mr. Ramsaroop
Mr. John
Mr. Bissember
Mrs. Hoyte
Mrs. Kasim
Mr. Burnham - 21

Motion negatived

Clause 189, as printed, agreed to and ordered to stand part of the Bill.

Assembly resumed.

Mr. Deputy Speaker: The sitting is suspended until 8 o'clock.

Sitting suspended at 6.30 p.m.

8.15 p.m.

On resumption --

Assembly in Committee.

The Chairman: At the suspension, we had concluded consideration of Clause 189. We now move on to Clause 190.

Clause 190

Mr. Ram Karran: This is with respect to the Minister's powers, details of which we seem to have dealt with from Clause 188 down, and I would hardly wish to waste Your Honour's time but merely wish to remind him that in this Clause he is omnipotent.

Mr. John: Mr. Chairman, the last Amendment.

The Chairman: I know that you had an Amendment, but I wanted to put this first.

Mr. John: I would like to have this down for the record in view of what the hon. Member Mr. Ram Karan stated. The hon. Member Mr. Ram Karran made a most shameless attack on the Government and actually suggested that - - - inclusion of the Clause was a Clause which was reprehensible and should not be there. The hon. Member even challenged me to produce any part of the world where the practice exists. Such unlearning should not be allowed to persist and, for this Member, I would like to refer to audit and financial control in the United Kingdom where such a Bill exist in relation to order.

What is ridiculous is the fact that I have examined provisions which were contained in the Bill made by the political parties to which the hon. Member belonged in 1960 and I think that it is shameful that the hon. Member should have carried out a tirade against the proposal when, in fact, it was one which they had. One hon. Member is asking to hear the words of the Clause. For his benefit, I am going to let him have the actual wording of the statement which was made by him in relation to this matter.

The matter ought to be taken very seriously. In Clause 189 onwards in the Local Authorities (Constitution, Election Procedure and Financial Provisions) Bill, 1960 which was actually debated in this House, there are provisions for audit and we find in Clause 198 appeals against the decision of an auditor and application for leave.

And then it goes on to all the powers in relation to surcharge and also deals with the Governor-in-Council and the powers which they consider desirable to refer to a Court. In effect, these are the same provisions. This is the Cabinet acting through the Minister and I think that this sort of attitude by the hon. Member (Mr. Ram Karran) is most undesirable. It shows a dishonest approach to the situation when we had the same thing before.

Mr. Ram Karran *rose --*

(Mr. Kasim (seated): Apologised)

Mr. Ram. Karran: Not yet. I would have thought that the hon. Minister (Mr. John) would not have indulged in hitting below the belt. I said that if the hon. Minister wished to produce authority he ought to so indicate so that we could prepare. I have had no time except the short minute in which the hon. Minister chose to get up and refer back to a Clause that has already been put aside. If the hon. Minister wishes to refer to that, he is a first-class copyist and he should have so indicated – *[Interruptions]* – in which case I would have been in a position to say that there is a vast difference between the administration of the P.N.C. and the administration of the P.P.P. Despite its limited power with respect to certain things, there is a vast difference and I wish to refer to the Guyana Electricity Corporation in which political views expressed on the Guyana Electricity were not one-party views as they are now and in which the Guyana Rice Development Company which was not dominated by the P.P.P. when that party was in office and, indeed, all the Boards and Committees under that government reflected the views of all the political parties in the country.

Today, however, we have the case of finding jobs for certain people, some without any sense of responsibility and ability, but all the Boards and Committees are comprised of one political party, *[Interruption by the hon. Minister of Home Affairs (Mr. Hoyte)]* I do not wish to defend my friend! The celebration committee has an opportunity – *[Interruption]* -- as far as copying is concerned I think that I have dealt adequately for the Opposition and I wish to quote the authority available to me in this very short time. If the hon. Minister had given us an opportunity to do the research that we could have done.

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8.15 – 8.25 p.m.

However, this is one I am borrowing from The English Local Government System by J.H. Warren and P.G. Richards.

“The topic of Government audit deserves some special notice, for it involves issues on which there has been at times much strong feeling in the world of local Government.”

I am sure that my friend the hon. Minister would have some - - - it.

“Few Local Government officers – and it is the officers who are best able to judge – would deny that Government audit, or ‘District audit’ as it is called, is efficient – at any rate in recent decades. It is certainly not inferior to professional audit as an audit accounts. Indeed as the Government Auditors work in a specialist field and have developed their own expertise, there is reason to believe that it is more efficient, taken over the whole field.”

(Pause)[**Mr. Hoyte:** “You read the wrong page?”] it is the right page. Unfortunately, I have to read this also.

“This position endows the auditor with a wide power – nay indeed, a duty – to canvass questions of policy involved in the level of expenditure on some item or object, to intervene, and to surcharge, as guided solely by his own judgment; for there are many matters in which views may vary very considerably as to what is reasonable and what is unreasonable.”

8.25 p.m.

“It is surely wrong that in a sphere in which the political and constitutional sense of the nation has on the whole left the exercise of discretion to an elected body, language used in an Act passed to provide for audits (possibly without appreciation of the content imported into it by a general rule or law) should empower an individual official to substitute his judgment for the elected Council’s – for that is what in fact the power amounts to. The auditors are appointed by the Minister and are under his jurisdiction from a staff and establishment point of view, but the Ministry aver that they do not control him in the exercise of his functions, i.e. he exercises the functions, duties, and powers given to him by the statute independently and in his own right.”

I wonder if I should read that over again.

“There are rights of appeal on surcharge to the High Court, or, in respect of a sum less than £500, either the High Court or the Minister.”

The Chairman: What page are you looking at?

Mr. Ram Karran: I am reading from page 166. I wish to continue.

