

**THE
PARLIAMENTARY DEBATES**

OFFICIAL REPORT

[VOLUME 4]

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

45th Sitting

2 p.m.

Thursday, 25th March, 1971

MEMBERS OF THE NATIONAL ASSEMBLY

Speaker

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

People's National Congress

Elected Ministers

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

Dr. The Hon. P.A. Reid,
Deputy Prime Minister and Minister of Agriculture

The Hon. M. Kasim, A.A.,
Minister of Communications

The Hon. H.D. Hoyte, S.C.,
Minister of Finance

The Hon. W.G. Carrington,
Minister of Labour and Social Security

The Hon. Miss S.M. Field-Ridley,
Minister of Education

The Hon. B. Ramsaroop,
Minister Trade (Leader of the House)

The Hon. D.A. Singh,
Minister of Housing and Reconstruction

The Hon. O.E. Clarke,
Minister of Home Affairs

The Hon. C.V. Mingo,
Minister of Local Government

Appointed Ministers

The Hon. S.S. Ramphal, S.C.,
Attorney-General and Minister of State (Absent)

The Hon. H. Green,
Minister of Works, Hydraulics and Supply (Absent)

The Hon. H.O. Jack,
Minister of Mines and Forests

Dr. the Hon. Sylvia Talbot,
Minister of Health (Absent)

Parliamentary Secretaries

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

Mr. P. Duncan, J.P.,
Parliamentary Secretary, Ministry of Agriculture (Absent)

Mr. W. Haynes,
Parliamentary Secretary, Office of the Prime Minister

Mr. A. Salim,
Parliamentary Secretary, Ministry of Agriculture

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

Mr. C.E. Wrights, J.P.,
Ministry of Works, Hydraulics and Supply (Absent)

Other Members

Mr. J.N. Aaron
Miss. M.M. Ackman, Government Whip
Mr. K. Bancroft
Mr. N.J. Bissember (Absent – on leave)
Mr. J. Budhoo, J.P.
Mr. L.I. Chan-A-Sue (Absent)
Mr. E.F. Correia (Absent)
Mr. M. Corrica,
Mr. E.H.A. Fowler
Mr. R. J. Jordan
Mr. S.M. Saffee
Cde. R.C. Van Sluytman
Cde. M. Zaheeruddeen, J.P.
Cde. L.E. Willems

Members of the Opposition

People's Progressive Party

Dr.C.B. Jagan,
Leader of the Opposition
Mr. Ram Karran,
Mr. R. Chandisingh
Dr. F.H.W. Ramsahoye, S.C.
Mr. D.C. Jagan, J.P.,
Deputy Speaker
Mr. E.M.G. Wilson
Mr. A.H. Hamid, J.P.
Opposition Whip
Mr. G.H. Lall, J.P.
Mr. M.Y. Ally
Mr. Reepu Daman Persaud, J.P.
Mr. E.M. Stoby, J.P. (Absent)
Mr. R. Ally
Mr. E. L. Ambrose
Mrs. L.M. Branco

Mr. Balchand Persaud
Mr. Bhola Persaud
Mr. I.R. Remington, J.P.
Mrs. R.P. Sahoye
Mr. V. Teekah

United Force

Mrs. E. DaSilva
Mr. M.F. Singh
Mr. J.A. Sutton

(Absent – on leave)

Independent

Mr. R.E. Cheeks

(Absent)

OFFICERS

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

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

The National Assembly met at 2.p.m.

[Mr. Speaker *in the Chair.*]

Prayers

ANNOUNCEMENTS BY THE SPEAKER**Leave To Members**

Mr. Speaker: I have to announce that leave has been granted to the hon. member Mr. Bissember for today's sitting, and to the hon. Member Mr. Chandisingh, from the 26th March to the 30th April, 1971.

PRESENTATION OF PAPERS AND REPORTS

The following papers were laid:

- (1) Financial Paper No. 1 of 1971 – Schedule of Supplementary Provision on the Current and Capital Estimates for 1970, totalling \$1,540,317.36. [**The Minister of Finance**]

The hon. Minister of Finance, in terms of Standing Orders No. 68, named Monday, the 29th, 1971, as the day for the consideration of this Financial Paper.

- (2) Commonwealth Telecommunications Council Second General Report and Statement of Accounts for the period 1st April, 1969 to 31st March, 1971. [**The Minister of Communication**]

QUESTION TO MINISTERS**EXPENSES RE OFFICE OF THE LEADER OF THE OPPOSITION**

Question No. 9: Will the Minister say when the Government proposes to make available to the Leader of the Opposition funds to assist in meeting the expenses of staffing and running the Office of the Leader of the Opposition at 215 King Street, Lacytown – the

amount being at the rate of \$500.00 a month from 1st October, 1970, the date from which the premises were occupied, as was agreed by the former Minister of Finance? **[Mr. Jagan]**

Mr. Jagan: Your Honour, I beg leave to withdraw Question No. 9 standing in my name on the Order Paper.

Question, by leave, withdrawn.

INTRODUCTION OF BILLS – FIRST READING

The following Bill was introduced and read the First time:

Local Authorities (Elections) (Amendment) Bill, 1971. **[The Minister of Home Affairs.]**

PUBLIC BUSINESS

BILL – SECOND AND THIRD READINGS

RICE FARMERS (SECURITY OF TENURE) (AMENDMENT) BILL

A Bill intituled:

“An Act to amend the Rice Farmers (Security of Tenure) Ordinance, 1956.” **[The Deputy Prime Minister and Minister of Agriculture.]**

The Deputy Prime Minister and Minister of Agriculture (Dr. Reid): In moving the Second Reading of the Rice Farmers (Security of Tenure) (Amendment) Bill, 1971, I wish to observe that the Ordinance now in force has been formulated since 1956 and, among other things, was intended to provide security of tenure for rice farmers as well as to limit the rent payable for the letting of rice lands. This, of course, is a very important measure and as such the

House was given a long time to study it, to analyse the Amendments and, where possible, to suggest amendment. I want to note, Mr. Speaker, that after some meetings with members who had proposed Amendments, there is now a general agreement, almost total agreement, on this Bill that is before the House.

