

**THE  
PARLIAMENTARY DEBATES**

**OFFICIAL REPORT**

**[VOLUME 5]**

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

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**57<sup>th</sup> Sitting**

**2.05 p.m.**

**Monday, 20<sup>th</sup> July, 1972**

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**MEMBERS OF THE NATIONAL ASSEMBLY**

**Speaker**

Cde. Sase Narain, O.R., J.P., Speaker

**Members of the Government- People's National Congress (35)**

**Prime Minister (1)**

Cde. L.F.S. Burnham, O.E., S.C.,  
Prime Minister

**(Absent)**

**Deputy Prime Minister (1)**

Cde. P.A. Reid,  
Deputy Prime Minister and Minister of Agriculture

**Senior Ministers (9)**

Cde. H.D. Hoyte, S.C.,  
Minister of Finance

Cde. W.G. Carrington,  
Minister of Labour and Social Security

Cde. S.M. Field-Ridley,  
Minister of Health

Cde. B. Ramsaroop,  
Minister of Housing and Reconstruction and  
Minister of Parliamentary Affairs ( Leader of the House)

Cde. D.A. Singh,  
Minister of Trade

Cde. O.E. Clark,  
Minister of Home Affairs

Cde. C.V. Mingo,  
Minister of Local Government

Cde. W. Haynes,  
Minister of State for Co-operatives  
and Community Development

#### **Ministers (5)**

Cde. S.S. Ramphal, S.C.,  
Attorney General and Minister of State

Cde. H. Greene,  
Minister of Works, Hydraulics and Supply

Cde. H.O. Jack,  
Minister of Mines and Forests

Cde. E.B. McDavid,  
Minister of information and Culture

Cde. C.L. Baird,  
Minister of Education

**(Absent)**

#### **Parliamentary Secretaries (5)**

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

**(Absent)**

Cde. P. Duncan, J.P.,  
Parliamentary Secretary,  
Ministry of Agriculture

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

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

Cde. C.E. Wrights, J.P.,  
Parliamentary Secretary,  
Ministry of Works, Hydraulics and Supply

**Other Members (14)**

Cde. J.N. Aaron

Cde. M.M. Ackman

Cde. K. Bancroft

Cde. N.J. Bissember

**(Absent)**

Cde. J. Budhoo, J.P.

Cde. L.I. Chan-a-Sue

Cde. E.F. Correia

**(Absent- on leave)**

Cde. M. Correia

Cde. E.H.A. Fowler

Cde. R.J. Jordan

Cde. S.M. Safee

Cde. R.C. Van Sluytman

Cde. M. Zaheeruddeen, J.P

Cde. L.E. Willems

**Members of the Opposition (22)**

**People's Progressive Party (18)**

**Leader of the Opposition (1)**

Cde. C.B. Jagan

Leader of the Opposition

### **Deputy Speaker (1)**

Cde. D. C. Jagan, J.P.  
Deputy Speaker

### **Other Members (16)**

Cde. R. Chandisingh	(Absent)
Cde. F.H.W. Ramsahoye, S.C.	
Cde. E.M.G Wilson	(Absent)
Cde. A.M. Hamid, J.P. Opposition Chief Whip	
Cde. G.H. Lall, J.P.	
Cde. M.Y. Ally	
Cde. Reepu Daman Persaud, J.P.	
Cde. E.M. Stoby, J.P.	(Absent)
Cde. R. Ally	
Cde. E.L. Ambrose	
Cde. L.M. Branco	
Cde. Balchand Persaud	
Cde. Bholu Persaud	
Cde. I.R. Remington, J.P.	
Cde. L.A Durant	
Cde. V. Teekah	(Absent - on leave)

### **United Force (3)**

Mrs. E. DaSilva	
Mr. M.F. Singh	
Mr. J.A. Sutton	(Absent – on leave)

### **Independent (1)**

Mr. R.E. Cheeks

### **OFFICERS**

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

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

**PRAYERS****ANNOUNCEMENTS BY THE SPEAKER****LEAVE TO MEMBERS**

**The Speaker:** Leave has been granted to the Hon. Member Bissember for today's sitting.  
*(Mr. Bissember, however, joined the meeting later that day).*

**PRESENTATION OF PAPERS AND REPORTS**

The following papers were laid:

- (i) Eleventh Annual Report and Statement of Accounts of the Guyana Electricity Corporation for the year ended 31st December, 1971. *[The Minister of Housing and Reconstruction (Leader of the House) on behalf of the Prime Minister.]*
- (ii) Financial Paper No. 2/1972 - Schedule of Supplementary Provision on the Current and Capital Estimates for the period ending 31st May, 1972, totalling \$3,725,913. *[The Minister of Finance]*

**Mr. Hoyte:** Your Honour, in accordance with Standing Order No. 68(1), I beg to name Thursday, 27th July, 1972 as the day for consideration of this Financial Paper in Committee of Supply.

- (iii) Annual Report of the Forest Department for the year 1970. *[The Minister of Housing and Reconstruction (Leader of the House) on behalf of the Minister of Mines and Forests.]*

**REQUEST FOR LEAVE TO MOVE THE ADJOURNMENT  
OF THE ASSEMBLY ON DEFINITE MATTERS OF URGENT PUBLIC IMPORTANCE**

**GRANTING OF DIPLOMATIC STATUS TO SIR LIONEL LUCKHOO**

**The Leader of the Opposition (Dr. Jagan):** Sir, at the appropriate time, I wish to seek your permission to move an Adjournment of the Assembly to discuss a matter of urgent public importance. I refer to the newspaper reports about the accreditation of Sir Lionel Luckhoo, member of the Guyana High Commission in London.

**Mr. Speaker:** Hon. Members, I have given consideration to the request from the hon. Leader of the Opposition. In my opinion, the matter which he seeks to discuss is not one which qualifies to be raised on a Motion for the Adjournment of the Assembly. I cannot, therefore, accept it.

**PUBLIC BUSINESS**

**BILL - SECOND READING**

**LAW REVISION BILL, 1972.**

"A Bill intituled an act to provide for the revision of the laws of Guyana, and for matters connected therewith, including miscellaneous amendments, repeals and validations." [*The Attorney-General and Minister of State*]

**The Attorney-General and Minister of State (Mr. Ramphal):** Mr. Speaker, it is with an unusual degree of pleasure that I rise this afternoon to move the Second Reading of this important measure. It is a measure which we have alluded to in this Chamber from time to time, as we have discussed each year our annual Estimates and Supplementary Estimates, and as we have looked at the needs for bringing the Statute Book of Guyana up-to-date. I have on those

occasions drawn attention to the arrangements that had been put in hand some years ago, indeed, very shortly after this administration took office, and I had promised the House that in the fulfilment of time, as these arrangements carry the processes of revision to their final stages, it would be necessary to come to the Parliament Chamber to seek the authority of Parliament for the inauguration of the new Revised Edition of the Laws of Guyana. It is this step that we take this afternoon as part of the final processes of revising the laws.

It might be good at this point to reflect on the situation which has existed with regard to the statute laws of Guyana. The last revision of the laws was actually produced in 1953 and it comprised as hon. Members can see from the volumes on the Tables before them, eleven Volumes including an Index. They were known then as the 1953 Edition of the Laws of British Guiana.

Since then, over the years, nearly twenty years now - we have produced two volumes of the laws annually: one Volume of Ordinances, and more recently of Acts, and one volume of subsidiary legislation. The volumes encompassing our statute law have grown tremendously as the years have gone by. Indeed, they have grown so large that they have become cumbersome to use; they have cluttered the Statute Book from time to time with repealed legislation; they have been altogether in need of a systematic revision.

But much more has happened than the mere passage of time. Since 1953, there have been two fundamental constitutional changes which radically affect the legal system of Guyana. The first was the Independence of Guyana in 1966, when for the first time our country became a sovereign State. Then in 1970, on the 23rd February, Guyana became a Republic, a change which perhaps to an even greater degree than the constitutional advance to independence altered the fundamental bases of our legal system. It, therefore, became imperative that the statute law of Guyana, and the volumes which comprise it, be brought up to date.

I should like to make it clear that what we have been talking about and what I am talking about now is essentially the process of revision, a modification of the laws to take account of these constitutional changes and to take account of legislation that has been passed over the years adding to or subtracting from the totality of our written laws. We are not talking, although I hope that there will be other opportunities for us to talk, about law reform, about changes in the law which must be necessary and must be made from time to time, to change the substance and content of the law sometimes in its fundamental aspect to keep pace with our social, economic and our political norms. It would have been altogether too enormous a task for us to have undertaken them both simultaneously. I hope hon. Members will agree and I feel sure that all my hon. colleagues from the legal profession will agree that it is an essential first step.

**2.15 p.m.**

In taking this step, we had the great good fortune of the support of the United Nations Development Programme, and I should like to take this opportunity to place on record the indebtedness of the Government to the U.N.D.P. for the assistance it gave us so unflinchingly in providing the basic infrastructural support for the programme of revision. But our support did not end with the official blessing of the U.N.D.P because it became possible for us to have in our midst, the services of a West Indian lawyer of great distinction, who has carried out law revision exercises in other parts of the Commonwealth and who was known to the West Indian scene and devoted to the administration of justice in our region.

I refer, of course, Mr. Speaker, to Mr. P.O.C, Harris, who, for the last three years, has worked in Guyana as the de facto law Revision Commissioner and whose responsibility substantially it has been to produce the revised edition of the laws. When, as I am certain will be the case, in later years not only the legal profession of Guyana but our entire community has cause to give praise and credit for the work that was done in 1972, bringing out the revised edition of the laws of Guyana, that praise and that credit will be due essentially and substantially to Mr. Harris.

The new edition will in many respects break new ground. In one very important and obvious respect, it will innovate an entirely new system because we will be producing the revised edition in loose-leaf form. We have had over our entire history, as long as this Parliament has existed, need periodically to revise the laws of Guyana in a total way to bring out an entirely new edition.

Sometimes it has taken twenty years, sometimes it has taken longer, but however long or however short was the period, it was necessary to do a total revision because there was no other way of bringing the statute book up to date save by a process of reprinting.

Now, we hope to avoid ever having to revise the laws of Guyana again in such a total sense. By using a modern and carefully organised loose leaf system, it will be possible for us to keep the statute laws of Guyana constantly revised so that our statute book will be constantly up to date. It is in every sense a highly progressive step and one which, I am sure hon. Members on both sides of the House will greatly applaud. It is a system which will call for careful organisation. It is a system which will demand the most detailed work from day to day, from week to week, from month to month, as the new pages are brought out and as instructions are produced to subscribers to the laws to have them substituted for pages that would have to be removed.

It will be possible, too, by this system from time to time for the law revision authorities to encompass entirely new consolidations of laws, laws like for example, our income tax legislation of today, which has been the subject of multifarious Amendments) so that the lawyers themselves have the greatest difficulty in finding their way about the Amendments and the repeals. It will be possible under this system when a law has been subject to a periodic Amendment, for the statute law commissioners, for the law revision authorities, to produce a consolidated version of the law and to have it inserted in the statute book. And so we hope by the adoption of this system to avoid in a sense, ever having to do again what we are doing today, I hope that I may be the last Attorney-General that will have to introduce in this Parliament, a Bill

to revise the Laws of Guyana, and I hope that at least my successors in office will be grateful in that respite.

The Bill that is before the House is in many respects a short measure, a brief measurer. It has the appearances of a very formidable and bulky document but as my colleagues who have gone through it – and I am sure my learned and hon. Friends opposite Have examined it with great care- will testify, the vast majority of the provisions contained in the Schedule to the Bill are provisions that take care of the minutiae of statute law revision. There are a few provisions in the Schedules which are of a somewhat more substantive character, and I should like to refer to those very briefly before i formally move the second Reading of the Bill.

Before I do that, however, Mr. Speaker, may I refer Hon. Members to some of the major provisions themselves, that is, to the clauses of the Acts? What the Bill essentially seeks to do is to provide the legal authority for the revision of the laws and at the centre of the system of law revision will be the law Revision Commission which will consist of the Attorney-General as the Chairman, the Chief Parliamentary Counsel as a standing member, and three other members nominated to the Commission.

The first members of the Commission have been named in subsection (2) of clause 3 of the Bill and they include, and I hope too Hon. Members will agree that this is a fitting way for us to record our appreciation of the services of the first Statute Law Commissioner, Mr. Francis Otho Coleridge Harris, a Senior Counsel of the Car of Guyana, who has been the United Nations Legal Adviser on the Law revision project.

The function of the Commission will be to prepare and publish the laws, as I have described already, in loose leaf form and to undertake periodical revisions of it by the inclusion and the revival of pages. By virtue of clause 12 of the Bill, and I would invite hon. Members to look at clause 12 of the Bill, the Commission will not be empowered, and I could not emphasise this more strongly, to make substantive changes in the law. Substantive changes in the law are

matters for Parliament, are matters for this House, and these are matters that must continue to be left to Parliament.