“While this right of appeal is no doubt a considerable safeguard, it may be doubted whether even the powers of a Judge or a Minister to say what is reasonable or not, on a question involving policy for which an elected Council is politically responsible to the electorate, are given any more properly to them than the auditors’ power in this respect are given to him. But it is right to say that on the whole the Judges have themselves been studiously anxious not to trespass into the sphere of Local Authority discretion, and have seldom taken an unreasonable view of what is “unreasonable”, in appeals against the auditors’ decision.”

Notwithstanding the fact that the situation in councils overseas in certain areas apply to the Minister but the fact is that one has not had enough time to go into greater detail. I pointed out that the chairman in his appointment in these councils, the appeals lie to the Judges in the first case, and then to the Minister.

The point I wish to make is that the situation in the United States and the United Kingdom is different from what obtains in Guyana. Politically, if this is being crystallized to the point where you know at a glance of a situation where you lie – P.P.P., PNC terrorist or –

The Chairman: Perhaps this is why the hon. Minister has made a departure from these statutes.

Mr. Ram Karran: This is how the hon. Minister should let it appear; not only to make it lie in the hands of an independent and impartial person, rather than to have what he said, copying from an alleged PPP – **(Interruption by hon. Members (Government))** I do not know if this was ever debated in this House; it was a draft Bill which had not yet come to the House. I do not think it is fair for the hon. Minister to make his contribution without the correct information.

17.10.69

National Assembly

8.25 – 8.35 p.m.

The Chairman: I think it is fair to say that I have allowed both sides time in the expression of their views. I will now put the Amendment of the hon. Member Mr. Ram Karran.

Amendment –

The deletion of the clause.

put and negatived.

The Chairman: I think the hon. Minister has an Amendment to subsection (2).

Mr. John: I beg to move the Amendment standing in my name:

The substitution of the word “surcharge” for the word “disqualification” in the second line of subsection (2).

Amendment put and carried.

Clause 190, as amended, agreed to and ordered to stand part of the Bill.

Clause 191

The Chairman: The hon. Member Mr. Ram Karran.

Mr. Ram Karran: We have dealt with that aspect of it already. I merely wish to move it formally.

Amendment

The deletion of the Clause.

put and negatived.

Clause 191, as printed, agreed to and ordered to stand part of the Bill.

Clause 192 to 195, agreed to and ordered to stand part of the Bill.

Clause 196

The Chairman: I think that the hon. Member Mr. Ram Karran has an Amendment here also. [**An hon. Member** (Government) “He is going to withdraw it.”]

Mr. Ram Karran: I do not wish to withdraw it, sir. [*Laughter*]

This Amendment seeks to enable the Mayor, the Deputy Mayor, or the Chairman of the Municipality or the Georgetown Town Council or the local authority, along with the Minister to be in a position to call for a special audit. I do not see anything offensive about this. I do not see why the hon. Minister wishes to have all this power. Why is it he is the only person who should call for an audit? It might be impracticable for the head of a local authority in a remote district to get in touch with the Minister. That is why I feel that it is necessary and advisable for the Amendment to be accepted.

Mr. John: I should like to enlighten the hon. Member. In clause - - - it was debated, also just now he did not know if it was debated.

8.35 p.m.

Amendment –

That immediately after the word “Minister”, the words and commas”, the Mayor, the Deputy Mayor or the Chairman,” be added in subsection (1) –

put and negatived.

Clause 196, as printed, agreed to and ordered to stand part of the Bill.

Clause 197 to 199 agreed to and ordered to stand part of the Bill.

Clause 200

Mr. Lall: I should like to ask the hon. Minister of Local Government how it is proposed to tax the extra-nuclear areas where the Sugar Industry and Labour Welfare Fund Committee is supposed to supervise services.

The Chairman: During the Second Reading debate you gave the background to that. You have now posed a direct question. I wonder whether you will allow the hon. Minister to reply.

Mr. Lall: This is the clause dealing with rating.

The Chairman: I do not think the hon. Member appreciates what I am saying. The reasons were dealt with over a very wide area during the Second Reading debate. Both yourself and the hon. Member Mrs. Sahoye dealt with this question. You have now asked a question. I wonder whether the hon. Minister will hazard a reply

Mr. John: My practice is to wait until all hon. Members have expressed themselves on a particular

With regard to the question of rating, the provisions here are that in relation to areas to which the Valuation for Rating Purposes Act apply, with an order being made in respect to that area, the necessary notice will be sent out under the Valuation for Rating Purposes Act.

If the Valuation for Rating Purposes Act is not yet applicable, then the area will be rated under the system of rating which was applicable prior to the enactment of the Valuation for Rating Purposes Act notwithstanding the repeal of the relevant section in relation to the Local Government Ordinance. Once an area is brought within the ambit of the Local Government Board, any local government authority, the size of which - - - can be rated by virtue of the present system of getting valuers who can make some assessment of the position in the district and are capable of rating them.

It is not true to say that extra-nuclear areas have not been rated, because on the West Coast of Demerara there is actually included a part of an extra-nuclear area belonging to a sugar estate. In any case, as far as water is concerned, all you are concerned with is with whom you are fixed. Once it is fixed you can do nothing. You cannot prevent the local authority once the local authority decides that Lot "A" belongs to that sugar estate or that corporation or whether this corporation or that sugar estate has a bigger rating in relation to ... The village authority can

proceed in that area. In any case, with the expansion of the Valuation for Rating Purpose Act the extra-nuclear area - - -

Clause 200, as printed, agreed to and ordered to stand part of the Bill.

Clause 201 to 211 agreed to and ordered to stand part of the Bill.

Clause 212

Mr. Ram Karran: I wish to withdraw this Amendment if the hon. Minister can give us an indication of what type of property he has in mind to exempt from rates.