The Old Ordinance, in section 59, provided that the Ordinance would remain in force until the last day of April 1961. It also then empowered the Legislative Council to extend, by Resolution, the life of the Ordinance before this expiration, for such period as may be specified in the Resolution. This was done very often. From year to year, we came here to extend the life of this Ordinance but this time we are about to have substantial changes made so that we would not need to move this kind of extension of that old Ordinance.

As a brief observation on the Ordinance itself, and its administration in particular, there are several Committees all over the country; I think there are some eleven Committees. Each Committee has a chairman. It had been agreed at that time, that the chairman should be a magistrate, with three persons who are members of the Public Service of the country, and one person, who is a tenant of rice lands in the area in respect of which the Committee is appointed, as members. Of course, in the days when this Ordinance was enacted, there were still many unknown areas and it was only by the operation of the Ordinance, when it was being executed, that one could have discovered the shortcomings. As those shortcomings have been observed and discussed, these amendments are now before the House.

There is something else. Over the past few years, we have experience constitutional changes and, consequently, some of these Ordinances must be subjected to some reformation as it were. Today we are therefore dealing with a series of amendments to the Old Ordinance and even though we, as I said before, have reached almost complete agreement on the Bill, it is of such importance that I should like, with your leave, sir, to make a few remarks on some of the changes of substance.

According to the Rice Farmers' Security of Tenure Ordinance, 1956, the phrase "estate charges" which occurs in section 2 (a) means "any expenses incurred by a landlord" with a few exceptions. Some of the charges referred to will include surcharges, local government rates plus 5 per cent, drainage and irrigation rates plus another 5 per cent, rates payable under the East Demerara Water Conservancy or Boerasirie Creek Ordinance, plus 5 per cent.

Landlords, of course, have been claiming that estate charges include other expenses incurred by them, for example, in the employment of an agent or in the administration of their business as landlords. Even though they have made representation for these charges to be included, we have resisted any such change in clause 2 (a).

One important area that had to be considered in the definition of a landlord under section 2 of the Principal Ordinance was the State of Guyana itself and organisations such as the Guyana Rice Corporation. In a recent decision in the High Court, it has been laid down that state lands fall within the ambit of this Ordinance. The difficulties are obvious because, as hon. Members are aware, the State is committed to be a model landlord.

The State itself might be hiring the services of some of the people who are tenants and who must perform certain duties, for instance, in relation to water control, drainage and irrigation and so on. If these workers are also tenants one will be conscious of the limitations of the State in so far as the Ordinance is concerned. Any little maneuvering can put the State at a great disadvantage and interfere with the whole workings of the State. It will certainly interfere with the collection of rent. As a matter of fact, it might make the collection of rent almost impossible. In clause 2 (b), therefore, the necessary amendment to section 2 is proposed to ensure that the State itself does not experience great difficulties in carrying out the business of the State.

In clause 2 (c) the definition of "tenant" is altered to include sub-tenant because this is

common practice these days. It should also include the executor, the transferee and any person who can satisfy the Rice Assessment Committee that he manages or cultivates the holding on behalf of a tenant. Therefore the sub-tenant, or other persons connected to the tenant who are cultivating the land must also be given protection. All these persons in the past had no protection at all. We seek in this Bill to give them all protection.

Section 7 (1) of the Ordinance imposes on the landlord that he should keep an annual register in a prescribed form. He must record in that register all the agreements, any transfers, bequests and any determinations. All must be properly recorded because in the case of any difficulty or any issue to be brought before the committee he will have not only information from memory, but there will be some evidence in writing. Of course, if he fails to keep this type of register, there must be some sanction and the Bill is taking care of that so that he shall be guilty of a summary offence and to a small fine not exceeding \$100.

As I said before, there used to be a Chairman and three members. It is hoped that we will now have a chairman who shall be a Magistrate. Under the old arrangement there were three persons who were members of the Public Service, one person who was a landlord and one who was a tenant. This has not worked very well and so instead of having one person who is a landlord we hope to have two persons who are landlords and two persons who are tenants in order to keep a balance and make it possible for them to have meetings more regularly and more effectively. From experience it has been found difficult to have public officers present at all these meetings and therefore it is not possible for the tenant and the landlord, whose interests will be different from those of the public servants, to decide issues when these meetings are called.

Section 11 of the Principal Ordinance is amended by the re-lettering of paragraph (1) as paragraph (n) and the insertion of the following paragraphs:

- “(1) to hear and determine an application for re-instatement by a tenant who alleges that he has been unlawfully dispossessed of his holding by a landlord or his agent and to award damages whether in lieu of or in addition to an order for re-instatement;
- (m) to hear an application for and certify any amount due to a landlord as rent by a tenant;”

We sometimes get into a difficult situation to know what kind of compensation to give to the tenant, but even though we are conscious of the claims of the tenant whatever we do must be such that it can be executed in practice and so some area of flexibility is left to the committee to decide what kind of compensation must be given to the tenant, whether it is re-instatement and money or payment alone. Some people will argue that the tenant must have a word in the decision of what kind of compensation he should have. This can create all sorts of difficulties and problems on both sides.