However, in revising the laws from time to time, the Commission will have power under the Bill to do a number of things. For example, they will be empowered, as I have already described, to consolidate the written law on any particular subject so that a multiplicity of laws on an identical or a related subject can be brought together in a single consolidation so as to make

**2.25 p.m.**

the presentation and the accessibility, tidier and easier Without in any way changing, modifying, altering the substance of the provisions.

The work of the Law Revision Commission will include such matters as the alteration of the order of provisions in the written law, the renumbering of provisions, the alteration of phraseology, the correction of references and cross-references, and the modification and adaptation of written laws where this is necessary, for example, to take account of changes in the organisation or in the nomenclature that is used in the Public Service. In fact, it will be empowered to do everything relating to form and method which may be necessary for perfecting the Statute Book. Questions relating to substance, to content, are matters that remain for this Parliament. All these powers of the Commission are set out in Clauses 11 to 15 of the Bill.

Clauses 18 to 20 deal with the first revision of the laws and inevitably the first revision needs to be a very special exercise. In particular, I should like to draw attention to Clause 20 of the Bill which seeks to obtain the approval of this House for the Commission to increase fines according to the time when the particular law was enacted taking into account the change in monetary values since the last revision of the laws in 1953.

All hon. Members, but particularly hon. and learned Members would be conscious of how far out of step and out of date the pecuniary penalties provided for in our laws have become. Some of these penalties were laid down fifty, seventy, a hundred years ago. Some were laid down rather more recently. Most of them have been overtaken by changes in money values and no longer bear relationships to the offence which Parliament originally intended. In Clause 20 of the Bill provision is made for these penalties to be increased by reference to a formula of increase having regard to the year when they were imposed. Therefore, for example, where the law imposing the penalty was made before 1940, that is more than 30 years ago, the penalty will be tabled by the Commissioners when they bring out the Revised Edition of the Laws.

In Clause 19 of the Bill, more particularly in clause 19 (e), the legislation seeks the authority of Parliament to confer on the Commission power to adapt provision in the law in to fees, where fees were prescribed in relation to sterling. It is obvious that in our New Edition of the Laws of this modification should be made to reflect the new character of our monetary system.

By virtue of clause 9 of the Bill, the Laws of Guyana duly prepared by the Commission and authorised for inclusion in the laws, will be the sole and proper Statue Book of Guyana in respect of our written law, and in respect of the written law of a specific date. Therefore, when the revision is completed and in operation it will be possible by reference to that Revised Edition alone and in relation to the date which will be stipulated in it as the date of reference to treat only with the revision as the sole authority for the statue law of Guyana. As Hon. Members would expect, we have taken the opportunity in the Bill to altogether remove from the Statute Book a number of Acts, and a number of Ordinances which have become redundant or have become spent or, which for one reason or another, are no longer considered desirable.

I should now like to refer to those relatively few provisions of the Schedule which in one way or another may be thought to relate to matters of substance, and to say why we felt it desirable to include these provisions in the Bill. I refer, first of all, to Chapter 11, the Criminal

Law (Procedure) Ordinance, Chapter 11 is being amended to clarify a position which became the subject of doubt and uncertainty, to clarify the position in relation to the powers of the Directors of Public Prosecutions to give directions to magistrates with respect to preliminary enquiries. The nature of the modification is set out clearly in the Amendment.

The Schedule seeks to amend Chapter 12, Summary Jurisdiction (Magistrates) Ordinance. The Ordinance is being adapted to take account of the Chancellor's powers of general administration of the magistrate's courts. Section 42 of Chapter 12 has been amended on the recommendation of the Judiciary to increase the maximum amount of maintenance which the courts may order in respect of a child from \$2.40 per week to \$10.00 per week.

We have also taken the opportunity to amend Chapter 16, Summary Jurisdiction (Petty Debt) Ordinance to provide for an increase in the civil jurisdiction of the Magistrates' Courts from \$250 to \$500. It is an Amendment which I believe all Hon. Members would greatly welcome.

The Amendments proposed to the Protection of Offenders Ordinance, Chapter 9, and the Juvenile Offenders Ordinance, Chapter 41, may also be thought to come into this category of modification of some substance. These Amendments are designed to bring the Ordinances into accord with modern thinking on the treatment and rehabilitation of offenders. They are the responsibility of on-going work and research that is being done in the Ministry of Home Affairs through the Probation and Welfare Services. They represent a progressive step in our legislation on this very difficult subject and I hope will have the support of the House.

Amendments have also been made to Chapter 25 which is the Evidence Ordinance. This is, in a special sense, a substantive Amendment of interest and importance to the administration of justice. The Ordinance has been amended to broaden the definition of the word "analyst". Hon. Members who practice in the courts would be conscious of the value and importance of this

definition to broaden the definition of “Analyst” and to extend the application of the provision to any court.

The new sections 96 (A) and 96 (B) make provision for the taking of oaths outside of Guyana and in particular to authorise Guyana diplomatic authorities and consular officers to administer oaths of this kind. There are Guyanese citizens who find it necessary from time to time to procure the services of persons duly authorised to administer oaths, they would now go naturally and normally to the accredited representatives of Guyana.

**2.35 p.m.**

Another Amendment of a substantive character is that made to Chapter 30, the Legal Practitioners Ordinance. Chapter 30 is being amended to give effect to the obligations we have undertaken under the regional agreement establishing the Council of Legal Education. It is a provision which, in its amended form, will cater for persons who are citizens of or belong to other Commonwealth countries to become eligible for admission to practise as barristers or solicitors in the courts of Guyana. The Ordinance is being specifically amended to give recognition to the legal education certificate of the Council of Legal Education of the Commonwealth Caribbean. This is in every sense a necessary and a highly desirable provision because it represents our...

**Mr. Speaker:** Hon. Members of the Government side, the Attorney-General is presenting a Bill and the disturbance coming from you affects his presentation.

**The Attorney-General:** I am deeply grateful to you, Mr. Speaker. It is in every sense a highly desirable provision because it is our act of implementation of this very important agreement, an agreement which sadly has deprived this House of one of its most learned and eminent members, about whose elevation I would hope, Mr. Speaker, on another occasion when he is present, to offer the formal congratulations of this side of the House.

There is also in the Schedule an Amendment to Chapter 81. That relates to a matter which has been the subject of much concern to hon. Members end of debate and discussion in this House. It is an Amendment to the Cattle Stealing Prevention Ordinance. The objects of the Amendments proposed to the Ordinance are as follows. First of all, to impose and rationalise the system of registration of brands. There have been in many respects inadequacies in the character character of this system that have made it possible for vandalism to prevail so greatly to the detriment of the cattle industry. We hope by these modifications to greatly improve the security of cattle.

Secondly, the Amendments seek to speed up the procedures for the trial of offenders by increasing the jurisdiction of magistrates in special emergency areas. What the Amendments reflect is a recognition by the Government that cattle stealing is a matter that has now assumed such serious and alarming proportions as to call for drastic treatment. There is no question but that the cattle producers of this country, many of them small people in our coastal areas, need the special protection of the law and of the law enforcement authority, if our cattle industry is to survive and is to flourish. Those considerations form the Amendments to Chapter 81.

Provision is also made in the Amendments to provide the Minister with power to make regulations which will enable him to regulate the branding, the purchase, the sale, and the slaughter of cattle, with a view to suppressing cattle stealing and detecting offenders. I trust that the nature of these Amendments will make it abundantly clear to all in our community, to our cattle producers who need their protection, and to those who have been, through their criminal activities, seeking to destroy the cattle industry, the seriousness with which the Government proposes to tackle this problem.

Then, Mr. Speaker, there are Amendments to the Essequibo Boys' School Ordinance based on proposals by the Chief Probation and Welfare Officer and which have been introduced in the measure on behalf of the Ministry of Home Affairs. In particular, the Amendments extend some of the provisions of the Ordinance to girls and increase the age of persons to whom the

Ordinance applies, to 18 years. Together, they are designed to bring this important piece of our juvenile legislation more in accord with the modern approach to the treatment of juvenile delinquency and the rehabilitation of young people and young offenders. Then the opportunity has been taken to make much needed and long overdue modification to the Newspaper Ordinance, Chapter 130. The Ordinance is being amended to provide satisfactory definitions of the words, "book" and "newspaper". Hitherto, the Newspaper Ordinance has been deficient in that there has in fact, apart from a sub-definition for the purposes of a particular section, been no definition at all of what is a newspaper.

We have sought to correct this deficiency by inserting such a definition based on definitions in corresponding legislation in other parts of the Commonwealth. We have in this respect paid particular attention to legislation in operation in Trinidad and Tobago, in Hong Kong, and in Belize. I should like to mention in this context, two particular aspects of the definition which I hope hon. Members will agree need greatly to be clarified. The first is that in the lacuna that existed, the total absence of definition of "newspaper", the question of whether the publication was sold or not was an uncertain criteria in determining whether it was a newspaper or not.

Did a publication which in every other respect the community would regard as a newspaper cease to be a newspaper merely because it was not sold in a formal way but was distributed on the basis of a free distribution? Obviously, it was necessary that there should be certainty in this matter and so the definition, again following the precedence of other countries, makes it clear that the provisions of the Ordinance cannot be circumvented by the facade of the publication being freely distributed. A newspaper is a newspaper whether it is for sale or not. I am sure, Mr. Speaker, that this is not a matter on which there could be any room for dissent or disagreement within this honourable House.

Then there was another issue which has again had to be dealt with by countries that have had to tackle the question of definition and that are the periodicity of publication. Does a

publication become a newspaper as distinct from a pamphlet because it is published every day, or does it become a newspaper if it is published every week, or can it be a newspaper if it is published every year? Clearly, there is need for some measure of certainty and equally clearly, the line has got to be drawn in a way that ultimately would have to be fairly arbitrary. Again, guided by the precedence of our colleagues elsewhere in the Commonwealth, we have chosen a period of 100 days, that is, a period of just over three months so that if the publication is of a periodic character coming out within a period of 100 days, it would fulfil the criteria of being a newspaper. Again, I am sure, Mr. Speaker, not a matter on which any hon. Member would wish to take issue.

Then, Mr. Speaker, provision has been needed for dealing with the question of a deposit of publications in our Archives. We are in the process of building up our national archives and an essential feature of archival collection and organisation is statutory obligation for a deposit of publications with the Archives and opportunity is being taken on the basis of legislation that is now common throughout the world, to make this a mandatory requirement.

#### **2.45 p.m.**

Mr. Speaker, attention has had to be given on lines corresponding to those which I have already alluded in Clause 20 of the Bill in relation to monetary penalties to the question of size of bonds. The Newspapers Ordinance is an Ordinance that was enacted very many years ago, and the size of the bond for which provision was made in those days was \$1,500. We are trying as best we could to keep a relation between the amounts and the provisions and criteria we have provided for an increase in fines, that this amount was increased from \$1,500 to \$5,000 and again, provision is made for it in the Bill.

Finally, on the Newspapers Ordinance, there is a provision which seeks to amend the Ordinance so as to ensure that its provisions are not evaded by the line of corporate entity. What I mean is this: the Newspapers Ordinance and some of its provisions are designed to ensure that

Freedom of the Press stands on parity with the right of the individual not to be defamed. While we want a free Press in our society, we want a responsible Press and we want a situation and a system in which the honour of men and women in the country cannot be tarnished with impunity by a vicious, malicious and an irresponsible Press. I am sure all hon. Members of the House would hold these principles to be self-evident and important.

But it is possible to evade the provisions of the legislation by, as it were, establishing a paper corporation. My hon. and learned friend is aware and I believe equally all hon. Members are aware of the possibilities that exist in this regard, and it should surely not be possible in our legislation to have these important provisions so dear to the lives of all our citizens evaded through devices of this kind. Therefore, in keeping with standard provisions of this nature in a whole variety of other laws, the Schedule now makes it possible through this Amendment to enable us to pierce the corporate veil, to go behind a formal facade of the corporation to its essential members. Now, there is nothing very new about this, nothing very novel about this. / It is a provision that exists in our Statute Book in a whole variety of respects. It exists in our Exchange Control legislation where you cannot acquire a resident or a non-resident status for a corporation without enabling the courts and in some cases the financial authority to go after the corporation and examine the resident or non-resident status of its members. Similar Provisions exist in our legislation recently enacted in relation to private hospitals and in a variety of other laws, in our Food and Drugs legislation. These are all intended to ensure that the concept of the corporation, which is designed and which forms so important a feature to our legal system, to promote and facilitate, is not used as a cover for fraud and it is not used as a piece of machinery to evade statutory obligations. I shall be very surprised if any hon. Member of this House, and certainly any unlearned Member of this House were to find fault of this worthwhile provision.

I will deal now with the Local Government Ordinance, Chapter 150. The Amendments which are in the category of substance rather than formal Amendment here are Amendments which, I believe, have been long awaited in this House. It is an Amendment to abolish the Local Government Board, to transfer the functions of the Board to the Minister of Local Government.