The Chairman: Does the hon. Minister wish to make a reply?

Mr. John: The Minister's discretion is a wide one. We must assume that the Minister will act reasonably. If the hon. Member Mr. Ram Karran wants to - - - he must come over on this side.

Mr. Ram Karran: The attitude of the Minister is very belligerent while his colleagues are telling us to get through the Bill quickly.

8.45 p.m.

I do not for one minute assume that the Minister will exercise his powers unreasonably, but I am sure that he would have some principle in mind. I know that in some countries taxes are not levied on the properties of people who are in receipt of old age pensions. Here in this clause the properties to be exempted are listed - educational institutions, churches, museums, and things like those - but we are still giving the Minister additional power because he has, in his own words, wide powers. Is there no principle? Can people go *ad hoc* to the Minister and say, "Things are bad, I want to be exempted this year." Is it going to be done on that basis, or is there some principle to guide the Minister?

The Chairman: I take it that you wish to withdraw the amendment.

Mr. Ram Karran: Yes, I wish to withdraw the amendment. Maybe we will now get an answer.

(The hon. Minister offered no reply.)

Amendment withdrawn

Clause 212, as printed, agreed to and ordered to stand part of the Bill.

Clause 213

The Chairman: The hon. Minister has two amendments.

Mr. John: I beg to move the amendments standing in my name. Amendment (i) proposes the substitution of the word “is” for the word “are” in the third line of subsection (3). Amendment (ii) proposes the insertion of “Published” immediately after the word “notice” in the second line of subsection 94).

The Chairman: These are two simple amendments. I will put them.

Amendments –

That the word “is” be substituted for the word “are” in the third line of subsection (3); and

That the word “published” be inserted immediately after the word “notice” in the second line of subsection (4).

put and agreed to.

Clause 213, as amended, agreed to and ordered to stand part of the Bill.

Clause 214 and 215, agreed to and ordered to stand part of the Bill.

Clause 216

Mr. Ram Karran: This clause, as I understand it, allows the council to levy interest on overdue rates. The Government seems to have spelt it out here. Subsection (1) states:

“(1) A council shall be entitled to charge interest on any installment outstanding, from the day of default until the debt is discharged, as such rate as it may decide, being not less than one per centum in excess of the rate at which the council might have borrowed from its bankers on the day the rates became due.”

This is put here as if to say that on this particular day some hardship would accrue to the council as a result of a person not having paid his rates. We must remember that we are also dealing with people in the rural areas and provision is already made in the law for them to pay an interest rate of 5 per cent on overdue rates.

I recall the contributions made by some members of the Government when they were in the Opposition. I remember the hon. Minister of Trade and Parliamentary Affairs (Mr. Bissember) shedded crocodile tears when the interest rate of 5 per cent was imposed some years ago to encourage them to pay their rates on time in order that the local authorities may carry on their business. I am not moving the deletion of subsection (2) merely because of the attitude of the members of the then Opposition who were merely playing politics, but because provision is already made for the collection of 5 percent interest.

I wish to observe that we are dealing with people in the rural areas, people who might be willing to pay their rates but who cannot, particularly because of the Government's attitude with respect to the rustics, the rural farmers, and because of the tumbling prices of all the things they produce, rice being one of the most important items. Secondly, these are not people who have money at hand. They are not working for wages and salaries, they have to depend on the crop when it is due – rice farmers in September/October, other farmers at different times of the year. The rates might be due, they might be in no position to pay, and 5 per cent interest is already high.

If the Government is going to charge interest exceeding the interest rate, that is 1 percent above the bank rate, the hon. Minister or the Government ought to explain why these people

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must pay more interest than the council. The council should not make a profit on people who, because of some difficulty, cannot pay their rates.

The corollary is that premiums should be given to those persons who pay their rates on time. No provision is made and I urge the Minister not to impose additional burdens on those who can hardly afford to pay. Having regard to all the circumstances and all that is recorded in Hansard by the hon. Minister of Trade and Parliamentary Affairs and his colleagues, including the leader of the P.N.C., when they were on this side, the hon. Minister of Local Government should look into this and make a decision on what the hon. and learned Gentleman said.

Dr. Ramsahoye: I wish to support the hon. Member Mr. Ram Karran on this. I think that the principle, the reasoning behind this provision is fallacious. A local authority is supposed to spend money from the rates it collects. It is not supposed in the normal case to pay interest on that. Interest arises when the local authority has to borrow money for extraordinary purposes and it does not follow that because a man is in arrears of his rates that the loan account is suffering as such and there is no excuse whatever for raising the interest above what the council pays to the banks. If the council is paying 8 per cent to the banks, well then there is no reason why a man in default should pay more than 8 per cent.

Certainly, the hon. Minister must remember that there are very harsh provisions in this Bill. The old provisions are continued and they are very harsh whereby if a man is a defaulter in the payment of his rates, his property could be put up for sale, for execution, almost at once. I think that this is oppressive. If the Minister had said not more than 1 per cent that would have been different, but being not less than 1 per cent obliges them to charge 1 per cent or more.

8.55 p.m.

Mr. John: I shall refresh the memory of the hon. Members again. It is very useful that we have had a Bill which was drafted by them before. It is very amusing when one listens to

these gentlemen. They speak with such piety as if they are convinced of the truth of what they are saying. Clause 177 reads as follows:

“Where any instalment of rates is not paid within thirty days from the date on which it becomes due, default shall be deemed to have been made in the payment thereof and any further instalments due for the same rating period shall thereupon immediately become due and payable.

The local authority shall be entitled to charge interest on the whole rate outstanding, from the date of default until the debt is discharged, at such rate as they may decide, being not less than one per centum in excess of the rate at which the local authority might have borrowed from their bank at the date the rates became due.”