The proposed amendment to section 17 seeks to empower the committee to award fees for the attendance of witnesses. There is a change in that section.

There is an amendment to section 26 of the Principal Ordinance to permit the matter to be taken to the Full Court because we can never be too certain that the committee, even though its intention might be good, will always be right. Thus the matter can proceed further for another judgment.

Section 34 of the Principal Ordinance states:

“Nothing in this Ordinance shall prevent a landlord and a tenant from terminating an agreement of tenancy by mutual consent.”

However, sometimes people arrive at decisions by mutual consent and then forget all about “mutual consent”. They still quarrel about the thing even though they have reached the decision

by mutual consent especially when there is nothing in writing. This Bill is seeking that whenever there is consent to any issue this too must be reduced to writing and signed in the presence of witnesses so that there can be no future problem. If a tenant is unable to sign his name, of course, he can use a Justice of the Peace or a member of the local government authority. Therefore, it would be easy for someone to be summoned with authority and responsibility who can sign and witness this agreement.

2.35 p.m.

Then even so often we get ejection problems where tenants are ejected by the landlord, sometimes unlawfully. The Committee must be in a position to order that that tenant be reinstated and also to issue a certificate awarding such damages as the Committee considers reasonable. It is a landlord unlawfully dispossesses a tenant he should suffer for this. Hence, this Bill is seeking that a fine of \$1,000 should be imposed.

In addition to this, every day that the tenant has been kept out of possession of this land he should be awarded \$10. In the past the Ordinance took into account only when a tenant died testate and those who died intestate were not taken into consideration. This is now being corrected; the tenant will not lose and his family will not suffer.

Of course, if the tenant has to be in position to pay the rent then the landlord must ensure that good estate management is practiced and the rules of good husbandry observed.

We move on now to section 39. This section provides that a landlord who desires to re-allocate the holdings of his tenants into single blocks may make application in writing to the assessment committee of the area in which the holdings are situate for leave to give his tenant notice of his intention to re-allocate the holdings. This amendment seeks to delete words “to give his tenant notice of his intention”, as these words are really not necessary. Such notice is not really valid unless for “such notice is six months ending the 30th of April”

Subsection (4) of section 39 that an application shall be accompanied by a plan drawn to scale by a Sworn land surveyor. This is no longer necessary. But some landlords may claim that they wish to re-possess for other purposes, for instance, because they do not intend to have the lands used as rice lands any longer. They will have to apply, of course to the Committee. If the landlord is totally holding does not exceed 10 acres and he requires the land for his own use then the Committee will give him favourable consideration, but if he has 10 acres of more, then no consideration in his favour should be given.

Section 56 (1) states, and I quote:

“That landlord of any holding to which this Ordinance applies shall permit the tenant thereof to keep free of charge and use on the holding such number of oxen (Not exceeding four oxen for every five acres or part thereof) for such period as may be necessary during any year for the purpose of the cultivation of the land and the reaping and threshing of the paddy produced thereon”

The amendment deletes the words “oxen” and substitutes the word “Cattle”. It provides further that the tenant may keep free of charge such cattle not exceeding eight heads for the first ten acres or part thereof and not more than four for each additional five acres, for such period of the year during which no crop is planted.

Of course, the tenant is paying the rent for an entire year and it is only fair that if he has a few cattle they should enjoy the privilege of grazing on this land for which the tenant is paying. Also, some of these animals are used by farmers to assist in their cultivation and in their reaping, and, notwithstanding, the presence of large machines, it is still desirable that tenants should be able to keep animals, not only oxen but cattle in general. The tenant may have a couple of mixed cows that he would need to graze on the land for which he is paying rent. Therefore you must give tenants the opportunity to do this.

Those, I think are some of the major changes. As I said before, the matter has been discussed and we have reached almost total agreement. I move the Second Reading of the Bill.

Question proposed.

Mr. Speaker: The hon. member Dr. Ramsahoye.

Dr. Ramsahoye: Your Honour, after waiting for many years, it is good to see that some progress has been made with respect to the amendment of this legislation. The legislation on the whole has been very difficult to work. Apparently it was very hastily drafted in the first place, and numerous problems have arisen in relation to it. It was hoped that the simplest of procedures would have sufficed to enable rights to be indicated in this legislation but, in fact, it has turned out that certain major questions of law and interpretation have arisen from time to time – matters which do, in fact, need the ingenuity of more than a committee and of more than a single judge as is provided for under the existing law.

So far as the amendments are concerned, we have negotiated them with the Minister and, as he said, there has been almost complete agreement on the amendments which have been put forward. As far as I am aware there are two areas of principle upon which there is now no agreement. The one is, the principle of protection to tenants occupying the state lands and lands held by the Rice Development Corporation. There is disagreement on this because we on this side of the House feel that tenants should be protected, not only as against private persons, but as against the State as well.

2.45 p.m.

The next area in controversy is the question of allowing a landlord to resume land for his own use. While it may appear that the principle is a fair one, there has been misapprehension; because of the nature of committees, it was felt that conspiracies may develop to dispossess tenants who are really in need of protection.

Apart from that, there has been agreement on the matters which have been put forward so

far. In the circumstances there is very little that we can add except to say that the matters upon which we disagree are fundamental matters of principle upon which, I think, the Government needs to do some rethinking.

Speaking for myself, I feel that, in relation to state lands, there must be a measure of protection in order to ensure that land is developed, when given by the State, in conditions in which a tenant will feel secure that he will be able to hold it after he has expended money in its development. In some cases, state land is given for a year, sometimes it is given for more than that, but in every case where rice has to be cultivated, there is need to do development work and need to do works of improvement, and some method has to be devised, I think, to ensure that after a farmer has spent money in developing lands, sometimes afforested land, sometimes land not previously prepared for rice cultivation, he has some security of tenure in order to enable him to recoup his expenditure and to enjoy the benefit of his work. At the moment, he depends for this security on the grace of the State. He cannot appeal to the Court and his protection is, in some measure greatly limited and greatly hampered by this fact.