As I have said, from time to time there have been repeated calls in this House from the Local authorities and all hon. Members who are familiar with the working of our local government system for the abolition of the Board. The Schedule now seeks to provide for this. It is hoped that with the abolition of the Board the machinery of Local Government can be put into even higher...

Finally, in relation to these matters of substance, there is an Amendment to Chapter 160 designed to extend the functions of the life of the Public Free Library to include those of a National Library with branches. I have sought in these observations to invite the attention of all hon. Members to those provisions of the Schedule which seem to us to be of a substantive rather than a formal character. I believe I am right in saying that the rest of the Schedule concerns matters of detail -- not necessarily matters of no importance, but matters of detail, procedure, form and style -- which are important to the revision. I hope hon. Members will commend the measure.

There will be opportunity during the Committee stage of the Bill for us to deal with particular provisions. As we have continued the process of refinement even since the publication of the measure, I hope to be able to introduce a modest number of minor Amendments. / should, therefore, like to commend the measure to the House and invite the House to treat it seriously as a piece of important legislation designed to provide for all times, to provide for posterity in Guyana, a revised and up-to-date Statute Book of which we could all be proud. I beg to move the Second Reading of this Bill.

*Question Proposed.*

**Mr. Speaker:** The hon. Member Mr. Persaud.

**Mr. Reepu Daman Persaud:** Mr. Speaker, we on this side of the House do very strongly support the revision of our laws and, indeed, any effort to bring our laws in line with present-day trend and changes. We are also in favour of proper machinery to carry out constant revision of

the laws; the question as to the extent of the power of such a body is another matter. That aspect of the Bill will be examined by another Member on this side of the Rouse.

Mr. Speaker, while the hon. Attorney-General very smoothly and cleverly as is expected for someone his calibre and competence.

**Mr. Speaker:** Please repeat what you said.

**Mr. Reepu Daman Persaud:** For someone of his calibre and competence, one could not expect less than what he has done in presenting this Bill before the House. But, Sir, all the Amendments are not as rosy as the hon. Attorney-General will lead us to believe. Because there are questionable Amendments, there are questionable innovations in this revision, and I shall attempt to present the layman's view on this matter.

2.55 p.m.

I refer to clause 83 of the Bill. I think that is Chapter 7. Originally, if someone was indebted to any person to a tune exceeding \$100, then the writ that is popularly known as the "fugi" writ could have been applied for if that person was attempting to leave the country to evade payment ...

**Mr. Speaker:** Hon. Member Mr. Persaud, to what page are you referring?

**Mr. Reepu Daman Persaud:** It is the Schedule and in section 83 (1) of Chapter 7. Page 47. Substitution of the words, "five hundred" for "one hundred". This Amendment when passed would allow any person to leave this country owing any other person \$500 without any provision in the law to stop that individual leaving the country. I should like to know the reason for this Amendment. There are other aspects of the Bill which, to my mind, attempt to block every conceivable loophole in the law. I should like to know the consideration for this Amendment to

this aspect because, as I said, the individual now is free; if the person whom he owes is unaware that he is leaving the country, and it comes to his attention very late, and he has already made arrangements to leave the country, then he cannot move the Supreme Court to take that Person off the plane, to have him arrested and detained until the necessary processes are executed. To my mind, this Amendment is not in the interest of anyone and I hope the Attorney-General when he is replying will tell us why this Amendment.

I move to preliminary inquiries. I am referring to page 49 of the Bill. Several sections of the Principal Ordinance are being amended in order to justify these Amendments. The hon. Attorney-General said that they were motivated to clarify the position between the Director of Public Prosecutions and the magistrates. I see it a little differently because I see all the Amendments dealing with preliminary inquiries as a move to reduce the magistrates to nothingness when they are listening to preliminary inquiries.

Whereas, at present the magistrate, after the prosecution closes its case in a preliminary inquiry, may be empowered to rule on no-case submissions and dismiss the accused person before the court, and in such a case, from what has happened in our own courts, the Director or Public Prosecutions cannot intervene, with the present Amendment at any stage now, the Director of Public Prosecution can intervene and send back the matter to the magistrate. Is the Government saying that our magistrates are not competent to decide on a question of law? Is the Government saying that all our magistrates are so incompetent that they do not possess the necessary legal skill to rule on legal submissions, or is it that the Government is suggesting to the House this afternoon that our magistrates do not have the integrity to decide fairly on these matters?

As I prefaced my contribution to the House earlier, these Amendments are not as non-controversial as the Hon. Attorney-General would like us to believe. When the magistrates dismisses an accused person and the D.P.P. received the deposition and he sends it back to the magistrate, the magistrate may at that stage call upon the accused person to ask him whether he

wishes to say anything, whatever is said is taken down in writing, the usual procedure, and further he may allow defence to be led. Even at that stage, if the magistrate dismisses the accused person again, and the deposition is sent back to the D.P.P., the D.P.P. again can tell the magistrate that he is not in agreement with him, send back the matter to the magistrate, and the accused will have to appear. The question of *outré fois acquis* and so on will become spent in the processes of law in our country, because these defences were used effectively in the past in our country.

Guyana has certain experiences in matter of this type. It is because of our experience in these matters that this afternoon we show such concern in relation to the Amendments being proposed. The laws are being amended to give the Chancellor the authority - and by no stretch of imagination am I questioning the honesty or integrity of the Chancellor but merely the Amendment - for him to decide on magistrates to try certain cases and to be withdrawn from certain cases and so on. While a magistrate may be appointed to try civil or criminal cases, or to try cases in certain districts with limited or unlimited jurisdiction, the present Amendment before this House goes a step further.

I am compelled this afternoon to refer to the case of the Police v. Balchand Persaud and others, where we had several magistrates in Berbice, but a magistrate had to leave Georgetown to go to New Amsterdam to try the case of the Police v. Balchand Persaud.

**3.05 p.m.**

At present, one very senior civil servant was charged. He made his first appearance before the indictable court and before the Magistrate who is known to be trying indictable matters, that magistrate was called upon to make certain rulings and in fact, he did rule. If we were to follow what...

**The Attorney-General:** Mr. Speaker, on a point of order. Before my friend wonders into deeper and deeper waters I wonder if you can ask him to identify the provision with which he is dealing.

**Mr. Speaker:** Page 65. Assignment of Magistrates and sittings of Court, Section 9. Is that so hon. Member?

**Mr. Reepu Daman Persaud:** Yes, Sir. As I was saying, here the magistrate made certain rulings and it was reasonable to assume that since that was the indictable court and the magistrate who made the ruling was, in fact, trying indictable matters that he would have proceeded to hear the preliminary enquiries and make a pronouncement on the matter.

**Mr. Speaker:** Are you, Hon. Member, seized of all the facts of the matter before you make such statements?

**Mr. Reepu Daman Persaud:** I advanced this argument to show how –

**Mr. Speaker:** Are you seized of all the facts of the matter?

**Mr. Reepu Daman Persaud:** Yes, I am.

**Mr. Speaker:** Are you aware that the lawyer for the defence has consented to that?

**Mr. Reepu Daman Persaud:** My information is contrary to that. What I am saying is information I have received. Probably your information is different to mine. As I was saying, that matter had been transferred to another magistrate. I do not attempt to cast any, aspersions on the individual, I am speaking on the principle -- it is the same person who had flown to Berbice to try Police Vs. Balchand Persaud and others. It is that this is the only magistrate who can deal with such matters in the country? What has become of the maxim that justice must not only be

done but appear to be done. The magistrate may be fair, he may be well meaning, everything may have been done in very good faith, but it does not appear so, and this is what the law is cornered with, that justice must not only be done in these two cases, but in several other cases when we see this type of behaviour.

The citizens of this country have a right to feel that if they commit offences, or if the Police or State alleges that they have committed offences, that they are going to be tried and treated fairly through all the processes of the law, but the citizens of this country do not share this relief. This country has reached a very serious stage where people have no confidence in the law processes or the law enforcing institutions of this country and it is because of this type of incidents to which I refer.

Sir, when one Mr. Peter D'Aguiar was charged for entering the Interior without permission, although there was a magistrate for the Bartica Judicial District again the "flying" magistrate was sent to try Mr. D'Aguiar. These are the three cases; and in all three cases the persons who are involved are public figures.

**The Attorney –General:** On a point of order. My Hon. Friend has allowed himself the unusual amount of free reins in being critical of the processes of the judicial system. He ought to be aware, as a Member of some experience of this House, that a matter of this nature can only be raised on a substantive Motion, and cannot be introduced by a side-wind into the debate.

Mr. Speaker, we must not allow the proceedings of this House to degenerate into a slanging match in which members of the Judiciary who cannot speak for themselves in this Chamber are subject to innuendo and ridicule by hon. Members who ought to know better.

**Dr. Jagan:** That was not a point of order. The hon. Attorney-General does not know that there is no opportunity in this House to discuss Motions or Questions. He gets up and talks about substantive Motions when Members want to make contributions of the rottenness of this country.

**Mr. Reepu Daman Persaud:** Mr. Speaker, I was in the Georgetown Magistrates' Courts very recently and one clerk was known to be working with a magistrate who was trying a particular case. The clerk was an Indian, and he worked as clerk for half day; the other half day an African clerk turned up. I was forced to enquire. I understand directions came --

**Mr. Speaker:** How does that statement you are making now support your contention about the power of the Chancellor to assign a magistrate?

**Mr. Reepu Daman Persaud:** I was only making the point, and I am sure, sir, that you would like to feel assured that the processes of the courts are not abused. It is these incidents of abuse that I am bringing to the attention of the House. Probably the Attorney-General is not aware of what is happening in the Magistrates' Courts. Perhaps he would wish to enquire into the allegations I am making in the House with respect to the Courts. I do not even cast aspersions on the Attorney-General.

*[Interruption]*

**Mr. Speaker:** Would the Leader of the Opposition and the Attorney-General cease from having this type of dialogue?

**The Attorney-General:** I am sorry, Sir.

**Mr. Reepu Daman Persaud:** What is very significant about this matter is that that clerk will continue in other cases with the same magistrate. It is only that in this one case he is not allowed to serve as a clerk.

*[Interruption]*

**Mr. Speaker:** Hon. Member Mr. Persaud, please proceed.

**Mr. Reepu Daman Persaud:** Therefore, members of the Opposition cannot accede to the wishes of the Attorney-General to give our support to these Amendments in the revisions of law. The Attorney-General has given the assurance that the Commission will not deal with matters of substance, I hope that the Commission will not have powers to amend the laws in these – *[Interruption]* I am just asking for greater assurance. This is what the House is here for.

**Mr. Speaker:** Why not say so? We are here to debate things that are relevant. The bill says that the Commission will be able to do (a) (b) and (c). Why say that the Commission will not be able to do so and so.

**3.15 p.m.**

**Mr. Reepu Daman Persaud:** Mr. Speaker, it has always been the practice for the Hansard to record the thinking of Members when laws are passed in this House, so that those who are called upon later to interpret the laws, will be guided by that thinking. I am merely attempting this afternoon, to have placed on the record the thinking of the Attorney-General on these provisions, so that it can be referred to subsequently. I perceive there are several Amendments to Chapter 13, sections 35, 36 and 37.

**Mr. Speaker:** What page, please?

**Mr. Reepu Daman Persaud:** Page 54. These Amendments deal with inquest's. According to the Principal Ordinance, if after an enquiry is held and there is evidence for the accused person to be charged with murder or manslaughter, the magistrate shall issue a warrant, have the person arrested and have the person charged. I notice these sections are to be deleted. I wonder if, during the course of the hon. Attorney-General's reply, he will let us know what will be the position in the future, if, at the inquest, the jury names the person who is responsible for the particular crime, murder or manslaughter, seeing that those sections are now being deleted from the Principal Ordinance.

My contribution can provoke a lot of controversy. I am just trying to express the feelings of a large number of people. Again, the magistrate's power is being curtailed. Does it mean that it will once again go back to the Director of Public Prosecutions for him to decide whether the person should be charged or not? If the person is not charged, the judge or magistrate can do nothing. They can only act when Matters are before them. Indeed, an explanation is required.

Mr. Speaker, I made notes of these things without making notes of the pages. On page 57, there is an Amendment to the Summary Jurisdiction (Appeals) Ordinance, Chapter 17. Here the deposit for summary appeals is being increased from \$25 to \$50. Apparently, when the hon. Attorney-General was presenting the Bill he omitted to refer to this.

**Mr. Speaker:** Hon. Attorney-General, the hon. Member is saying if you want to appeal it is \$25 and not \$50. He said you did not refer to it.

**Mr. Reepu Daman Persaud:** I feel that if a man is charged and a decision is made against him, our laws should be such that the courts are easily accessible to him. At the moment, persons who are convicted and persons who have very good appeals, because of the fact that those persons do not have the money to lodge appeals, those persons are unable to go to the highest courts to vindicate themselves. I wish to urge the hon. Attorney-General to amend back this provision and to leave the sum for an appeal at \$25. This supports my point. The Government is seeking to collect money after the records are prepared and so with the Amendment, if a person who appeals does not proceed to prosecute the matter, he will forfeit \$25 and be repaid \$25. Why is it, if the person fails to prosecute the matter, that \$25 is taken away from him? Why is the Government asking that a person appealing against the magistrates' decision should lodge \$50?