This is another instance of how dishonest these gentlemen are. They supported it. I do not think it needs anything further.

Dr. Ramsahoye: Sir, I should like to say something. When that legislation was drafted, interest rates used to be 5 to 6 per cent. Today, the banks are calling for 9 and 10 per cent. *[Interruption]* In another two years, the interest rates which the banks are calling for will be more. One cannot raise a loan at a bank at less than 9 per cent interest.

Mr. John: To service a loan, one must incur some expenditure and even on the very argument, and I think it is good that we have carried this to a logical conclusion, one has to charge for the servicing of this loan one per cent to 3 per cent. The council does not have money and therefore it must pay charges.

Amendment –

That subsection (1) be delet

put, and negatived.

Clause 216, as printed, agreed to and ordered to stand part of the Bill.

Dr. Ramsahoye: May I suggest that since there are only a few Amendments tabled for the rest of the Bill, that we go page by page and this would enable us to have more time to debate on Amendments which we have put up. For example, I should like to speak on the redundancy proposal at some length and I suppose there are other Members who would like to speak on their Amendments. It is no use repeating the clause if the House agrees.

The Chairman: I am grateful for the suggestion of the hon. Member but I believe that having regard to the Standing Orders, we shall proceed with the matter as we have been doing.

Clause 217 and 218 agreed to, and ordered to stand part of the Bill

Clause 219

Mr. Ram Karran: I beg to move the following Amendments standing in my name, that the word, “fourteen” appearing in the fourth line of subsection (1) be deleted and the word “thirty” be substituted therefor; and also that the , “fourteen” appearing in the first line of subsection (2) be deleted and the word, “thirty” be substituted therefor . notwithstanding what is recorded in the copy book that the hon. Minister has been using all evening, I do think a period of fourteen days is too short for action to be taken against a man’s moveable property, and that period should be extended to thirty days.

Actually, the hon. Minister of Communication (Mr. Kasim) confirmed that the delivery of mails, even of registered letters, takes a long time; up to tonight I met a man who had received a letter from the Registrar in New Amsterdam, telling him to attend court on the 15th. He received that letter today. I think that the period is too short for this type of action to be taken.

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Amendment –

- (i) That the word, “fourteen” appearing in the fourth line of subsection (1) be deleted and the word “thirty “ be substituted therefor;
- (ii) That the word, “fourteen” appearing in the first line of subsection (2) be deleted and the word. “thirty” be substituted therefor,

put and negatived.

Clause 219, as printed, agreed to and ordered to stand part of the Bill.

Clause 220 to 230 agreed to and ordered to stand part of the Bill.

9.05 p.m.

Clause 231 to 256 agreed to and ordered to stand part of the Bill.

Clause 257

Mr. John: I wish to move the Amendment standing in my make for the substitution of the word “by” for the word “to” between the words “paid” and “the” in the first line.

Mr. Ram Karran: I had moved the deletion of the Clause having regard to the typographical error which I had wanted to correct.

Mr. John: I am very grateful for the hon. Member’s change of heart.

Amendment put, and carried.

Clause 257, as amended, agreed to and ordered to stand part of the Bill.

Clause 258 to 264 agreed to and ordered to stnd part of the Bill.

9.15 p.m.

Clause 265

Mr. Ram Karran: I have an Amendment which does not change the sense of it, except that it places a responsibility on the Minister to consult with the authority or authorities in the area. As I said before, it does not take away any responsibilities from the Minister; it gives him all the power he seeks here. We merely ask him respectfully to consult with the relevant councils.

Mr. John: I will accept his Amendment in view of his explanation.

Amendment -

The insertion of, immediately after the word “Minister” the words “after consultation with the relevant council or councils” in subsection (1)

put and carried.

Clause 265, as amended, agreed to and ordered to stand part of the Bill

Clause 266 to 272, agreed to and ordered to stand part of the Bill.

Clause 273

Mr. Ram Karran: The proviso here states:

“Provided that no person so authorized shall entered upon any land as aforesaid without previously giving the occupier thereof at least seven days’ notice in writing of his intention to do so.”

I wish to ask that an agreement be sought because the officer of the local authority, or the Government, would be going to inspect soil and drainage; they are going to dig, cut take and remove from any uncultivated lands; they are going to cause any koker to be opened at any time; and they are going to erect and maintain thereon structures for the accommodation of persons.

This is not good enough for them to be authorized to go on these lands regardless of the owners’ full agreement. Unless the owner refuses to give his approval, there are steps to be taken in emergencies for the land to be occupied and possession paid for, etc. It is not right to go into a min’s private property without first getting his approval.

Mr. John: The Clause provides that the occupier should be given at least seven days' notice in writing and it is felt that this is sufficient. There are certain times when it will be done in order to make the necessary repairs. These powers are not dissimilar to the powers which we have in the Public Health Ordinance. To accept the Amendment of the hon. Member will defeat the purpose of this Clause.

Mr. Ram Karran: On the contrary. The Hon. Minister seeks to give seven days' notice under this section which indicates that there is no crisis if the thing is to be done under conditions of serious flood, drought or anything like that, though I will think that officers will have to act immediately. If this seven days are correct, then it would seem to me that some negotiation ought to be carried out and the approval of the landlord be sought. Is it a case of whatever is put forward is rejected? While the hon. Minister is going through with his advisers, I remember the story of the policeman who held up a chap and he began to plead: "Sir, I am an anti-communist." The policeman said to the man, "My instructions are to arrest any kind of communist." (*Interruption by the hon. Member Mr. Joaquin.*) I hope the hon. Member Mr. Joaquin is listening.