In the circumstances, we think that this one area of disagreement is something which could be looked into in the future. In particular, it may help if there is an investigation as to what complaints have been made by farmers holding state lands in the past, on the ground that they have developed lands and have not been able to enjoy the benefit of them. The hon. Minister may remember that we once complained on this side of the House, that certain lands had been taken away at Kabawer from person who had gone on them and had developed them after the expenditure of some money. If there had been a law protecting those farmers, they might not have lost their lands.

In relations to the procedures in Court, both sides have agreed Your Honour, that the existing law should be retained in relation to costs in legal proceedings before the Committee. At the moment, there is no provision which would enable costs to be awarded in proceedings before a committee. There was a clause in the Bill, as presented, which would have enabled the

Committee to award some costs, but after discussion by and with people who know about these procedures, both sides have agreed that we should allow the existing law to stand.

In relation to appellate procedures, in Court, both sides have agreed, that instead of an appeal coming from a Rent Assessment committee to a Judge in Chambers, the appeal should go in the first instance to the Full Court of the High Court and then if there is a point of law reserved, that will go to the Court of Appeal under the existing law.

I think that this is a satisfactory solution of the problem because the members of the Government side were willing to concede two appeals and if they were to concede two appeals, I think the appeals will be more effective if the first one went to the Full Court and the second one, on a point of law alone, to the Court of Appeal. This they have willingly agreed to and I think this Amendment is going to put us in a more effective position. It will correspond with the position which now applies in rent assessment cases.

There was a discussion on a move I made to limit the discretion of the Committee when reinstating a tenant who was dispossessed. I was seeking to limit its discretion by saying that there where the Committee wanted to award damages to a person in lieu of his land which was wrongly taken from him, the Committee should only be able to do that if there was the consent of the tenant.

In that respect a compromise has been struck, for there has been provision made in a later amendment that a tenant may seek equitable remedies, which remedies would include an injunction, and I think that the use of such a procedure will be, for practical purposes, of the same effect as if the hands of the Committee were tied to awarding damages only with his consent. In a case where a tenant is dispossessed, he could immediately bring the matter to the attention of the Court in injunction proceedings and in that way he will safeguard his right.

Certain other things which will come up are merely tidying-up procedures. We have all know, Your Honour, that any attempt to amend the legislation was fraught with great difficulties. Some progress has definitely been made and we are now, I think, on a great advance upon what we had before.

This morning it was brought to our notice that some landlords have been refusing to allow their tenants to pass their tractors along dams for the purposes of cultivation. An Amendment which Government has agreed to accept will, I think, be sufficient to ensure that where people are farming in accordance with modern agricultural standards, the landlord should not be able to deny them that facility. For that agreement I am, of course, indebted to the Government. I think, Your Honour, that that is all that I need say for the moment and, except for the two areas which I mentioned, we are in agreement with the Government on this measure.

Mr. Ram Karran: The problem which we seek to adjust today is not a new one, as admitted by my friend the hon. Minister of Agriculture. It probably first found its way in the history books of mankind on the plains of India, shortly after Alexander the Great had been contesting the right of the people there to the ownership of their own land.

It was some 2,000 years ago that King Asoka first began tinkering with the problems that faced people in those early days.

2.55 p.m.

The hon. Minister has said that the Opposition is almost in total agreement with the Government on this Bill, but this side of the House recognises that the solution to the problem between landlord and tenant, a problem which has aggravated man's life on earth over the past 2,000 years, can only finally be solved when the great part of mankind accepts the revolution which took place in 1917 when a Government gained complete ownership of the means of wealth production, including land.

It has been recorded that when Englishmen went either to the South Seas or to New Zealand and suggested that land should be sold to them, the natives could not recognise that God's land could be parcelled out by transports. "Land", they said, "is God's land; it is here for us to use and, when we have finished using it, we pass it on to those who will succeed us."

So, while there is almost complete agreement, we recognise the limited rights which we have on account of the type of administration that exists. We can do no better than to accept what is here before us, this palliative, this tinkering with the problem.

To come nearer home, it must be recorded that this legislative body first thought about the control of rice lands some time in 1932 when the late Mr. E.F. Fredericks moved a Motion on the matter, but it took the Government twenty-four years before legislation was enacted to arrange for the right of tenants to benefit from legislation of some kind.

It will be recalled that those were very harsh days. If only for the record, we should perhaps recall that, before the war, landlords had no use for their land except to give it out to tenants and to obtain what rental they could. Rice was cheap in those days, but no sooner the Second World War began then the price of rice went up and landlords began to resume occupation of their lands indiscriminately. Many were the cases where landlords and tenants actually fought with pitchforks and agricultural instruments.

There was no redress in the courts of our country until 1956 and even then – I think this is also recorded – although the chief agitator for reform in this respect was the late Mr. Theo. Lee, it was not he who was given the honour of piloting legislation through the Council but the late Mr. C.V. Wight, who was also a member of the Legislature. It is important, however, to observe that it was only in 1956 that legislation was enacted to bring about an end to this.

I am particularly perturbed by the Government's refusal to include itself as a landlord. One can understand that a government sincerely interested in the welfare of its people would

undertake not to allow legislation to affect state lands, but we have seen what happened in this country. I think that you yourself, sir, have had to make pronouncements on what took place at Black Bush Polder. Having regard to incidents such as that, the Government should recognise the need for including itself, or including the Executive and the Administration, so far as Crown lands are concerned so that all farmers in this country could have a right to approach the courts, even in a limited manner, to have their rights adjusted. Having regard to the past, there can be no justification for the Government to shelter itself and say that cases may arise in which the State would not be able to function effectively.

