

LEGISLATIVE COUNCIL

(Constituted under the British Guiana
(Constitution) (Temporary Provisions)
Order in Council, 1953)

THURSDAY, 13TH JUNE, 1957

The Council met at 2 p.m.

PRESENT:

His Honour the Speaker:

Sir Eustace Gordon Woolford, O.B.E.,
Q.C.

Ex-Officio Members:

The Hon. the Chief Secretary,
Mr. M. S. Porcher (Ag.)

The Hon. the Attorney General,
Mr. A. M. I. Austin.

The Hon. the Financial Secretary,
Mr. F. W. Essex.

*Nominated Members of Executive
Council:*

The Hon. Sir Frank McDavid,
C.M.G., C.B.E. (Member for Agri-
culture, Forests, Lands and Mines)

The Hon. W. O. R. Kendall (Mem-
ber for Communications and Works)

The Hon. G. A. C. Farnum, O.T.E.
(Member for Local Government,
Social Welfare and Co-operative
Development).

The Hon. R. B. Gajraj

The Hon. R.C. Tello

Nominated Unofficials:

Mr. W. A. Phang

Mr. L. A. Luckhoo, Q.C.

Mr. C. A. Carter

Mr. E. F. Correia

Mr. H. Rahaman

Miss Gertie H. Collins

Mrs. Esther E. Dey

Dr. H. A. Fraser

Mr. Sugrim Singh

Mr. W. T. Lord, I.S.O.

Clerk of the Legislature:

Mr. I. Crum Ewing.

Assistant Clerk of the Legislature:

Mr. E. V. Viapree

Absent:

The Hon. P. A. Cummings (Mem-
ber for Labour, Health and Housing—
on leave.

Mr. J. I. Ramphal.

Mr. T. Lee — on leave.

Rev. D. C. J. Bobb—on leave.

Mr. R. B. Jailal — on leave.

The Speaker read prayers.

The Minutes of the meeting of
the Council held on Wednesday, 12th
June, 1957, as printed and circulated,
were taken as read and confirmed.

ANNOUNCEMENTS

LEAVE TO MEMBERS

Mr. Speaker: Mr. Jailal has asked to be excused from today's meeting. Mr. Correia if you desire to leave you may do so.

INTRODUCTION OF BILLS

The Chief Secretary (Mr. Porcher, acting): I beg to give notice of the introduction and first reading of a Bill intituled:

"An Ordinance to amend the representation of the people Ordinance and to provide for the inclusion of certain areas as registration areas for the purposes of that Ordinance."

Bill No. 23 of 1957. The Bill is to be published on the 15th of June.

In the absence of the Member for Labour, Health and Housing, I beg to give notice of the introduction and first reading of a Bill intituled:

"An Ordinance to regulate the practice of experiments on living animals, and matters in connection therewith."

Bill No. 21 of 1957. The Bill is to be published on the 15th of June.

ORDER OF THE DAY

BILLS — FIRST READING

The following Bills were read the first time:

REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL

A Bill intituled, "An Ordinance to amend the Representation of the People Ordinance and to provide for the inclusion of certain areas as registration areas for the purposes of that Ordinance:"

ANIMAL (CONTROL OF EXPERIMENTS) BILL

A Bill intituled, "An Ordinance to regulate the practice of experiments on living

animals, and matters in connection therewith:"

WITHDRAWAL OF BILL LOCAL GOVERNMENT (AMENDMENT No. 3) BILL

Mr. Speaker: Does the hon. Member for Local Government wish to proceed with the second reading of the Local Government (Amendment No. 3) Bill, 1956?

Mr. Farnum (Member for Local Government, Social Welfare and Co-operative Development): I seek permission of the Council to withdraw the Bill. A new Bill is being framed and it is thought desirable to withdraw this one in the meantime.

Mr. Speaker: The hon. Member has asked to withdraw the Bill.

With regard to the Pawnbroking Bill, we were in committee.

PAWNBROKING (AMENDMENT) BILL

The Financial Secretary: I beg to move that the Council resolve itself into Committee to consider further a Bill intituled:

"An Ordinance to amend the Pawnbroking Ordinance".

Sir Frank McDavid (Member for Agriculture, Forests, Lands and Mines): I beg to second the motion.

Question put, and agreed to.

COUNCIL IN COMMITTEE

Council resolved itself into Committee to consider the Bill clause by clause.