Amendment –

The addition of, immediately after the word "so" at the end of the proviso, the words and commas ", and getting his agreement." In the proviso to subsection (1).

put and negatived.

Clause 273, as printed, agreed to and ordered to stand part of the Bill.

Clauses 274 to 276, agreed to and ordered to stand part of the Bill.

Clauses 277 to 281 agreed to and ordered to stand part of the Bill.

Clause 282

Mr. Chandisingh: I just want to ask a question. Notwithstanding what is said here, that is, that the district councils can be authorized to install their own water supply system, will it be Government's policy to continue to provide capital equipment for the water supply system in

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rural areas, as has been the practice so far, or is it likely that there will be changes in this policy? I do not know if the hon. Minister will indicate this.

Mr. John: It just depends on the circumstances.

The Chairman: The Minister responsible is not here to give you the complete answer.

Mr. Chandisingh: I just wondered if the hon. Minister (Mr. John) would know. He has given an answer, even though it is vague.

Clause 282, as printed, agreed to and ordered to stand part of the Bill.

Clause 283 to 300 agreed to and ordered to stand part of the Bill.

Clause 301

The Chairman: The hon. Member Mr. Ram Karran has an Amendment to subsection (34)

Mr. Ram. Karran: I seek to delete the last three words, "by the Minister", in this subsection. I wish to observe that we are moving into a new era when local authorities will be able, in the Minister's words, to industrialized", that is, to indulge in selling pine and sorrel drinks, pillau, conkee and black pudding. If a local authority wishes to expand, to enter into industrial enterprises or trading services, the Minister should not be put in a position to interfere.

I wish very briefly to observe that local authorities in this country are not going to be limited areas where the P.N.C. has sway. There are very ambitious people who will be represented on local authorities and who would wish to do big things. In doing big things, they

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would try to develop their communities and, indeed, to reduce the measure of taxation that would otherwise fall on the backs of ratepayers.

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The hon. Prime Minister recently gave very clear indications to big business that they have nothing to fear from the socialist Government. In other words, this socialist Government is not going to trample on the toes of big business. Well it is just that assurance we wish in so far as local authorities are concerned, because you can imagine what would be the situation in Kitty Village, for instance. It is not really going to be Georgetown, but if Kitty Village were alone, what would be the position if they were to own the cinema in that area or, for that matter, if Greater Georgetown were to acquire one or two cinemas? The Taxpayers would probably have to pay reduced rates.

It is particularly in the rural areas that there are heavy penalties for non-payment of rates and for late payments of rates. I am sure that all my colleagues would wish to join me in asking the Government to agree to the deletion of the words “by the Minister” in subsection (34). The people need a fresh start so that they can move ahead and reduce their taxation by dealing in enterprises not limited to the selling of sorrel drinks, black pudding, and “conkee”.

The Chairman: Does the hon. Minister want to say anything?

Mr. John: No, sir.

The Chairman: I will put the amendment.

Amendment –

That the words “by the Minister” at the end of subsection (34) be deleted,
put, and negative.

Clause 301, as printed, agreed to and ordered to stand part of the Bill.

Clause 302 to 304 agreed to and ordered to stand part of the Bill.

Dr. Ramsahoye: I notice that under this provision the Minister, if he is satisfied, may suspend or dissolve an elected council. May I say that it is most unusual to have an elected body dissolved or suspended unless there is some form of inquiry, some sort of tribunal appointed to pronounce upon the work of the elected council. In civilized communities what is done in cases like this is that the members of the council would be allowed to hear what charges or what allegations are made against them. They will be permitted to examine the case against them and, of course, they will be permitted to put up their own case in reply.

The object of this provision is to allow the Minister sitting at his desk to do an *ex parte* sort of justice against people who are properly elected and against whom there is no charge by any independent tribunal. This provision, therefore, is an outrageous one. By any standards no Government dedicated to the rule of law will allow a provision like this to pass without some additional provision being made for an independent and impartial inquiry into the work of the council to take place before the elected representative lose the right to have the body which they duly elected. I, therefore, move the deletion of this clause.

The Chairman: Does the hon. Minister wish to say anything?

Mr. John: I cannot agree with the hon. Member. I do not consider this provision outrageous. On the contrary, once you have local authorities subject to Central Government, there are circumstances which will arise in which it is necessary to take this type of action. There is nothing here which precludes the Minister to direct an inquiry if he thinks an inquiry necessary. I do not think that this is a circumstance under which it is implicit in the regulations that the Minister must set up the machinery which the hon. Member has set out. Actually, this is nothing new, although the hon. Member feels it is outrageous, because there are other instances in which a similar power arises.

Mr. Ram Karran: That might well be so, but let us take the case of Craig Village Council. The hon. Member Mr. Remington is there. As far as I understand, the Minister went there. The council was dissolved, the matter was taken to court – we know the kind of court – and, subsequently, the Government had no alternative but to reinstate the council. There was the famous case at Buxton where the members of the local authority there decided to impose a toll on punts passing through their own lands and the Local Government Board decided to suspend the council for taking action in accordance with this new Bill that we have here to provide for the collection of tolls.

Surely, the hon. Minister must recognize that the criticism which was made against the Local Government Board ought not to be carried over to the new system of local government especially since the tremendous responsibilities which were carried out by the members of the Local Government Board, a body of men, ought not to rest in one person even though that person is knowledgeable in local government affairs, even though that person might be a lawyer or the hon. Minister Mr. John, because these qualifications which fit him so eminently – as we have said over and over during this debate and on other occasions – may not inhere in his successor and his successor's successor. That is why we should take every precaution so that justice will prevail for we should not leave the liberty and the welfare of the people in the hands of one man.

9.45 p.m.