One cannot see that a tenant who might be employed in the Drainage or Irrigation Department or in some semi-Government organisation would be in a position to refuse to pay his rent, as suggested by the hon. Deputy Prime Minister and Minister of Agriculture. One cannot accept that such a situation could arise in this country where we have so many lawyers who can legislate to prevent people from using their positions to thwart Government's effort in any respect. Surely a man can occupy two positions. He can be an employee and a tenant and regulations, with respect to either, would have to prevail. He would have to observe the rules, the regulations and the laws with respect to the particular division under which he is operating, that is, it would depend on which hat he is wearing at the time.

Of course, the hon. Minister might in his reply wish to say that this situation has always existed but no one, I am sure, will be able to recall that tenants' houses were ever pulled down except on sugar estates. But this occurred at Black Bush Polder recently; it is likely to happen again. I think the last time that it occurred on a sugar estate was in 1924. Even on sugar estates people have rights. The Government is sheltering under the belief that people who are employed in the area might use their positions to thwart its efforts. This seems ludicrous and childish.

I repeat: Black Bush Polder remains a scar in our country's history in this modern time when the Government and its supporters talk about socialism. This bit of legislation gives us an opportunity to draw attention to it and to ask the Government to treat itself as all landlords are

treated under the law. No landlord in this country, in Wakanaam, in Leguan or on the Corentyne could attempt to do what the Government did, allegedly for non-payment of rent. No landlord could pull houses down. The Government stands condemned for having done that. It ought now to accept the appeal by members of the Opposition to legislate for itself so that its actions may be fair and square and it may be decent to people who occupy lands.

The McDavid Government saw the need to exempt sugar estates from the Rice Farmers (Security of Tenure) Ordinance. We know that, except in very rare cases, sugar estates today offer no lands to their workers for cultivation of rice. One does not see the need for their exemption even in those limited areas where lands are used for rice cultivation. That is very good; that is an improvement. But they have had their day and surely one should be glad that they are no longer exempted from this Bill.

3.05 p.m.

My friend, the hon. Member Dr. Ramsahoye, has indicated to the hon. member that there is almost full agreement on this measure which no longer requires the annual passing of a Motion to enforce this Rice Farmers (Security of Tenure) Ordinance but which legislates once and for all the rights of the tenants. But I wish to repeat that the quicker the Government gets down to bringing legislation for the acquisition of all lands to be run by a decent Government the happier the farmers will be. Of course, it must be underlined that a decent Government is a Government that does not look in two directions at the same time, not only in lands, but in production generally.

Mr. Speaker: The hon. Member Mr. Reepu Daman.

Mr. R.D. Persaud: Mr. Speaker, my contribution is very short. It is true that the amendments before the House, with the exception of those few which the Opposition does not agree with, are progressive. But while we, this afternoon, take steps to amend the laws so that

the rice farmers, the tenants particularly, throughout the length and breadth of this country, can be given a fair deal, it is absolutely necessary for us to take into account the persons who are going to be charged with the responsibility of operating the law. I want at this point to call upon the hon. Minister of Agriculture to take steps immediately to re-constitute all the Rice Assessment Committees throughout the country.

We have urged the Government in the past that many of these Committees do not have two representatives of tenants. This being so, on many occasions tenants are compelled to face a Board constituting mainly of landlords, because the Committees are part of the law. The laws are made, they are in books, but it is absolutely necessary that the vehicle for the execution of the law is properly taken care of at the same time. If this is not done more hardship and injustices can be done.

We would also like that the Opposition be taken into the confidence of the Government so that when these Assessment Committees are being reconstituted the Opposition will be consulted so that there can be greater co-operation in this important area of our country for greater economic growth. I am sure that the hon. Minister would not find it too difficult to give us our assurance about the reconstitution of the Board.

There are a few other problems; probably it is not too late for consideration to be given to some other minor amendments. For instance, the farmers are saying, and this is a fact – it has been supported by an hon. member of this House who is a farmer himself – that many tenants throughout the country were given lands on the basis of 300 square rods per Rhineland acre. But a recent Supreme Court decision said that they will follow the English acreage and so those persons who have been planting on 300 square rods and were actually in occupancy of lands, are called upon to pay additional rental for an extra 12 square rods. I wonder if the hon. Minister of Agriculture cannot find it possible to amend the Rice Farmers (Security of Tenure) Ordinance to cover this. Probably I will put an Amendment later on to provide that the acreage should be 300

square rods instead of 288 square rods so that there can be a positive answer in the law to the recent Supreme Court decision.

The farmers on the Wakenaam/Leguan Islands are complaining that they are made to pay \$12 per acre whereas farmers in other areas they pay \$10 and \$7.50 per acre. I wonder if I can be the advocate for the farmers on the two Islands to persuade the hon. Minister on this occasion to amend the Schedule of the Ordinance to have the maximum charge on the Schedule of the Principle Ordinance brought in line with other areas. So that in all the areas the people can pay the same amount of rental – a maximum of \$10 or \$12. The maximum charge is \$10 the minimum is \$7.50.

These are, in my view, objective suggestions and proposals for the Government to consider. I am sure in looking at this very complex Ordinance that some of these points have been overlooked. The Government may not consider them very important, but they are important to the small tenant who really toils the land. The concept today is that the man who tills the land is the owner but his is not so even in this Republic era of Guyana. The man who tills is not the owner; the landlord who never goes on the land owns it. This is, to encourage them to give of their very best for a greater production in the rice industry of this country.