The Financial Secretary: Your Honour will remember we had virtu-

ally finished with the Committee stage of this Bill except for one point. One hon. Member who is not here made observations, and you too, Sir, have made observations about the procedure which follows a surplus being obtained after a public auction of the pledge, that is the surplus over the amount of the loan plus profit, plus the cost of insurance. There was a feeling that it was perhaps a slightly cumbersome procedure and one which would cause some inconvenience to the borrowers if the surplus were paid over to the Public Trustee, and it was suggested that there should be some power whereby the Pawnbroker could pay over the surplus within a limited period before he handed it over to the Public Trustee in the absence of the claimant. It was also suggested that the Pawnbroker might advertise the fact when there was a surplus.

Well, Sir, we have circulated an amendment to Clause 8 which goes half-way to meet the points raised. It will be noticed now that the proposal is that the pawnbrokers should pay over a surplus to the Public Trustee after two months, instead of after six months, as in the printed Bill, but that, within that two months if a **bona fide** claimant should turn up before the Pawnbroker and claim the surplus then the Pawnbroker would be empowered to hand it over to him without any more ado. We have not however in the amendment made provision that the Pawnbroker should advertise the fact of his having a surplus. There are practical difficulties in the way of this and one of them is the accounting difficulty — the question of who would pay for the advertisement. There would be particular difficulty where the advertisement was a composite one as it always would

be, including the surplus amount due to a collection of people of different amounts and so on. But apart from the practical difficulties we did feel that it was not unreasonable to expect that a borrower should keep his eyes open and his wits about him, and to notice when an auction was held, and if necessary, to badger the Pawnbroker to hand over to him what was his due.

We certainly do not feel that there should be any change in the basic principle that any surplus which is not claimed within a reasonable period, which we think two months to be, should go to the public trustee as was proposed before. We certainly think that it would not be equitable as was suggested that if there was a surplus unclaimed it should stay in the hands of the Pawnbroker who has no claim or right to it whatsoever. The further point that was raised particularly by Your Honour was the practice of the Public Trustee in certain cases to hold on to the surplus of any kind that came into his hands for five years before paying them over.

We still think, Sir, with the utmost respect that the law is not so ambiguous as all that. But in deference to your opinion, we are suggesting a new subsection to section 16 as on the circulated paper which makes it clear that subsections 1 and 2 of section 13 of Chapter 48 (the Public Trustee Ordinance) do not apply to the Pawnbrokers' surpluses. I think, Sir, you will admit that this meets the case, and removes any possible ambiguity.

The Chairman: It would not increase to any great extent the cost of the advertisement if Pawnbrokers were compelled to publish what surplus balances there were in their

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hands following the sale of unredeemed pledges. The amounts, if any, could be deducted from such balances. Why should such moneys be paid over to the Public Trustee? Bankers unclaimed balances are not so dealt with.

Mr. Farnum: Except in this case, I take it that what you are saying is that these surpluses can still be inserted in the advertisement of jewellery.

The Chairman: The number of the pawn ticket and the name of the pledger.

Mr. Farnum: In the advertisement for the sale of jewellery, but it must be remembered that these sales take place twice a year.

The Chairman: That does not matter. In the case of the Public Trustee it is once a year.

Mr. Farnum: The effect of this amendment will be that two months after the sale a pledger will get his money, but if he has to wait until after the advertisement he would have to wait six months.

The Chairman: I have made so many proposed amendments. I am going to give the hon. the Attorney General a list of them. I hope before I die to be able to see them become law.

The Attorney General: These amendments are recommendations of the Committee.

Clause 8—*Amendment of Section of Cap. 336.*

The Financial Secretary: I beg to move that clause 8 be re-committed

and that the following substituted new subsection (1) of section 16 be inserted —

“Where any pledge which has been pawned for above five dollars is sold for more than the amount of the loan and profit and charge for insurance due at the time of sale, the pawnbroker shall pay the surplus to the Public Trustee on behalf of the pawner not later than two months after the date of sale:

Provided that if at any time before it is paid to the Public Trustee the holder of a pawnticket demands the surplus, the pawnbroker shall pay it to him on delivery of the pawnticket.”

The Chairman: Hon. Members have seen the proposed amendment.

Mr. Luckhoo: Your Honour has raised a very important point in connection with the Banks. I wonder whether it is the intention of Government a little later to introduce legislation of a like nature. One has the snag between Mr. Carter's pork-knocker and the big investor. One wonders whether we can draw a parallel between the pawnbroker and the banker. I am just asking it.

The Financial Secretary: Is the hon. Member asking about comprehensive banking legislation ?

Mr. Luckhoo: Yes.