Dr. Ramsahoye: May I remind the hon. Minister that under the present Local Government Ordinance, an inquiry had to be held before a council is dissolved and one wonders if this House is entitled to an explanation. When the British were ruling, they passed legislation which provided that an inquiry should be held before a council was dissolved. This is contained in section 17. Why should we go back? This provision has the effect that the Minister will sit in his chair and dissolve a council. The same thing goes for a suspension. There is no difference between a suspension and dissolution so far as the people who elect the council are concerned. In practice, they do not differ.

The Chairman: Unless the hon. Minister has something to say, I will put the Question.

Mr. John: I will accept an Amendment but not as proposed by the hon. Member. I will propose the Amendment that we insert the words, “upon inquiry held by him,” in deference to the point made by the hon. Member, Dr. Ramsahoye. In any case, it is expected that the Minister would act reasonably.

Amendment

That the words, “upon inquiry held by him” be inserted between the words “satisfied” and “that” appearing in the first line of subsection (1),

put, and agreed to.

Clause 305, as amended, agreed to and ordered to stand part of the Bill.

Clause 306 to 327 agreed to and ordered to stand part of the Bill.

Mr. Ram Karran: Before we go on, I merely wish to say some reference is made to a number of cemeteries in Georgetown and in Berbice but there are a number of other cemeteries in the suburban areas, particularly in Kitty, and no reference has been made here to them. I wonder what is Government’s reaction to the existence of these cemeteries.

Mr. John: Reference is made to the burial grounds. Those were established by Statute. If one looks in the right margin, one will see that reference is made to Chapters 152 and 161. In other words, if an area was just made without being made by Statute the difficulty would arise, but the position here is that those burial grounds show that the relevant Statute would be in the Statute book and, as you will see, those Statutes have been repealed.

Clause 328, as printed, agreed to and ordered to stand part of the Bill.

Clause 329 to 333 agreed to and ordered to stand part of the Bill.

9.55 p.m.

Clause 334

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9.55 – 10.00 p.m.

Mr. Ram Karran: I wish to move the Amendment standing in my name which reads:

“Substitute a colon for the full stop at the end of the clause and add the following proviso:

‘Provided that where an employee of a dissolved village council or country authority is not appointed to a local government office in a new council, such employee shall be awarded redundancy payment by the council to which the property is transferred in a sum being not less than two years emoluments calculated on the basis of the employee’s rate of pay at the time of the dissolution.’

Very briefly, I think that everyone including the hon. Minister knows what is happening here. In several instances, where private concerns were required by Government, I refer to the Guyana Airways Corporation where guarantees were given to the employees who remained with the Corporation – in fact, the former employees insisted on this: that none of the employees should be dismissed unless referred to the - - - of so much protection was given to those who were still employed. The same applied to the Guyana Electricity Corporation.

We seek here to ensure that those who are employed in any village council or country authority shall continue to be employed by that council or authority. I feel very unhappy about the fact and feel that adequate assistance be given to them. Maybe it would be relevant to refer to what was done recently with the employees of the Sea Defence service of this country where a number of people, about 500, have been retrenched.

The Chairman: I think that this is a good time to suspend

Assembly resumed.

Sitting suspended at 10.00 p.m.

10.30 p.m.

On resumption --

Assembly in Committee

The Chairman: At the Suspension, the hon. Member Mr. Ram Karran was moving his Amendment. He may continue.

Mr. Ram Karran: I merely wish to move the Amendment. I have already said everything. I hope that the Government will accept it and give some sort of security, reasonable security.

Dr. Ramsahoye: Your Honour, as I understand it, unless all the people are re-employed by the new councils which will be established, there will be some employees who will lose their employment as a result of changes brought about by this legislation. In the normal course of events, the hon. Minister ought to be able to tell us whether he estimates that employees will, in fact, be losing their positions and how many of them will do so. For example, Greater Georgetown will embrace Kitty and there are people on the staff working and it may be so in other cases.

When new authorities are established in the rural areas, they may embrace areas where people are already employed. The provision says that:"

“...so far as possible, be filled from employees of such dissolved village councils or country authorities.”

But the expression “so far as possible,” is very vague. Whatever its meaning is, it does assume that there is a likelihood that some people may not gain re-employment with the new councils. In those circumstances, they ought, in our view, to be given redundancy pay. If we are going to make changes in the future, and, as a result, some people will lose their employment, then we just cannot throw them on the unemployment market. Give them some sort of gratuity so that they could sustain themselves and make provision for the future. The hon. Minister, I suppose, will have considered this matter but I think that it is a question of very grave concern if there are indeed people who will lose their employment. Redundancy pay seems the obvious way to solve the problem.

Mr. John: All rights, of course, are in relation to a council which, when it is dissolved, bets those rights from the new council. In other words, all rights in relation to pensions or gratuities and things of that sort; but there will be circumstance in which it may not be necessary to employ all the people and the words of that particular Clause are similar to the provisions enacted the Local Government (Amendment) Act in respect to circumstances where it was necessary to merge two local authorities. It depends on how far one can read the Clause but we do not think it would be wise to make the type of provision which the hon. Member is suggesting. One must realize that the primary purpose - - - that they might be able to establish the financial difficulties. But the thing is to be approached, as far as possible, in such manner, and it could not be put any better than it has been in Clause 330.

“Where a village council or country authority is dissolved pursuant to section 322, all pensions, gratuities, premiums and like allowances payable by such dissolved council or authority (including benefits payable on abolition of office) shall be paid by the council to which under that section is transferred the property of the dissolved council or authority.”

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So that at least we had the position where nothing could a person earn or entitled to under the council's functions are being taken over. Those rights will be available to that person in relation to the new Corporation. In the actual operation of this Clause 334, every attempt, I have every reason to believe, would be made as far as possible to meet the interest of those who are transferred, and this can be done in several ways – some of them will be retrenched.