**Mr. Speaker:** Time:

**Mr. Ram Karran:** I beg to move that the hon. Member be given 15 minutes more to complete his speech.

**Mr. Speaker:** Is this the feeling of the House that the hon. Member should proceed?  
*[Hon. Members: "Yes."]*

**Mr. Reepu Daman Persaud:** This provision will cause tremendous hardship on persons convicted in the courts and who will wish to use the processes of appeal. I understand that the Government is saying that persons normally lodge appeals and when they receive the records and they examine them, they withdraw the appeals subsequently, and all that is paid is the money for the records. But since the law is now being amended to take care of that, so that the Government is allowed to take \$25, then let it remain at \$25, and if the person does not proceed with the appeal, then let it be forfeited. With the time that remains I wish to turn to page 91.

**3.25 p.m.**

In my view the Government is moving everyday to seize from the people of this country, the public and indeed the Press, freedom of expression. This suggestion by me is supported by facts - the question of making it impossible for certain newspapers to get newsprint.

I want to refer to sections 16 and 17 of Chapter 130, the Newspapers Ordinance. This law to my mind appears to be a personal law. Only recently we read in the newspapers where a certain company has failed to supply the name of its editor and the court ruled in that matter, that it was not the obligation of the defendants to say who was the editor of that newspaper. What comes to my mind is this: the court has ruled and the name of the editor has not been named, therefore laws are being made now to ensure that when such circumstances arise any person, innocent as he may be, will have to pay.

I should like to know where the Attorney-General has got this precedent. Because there are several companies. A person may be serving as a director of a company but that person may not know what is being written in the paper, he may not have knowledge of what the editor is putting in the newspaper. This provision goes beyond directors. Because any officer of that company can be made liable under these Amendments which are proposed in this Parliament. These are unprecedented laws in our country and all these laws are being promulgated in order to deprive the citizens of this country of their freedom of expression. Here it is, if a libel suit is brought against a company and judgment is obtained against that company and that company does not have the assets upon which the plaintiff can rescue and receive his/her judgment, the plaintiff can move the court to call upon any of the directors to pay that judgment, unless the director proves to the satisfaction of the court that he had no knowledge of the libel; and he has to do this early. The fact is how will a director know a matter is libelous? It may be published, he may read it. But since the majority of the directors in various companies are laymen they will not be aware when libel is committed, or they will only know probably when actions are taken in the courts against the company. It means in this country that persons who would wish to serve in the various organisations, or companies that are publishing news, newspapers and so on, those persons will be compelled to reconsider their position of remaining directors of those companies or organisations.

**Mr. Speaker:** What the Attorney-General was saying as I understood him, was that it is justifiable for you to make scurrilous abuse only on a nominal payment of \$5,000. People should not be allowed to defame others without those persons having some protection.

**Mr. Reepu Daman Persaud:** The Attorney-General should know, and I know he knows that any one individual can print a newspaper and all that one individual would have to do is to sign the bond and pay the increase \$5,000 instead of \$1,500. That is why I say this law seems to be very personal. The point I make is, this does not close the hole for persons who want to be irresponsible. But if the Government is in search of the editor of a particular newspaper the Government can make provision in our laws to say that all publications that are registered under

the Newspapers Ordinance as it is at the present moment, the Companies should name their editors in those documents that are being registered and filed at the Archives. Therefore, this hurdle of finding out who are editors of newspapers can be solved by the registration and by the signing of the bond. Because on that one document the name of the editor can be put. Further, when there are changes of editors – *[Interruption by the Attorney-General]* Very rarely we hear the Attorney-General heckles.

Sir, there can be provision that when the editor is changed, the name of the new editor, his address etc, can be filed with the proper authority. But to make laws whereby persons who are not actually or directly involved besides printing the paper -- there are other activities, private printing, receipt books, bill books, selling books, and so on and there might be many directors who may be concerned with that aspect of the company's affairs. I am not saying that directors will not sit at meetings on and decide, generally on matters of policy of the company, but this provision is a provision to further silence opposition against the Government.

I am sure the Attorney-General will clarify subsection 3. I hope that he would move to clarify this to say whether this provision is retroactive or it will take effect when assent is given to the law, because namely -- and I would concede to the opinion of the Attorney-General when it comes to the question of law -- because normally you will find in most of these Amendments that these laws will take effect from the coming into force of the Acts, etc. But I did not see this provision in this Bill. As a layman I am compelled to enquire at what stage this provision will become operative. It ought to. If the Government is not going to consider withdrawal of this section, and if the Government is bent on passing it, then it ought to come into being when assent is given to it, and the directors of all companies concerned with publication may have an opportunity to decide what they should do in the future. Because when we read into the subtlety of this provision, the provision allows one director to say "I am not in favour of that libel, I surrender. I have no knowledge of it, and I make an open apology."

Again the Government is moving to create conflict in our existing institutions so that one director will fight another, and we will not have a situation where religious leaders are fighting among themselves because of the Government, but the newspaper people will be fighting among themselves. This Government, instead of using its authority and the Parliament to bring about the unification of the nation and its various institutions, has been guilty of sowing the seed of dissent in all the organisations and institutions of this country.

How long will the Government proceed to use its power to cause dissent in our community? It is time the Government takes stock of itself and analyses what it has done since it assumed office, and if it did that, the Government will come to no other conclusion than that it is guilty of grave mischief in our country. The Government is passing a law because it feels that everyone opposed to the Government is just mischievous, or he is an enemy of the State. The most mischievous people in our country today are those who sit with the Government. Why is the process of Parliament being used merely to stifle and suppress one set of people while the other set of people is allowed to go free? You cannot, as it has been proven throughout the world, silence a nation with this type of measure.

The Government will have to let the people feel that they have a place in this country, and there are many people who feel that they do not have a place under the present regime. It is this situation that has to be corrected and I wish to urge the Government to look into these Amendments that have come this afternoon in the name of revision of our laws. There are other clauses which I would like to deal with, but I will do so in the Committee Stage.

May I say, in conclusion, that the cost of living has gone up. People are finding it extremely difficult to find money to eat and to live and to increase fines in so many areas is tantamount to greater taxation of the nation. The Government comes with a tax-free Budget and, later, it increases fees and fines.

With respect to the probation services, to juveniles, and so on, there are commendable provisions and we go along with the Government with those provisions. May I say that we agree with the provision whereby the magistrate will not be compelled, when persons are charged with certain offences, to deem those individuals rogues and vagabonds. That was a long desired Amendment, because many people were prevented from obtaining passports because they found themselves either drunk, or asleep somewhere and they were charged with vagrancy and then later deemed rogues and vagabonds.

There are commendable provisions, but what is very painful is that amidst some of these commendable provisions, the Government has sneaked in certain provisions that are detrimental to the nation and those Amendments and provisions we on this side of the House oppose.  
*[Applause]*

**Mr. Ram Karran:** When the Hon. Attorney-General moved the Second Reading of this Bill, one listening had the impression that these were merely small Amendments to bring our laws up to date which, as my colleague and friend said, is desirable and necessary, and that aspect of it all, progressive people support. The Hon. Attorney-General also indicated, one gathered, that these were progressive measures amending here and amending there, but as we went through them, and as any reasonable person looking at them would, we came to the conclusion that some of them at least have been taken from the heart of South Africa. Of course, this Government is to a large extent influenced by South Africa. After all, the first Governor-General of this territory was a South African and he is still in South Africa. I recall very clearly what the Prime Minister said on his departure from this country. I refer to Sir Richard Luyt.

It is no surprise to us that under the pretext of amending our legislation, we are going backward rather than going forward, as has been suggested by my Hon. Friend the Attorney-General. Some of these fines have been doubled, some have been trebled, and some have been multiplied ten times. In the case of strays, the fine, I recall, goes from 810 to 8100, and there are other instances where fines have gone up.

The Hon. Attorney-General can take the opportunity to reply, or his Minister of Home Affairs. I am sure, will confirm that with the fines as they are, the Government is having a most difficult time in collecting them. Hundreds of thousands of dollars are outstanding for fines in the country. Many people cannot afford to pay the fines that are levied now and they have to go to prison. In fact, frequently, we hear magistrates are instructed not to take (more in jail, but the Government tells us it is rounding the fines off. Rounding off by trebling, rounding off by adding ten times?

Let them check the prisons to see the number of cases where people are not able to pay affiliation fees. I am not talking about people who dispute paternity, but the people who make efforts to pay and who cannot pay. We must increase, we must round off but what are we doing in respect of the cost of living? *[Interruption]* Mr. Speaker, if the Hon. Member interrupts, I am going to ask you to present the Ombudsman's report.

**3.45 p.m.**

There is reference to fines that were levied after 1964 and that is the relevance to the cost of living. In 1964 you will recall that wages and salaries went up to \$4 a day and that is the category we speak for, not for the super grade like the Attorney-General. Where is the rounding off for that? These are the very people who would be caught by the clutches of the law where you are trebling and quadrupling fines. This Government is more inclined to put penalties rather than to pay some attention to the things that matter in Guyana, the things affecting a large majority.

We are talking about progress; we are talking about development. I wonder if the hon. Attorney-General is not ashamed in this day and age to come before this House with an Amendment, an amendment after seven years of the P.N.C. rule, to perpetrate a system of dual control in schools. It was the Hon. Prime Minister –

**Mr. Speaker:** What page?

**Mr. Ram Karran:** Page 77, paragraph 15. It was the hon. Prime Minister who was Minister of Education in a progressive Government, who sat over there in the second chair where the Deputy Prime Minister now sits, said that the Government will abolish the dual control of schools. Of course, when he came over here he said, "Man can change his mind". One would have thought that this long period which has elapsed has given the Hon. Prime Minister and his Government the chance of changing their minds again. We concede that freedom to him and his Government, but are we not over going abolish this bastard system of dual control in schools? Are we not going to change the system and move towards the state where we can free education from the shackles of the Church, where we can free education from prejudice and all the evil things the Prime Minister used to say when he was Minister of Education in the 1953 Government? But it does not seem to no nor to any right-thinking person that this Government is going forward. As I said, it is going backwards.

Not long ago, only a few years ago, the then Minister of Education used to criticise the P.P.P. for having "bottom house schools – Nunes' night schools- and all that sort of rubbish. Here today we are enacting permanent legislation which will be put in loose-leaf ledgers for all times. It is stated:

"The Minister may by order - (a) establish a school by declaring any house building, enclosure, place, or part thereof to be a school and may in such order specify the name by which such school shall be known."

It is unfortunate, I thought mentioned would have been made that all the schools in the country shall be self-help schools because that is the programme and that is the slogan. I had to draw attention to the House the other day, that schools are being built it Ruimveldt and in Linden but in areas where there are no supporters of the Government - and I do not know which side the hon. Attorney-General sits on - even the one that was burnt down in West Demerara the people

had to build it by self-help and the Government is not providing material or lumber as any Government in the past had been doing.

Even the colonial Government, even the imperialist Government, the Mc David Government used to supply materials and the people provided their labour. This Government goes in the Berbice River and tells people, "You have to cut the logs, you have to saw it and make your own schools and health centres." I am a bit surprised that the Government has not gone completely up to date and out in this legislation that it will not build any more schools and it is not going to provide furniture for schools, but that these things will have to be done on the basis of self-help. It is a case of complete backwardness.

I want, if I may go back briefly to the question of penalties where I said that the Government is making it harder. What is the philosophy of the Government in so far as penalties are concerned? No one can deny, not even the Minister of Home Affairs because the police reports show even the increasing number of crimes that are being committed whether it is due youth or to the influence of the Government, one knows that the Government has not got a good influence. How does the Government propose to stamp it out? Is it by increasing penalties? Is it by sending people to the Interior? I feel and I have had some experience two of them –

**Mr. Speaker:** You had experience in the prisons?

**Mr. Ram Karran:** Yes, as an inmate thrown there by the colleagues of hon. Members who sit over there. What you find in the Prisons today is a number of very young people, some of whom have come outside, one or two who have found gainful employment, but the majority have returned to the Prison. When we asked them what they were doing there - we used to occupy the young offenders dormitory - they used to say, "Comrade, it is not so nice in here, but outside is harder." Asked to explain what they meant? They are not getting work.

How is the Government going to stop °rite if it is going to increase penalties? That is not a positive way in doing it. There must be other ways. Surely that aspect of our legislation does not need revision? We have had a number of penologists cooing down to this country. Of course we do not want American advisers to tell us about drugs. That is what we have now. Go in Kwakwani, the Berbice River, go in Linden and you will find samples of drugs being handed to the young girls. Prostitution is increasing, crime is increasing. We do not have that aspect amended in this Bill today. Fines, increases, the old Malan theory, hit them on the head. That is what my friend the hon. Attorney-General presents to us today for the solution to our problems.