The Financial Secretary: It is the intention to bring forward such legislation in due course. The present Ordinance is very meagre.

Question put, and agreed to.

Amendment adopted.

The Financial Secretary: I beg to move that subsection (6) of section 16 be amended by substitution of the following new sub-section —

(6) The provisions of subsections (1) and (2) of section 13 of the Public Trustee

Ordinance shall not apply to the Public Trustee in regard to the duties under this section."

Mr. Carter: We have been hearing that the pawnbroker would have to advertise his surplus:

The Chairman: That is what I was saying. He is not bound to because of some question of expense.

Mr. Carter: If the Public Trustee has to advertise these surpluses, basically the pledger would have to repay the cost. Advertising must be conducted from the surplus fund.

The Financial Secretary: The 8 per cent. charge is for all the services of the Public Trustee including advertising.

Mr. Carter: If the pawnbroker has to advertise the cost would be deducted from the surplus.

The Financial Secretary: We do not wish to adopt the procedure of making the pawnbroker advertise the surplus. The only advertising the pawnbroker has to make is the notice of the auction sale under the existing Ordinance.

Question put, and agreed to.

Amendment adopted.

Clause 8, as amended, passed.

Clause 19—Amendment of First Schedule to Cap. 336.

The Financial Secretary: I move that clause 19 be amended by the insertion of the following as circulated in the printed amendments —

"In the conditions of Form 2 Pawn-ticket B and Form 7 Special Contract, the words, "unless claimed from the pawn-

broker," to be inserted between the words "Any surplus produced by the sale shall" and the words "be paid to the Public Trustee."

It is a consequential amendment.

Question put, and agreed to.

Amendment adopted.

Clause 19 passed as amended.

Title and enacting clause passed as printed.

Council resumed.

The Financial Secretary: I have been discussing with the hon. the Attorney General whether we should proceed to the third reading or leave it in abeyance so as to look through the Bill. I propose to defer the third reading until the next meeting of the Council.

Mr. Speaker: The Bill is left in Committee so as to give an opportunity to revise it.

ELECTRICITY BILL

Mr. Kendall (Member for Communications and Works): I beg to move the second reading of a Bill intituled :

"An Ordinance to provide for the establishment of a Corporation to be known as the British Guiana Electricity Corporation and for the exercise and performance by the Corporation of functions relating to the supply of electricity and certain other matters:"

As hon. Members will remember, in moving the third resolution which was passed in this Council on the 23rd May, 1957, approving of arrangements for Government to purchase the Demerara Electric Co. Ltd., I promised this Council that at an early stage I would introduce the British

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Guiana Electricity Corporation Bill, which is before Council today. Mr. Speaker, you will observe that this Bill seeks to create the administrative machine to run the undertaking on strictly commercial lines and with the maximum amount of efficiency. I think hon. Members would agree with me that it would be most unwise to run a public utility undertaking such as this in the form of a Government financed undertaking. At the same time modern thought is that a public utility service such as an electricity supply undertaking should be placed beyond the reach of the mere profit-making. In keeping with this view many countries have placed their electricity undertakings under the control of public corporations. The main purpose of this Bill is to establish such a body in British Guiana.

The arrangements for the purchase of the Demerara Electric Co. Ltd., are progressing and it is most desirable that we should have the administrative machine already in existence and fully geared for the take-over by the time the purchase is concluded. In this way we can hope that the take-over may be as smoothly as possible and without any disturbance to our electric supply or any inconvenience to the consumers of electricity in Georgetown and the suburban areas. As hon. Members will see from the Bill this Corporation is to be responsible not only for supplying electricity to Georgetown and the suburban areas but for the rural electrification scheme as well.

This Corporation, as hon. Members will remember, is to consist of seven members who are to be appointed by the Government, but only three of them may be Government Officials.

On the management side the senior members of the permanent staff will be the General Manager and the Secretary.

Clause 12 of the Bill authorizes the transfer to the Corporation of any public undertaking and public undertaking is defined as any installation which is the property of the Government and is operated for the supply of energy to the public. This clause has been introduced specifically as a simple and convenient way of vesting the Demerara Electric Company's undertaking in the Corporation. The Corporation will also have the power to acquire undertakings of this nature.

Clause 13 charges the Corporation with the specific duty, among others, of promoting and encouraging the use of electricity with a view to the economic development of British Guiana. The Corporation is therefore to play a vital part in the life and progress of this country. It is to function also as a consultative body. One of its duties is to advise Government on all matters relating to the generation, transmission, distribution and use of electricity.