Amendment –

Substitution of a colon for the full stop at the end of the clause and addition of the following proviso:

Provided that where an employee of a dissolved village council or country authority is not appointed to a local government office in a new council, such employee shall be awarded redundancy payment by the council to which the property is

transferred in a sum being not less than two years emoluments calculated on the basis of the employee's rate of pay at the time of the dissolution.

put and negatived.

SCHEDULE 1

Mr. Ram Karran: I wonder if I can raise a small matter. This is with respect to the Green Belt and other related matters. In the first case, the boundary of Cummings Lodge, which is company path, at the moment, is occupied by houses: the northern section is rented by private people whereas the southern section, by the sugar estate. I do not know whether the Government hopes to change the status of these people. I imagine that it would be the responsibility of the local authority but the hon. Minister for Parliamentary Affairs (Mr. Bissember) who used to be at one time Minister of Housing and Reconstruction – reconstruction of what I don't know, nothing has been reconstructed – gave the assurance that the proposals put up by the authors of the Green Belt would have been maintained. However, we notice that for some years now tremendous pressure has been put on the Government by the owners of these lands; and lands are being sold to anyone without any consideration for the proposals put up for the Green Belt development. Cummings Lodge is not a question for the local authority, but for Government's approval of what goes on there. I do not know, and I do wish to know if the hon. Minister of Local Government is in a position to tell us what is going to be the position of these small lands that are being surveyed in this area. I should also like to know whether the Minister of Housing or the Minister of Local Government will see to it that everything is done to ensure that the area will be developed properly so that owners in the area will not be able to do for the aliens of the Government. They have been able to do at Prashad Nagar. [**The Prime Minister:** “ Prashad Nagar?”] There is no need to quarrel over that point; everyone can remember that Prashad sat on that side of the House with my friend over there. [*Interruption*]

The Chairman: Order, order.

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Mr. Ram Karran: We are accustomed to that type of - - - [*Interruption by the hon. Prime Minister.*] The hon. Prime Minister is disturbing me, sir. I wish you would get him out of here.

I do not know if the Government is in a position to tell us because we feel certain that a lot of prostitution will take place with respect to this great plan.

Mr. John: The area within Greater Georgetown is in respect to a planning scheme. I do not know of instances where persons might be carrying on what the hon. Member speaks about. Whenever persons commit that offence, they will be dealt with by the law. But I should like to assure him that this area is the subject of a particular scheme.

Mr. Ram Karran: I have never seen anything so disgraceful as this. I wish to know whether the original proposals put up for the Green Belt are going to be implemented. It is no use the hon. Minister telling us that there is a scheme now. There is a better case where the scheme for the development of the burnt-out areas has been approved. This scheme has been proposed and agreed to and since the Government took over, that beautiful scheme has resulted in pressure. The scheme has been contracted.

I should like to know what will be done with respect to the Green Belt. We have wonderful development in that area – we have the University there. The University has in view to distribute these lands but what I want to ensure is that they do not allow that area to be cut up, divided and spoiled.

10.45 p.m.

Mr. Ram Karran: I was not referring only to the Ministry. I was referring to building development, for instance, if there are sky-scrappers. Bookers want to put sky scrapers there. The fact is that one does not want to have congested housing in the city as it will spoil the city.

[The hon. Minister offered no reply.]

SCHEDULE 1, as printed, agreed to and ordered to stand part of the Bill.

SCHEDULES 2 to 7 agreed to and ordered to stand part of the Bill.

SCHEDULE 8

Mr. R.D. Persaud: It is discovered that when a commission of inquiry is appointed the commissions will be appointed by the Minister; the secretary to the commissioner will be appointed by the Minister, but, as seen in section 13 (2), the expenses incurred during the course of the inquiry must be borne by the council. I think that if the Minister is going to appoint the commissioner of inquiry; if the Minister is going to appoint the secretary, then the Central Government must bear the cost.

How can the Government call upon a council to pay for an inquiry directed by the Government? The members of the commission are going to be appointed by the Government. Why does the Government want all the power? The Government wants to direct all the councils. The Minister is going to be the judge and jury and after exercising all these powers under these two pieces of legislation he does not want to pay the cost for an inquiry he has ordered.

[The hon. Minister offered no reply.]

SCHEDULE 8, as printed, agreed to and ordered to stand part of the Bill.

SCHEDULE

Mr. John: I should like to move the Amendment standing in my name, namely, to delete.

“No. 41	Municipal Concils (Postponement of	
of	Elections) Ordinance, 1954.	Repealed”
1954		

Amendment put, and agreed to.

SCHEDULE 9, as amended, agreed to and ordered to stand part of the Bill.

Mr. John: I beg to move the recommitment of clause 31 in the light of an Amendment which has been proposed and circulated following a point made by the hon. Member Mr. Wilson. To make it clear we will put in this provision to ensure that the section applies to others.

Question put and agreed to.

Clause 31 recommitted.

Clause 31

Mr. John: I beg to move the following Amendment:

- (i) Re-numbering of sub-section (3) as subsection (4);
- (ii) insertion of the following as subsection (3) –

“(3) The provisions of subsection (2) of section 22 shall mutatis mutandis apply to the Town Councillors as they apply to the City Councillors, and the said provisions shall have effect as if the reference therein to the City Council were a reference to the Town Council.”

The Chairman: Does any hon. Member want to speak on the Amendment? (Pause) Having regard to the fact that no hon. Member wishes to speak on this Amendment I will now put the Amendment in terms of the words of the Amendment.

Amendment put, and carried:

Clause 31, as amended, agreed to and ordered to stand part of the Bill.

Assembly resumed.

Bill reported with amendments, read the Third time and passed.