**3.55 p.m.**

As this Bill is examined in detail clause by clause, / am sure the hon. Attorney-General will be influenced, if he goes by his own conscience, to make a number of changes with a view to bringing this Bill really up to date and to giving the Guyanese people a change from what they have had. We have had seven years of repression. When we are moving to Carifesta, and when we are moving to brighter days, I hope that this Government will discontinue its policy of repression and move forward to a brighter time particularly for the young people this country who have no future at all in front of them a very dark one.

In fact, I think that a Bill like this should not have been brought to this House without proper consultation, consultation not only with the Opposition but with the legal profession, two associations in this country.

**Mr. Speaker:** Three.

**Mr. Ram Karran:** Three. What are their views in relation to these all-embracing changes in the law? They can understand these things better than laymen. If we as laymen can find so many things to complain about, I am sure that the legal practitioners in this country would have been able to point to countless numbers of things that needed changes, perhaps in a

different direction, even though as we always say the legal profession is reactionary. However, the hon. Attorney-General should tell us who have been consulted on these things. The Opposition knows nothing about it.

The Hon. Leader of the House gave me the impression yesterday when he spoke to me that the shadow Attorney-General, Dr. Ramsahoye, had been consulted and that agreement had been reached with respect to a number of Amendments. I looked forward to a healthy debate then I found out from my colleague that there was no consultation. I do not know if my friend was misinformed. In view of the serious implications, a Committee of this House should be set up, this is a suggestion I threw out to the Hon. Attorney-General, hand it over to a Select Committee of the lawyers over here and two lawyers over there, with a view to getting down to the matter in detail so that we can really have something acceptable not only to the Members of this House but to the whole nation.

This Government has been in the habit of pushing things down the throats of people and the time is long past for that kind of attitude to continue. I hope the Attorney-General will accept this suggestion, or some other suggestion that might emanate from himself or his colleagues, to see that this thing is not rushed through and proper consideration is given to it in all its aspects.

**Mr. Speaker:** Hon. Members, perhaps this is a convenient time to have the suspension. The sitting of the House is suspended for 30 minutes.

*Sitting suspended at 4 p.m.*

4.40 p.m.

*On resumption*

**Mr. Speaker:** Hon. Member Mr. Jagan.

**Mr. Jagan:** There is no doubt that there is need for some formal revision of the laws of this country, and as my learned and hon. Friend the Attorney-General has said, it is being proposed that in future, Amendments should be made and codified in draft and in a loose leaf system. This would be far more advantageous than what we have today, because when one looks at some of the Amendments proposed, dealing with the Traders' Ordinance, one sees that the Amendment relating to the jurisdiction of the Magistrate is being changed from \$24 to \$100, when in 1956, that provision had been changed from \$24 to \$250.

It only goes to show that although there has been an Amendment to that provision, that Amendment has slipped the Law Officers, Maybe, the system which my friend has referred to may be a better system, whereby anyone can find the law and know what the law is at any relevant time. Perhaps, if that system was in being, one would have seen that this provision in the Traders' Ordinance had already been amended. I do not think the Government is aware that there was this Amendment or there would not be this proposed amendment. When we come to the Committee Stage, we should have it extended back, or have it further extended in order to give the Magistrate greater power to deal with traders who commit breaches.

My learned friend referred to clause 12 of the Ordinance which states that the Commission would have no power to make any Amendment or alteration of substance. One wonders what is an Amendment of substance. I have seen provision in a different clause for the Commission to increase fines, and there has been set out how the fines should be increased, either two or three times, depending on when the enactment was first made law.

**4.35 p.m.**

But I do not know what really the Government has in mind when it says that there should be no amendment of substance. Could there be amendment of procedure although it may not be in respect of substantial law? Even in an Ordinance itself what is an amendment of substance and

what would not be regarded as an amendment of substance. I do not know, maybe when my Hon. and learned Friend replies he could throw some light on that.

Your Honour, I do not think one could find much quarrel with the Government in respect of the Bill itself as proposed. But when one looks at the Second Schedule which deals with Amendments of so many various Ordinances and Acts one finds that there are many provisions which Members on this side cannot give the support my hon. and learned Friend said he expected us to give.

For instance, much has been said of late about cattle stealing. In fact, I heard over the radio also, in dealing with this provision, that anyone who is convicted of cattle stealing would be dealt with severely and could be sentenced to a period of three years. When one looks at the provision, however, I think it is at page 76, one sees that when this Act becomes law this provision would not automatically become law. A person who is caught stealing cattle would not be subjected to these severe penalties which are stated here, because it is only when the Minister declares an area as an emergency area that these stiff penalties would apply to persons who may be caught stealing cattle.

Your Honour, I found out that even at present when persons are caught stealing cattle or animal, the animal is taken to the Magistrates' Court Compound and in many cases the animal has to be kept, fed and so on by the owners of these animals. Whereas it should have been, in my view, the responsibility of the Government or the Police for the upkeep of these animals. As we have seen in many cases after a person is charged, it takes a number of months before the trial is concluded. In the meantime the animal dies. From investigation it is my information that this has happened on a number of occasions. This no doubt is due to the lack of care of the animals and the person who has been charged is acquitted because there is not enough evidence against him. Apart from that, because of the length of time it would take for the conclusion of a trial and the expenses that the owners are faced with going to the Magistrates' courts where the animal is kept and the providing of food, in many cases they are very reluctant to even assist the police.

Because of this I would recommend to the Government that there be speedier trials for this type of offence as proposed by the Government. Rather than limiting it to areas which have been declared as emergency areas, this provision should apply throughout the country.

I was told also that the Poultry Producers Association has either approached or had intended to approach the Ministry of Agriculture with a view to protection also of their poultry because of large-scale stealing. Having regard to the fact that the Government wants to encourage, as the Hon. Minister said with respect to the question of cattle, it wants to protect cattle owners, in the interest of poultry producers I wonder whether the Government does not think that some similar legislation should be enacted to protect these people also.

Your Honour, earlier, my colleague the hon. Member Mr. Reepu Daman Persaud referred to the question of some of the provisions of these Ordinances. Although we agree that there are many provisions which needed immediate amendment there are also other Ordinances which the Government had given an undertaking would be amended. I remember since 1969 an undertaking was given that immediate legislation would be enacted to help persona. I have in mind legislation such as the Justice Protection Ordinance which really is out of date and also the proceedings whereby the Government itself could be sued as happens in England under the Crown Proceeding Act. I raised this in 1969 when the hon. Prime Minister had given us an undertaking that legislation would be enacted as soon as possible. Apart from that, I understand from the Chief Parliamentary Counsel that there is draft legislation dealing with common employment. This House sometime ago unanimously approved the abolition of the principle of common employment.

My colleague had earlier referred to the question of the increase of fines. I understood from my learned Friend that the proposed increase of the penalty is because of the decreased value of money. If the population is to be made to pay increased sums of money so far as fines are concerned I would have hoped as the Government had indicated some time ago, that the

people themselves should be protected. The Justice Protection Ordinance in my view was mainly enacted to protect magistrates and persons who perform judicial functions.

**4.45 p.m.**

But in these days, the Attorney-General's Office takes objection as soon as an action is filed against any servant of the Government - public servants, people who drive Government vehicles - unless notice is given in compliance with the Justice Protection Ordinance, and in many cases Persons who are not aware of this peculiar enactment lose all rights of claim.

I am aware of cases where judgement is obtained against a State servant, where the amount is not paid, but one has to negotiate or beg Law Officers to see whether the injured person should not be compensated or be given something. These disadvantages that the people as a whole suffer, when the Government is at fault, should not continue and this can only be rectified if the Government can be sued like any other individual who may have committed a wrong. I hope that the Government will see to it that this type of legislation is enacted as soon as possible so that the people who have any right against the Government or any Government servant could have some redress in the courts.

The Government says it is not economical to insure its vehicles. One reads in the newspaper almost every day about persons who are injured by the members of the G.B.F., and the Police, and members of various other departments who drive Government vehicles. The injured person cannot sue the Government directly. As it is now, one has to give notice under the Justice Protection Ordinance to the wrong doer and then the Government would decide whether it would undertake the defence of that person or not. But even having undertaken the defence of that person, if judgement is given in favour of that person, there is no guarantee that that judgement would be satisfied. Since the Government would not really give us an undertaking that it would satisfy any judgement that may be given against the wrong doer, I can see no reason why the

Government should not enact legislation whereby persons who are injured by its servants would be compensated like any other person.

As my colleague has earlier said, on the question of appeals from a Magistrate's Court, there is no doubt that there are many people who give notice of appeal just to see the records and to see the reasons of the magistrate, and after obtaining the records, they abandon the appeal. In a criminal appeal, the \$25 that is normally lodged is returned to them. They are required to lodge \$28 in a civil appeal and if they abandon the appeal, they can only recover \$25. The Government cannot say that by the person abandoning the appeal the Government suffers, because when the appeal and the record of the proceedings are prepared, the person is charged for the copy of the record.

If the Government feels the charge is too low, it could increase the cost of typing the proceedings. Whatever the Clerk of Court charges for the record of the proceedings, the person pays that amount, and I can see no reason why the person abandoning the appeal should forfeit the amount. If any money should be forfeited, it should be forfeited the respondent who may have retained counsel or solicitor to argue his appeal, but the way the provision is drafted, it would seem that having lodged the \$50, if the person abandons the appeal at any stage, he would forfeit \$25 to the State and he would be entitled to recover the balance of 25. It cannot be correct because unless the Government feels this is a form of revenue collection, I am not feel that it should retain any part of this money.

The sum of \$50 may be regarded as very high to many poor persons who appear in the Magistrate's Court and I can see no reason, if the Government feels it should retain a certain sum of money, regardless of whether it is \$25 as proposed here, why it cannot leave the sum to be lodged at \$25 so that even if he abandons the appeal, he cannot recover that \$25, so the \$25 could still go to the State, but he would not be debarred from filing an appeal because he cannot raise \$50. I can see no objection to the Government adopting that type of reasoning. In effect, when he abandons the appeal, the \$25 is returned to him and the other \$25 goes to the State, but

in allowing him an opportunity to appeal, he may be most willing to have \$25, as it is now, forfeited to the State and not receive anything. At least, he will then have the opportunity of having his appeal heard, if he so desires.

I have also seen in the proposed Amendment a question of giving the Registrar of Births and Deaths, powers to and certificates in respect of clerical errors. Page 106 states: "The Registrar General may of his own motion correct minor clerical error in a registers".

**4.55 p.m.**

I do not know what the Government regards as minor clerical error. I wonder whether the Registrar cannot be given more power than those the Government proposes to give him here.

I have seen during my practice at the Bar that many persons have had to go for correction of birth certificates. I have found that persons who were born at the Public Hospital Georgetown in many cases there is no name in the column for christian name because when the child was registered apparently no name was given. In a case like that it is obvious that the child must have a name. Your Honour, rather than put the parents into the expense and trouble to go to a magistrate and have the magistrate make a formal order directing the Registrar-General to correct such an error, I would think the Registrar-General should have the power to insert the Christian name of the child. I wonder whether the Government would consider extending the powers of the Registrar-General to include, at least this, that where no name appears in the column he should have the power to insert the Christian name on the birth certificate.

I do not say that he should have the same power as a magistrate because there might be other entry or omissions or errors which a magistrate may more conveniently investigate and adjudicate upon. But under this Ordinance the correction of entry can only be made, and I am subject to correction, by the magistrate in the district where the child was born. Parents may have removed from the district where the child was born and I have met many persons where the

children were born in the North West District and in other parts of the Interior. Because of this provision - there might be some simple errors which can be easily corrected, this would have to be done at great expenses where the parent has to travel to the, district where the child was born to have such correction. I Wonder whether the Government cannot permit the application to be made either where the child was born or where the Parents are residing at the time of the application. It would save a lot of expenses to many poor people who cannot afford it.

Your Honour, my learned and hon. Friend in dealing with the Newspapers Ordinance said in effect that the provisions are enacted because there was, among other things, no proper definition of newspapers, etc. But when one looks at the definition now that is proposed and when one considers that under Section 12, the word "sale" would be omitted, it seems that the Government has put such a great burden on persons, not only newspapers proprietors and so on but many persons, business organisations, the community at large, to trade unions, these persons would have to enter into a bond under section 12 before anything can be printed.

Your Honour, my learned and hon. Friend had already referred to the fact that the amount would now be increased from \$50 to \$5,000. When one takes into account that the word "sale" would be deleted from this section, and when one also looks at the definition of books and newspaper it would seem that even a leaflet, a hand-bill, and any such type of document which could be distributed by shopkeeper or any such persons cannot now be printed by any such persons unless they enter into a bond for \$5,000. I do not know whether my interpretation is correct and whether the Government intends that it should have this far-reaching effect, or whether it was only designed for persons who publish newspapers. Because surely if a business-concern wants to print a hand-bill advertising the goods they have to sell and the prices, it would seem under the definition of newspaper that they would be caught because the definition of newspaper means any paper containing public news, intelligence, occurrence etc.