Finally, the question of inclusion of the State and the Rice Corporation: The State as well as the Rice Corporation, should come within the ambit of the Rice Farmers (Security of Tenure) Ordinance. At the moment, on the East Bank of Essequibo, there are many farmers who have been involved in the actual, developing of lands and within the last year these people who have cleared the lands, developed them and, in many cases, planted them are being removed and other people are being put on the land. They are without any aid or compensation because the Government is in the special position to say, "We are not going to allow you to stay on the land which we allocate to other people".

I refer to the Perseverance Co-op Land Society which has succeeded to many acres of land from many farmers in the Ruby area of East Bank Essequibo. Only yesterday morning we received in the office of the hon. Leader of the Opposition, a delegation of farmers who are complaining that their lands which they cleared, developed, and, in some cases, planted, have been re-allocated to person who have done absolutely nothing on them. There are others to which reference can be made:

There are the facts, to my mind, which support strongly the inclusion of the State and the Guyana Rice Corporation as landlords, so that if farmers feel that an injustice has been done, they would have the right to go to the Court for redress or compensation. I see nothing unreasonable in this proposal and so, later on, when we come to the Committee Stage, I propose to move that Amendment. I hope the Minister will give some thought to these points I have made.

Mr. Sutton: Mr. Chairman, we in this section of the Opposition are not supposed to have many rice farmers numbered among our supporters, nevertheless, as we have said on several previous occasions, we are primarily concerned with seeing that justice is done to all citizens of the country, irrespective of whether they are subscribers to political parties or to one or other "ism". The only "ism" we are interested in, speaking for myself and I believe for my party, is Guyanism, and what is best for the people of Guyana. My contribution must be of necessity very short and it will be only on the question of what appears to be not quite right when all things re taken into consideration. This is the question of protection, security of tenure, and redress to tenants where the State is landlord.

It does not appear to all fair, perhaps it does appear as leading to grave injustice, that the State should be put in a position over and above all landlords, and the rights which tenants can claim from landlords should not or cannot be claimed from the State when the State itself is obviously a very important landlord in the amount of rice lands that it controls.

This being so, we hope that the Government will see the wisdom in accepting the Amendment submitted by the hon. Member Mr. Reepu Daman Persaud, to include the Government and the Rice Development Company in the rights of redress given to tenants against landlords and also the point that was raised by the last speaker as to the uniformity of charges.

As I said before, I think we are not supposed to number many rice farmers among our supporters, but I am sure quite a few members of the Opposition are aware that business connections have been taking me into several of the rice areas, particularly in the Essequibo and Essequibo Islands, and the point that was raised by the hon. Member Mr. Reepu Daman Persaud, as to similarity of charges in Leguan and Wakenaam as against other parts of the country, is well taken, because only yesterday when I was in Leguan I was asked if anything was going to be done about this matter. I had hoped that the Minister would, in the immediate future, give consideration to the question of fixing charges which would not lead to complaint by one area as against another.

I repeat, we hope that the Government will accept the Amendment so that tenants can complain in the Courts, if necessary, if they think they are not being given rights that they should be given, where government estates or government-controlled lands are concerned.

Dr. Reid (replying): Mr. Speaker, two main points have arisen both of which I made mention of when I was moving the Second Reading. One in the resumption of the land by the landlord. My friend the hon. Member Dr. Ramsahoye has already indicated – he has spoken at fair length on this – that the injunction will take care of this issue, so I need not spend time on that.

There is the suggestion that the State and the Guyana Rice Corporation should also fall under this Ordinance. It is one of great concern to all of us, because when we pass legislation, it is not for a particular day. It is for a long time to come. For instance, this Ordinance which we

are trying to amend, was passed way back in 1956, and several Governments have come and gone. We are not trying to legislate to fit into one particular Government. We are legislating for this country as a whole, and it is always important that the State should be free to manage the affairs of the State, and if you put the State itself in shackles, then the State would not be in a position to do this most important work because, above all things, the State must always be in a position to manage the affairs of the State and so you must not have any unnecessary impediment.

As a matter of fact, the State should always endeavor to be a model landlord and the people should always have a say at a certain period. If the State does not perform properly, there is a time of reckoning when the people of the country can take their own decision in this matter. I am satisfied that in accordance with the amendments here, the State must remain free, without any unnecessary shackles, to manage the affairs of the State.

3.25 p.m.

We are certain, too, that my hon. Friend Mr. Ram Karran when he talks of socialism is not forgetting that under socialism itself there has to be discipline. Those who are versed in this subject will remember the principle that he who does not work shall not eat.

As far as land leased from the State is concerned, the lessees on land development schemes, including Black Bush, are now getting leases covering a period of 25 years with the right of renewal of title, provided among other things that the rent is paid and the plot is beneficially occupied. As long as these two provisions are met, no State will take away lands from people.

As far as Black Bush Polder is concerned, had the State been a hard landlord hundreds of people would not have been there. Some of them owed rents for so many years that I am still surprised when my friends talk about the State being a harsh landlord. The State has been very tolerant to the people who are renting lands.

In some areas land is rented very cheap, indeed. I note that there is an impression that the rent should be uniform. I really do not think that hon. members who proposed this were serious because rent is not uniform even with state land. In some areas the rent is only 25 cents an acre. I am certain that if hon. members thought about it they would see why it is not practicable to have uniformity of rent. It is obvious. I do not think they really want me to mention the reason. In some areas the land has more facilities than in others; in some areas large forests must be removed and the land must be leveled and all sorts of things must be done before the land can be brought into production. If you attempt to have any uniformity in rent you would be imposing injustices, and I am certain that my friends on the other side would insist on justice being done. Because of these reasons, it is impracticable, unfair and unjust to have uniformity of rent.