One of the most important clauses of the Bill is Clause 14. The ultimate object of this Clause is to confer on the Corporation the exclusive right to generate and supply energy for sale within the populated portions of the Colony's coastal belt from Crabwood Creek to the Pomeroon River. The first schedule in the present Bill deals only with the city of Georgetown but under Clause 14 additional areas will be added by Order, until the entire region is covered. Within this region, it will be the obligation of the Corporation to supply energy to any consumer requiring a supply, provided he is prepared to enter into a contract and give any security that may be required.

On the financial side the Corporation is to have power, with the approval of the Governor in Council, to borrow money by the issue of debenture or debenture stock, or to raise capital for certain purposes by the issue of a stock. It will also have the right to borrow money in general for meeting any of its obligations incurred in the discharge of its functions. The Government may guarantee the payment of interest or principal of any such loan.

Clause 19 places the obligation on the Corporation to conduct its affairs in such a manner that its revenue are adequate to meet its expenditure.

Clause 21 places a limit on consumer rates in Georgetown and its suburbs. Without the approval of the Governor in Council, the Corporation may not exceed the limits of price at present in force within the franchise area of the Demerara Electric Company Ltd.

Clause 25 will compel the Corporation to submit for the information of Council an annual report of its operations together with a statement of its audited accounts.

I would like at this stage to assure the present employees of the Demerara Electric Company that their conditions of service will not be varied in any way to their disadvantage.

It is interesting to observe that for many years people have been clamouring for something that would change the face of our country-side and give the residents there a greater measure of hope and encouragement to settle in the rural areas, and not follow the bright lights of the cities.

Today it is the proud achievement of an interim nominated legislature to

have initiated, prepared, and completed plans for a rural scheme which is so vital a measure in our country's social and economic advancement.

Whatever may be said of us as a Government, this fact stands out boldly, that we are capable of bringing to a successful conclusion, a requirement which previous legislators may have only talked about.

The acceptance of this Bill marks another progressive step towards the economic development of our Colony, and I do hope that with the passing of this measure future generations will give us credit for our foresight and our vision. I now beg to move the second reading of the Bill.

Sir Frank McDavid: I beg to second the motion.

Mr. Speaker: Does any Member wish to say anything about the policy underlying this Bill?

Mr. Luckhoo: I would like to say that we have had an opportunity of discussing it very fully in Finance Committee and one wishes to compliment Government on having afforded us an opportunity to ask a number of questions in that respect. We have taken every advantage of the opportunity offered and we have been able to get answers to satisfy ourselves on certain points. I think it is a very useful procedure because much of the time spent here in making long speeches has been saved.

I am sure that the floor members agree when we say that the information given to us was very full and satisfactory, because this motion introduces the type of undertaking we want to see in this Colony. As I understand it, this Corporation will be the focal point for the distribution of

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electricity in this Colony, and besides taking over the operations of the Demerara Electric Company, it would undertake various projects under the rural electrification scheme, including the use of hydro-electric power. I think that the setting up of an Electric Board would be supported by the entire Council.

I was hoping that the hon. Member (Mr. Kendall) would see that those workers who are now in the employ of the Demerara Electric Company would not suffer through any change of control and that they would be given proper consideration for the services they have rendered, especially because some of them might be retained by the new Board.

I am glad to hear (from the hon. Member's opening address) that this will be so, because whatever might be said about the Demerara Electric Company one sees that our own local men—Guianese—were given every opportunity of finding employment there and that they made full use of that opportunity. In all fields of employment in the Demerara Electric Company one finds that there is local personnel. I am hoping also that this Government will soon encourage our local young men to go abroad and get the necessary training that would qualify them for posts in the field of electricity.

I am hoping that some of them would be offered scholarships, so that they would be able to fill some of the higher posts connected with the administration of such a technical body as the Electricity Board. I feel that one of the chief objects of such a Board would be to organize and plan for the future. I feel that hydro-electric power offers tremendous opportunities and tremendous challenge for the future of this country; next to the finding of oil, I do not think there is anything that would revolutionize the country more.

It is generally felt that cheap electricity would result in a much wider form of industrialisation and progress than we have at present. In the old days, young men thought in terms of either law or medicine, but with the undertaking proposed in the motion I can see more opportunities being afforded for our young men in the future. I do hope they would be able to fill these new positions with dignity and credit to themselves.