**LOCAL AUTHORITIES (VALIDATION OF APPOINTMENT
(AND ACTS OF MEMBERS) BILL**

A Bill intituled:

“An Act to amend certain enactments relating to Local Authorities and to validate the appointment and acts of certain persons who purported to exercise the functions of members of those authorities.” **[The Minister of Local Government]**

Mr. John: The Bill now before the House, the Local Authorities (Validation of Appointment and Acts of Members) Bill, seeks to validate the appointment to fill vacancies on village councils which were made pursuant to the Local Government (Postponement of Elections) Ordinance, 1961. That Ordinance provided that members could be appointed to fill vacancies on village councils by the Local Government Board as a result of the suspension of elections to local authorities.

The Ordinance, however, did not make any specifications in relation to what the qualifications should be and it was at one time felt that it was not necessary for persons to possess a qualification. It is the view of the Government that persons serving on village councils should not be restricted in that they should only be persons holding property, but in the light of the proper construction of the Ordinance as it now stands, it is incumbent upon one who has those qualifications to be nominated. That is the interpretation which has been made of that Ordinance although there was a previous interpretation in that respect.

In the light of the present position it is considered desirable that this Bill be enacted so that it will be possible to validate and set at rest all the acts of persons who might have acted on councils, either as councillors or as Chairman, although they did not possess the qualification as provided by the Local Government (Postponement of Elections) Ordinance.

10.55 p.m.

The Bill also seeks to correct another anonymous position which existed before. That anonymous position came about because the Local Government Ordinance provided that in the case of a country authority where the members are nominated, they can only take their office on the 1st January in any one year. Actually, over the years those persons had been appointed for

periods other than one year and they continued to perform as such. Opportunity is therefore taken to validate such acts which they might have performed while they were appointed, although they were not appointed on the 1st January as contemplated by the Local Government Ordinance.

The effect of the validation of such act will be that no proceedings shall be instituted against:

“(a) the Board or village council for having declared the office of a member of a village council to be vacant between the commencement of the Ordinance and this Act and which declaration would, but for the aforesaid amendment, have been lawfully made.”

It will be realized that the Ordinance was passed since 1961 in the first case and appointments have been made pursuant to that, so we seek to correct them. In the case of the Local Government Ordinance, part of it was adopted in 1945, it having existed in 19 - - - A number of such persons have been appointed and their acts will also be validated.

It will further provide that the Board will have no proceedings brought against it for having filled the office so declared to be vacant. Over and above it provides that:

“(2) All acts done in good faith as member of a village council by a person referred to in paragraph © of the proviso to subsection (1) of this section are hereby declared in all respects to have been validly, properly and lawfully done.”

To resolve further doubts it is enacted in subsection (3) of clause 5 that:

“(3) Any member of a country authority who, prior to the enactment of this Act, assumed office as such member on a date other than the 1st January after his appointment shall, notwithstanding that section 4 of this Act had not been in force be deemed to have validly assumed office.”

It is hoped, by the passing of this Bill, to resolve any problems that are likely to arise while at the same time.... what has been earlier made very clear by the two Bills which were enacted during this week, that the principle of one man, one vote - - - Further, no limitation is attached upon the exercise of powers of a village council against any person mainly because that person is not the owner of property.

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The Bill is therefore non-controversial. It seeks to validate the acts performed by members of a council not only during the life of this Government but of previous Governments so that, having adopted legislation which previous Governments have enacted, we are now seeking to correct the position even in respect of the acts which they have performed. I ask hon. Members to support this Bill.

Question proposed.

Mr. Deputy Speaker: It does not appear as if any hon. Member would like to speak on this.

Question put, and agreed to.

Bill read a Second time.

Assembly in Committee.

Assembly resumed.

Bill reported without amended, read the Third time and passed.

ITEMS DEFERRED

Mr. Bissember: We are not in a position to proceed with the other two items on the Order Paper this evening.

FUNCTION IN HONOUR OF VISITING DELEGATES

Before I move the adjournment may I seek your permission to remind Members of the social function on Monday evening which will be given by the Government and the C.P.A. in honour of the visiting delegates from Africa, Asia, and Britain. I would personally appeal to Members to attend this function since they were invited and asked to bring their wives.

**CONGRATULATIONS TO DEPUTY SPEAKER AND
MINISTER OF LOCAL GOVERNMENT**

Mr. Ram Karran: Before the hon. Minister of Trade and Parliamentary Affairs move the adjournment, I wish to crave your indulgence, on behalf of my colleagues on this side, to congratulate you for the very able and efficient manner in which the debate on these heavy Bills were conducted during this very difficult period.

I do wish, at the same time – even though we do not for one minute agree with everything in the Bill and we will certainly remove it from the Statute Book as soon as the opportunity presents itself – to congratulate the hon. Minister Local Government who piloted these measures through these difficult sessions in Parliament. It is his knowledge of local government that has helped him to carry them through and I am sure that no other person but the hon. Minister would have been able to pilot these Bills.

Mr. John: I do not know if I am really worthy of all that has been said. I should like to thank the hon. Members of the Opposition for their co-operation during the very long and tedious sessions that we have had, starting from Monday. I do hope, now that we have reached one stage, that we will get other co-operation.

Mr. Deputy Speaker: Hon. Members, I think it has been made incumbent upon me to than hon. Members for thanking me and I should like to thank hon. Members for not making my seat hotter than it was. I have indeed enjoyed sitting through these very difficult sittings over the last few days and I am happy that we have been able to get through this legislation.

ADJOURNMENT

Resolved, “That this Assembly do now adjourn to Friday, 24th October, 1969, at 2 p.m.”
(**Mr. Bissember**)

Adjourned accordingly at 11.05 p.m.