I want to assure my friend, the hon. Member Mr. Reepu Daman Persaud, that there will be new Committees and, as is the wont of this Government, there will be the usual consultation. I am certain that he has no fear about that.

In the past there were both tenants and landlords, real farmers, on the committees. The point that is being missed is that, notwithstanding the type of legislation that exists, it is the people who have to operate it. Man with all his failings, man with all his weaknesses, causes trouble because you can put the farmer on the Committee and he can behave like a landlord. My friend knows that very well. For all sorts of reason this good farmer who is selected may behave like a landlord when he is on that Committee. When one is dealing with human beings one cannot legislate for every kind of behaviour. Even though we assure our friends that Committees will be organized with farmers and landlords, as in the past, we add that in future there will be

two farmers and two landlords. No one here can guarantee that these members of the committees will behave with perfection because perfection is not a quality of man.

The question of 300 square rods has been discussed. There are problems in putting this into operation, but we have taken note of this and will continue to watch it very carefully.

I think that I have answered the various points raised by those who have contributed to this debate. *[Applause]*

Question put, agreed to.

Bill read the Second time.

Assembly in Committee.

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

Clause 2.

Dr. Ramsahoye: I beg to move the Amendment standing in my name.

Amendment

- (i) That the word “and” appearing at the end of paragraph (b) be deleted;
- (ii) That paragraph (c) be re-lettered as paragraph (3);
- (iii) That the following paragraph be inserted as paragraphs (c) and add (d) –
“(c) by the deletion of all the words appearing after the word ‘standards’ in the definition of ‘rice land’;

- (d) by the addition immediately after the words 'rice lands' in the definition of the expression 'rules of good estate management' of the words –
- 'and to modern agricultural methods and standards; and''

put, and agreed to.

Mr. R. D. Persaud: I wish to move the Amendment that has been circulated to include the Guyana Rice Corporation and the State. I am sure that the Government can allow itself to be exposed to the public. The hon. Minister of Agriculture said that the Government will be fair to the people. If the Government will be fair, then it has absolutely no need to be afraid of arming tenants with authority to challenge the Government. To my mind this is reasonable Amendment.

The Government has all good intentions that no man will be removed from his land unless he neglects to pay his rent. The question is: When will he be removed? The financial year might be from January to December, but rice farmers are in a better position to work between May and April. If a farmer fails to pay his or her rent at the end of December because his paddy is lying for several months in the mill without any effort being made to remove it to Georgetown, as happened at Vergenoegen and at Springlands, what will be the position of the poor farmers? Legally his rent will have become due and payable but he may not have the money to pay. The Government will be justified in telling him to pay by December. The Minister did say in the House that unless the farmer paid his rent he would be removed. I am not saying that this will be done, but I feel that the Government will be demonstrating its genuine intention of giving security to the farmers if it is prepared to say, "If we do anything then we will submit ourselves to the normal laws of the country and the tenants can go to the Courts for redress."

All we seek to do is to persuade the Government to accept this Amendment because we have evidence at Black Bush Polder, evidence on the East Bank Essequibo and in many areas

that people are being thrown out. Probably there has been a change of heart and the Government has recognised the importance of agriculture in this country. I am all with the Government if there has been a change of heart, but history shows that in this country the Government is a most harsh and ruthless landlord.

3.35 p.m.

Very rarely does one find a mercenary landlord in Georgetown putting out his tenants. Now and again, you see a family sleeping in a car or on a bridge, but very many houses are uprooted by bulldozers at Black Bush Polder and these are acts of the Government. I hope that the Government will never find itself in such an exercise again. I call upon the Government to make the necessary provision in law to give the farmers the right, if they feel that an injustice has been done them, that they can go to the court for redress. I therefore call upon the Government to support this Amendment.

Dr. Ramsahoye: May I say that I am trying to persuade the Government to agree to this amendment. At the moment, all over the country tenants are renting their lands at 300 square rods an acre. What some landlords are doing is this: They are saying that “acre” means English acre and they are now re-measuring their lands treating 288 square rods as an acre and thereby they are increasing the rent of the tenants. In other words, they are making the tenants pay for 12 more square rods. If we had an Amendment saying that “acre” means Rhineland acre it is only in keeping with what was intended when the law was originally passed. And these unscrupulous landlords who are claiming more payment for 12 square rods will not be able to do it any more. The whole rice industry has been organized on 300 square rods. I think that even at this last moment the Minister could agree to this amendment.

Amendment –

- (i) that the words “other than” in the third line of paragraph (b) be deleted and the word “including” be substituted therefore; and

- (ii) that in section 2 of the Principle Ordinance the following definition be inserted the definition of “agent”:

“acre” means Rhineland acre;

put, and negative.

Clause 2, as amended, agreed to and ordered to stand part of the Bill.

Clauses 3 to 6, agreed to and ordered to stand part of the Bill.

Clause 7

Dr. Reid: Mr. Chairman, I beg to move the following Amendment:

That the following Clause for Clause 7:

<p>“Amendment of section 17 of Principal Ordinance</p>	<p>7. Subsection (2) of section 17 of the Principal Ordinance is hereby amendment by the substitution of the words “by the committee” for the words “under this section”.</p>
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Amendment put, and agreed to.

Clause 7, as amended, agreed to and ordered to stand part of the Bill.

Clause 8

Dr. Ramsahoye: I beg to move the Amendment standing in my name:

Amendment -

That the following clause be substituted for Clause 8 –

‘Amendment
of section 26 of
Principal
Ordinance.