Therefore, giving persons information as to the prices of goods, in my view, would include public news. It would seem that even a hand-bill that is published by anyone would be

caught in the provision of this Act. My learned and hon. Friend Mr. David Singh, Minister of Trade, seems to disagree with me. If that is so, I could hope that the Hon. Minister would say whether my interpretation Government intends that any of these persons before they do any such thing would have to enter into the bond as required by section 12. Previously, section 12 would only have applied if the newspaper or book was for sale. But by having this definition of newspaper and deleting the word "sale", it would seem, as I say, that the Government is extending this provision very wide and it is not curing the mischief that it intends to cure as stated by my learned and hon. Friend. Because what I understood him to say was that if a person commits libel, that person or in the case of a company the directors or officers must be liable to pay the damages. If that is the intention of the Government, I would say that the definition of newspaper would be in conflict and would carry the proposal far beyond the mischief the Government intends to cure.

Your Honour, I am aware that the definition of newspaper says that the paper would not be regarded as a newspaper if it is published during a period extending 100 days, that is, if it is not printed within 100 days it would not be regarded as a newspaper.

**5.05 p.m.**

I do not know whether the Government intends, if a paper is printed entitled the Chronicle, if its publication that is not within 100 days, it would not be caught under this definition; but if that person is printing something without a name, let us say, a handbill dealing with his goods, his merchandise, the next day,- he decides to advertise some other type of merchandise with prices, the same person printing it a day or two after, would that person be caught under this provision?

It is clear if one uses the name as a newspaper uses it, then he would be caught, but I do not know whether the provision here would also apply in cases where no name is used, as in the case of a handbill. Surely, the argument of my learned and hon. Friend, in my view, cannot really justify the Amendment proposed by the Government, dealing with the Newspaper Ordinance,

because the Government is now extending not only the bond which originally applied for conviction of a criminal offence for publication of seditious - libel etc., but the person entering into the bond will be liable to the non-recovering damages in a civil action for libel then one comes to the other provisions dealing with directors, one will see that the person entering into the bond might be at a greater disadvantage than even the directors, although when I deal with the question of the directors, I will show that even they should not be made liable. Under the proposed Amendment to section 12 (I), a person would be liable to pay any person damages awarded against him by any Court for printing and publishing any libel., My learned Friend had referred to the question of " companies, that the person who obtained judgement should be entitled to go behind' the facade of a company and to go against the person really who is running the show, and I think he gave an example, that there might be companies that are formed for the sake of convenience, with a very small share capital, so that if a person obtained judgementhe would not be able to obtain anything against the corporate body.

Someone referred to the Liberator when my learned and Hon. Friend was speaking, which I think is a good example which we could use, since it was being printed by an established company. The Liberator, I understand, was being printed for the Liberator Press Ltd. by Post Papers Ltd. If there is a libel in that newspaper, the person who is wronged, is libelled, would be able to recover damages against the publisher and printer and proprietor of the newspaper, so even if the Liberator Press Ltd., the company printing the newspaper, does not have anything, the person who is publishing Post Papers Ltd., the person would be able to recover against him.

Let us for the sake of argument say that the person cannot recover from this company which is formed with a very small share capital of \$1,000, even if it is below \$1,000. What could prevent these same people, who form themselves into a company, having one of their members, a person of straw, to be the proprietor of that newspaper? In that case, there would not be even a thousand dollars to recover, so the intention here could not be that he should go against the directors. Look at the defence that the directors would have, as my learned Friend was telling my colleague, he should look at subsection (3). Paragraphs (1) and (2) say that if the company

cannot pay damages, what is recovered against it, then the person should have a right to go against the director, provided that execution would only be permitted with the consent of the court, and then we can come to subsection (3). Page 93 section 17 (3)

"Leave to issue such execution shall be granted if it appears to the court that the assets of the body corporate are insufficient to satisfy the judgment, unless the director or officer satisfies the court that the libel was published without his knowledge and that he exercised all due diligence to prevent the commission thereof and to mitigate (by way of suitable public apology or otherwise) any damage or prejudice caused or likely to be caused to the person libelled as a result of the libel."

Let us look at this provision more closely. Let us take the companies today that are publishing newspapers, three or four companies that publish daily or evening papers.

One would find that many or most of their directors are people who are not lawyers or who are without legal training, and many of them may not know whether a certain article is libellous or not. The first intimation that they may have that it is, is when the person who is alleged to have been libelled has a letter sent to them or a writ issued against them.

Normally, if the person wants to safeguard himself, immediately he should make a public apology. But let us take the case of a company, any one of these companies with several directors. The directors, some of them, might be of the view, after obtaining legal advice, that the article is libellous, and some of them, because of legal advice also, might say that the article is not libellous. Now, should those persons, because of the Act and proper legal advice, be penalised because they did not apologise at the first opportunity when they heard that a libel was published in the newspaper?

**5.15 p.m.**

There might be confusion as someone already said, among directors of the company. *[Interruption by Mr. Hoyte]* My learned and Ho not agree. It would seem that in these days of

high damages that are awarded by the courts -- what the judges call punitive damage -- directors may be caught although the company may not be a company of straw. I would have thought that the way clause 3 is drafted that the directors would not have the protection as my learned and Hon. Friend wants to give us the impression that they would have. If the person can satisfy the court that the publication of the offending article was without his knowledge or without his fault or default should not be liable as I understand with the New Nation most of its articles are vetted by a lawyer before publication. Let us say that that is the practice in a newspaper but because somehow a libel has slipped through because in the person's opinion the article was not libellous, a director who has a trained Lawyer to vet articles to see whether they are libellous or not should not be held liable. I feel once a director could prove that he has taken reasonable steps to see that libellous matters ... *[Interruption]*

In Section 3 there is mention about exercising diligence. But it has gone further than that what I am saying that once the director can satisfy the courts that be exercised diligence then he should not be made liable to pay. I can see no objection to the Government adopting this course.

**Mr. Speaker:** Hon. Member Mr. Jagan, you have been speaking for fifty minutes.

**Mr. Jagan:** I will wind up. As I see it, and as my learned and hon. Friend seems to indicate, the intention of the provision of the Amendment dealing with the Newspapers Ordinance is to deal with bogus companies, if I may put it bluntly, which may be formed to publish news which may affect persons. As I said, when one looks at the definition of books and of newspaper it can be seen that the provision could go far beyond the mischief the Government would try to prevent.

Your Honour, in closing, I would ask the Government before rushing through with these provisions that have been referred to so far by members on this side, that very careful consideration be given especially to some of the provisions that we have referred to, because we also feel that persons should be protected. At the same time, we do not feel that legislation

should be enacted which would not only protect persons, but would hamper others from carrying on their lawful duties.

**Mr. Speaker:** The Hon. Member Dr. Ramsahoye.

**Dr. Ramsahove:** Your Honour, we are accustomed to see new bills every day, some of which must frighten us to a degree of which it is sometimes impossible to speak. Today, we are presented with a huge document which is obviously mounted on confused Principles. It is supposed to be a Law Revision Bill but, in fact, it has many Amendments for the reform of the law, Amendments which show that the Government has a very twisted sense of priorities.

There are many features of the laws in this country which need reforming. This no one can deny. Some are matters of real pressing urgency, but instead of attending to them, the Government is attempting to pass laws like this Amendment to the Newspapers Ordinance which is intended to catch some little fellows who are publishing a newspaper or newspapers critical of the Government. It sounds so badly at a time when the Prime Minister and the Minister of Finance have litigations in the courts against these same companies. Interest or supposition of interest should have prevented these misguided Parliamentarians from bringing that sort of Amendment, at least, until their personal battles in the courts were over. *[Interruption by the Attorney General]* Your Honour, the Attorney-General has not yet got a writ for libel so he has no personal interest in this matter, but some of his colleagues have. They have cases now before the courts and they are seeking now to take advantage of these obnoxious and Draconian provisions.

It is since 1955 that we had a revision of the laws of this country. It means that seventeen years have passed and the time for a revision is long overdue. I should like to know from my learned and Hon. Friend the Attorney-General when is Guyana going to get its new set of laws.

Will the Hon. and learned Attorney-General commit himself to this nation and tell us a date by which it is expected that the people will be able to have the laws of this country made more accessible to them? There is a shortage of volumes. Even lawyers practising in the courts cannot get volumes because they have been short for a very long period and those of us who have sets have found that our Volume I cc- of most sets is missing because that is the one most used. People steal them all the time so it is very necessary for us to have a set of the laws available to the citizens as early as is possible.

Your Honour, I do not know how the Government really expects us to function without this material, but the same thing is happening in other areas, and it seems that dilatoriness and sloth is a feature of our history at this period. The same thing that is happening with the laws, the same thing is happening with the law reports. The last law report published in this country is dated 1965. It means that for seven years running, people practising the law have not been able to have the decisions of the courts made accessible to them. There is no law report in this country subsequent to 1965. For seven years now, no volume of the law report has been published and this general lethargy is something which ought to be corrected if we are supposed to be serious about what we are doing.

No one objects to the establishment of the Law Reform Commission. In civilised countries, that is a feature of life. What is needed in this country is an active body considering the reform of the law, a body that will be producing constantly so that areas in which the law needs revision could be amended. The whole legal system of this country is based on Victorian foundations. It is nearly one century out of date but nobody is bothering to reform. We are all supposed to be living under these ancient rules and principles and the Government itself, having declared this country a Republic, is clinging hard and fast to the old monarchic forms. This opportunity should have been taken first to abandon all principles which relate to the prerogative and to the monarchy, and which trace their descent from monarchic absolutism and the divine right of kings, and to amend them to principles which will more suit republicanism, when power is supposed to vest in the people and not in a monarch.

Although the Government abolishes the monarchy, it yet retains all the laws including that you could only sue the Government if it is a matter in which a petition of right would lie, and then you have to seek the fiat, which those of us in practice know we hardly ever get. And if we do get it, it is only after begging. People should not have to beg to have their matters litigated there. I know of cases now where people are begging the Attorney-General for a file. There is one case now where a man has put in his claim against the Public Works about a year ago and up to now he has not got it.

What is more, this Government shows a tendency not to honour the Orders of its court. Of that I say no more at the moment, but the hon. Attorney General is aware of what I am saying, that this Government has shown a predilection not to honour the judgement of its own court. It is a bad thing. It is one of the symbols of an incipient tyranny when a country has courts, says that it will honour their judgements, and then after the judgement so pronounced, refuses to do so.

In the case of this Government, there is evidence of this fact. Your Honour, the hon. Attorney-General is smiling. My Hon. and learned Friend thinks it is a joke but it is not really, it is a matter for great concern, and while I sympathise with the Government over difficulties which the Government must necessarily be facing in these hard days of economic depression, I think that certain elementary principles must be observed if we are to remain a civilised people and not to be covered under the debris of tyranny.

Opportunity has been taken to put forward Amendments to the Newspapers Ordinance. What about an Amendment to provide that when a Judge hears a case in the High Court he should deliver judgement within six weeks of the conclusion of the hearing. In the Magistrates' Courts, this is it. A magistrate in this country hearing a case has by statute to give his judgement within six weeks of the conclusion of the hearing. Sometimes six months, one year, three years, four years you are waiting and you cannot get judgement in the High Court.

When a judge has forgotten all the evidence, and he has forgotten all the arguments, and all the force of the argument has been lost on him, then he writes the judgement. How could that be Justice? The thing is a violation of fundamental rights to a speedy and effective hearing and determination of any matter which is brought before the court, and I intend to move an Amendment to include High Court Ordinance the same provision that there is for magistrates.

If a magistrate receiving \$440 a month or what it is, has to write his judgement within six weeks, I cannot see why a High Court Judge cannot do the same. It is unfair to have judgements delayed for so long while judges have forgotten what went on before them, immersed in other work as time goes by to the detriment and prejudice of the litigants. These are pressing things which ought to be done before. One cannot provide in law, I suppose, that the principles of recruitment must be changed or anything like that, to make sure that only distinguished men from the Bar are appointed judges, but at least one can ask that whoever assumes to take on the employment ought to do his job and not have judgement delayed to the prejudice of litigants. I am sure that my hon. and learned Friend will see that point with me.

There are some Amendments to the Evidence Ordinance here. Opportunity should have been taken at the same time to reform the law of evidence in relation to hearsay and certain other matters and to borrow progressive legislation which has been put on the statute books of the United Kingdom over the last five years on these subjects, but no, they are only bothering about who is to swear an affidavit and before whom and how a public document is to be proved.

Those things are necessary, I agree, but there are more vital things so that the system will work efficiently and with less expense. In sum, what is being done in this Bill is to provide increases of penalties, to brush up the law in some areas where it needs brushing up, simple revision, and to chuck in some vital Amendments which certain people have personal interest in. That is what this is here for aryl this is why we have to sit in this Assembly to go through all this rigmarole. Your Honour, it is not right. If the Amendments here were straightforward, there would be no dispute, but why those things are put in only heaven knows. There are other things

like the Amerindian Ordinance which need to be revised, an Ordinance which says in effect that once a person is an Amerindian or a descendant of an Amerindian, the Government or same officer has power to take over his property and administer and control. I do not know that we have that class of citizen in this country at this period of our history. I should have thought that the Government was getting out of that. I would have thought that that would have been an early interest in that. The main interest is in the Newspaper Ordinance so that the directors may be got at.