8(1) Section 26 of the Principal Ordinance is hereby amended in the following respects –

(a) by the substitution in subsection (5) –

(i) for the words “a Judge of the Supreme Court sitting in chambers who” of the words “the Full Court of the High Court which”;

(ii) for the words “him” appearing in paragraph (a) of the words “the Court”; and

(iii) for the word “judge” appearing in paragraph (b) of the word “Court”;

(b) by the substitution in subsection (6) for the words “by the judge” of the words “on appeal”;

(c) by the deletion of subsection (7);

(d) by the renumbering of subsection (8) as subsection (7) and the substitution therein for the words “of the judge” of the words “on appeal” and for the words “paragraph (b)” of the words “paragraph (a)”;

(e) by the repeal of subsections (9) and (10); and

(f) by the substitution in subsection (11) for the word “Judge” of the word “Court” and the renumbering of that subsection as subsection (8).

(2) Nothing in subsection (1) shall be construed as applying the provisions thereof to any decision of a committee made for given before the coming into operation.’

put, and agreed to.

Clause 8, as amended, agreed to and ordered to stand part of the Bill.

Clause 9

Dr. Jagan: The Government proposes to insert a new section or paragraph to this Clause. Now this question has been engaging the attention of those who have been concerned with this matter for some time and I feel that the Government will be opening flood-gates to the dispossession to tenants if its proceeds with this Amendment by the addition of 9(c). I know that it has been argued that in some cases small proprietors wish the land for members of the family who may have grown. The same can be said of tenants; those tenants who have been occupying lands for a long time, they themselves have families. Their families may have grown in the interval and thus the families of tenants also are hard pressed to finding lands for themselves.

3.45 p.m.

One would think therefore, sir, that the answer to the problem is not to take lands away from tenants and give them to the landlords, even though they may be small. The answer lies in the making more lands available. Now we know, sir, that Guyana is a large country with a very low population density per square mile, but in spite of this fact there is great land hunger in this country. The answer to this problem, therefore, is to open up the lands, provide more drainage and irrigation so that both landlords and tenants and their families can have not only the limited holdings that they have at the moment, but more lands, adequate holdings, so that they can earn a living.

While one may think about the welfare of small landlords, at the same time, one must think of the tenants, who have been occupying these lands for a long period of time. We know that tenants are worse off than proprietors, generally speaking, so that I would have thought that the Government would be well advised to let the situation remain as it is and not to open what I would consider to be the flood-gate. Once there are opened and magistrates, landlords and

committees are entitled to go into this whole question, one will find interminable difficulties experienced by tenants and, in many cases, tenants will be ejected from their holdings.

As I said, the answer to the problem of land shortage is not to be found in the direction in which the Government is trying to resolve this problem. The answer is to be found, as I said and I repeat, in making more lands available. There is no shortage of lands in Guyana, but the problem is one of water control. This is in the power of the Government to do and that is the way to tackle the problem.

I urge the Government to withdraw this section of the Bill and not to proceed with it because if it is the intention of the Government to protect farmers – and it was the whole basis of this Ordinance, to protect the rice farmers, to protect tenants – what we seem to be doing now is to be going the other way, and removing whatever protection they may be enjoying. Therefore, sir, I urge the Minister to agree that this section should be deleted from the Bill.

Dr. Reid (replying): Mr. Chairman, it is difficult to see with my good friend Dr. Jagan. I should have liked to have been able to agree with him because what we are talking about is just small plots of lands, ten acres. The landlords generally in this country are not owners of just ten acres. Landlords are owners of large blocks of lands and it is known that in certain circumstances the landlord with small holdings is worse off than the tenant. Those are the landlords we are speaking of, the ones with ten acres, not those with large acreages.

As far as new lands are concerned, my hon. Friend is aware of the exercise that is now on to burst open the interior so as to make more lands available to the people of this country. I am certain that those who are landless will ensure that they make use of this wonderful opportunity to secure lands in new areas. This problem should not be with us indefinitely any more.

Dr. Ramsahoye: In view of the fact that the Government has decided to proceed with this Amendment, I think it would be appropriate that where a Committee makes an award in

favour of a landlord, the landlord ought to pay some compensation. The Amendment that I put forward would guarantee that position and the Government has agreed with that.

Amendment –

- (i) That the word be deleted “and” appearing at the end of paragraph (b) be deleted;
- (ii) That following paragraph (c) be re-lettered as paragraph (d); and
- (iii) That the following paragraph be inserted as paragraph (c)
“(c) by the substitution for the figure ‘(8)’ of the figure ‘(7)’ appearing in paragraph (b) of the proviso to subsection (4); and”;

put, and agreed to.

Clause 18, as amended, agreed to and ordered to stand part of the Bill.

Clause 19

Dr. Ramsahoye: I beg to move the Amendment standing in my name.

Amendment –

- (i) That paragraph (a) and (b) of the proviso be re-lettered as paragraph (b) and (c) respectively; and
- (ii) That the following paragraph be inserted as paragraph (a) –
“(a) where an equitable remedy is sought (whether or not in conjunction with any other remedy) such claim or other proceedings may be made or instituted in the High Court;”

put, and agreed to.

Clause 19, as amended, agreed to and ordered to stand part of the Bill.

Clause 20 and 21 agreed to and ordered to stand part of the Bill.

Assembly resumed.

Bill reported with amendments; as amended, considered; read the Third time and passed as amended.

ADJOURNMENT

Resolved, “That this Assembly do now adjourn until Monday, 29th March, 1971, at 2 p.m.” [**The Minister of Trade** (Leader of the House)]

Adjourned accordingly at 3.58 p.m.