**5.35 p.m.**

Let me make this clear, I do not mind what laws are passed to get at the property that I have. The only thing I would at mind is that if laws are passed to get at my mind, my soul and my brain. Today, there is a little fellow in Trinidad called Chookoloingo. Chooko wrote an article in the newspaper about a Judge and his wife quarelling over the bride's table and the Law Society moved to commit him for contempt. Mr. Justice Noor Hasanally committed him. last week to twenty one days imprisonment. Chooko has gone down in civil clothes, he has gone with his pen and ink, and he is writing just the same. Chook's mind is not affected, his soul is not affected, and he is going to go-ahead to push his pen. It is not the material things that matter. You can get at a man's mind and soul, if a man can retain his intellectual integrity, and be able to function, that is enough. That is the essence of our society. I do not care what laws they pass to take away my property as long as they did not take away my soul, my mind and my brains.

*[Laughter]*

Hon. Members in this House appear to feel that all serious matters are to be taken with a certain amount of jocularly. While it is true that we ought not to lose our sense of humour, we ought, I think, to retain some balance between duty and responsibility on one side and myth on the other.

Your Honour, I want to tell the Government, having regard to what is happening, not that At must not go-ahead with the law' reform, but I wish that this Government in the interest of this nation will take a bit more seriously, the need to reform other matters in areas which reforms are extremely pressing. There are certain things in this Bill which can be very gratifying for me to see. For example, certain Amendments to the Bastardy Ordinance.

For example, where it would appear that the allowances to children are going up. We have had lots of hardship and trouble in the courts; because some courts have given orders for amounts which cannot even buy milk for a child. It is really good to see that the Government has made a move in that direction. One has to give credit where credit is due. But I think the mere fact that this Bill could be presented is a self-evidence of the enormous amount of work which has to be done if we are really going to make a push ahead in this area.

**Mr. Speaker:** The Hon. Leader of the Opposition.

**The Leader of the Opposition (Dr. Jagan):** Sir, apart from bringing up to date certain, what I would call, consequential Amendments arising out of the passage of time and circumstances, it seems to me that the purpose of this omnibus revision is to do two things. Firstly, to raise more money; secondly, to deny certain rights. One would have thought in the stage of our history today Government would have come forward, as my colleague said a moment ago, and would have brought to the House certain fundamental provisions which are intended to help the masses of the people of this country. There are so many things to be revised, so many things to be changed and these have not been done.

What we get is mire punishment. The fact that we are going to move towards exacting higher fees whether it is 200 per cent, 300 per cent, or 400 per cent, it is an admission, basically, of failure of a policy. Crime is increasing, so we adopt the traditional method of imposing more punishment, more fees.

We see one section of the Bill dealing with the question of the Boys School. Where are the provisions for the adequate training of these people when they go there? Where are the prisoner-earning schemes where a person can earn, perhaps, \$1 a day so that when he comes out he would not have to face the unemployment situation, a constantly rising cost of living and then end up in jail again? There is no such provision here. From 1966 to 1970 because of high indirect taxation and the consequential high increases in prices the Government came - long and said "Taxfree Budget". Since then we have had an increase in stamp charges for letters, an increase in electricity rates, an increase in telephone rates, an increase in local authority charges. All these are coming out like googlie balls in a taxfree budget. Now we have some additional pressures.

#### 5. 45 p.m.

If this is an attempt to get more revenue, I think the Government is moving in vain, for only recently it changed the system of collection, where people were employed in different districts. I have read the report recently where the total arrears of collection seemed to be greater than what it was.

I should like to deal with the more fundamental question of the denial of rights, because what we are witnessing in Guyana today is that as the Government fails to solve the economic and social problems of the people, it is on one hand trying to quell incidents of crime by imposing penalties and pressures - which is not going to solve those problems - and on the other hand, at the political level, using pressures of one kind or another, including even beating up and cutting up newspaper vendors.

Because of dissatisfaction which is obviously growing in Guyana, experienced in one form of exodus out of the country, we find attempts are being made in diverse ways to silence opposition, to stifle criticism. Why is it we do not have confidence any more in magistrates, that the D.P.P. has to overrule them, once, twice, thrice, if necessary? If the magistrates are no good, get rid of them, put new ones.

We have also jurisdiction of the magistrates. We have heard where a certain magistrate is selected to do certain jobs, in all cases what appear to be trials where politicians are involved - Balchand Persaud and company, D'Aguiar and company, a case now going on, because opposition developed against the Government.

**Mr. Speaker:** You say particularly where political people are involved, this particular magistrate is assigned to do the case, and you named Balchand Persaud, Peter D'Aguiar, and the other person. I am merely enquiring who are political persons.

**Dr. Jagan:** There are many people who are politicians, who do not necessarily call themselves political. This includes a wide category. [**Mr. Hoyte:** "The man is a political animal."] The Hon. Minister of Finance is putting it in perspective. Is this not going against the very basis of justice when we must have a political magistrate? And then when we go into the whole question, in the case of Balchand Persaud, the magistrate says, "the evidence in the preliminary hearing is not such that I must commit but I will commit nevertheless." What kind of nonsense is this? We know in this case of this particular magistrate, even his colleagues in the magistracy objected to his promotion. They resigned, some of them, because he was pitchforked.

As the Hon. Attorney-General was shouting when my friend was speaking, we must not bring these things in, we must have substantive Motions. We must not talk about a man behind his back. The rules say a lot of other things, that we must have Motions on Wednesdays, that we must have Answers to our Questions within reasonable time, and we do not get these things done, but we are told we must behave according to the rules. Where is the Government behaving according to rules and conventions, when because it does not like the decisions of magistrates, it gives the D.P.P. the power to override, because the D.P.P. is a man the regime has appointed; when it takes a magistrate, whom it probably cannot control politically, and gives him whatever cases it wants him to deal with, even to the case of clerks. This is the basis of corruption of a system of justice and this is what I want to emphasise in this debate, because we are not dealing

with dotting "i's" and crossing "t's" here. This matter is going to the very root of democracy and conventions under which democracy is supposed to operate.

Let us take the question of the press. My hon. Friend the Attorney-General put it to the House as if we are all babes in the woods, as if nobody is aware in Guyana and outside of Guyana what is happening in Guyana. What I would like to ask the Hon. Attorney-General, he says that this measure is intended to see to it that those who either try to libel somebody or defame somebody, or whatever the terminology is, that they must have to pay. Okay. Nobody disagrees with that but will the hon. Attorney-General tell us what another arm of the Government is doing, that is using administrative measures to deny freedom of the press in Guyana? He is telling us of people using the press to slander others. What about the Government using administrative measures in order to deny the press the right to exist.

This is to show the hypocrisy of the Government in this matter, that what it is saying here is not what it means, and that the provisions intended here are really further to silence the press. I would support my arguments by showing what has happened so far in its attempt to silence the press. The hon. Minister of Trade, who is the competent authority, refuses to give licences for newsprint.

**5.55 p.m.**

Sir, I know how long it took till the Minister to grant the licences and how it was done. We know the consequences of that Act which led to a newspaper not being able to print for a while the number of pages it was supposed to be printing daily and subsequently, having to be closed down as a result of the administrative action of the Minister, the competent authority. I have with me here a letter which is dated 19th July, only yesterday, which is addressed to the competent authority. I should just read a section of this letter because I think it is important to see this in the relation. This is written by the Business Manager of the New Guyana Company Limited, Mirror, referring to application for import licences for printing paper.

"You may agree that we called no less than seven times at your Ministry only to be told that no licence is ready for us. You will further agree that several weeks have lapsed since our application was sent in."

For several weeks they cannot see the Minister, they cannot find him. The competent authority has applications since the beginning of this year for printing machinery, what has this to do with defamation? [*The Attorney-General "What has that to do with the Bill?"*] I am showing how hypocritical the Government is. It talks about bringing this mainly for that purpose. But we have to look at it as a whole.

Licences for equipment are not being issued. A few days ago we saw a photograph in one of the newspapers which showed newsprint arriving in the country having to be reloaded and sent back to Trinidad. Why is it that the Government, first of all, has put newsprint and printing equipment under licence? This cannot be done on the ground that we are supporting a local industry, therefore, it needs protection. We are told w that Carifesta is producing newsprint. What about printing equipment? Since when Jamaica is manufacturing printing equipment? Why it is licences for these items have not been issued? Let the Government tell us about that. I hope the Attorney-General in his reply either, he or the Minister of Trade would tell this House why is it that applications for newsprint in rolls which is not produced in Guyana and not produced in the West Indies, first of all, be under licence?

And secondly, why are the applications for these licences unduly delayed and only granted after the intervention at the Prime Minister's level through me. [**Attorney-General** "But it was granted."]

Another provision which has been put in these licensing requirements now is that one cannot get transfer 14a of any material imported under licences unless permission is granted by the competent authority. This was a common practice here. Ww4 is it that the competent authority is unwilling and fails to allow this facility? How is it if all that the Government is concerned about is defamation as it is claimed?

Attempt is being made now to get a person to sign a bond for \$5,000, an increase from \$1,500. In Antigua recently because of a similar device such as this – [**The Attorney-General:** "No, no. If it is, test it in the courts.]" - increasing the amount that a newspaper had to pay \$10,000 in order to start to publish and then pay an annual charge. The newspapers brought a suit against the Government on the ground that this was attempting to abrogate the rights of the freedom of the Press and the decision went against the Government. [*Interruption by Mr. Hoyte*] What did the same Minister say when Ramsammy was shot and when a charge was made that this was done by the Government to silence opponents. The Government spokesman said, "Oh, there is intention whatsoever; look at the *Mirror*, look at the other newspapers, there is freedom of the Press." What hypocrisy when he says one thing and the other Minister over there withholds licences for newsprint and equipment. [*Interruption by Mr. Hoyte.*] You know at a fact that a newspaper had to suspend tree printing. [*Interruption by Mr. Hoyte.*] You must have been sleeping like a squirrel in a hole during the winter. The Prime Minister knew about the strike which has prevented the newsprint from coming in time. They knew that the licence granted to bring newsprint from Trinidad would not arrive in time. On this occasion an application was made to the competent authority to get newsprint from another company which was willing to give, but they refused, up to now, *Mirror* is not printed. [**Mr. David Singh:** "When was it made?"] [*Interruption*] You have not even answered the letter as yet. [**Mr. David Singh:** "Why don't you shut up if you do not know what is happening, I have asked the Solicitor-General to advise me on my powers.""] [*Interruption*]

6.05 p.m.

This is the farce. [*Interruption*]

**Mr. Speaker:** Hon. Leader of the Opposition, please proceed.

**Dr. Jagan:** I hope Your Honour has taken that point. I wonder when the hon. Attorney-General, in defence of freedom of the press, will get down to giving him an opinion on this

question. The Government is now trying to put a penal provision by demanding \$5,000. Many people who would normally be printing what is now regarded and defined as a newspaper, everybody, will have to find \$5,000 to make a bond. It is clear that the Government is quite worried about the spate of criticisms coming from different quarters and it wants clearly to silence. It is not only concerned about defamation, but to silence the press.

Why didn't the Hon. Prime Minister intervene to see that the Minister, who is asking the Solicitor-General for legal advice is given the power? *[Interruption]* Let us deal at the political level. If we have to deal at the legal level, we will have the kind of chicanery that we heard just now. The hon. Prime Minister was obviously embarrassed by the adverse publicity and exposure of the hypocrisy of the Government on this question and this is why it moved to issue a statement soon after, which was a blatant lie. Sir, look at the statement they issued –

**Mr. Speaker:** You said the hon. Prime Minister issued a statement that is a lie?

**Dr. Jagan:** Listen to this statement, sir, on the personal intervention of the Prime Minister Mr. Forbes Burnham, today, the New Guyana Company Ltd. was able to obtain a licence to secure newsprint from Trinidad and Tobago. The Minister of Trade, however, and the statement goes on –

“... is putting the record straight for the benefit of the public, stated that a quantity of newsprint arrived in the country towards the end of January 1972.

On March 11, the release continued, New Guyana applied for a licence to import newsprint and this was approved. Further, applications by New Guyana on March 13 and 23, were also approved. Another application for newsprint which was filed by the company on May 31 at was approved, but owing to a strike on the Canadian docks, the paper did not arrive.

The Guyana Government recognises the role which the press has to play in a developing country and refutes the charge that it was deliberately hindering the newspaper concerned from being published.

The action taken by the Prime Minister today is a clear indication that the Government recognises and will continue to recognise the Freedom of the Press”

It happens, as was shown in a release given the next day by the New Guyana Company Ltd., that when they refer to newsprint, there are two kinds of newsprint, newsprint in sheets and newsprint in rolls. This is propaganda and propaganda can be bigger than plain lies. Half truths are more dangerous than lies because anybody reading this would come to the conclusion that the people who were complaining – *[Interruption by the Hon. Minister of Trade]* The Minister is talking rubbish. Let me put it in the record. Let me read since they are trying to confuse the House. This is the statement issued by the Mirror in reply to the Government's statement.

“... on February 24, 1972, they applied for per-mission to import 100 rolls of newsprint. 'Up to this date, we have not received this licence. On April 21, 1972, we again applied for licence to import 65 rolls of newsprint.’”

And then it goes on to show that this was not granted until late in May, towards the end of May after I intervened at the Prime Minister's level. What was the reason for the lapse between the period, let us forget the one in February, when 100 rolls were not approved, what happened between 21st April to the end of May? Was the Minister Bleeping? Where is the question of the freedom of the press? Let us say there were strikes and this and that. Surely the Government had the power.

I heard the Prime Minister calling him on the phone. David do so and so. Why cannot the Prime Minister say in defence of the freedom of the press: "David issue a permit for so and so newspaper to hand over some newsprint to another company"? *[Interruption by the Hon. Minister of Trade.]* My attempts to get the Prime Minister to permit the transfer, even to get newsprint from the Government Printery failed.

Licenses for equipment are still pending which were applied for even before the order came into being. [The Attorney-General: "They were made improperly."] There is no question of their being made improperly. We have not heard anything about that, this is the first time you are saying it. [The Attorney-General: "I am just advising you. Tell us whether you agree in your concept of a free socialist society."] The Minister must not talk nonsense.

Sir, I am saying here in this context that the Government is hypocritical when it says that there is freedom of the Press in Guyana and all that it is interested on is to protect citizens from irresponsible people who may use the Press in order to defame or to attack. [Interruption by the Attorney-General] Okay. We agree with that if that is the objective. But let the Ministers of Government give a categorical answer to (1) why was it necessary to impose controls on the importation of newsprint and printing equipment in Guyana? (2) Since the Government claims that there is no question of any obstruction to the freedom of the Press, why is it that there is all this obstruction even in complying with the order, - administrative delays and so forth.

Government cannot have it both ways, and it will not even fool children that what it is saying are its intentions. If the Government wants to have a one-party State it must say so, but do not be hypocritical about it, do not work in an under-hand way about it. What are we complaining about is the way the Government administers the law. Let us take the last May Day. If the right is here for workers to celebrate May Day, how is it that the T.U.C. is given permission to demonstrate in Georgetown, New Amsterdam and Essequibo and on the Coast, but sugar workers from another registered trade union is refused? How is it that one police officer on the West Coast in exercising his independent authority granted permission and on the day before the march withdrew the permission without explanation?

It is these manipulations which we are concerned about. One *Mirror* vendor selling *Mirror* was apprehended, taken to the police station and kept there for three hours. Another *Mirror* vendor in one of the Government's stronghold, Linden/Wismar area, because his son was selling the *Mirror* newspaper their thugs knifed him and threatened to kill him if he does not stop

selling. *[Interruption by Mr. Hoyte]* Do not come therefore and say you are concerned about protecting certain people. Do not tell us all that nonsense. The Government is out to stifle, to deny liberties enshrined in our Constitution.

This is why it is taking all these different steps. Therefore, we cannot support these measures in the context in which they are being brought to be made law in Guyana today, the total situation in which we see its at the administrative level, injustices, discrimination and so on. If it was an administration which lima dealing guilt fairly, squarely and impartially, one would say you can trust this administration by giving it extra legal powers. But the laws are being used in order to silence people, to suppress them, to bantam them, and for these reasons we cannot support these measures.

I hope that the Attorney-General and the Minister of Trade in their replies will assure this Souse that these obnoxious provisions which have been put, the powers which have been taken to control newsprint, printing paper, printing equipment, and printing supplies, that these will be abolished. Unless this is done the Government cannot justify in any forum that there is freedom of the Press and freedom of dissemination of information in Swans.

This is a very serious matter. Because it is so serious, the Government has been forced to make a statement that there is freedom of the Press. Therefore, since the Government is going out of its way to assure Guyana and the world that there is freedom of the Press, that there are liberties in "wane then those measures, be they orders, be they administrative methods, whatever they may be, the Government should move towards assuring the people of this country that the Government does not intend to so act. Secondly, they should remove these measures so that as my friend said at the beginning of the debate, "justice must not only be done, but it must appear to be done."

**The Attorney-General (Replying):** Mr. Speaker, if one could say a final word to the last question that the hon. Leader of the Opposition asked, it would surely be in the events which he himself narrated, that it was the hon. Prime Minister of this country, on personal intervention in an administrative matter, that sought to ensure that the press of the party of the Opposition came on to the streets of Guyana. What better manifestation of the intent of the Government can there be? But those are not the issues which really ought to have concerned the debate on this measure, and I would like to reply very briefly, in the few moments left of this particular session, to some of the questions that have been raised.

I had been at pains to point out at the beginning of this debate, that this was not a measure dealing with law reform. This is not to say that law reform is not necessary. It is both necessary and essential. It has to be an on-going process, and it has to be a process in which the whole community has got to be involved. It has got to be a process now in which the whole region has got to be involved. It has got to be a process to which our law schools must contribute and this is why perhaps what is the loss to this House, may be its gain ultimately in the contributions that our institutions of legal education can make. But before we do all that, we must put the statute book in order. That is what we are doing and I am grateful to those hon. Members opposite who were good enough to acknowledge that this was a necessary first step.

May I say a word particularly about the question raised by the Hon. Member, who spoke first on the other side, concerning the powers of the D.P.P. in relation to magistrates. He spoke as if what we were doing was to introduce an entirely novel system into the administration of justice. The realities of the situation were as all the learned and hon. Members in this House know, that until very recently, the situation was that the D.P.P. had undoubtedly authority to direct a magistrate to commit in cases in which a magistrate had refused to commit.

Indeed, the authority of the D.P.P. had been confirmed as late as 1963 in an obiter judgement of the Federal Court of Appeal. Subsequent to that case, a judgement was handed down in the Full Court of the Supreme Court which cast doubt on the authority of the D.P.P. to

give those directions in one class of case, that is, that the D.P.P. could not give those directions if the refusal of the magistrate had come on the basis of a no-case submission.

This was the ridiculous situation we had reached, that if the magistrate had heard all the evidence and had heard the accused, and had decided thereafter not to commit the D.P.P. could nevertheless give the directions. But if he had declined to make the committal warrant on the basis of a no-case submission, then he could not. All that we have done is to correct the anomaly which had been thrown up as a result of this decision, so to talk about an entirely new system in which the D.P.P. will assume new authoritarian powers is to be both inaccurate and to misrepresent and entirely miss the point. That is all we are seeking to do in the provision.

My Hon. Friend, the Deputy Leader of the Opposition raised the question on fines. He said what is the purpose of raising fines when there is difficulty already in collecting fines at the levels that exist. It is true there is difficulty, but equally a great number of fines and are collected. Indeed, the fines and comparable fees and licences of that kind collected in 1969 was Just short of \$1 million, so we are not talking about meaningless sums.

We have got to approach this question on all fronts. We have got to make the fines that are imposed by the courts meaningful, rational, having some relationship to the nature of the offence, and we have to improve our machinery for collecting them. But what made the matter worse was that the hon. leader of the Opposition, in his comment on fines, took the opposite position not that it was meaningless to do this because you could not collect fines, but that the object of the Government was to collect revenue, so that the two comments from the hon. leader and the hon. Deputy leader of the Opposition were entirely inconsistent.

As far as newspapers were concerned, I have already dealt with the excursion which the hon. Leader of the Opposition made into other matters. No one, I believe I am correct in saying, on the other side, criticised any provision of the newspaper section other than that concerned with what I have described as piercing the corporate veil, and it is therefore to that that I would

like more specifically to make reference, that is, the ability to go behind the paper company and identify the directors who run it, and who, therefore, are responsible for the acts of the company) and in particular, the publication.

It is not a new principle, as I tried to illustrate. The courts have always lifted the corporate veil, the veil of corporate personality, to look at the realities that lie behind that veil. I gave an example earlier of exchange control. The courts adopted a similar position with regard to identifying the concept of an enemy, whether property was enemy property. You did not look merely at the residence of the corporation in technical terms but you looked at who the directors were.

Quite recently, a very distinguished Judge of the English High Court - my hon. and learned Friend is very fond of quoting precedents from that source - talked about the right of not merely of the courts, but of the Legislature, as he said, to forge a sledge-hammer capable of cracking open the corporate shell. We are not, I think Mr. Speaker, going as far as forging a sledge-hammer. We are introducing a small lever to prise open this corporate lid to see what really lies within and it are the responsibility ought properly to rest. But beside this being a notion well known to our jurisprudence, it is a concept well known to the Opposition.

I should like to refer however briefly to two pieces of legislation which were introduced in 1958, at a time when, I believe, the hon. leader of the Opposition was responsible for the affairs of the Government of this country. The tint is the Exchange Control Ordinance, and read from the Fifth Schedule, Part II, section 1 subsection (2). This is what the party, that is now in Opposition and that finds this provision so offensive, legislated for on that occasion.

"Where an offence"-

a criminal offence –

"punishable under this Part of this schedule has been committed by a body corporate, any person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of ' that offence, unless he proves that the contravention was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances."

And, Mr. Speaker, as if that were not b- enough, later on in the year, the Government introduced the Trade Ordinance and in Section 9 (2) of that Ordinance, exactly the same type of provision was introduced aimed at going behind the corporation and finding and imposing guilt upon directors, officers, and other functionaries of the corporations.

We do not complain about those provisions and I remind hon. Members that this related to criminal responsibility. What they are complaining of is a provision dealing with civil liability. They were ready to impose criminal responsibility on directors in that case. How can they properly come and accuse the Government of tyrannical conduct, of an attempt to silence the press, of an attempt to introduce new concepts into our jurisprudence when they know perfectly well that provisions of this kind existed.

Finally, Mr. Speaker, my Hon. and learned Friend Dr. Ramsahoye asked me to say when the revised laws of Guyana would appear on the shelves of the Libraries of our courts and in the hands of the members of our community. The best estimate I can give of that is that the revised edition of the laws should be available within 1973. We are at the stage now where the pages are going to the printers and the proofs are being returned, but we are determined, even at the cost of a delay, to have the first revised edition of the laws of the Republic printed in the Republic. It is going to be done in Guyana and therefore it may take a little longer, but it will certainly be completed within 1973. I give that assurance, Mr. Speaker, confident that it is one that we can fulfil.

*Question put and agreed to.*

*Bill read a Second time.*

**Mr. Speaker:** Hon. Members, perhaps this is a convenient time to take the suspension. The sitting is suspended until 8 O'clock.

*Sitting suspended at 6.36 p.m.*

**8.00 p.m.**

*On resumption*

**Mr. Speaker:** Hon. Members, I have been informed that the hon. Attorney-General has given the undertaking that he would not proceed with the Law Revision Bill until an opportunity was given to Members to consider the Amendments that were submitted. In the circumstances, we will move on to item 2 under Public Business on the Order Paper. The Minister of Housing and Reconstruction.

#### **LAND REGISTRY (VALIDATION OF AWARDS) BILL**

"A Bill intituled an Act to validate certain awards of titles purported to have been made under the Land Registry Ordinance, 1959." [*The Minister of Housing and Reconstruction*]

**Mr. Ramsaroop:** Your Honour, this Bill is very simple in its implications. It seeks to validate certain awards which were made by inadvertence relation to parcel of land described in the Schedule to the Land Registry Ordinance, (Registration Area) Order 1972 (Demerara River) (No 2) (Amendment).

It would appear that awards were made with respect to these lands when the area had not been declared a land registration area. This Bill therefore, seeks to regularise that situation and to

validate those awards. I commend it to this House and respectfully ask that it be read a Second time.

*Bill read a Second time.*

*Assembly in Committee.*

*Bill considered and approved.*

*Assembly resumed.*

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

#### ADJOURNMENT

**Mr. Speaker:** Hon. Leader of the move the Adjournment of the House?

**Mr. Ramsaroop:** Your Honour, the has indicated his pleasure to proceed Hon. Minister of Finance with the Bill which is next on the Order Paper.

*[After a pause]* It would appear that a few Amendments are sought in this matter. In the light of this, I respectfully at ask that we allow it to be left for tomorrow's sitting. In that case, I move the adjournment of the House to Friday, 21st July, 1972 at 2 p.m.

**Dr. Ramsahoye:** Your Honour, before you stand. It is obvious that the Leader of the House brought us here for no sound reason at all. I mean, if this was all he had to do he could have told us that, and we could have passed it without having to come back here. It is unkind to us, especially since the Attorney-General agreed with me that if we finish the Second Reading today there will be no night sitting.

20.07.72

National Assembly

8.00- 8.08 p.m.

**Mr. Speaker:** This sitting is adjourned until tomorrow.

*Adjourned accordingly at 8.08 p.m.*

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