Mr. Sugrim Singh : It is usual on occasions like this when a great event has been finalised, for one to make a few remarks. I think that some degree of praise must be given to Government and particularly to the Member for Communications for the work that has been done in bringing about the formation of this Electricity Board for the acquisition of the Demerara Electric Company. As one who has been interested in the matter, I know that it would be for the benefit of this country.

As stated by the hon. Member who has just taken his seat (Mr. Luckhoo), the silence of this Council with respect to the motion, is largely if not entirely, due to the fact that we have already spoken much about it in Finance Committee. We are all satisfied that it would be for the benefit of this country to have this Electricity Board constituted, and we hope that in the not-too-distant future rural electrification would no longer be a subject for discussion, but would become a reality.

It is generally felt that this country is ripe for development, and we should not delay any longer in providing the incentive to people in the rural and other areas to make progress along modern lines. I speak for the rural areas particularly and, as was done in some neighbouring colonies, I would like to see Government taking electricity and other developments into the private and industrial life of the people.

I think the use of electricity could bring much benefit to the milk industry among others, and we are looking forward to the day when the industrial life of the whole country would benefit from the proposals relating to this motion.

Mr. Speaker: I propose to put the second reading.

Question put, and agreed to.

COUNCIL IN COMMITTEE

Council resolved itself into Committee to consider the Bill clause by clause.

Clauses 1 to 4 passed as printed.

Clause 5 — *Constitution of the Corporation.*

The Chairman: I see no representation of the Legislative Council on this body.

Mr. Kendall: We want to keep it out of politics.

The Chairman: Well, I hope it won't interfere with your success at the polls. (*Laughter.*)

Mr. Kendall: Thanks very much for the observation.

Clause 5 passed as printed.

Clause 6 — *Tenure of office of members.*

Mr. Luckhoo: Subclause (4) states:

"The Governor may grant leave of absence to any member of the Corporation."

I wonder if that is not going to be an embarrassing procedure — that one must go to the Governor for it. In these days the tendency is to avoid that. If there is to be a chairman it

seems to be a better arrangement to have him grant the leave rather than inflict the Governor with every application of this kind. I would like to propose that it should be the chairman. It may be that a member would like to go on leave only for a few days, and in that case he would have to ask the Governor in order to get the necessary leave.

Mr. Kendall: I will make a note of the hon. Member's point and consider it in consultation with the Attorney General. The general manager is appointed by the Governor and if leave is to be given, all the Governor does is to ratify it; not that it has to flow from the Governor, and this does not apply to subordinate employees. Members of this Corporation are to be appointed by the Governor and I think it is right that the Governor should be the person to grant them leave.

Mr. Luckhoo: The point I was making was that, as a matter of general practice, if a member is going away for a few days or for a week he has to put up an application to the Governor. That might be embarrassing to the Governor.

Mr. Kendall: There is no embarrassment. The Governor saw this and he is satisfied. The hon. Member has been a member of the Sewerage Board and he knows the practice that obtains there.

Mr. Luckhoo: It is because of that that I made this observation. The Governor may be burdened with all these formalities.

Mr. Kendall: There is really nothing to bother about.

The Chairman: Under the Order in Council, I cannot go on leave. The Governor alone has the power to grant that. That happens where the Governor or some particular person makes

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the appointment. I know what the hon. Member, Mr. Luckhoo, means. I suppose it has to be done as long as the Governor makes the appointment.

Mr. Gajraj: If I may say so, it is absolutely necessary for application for leave to be made to the Governor and for his permission to be given, because of the provisions of clause 5, subclauses (4) and (5) which state that the Governor may appoint anyone to sit on the Corporation for a period of time due to the temporary absence of the substantive holder of the office. If he has that power, then he must know of leave that is being granted. The application must be made to him and he grants it as such.

The Chairman: The hon. Member, Mr. Luckhoo, is not asking for an amendment.

Mr. Carter: May I draw attention to the typographical error in subclause (5). The word "be" should be inserted between the word "shall" and the word "notified" in the last line.

Mr. Kendall: Thank you very much. I move that the clause be so amended.

Question put, and agreed to.

Clause 6 passed as amended.

Clauses 7 to 23 passed as printed.

Clause 24—*Accounts and audit.*

The Chairman: I am referring to subclause (1). Must the Colonial Auditor not have a check at any time?

Mr. Kendall: There is nothing to prevent them from employing their own auditor, as is done by B. G. Airways, and the Colonial Auditor can still check. But I will make a note of this.

Question put, and agreed to.

Clause 24 passed as printed.

Clauses 25 to 29 passed as printed.

First Schedule and Second Schedule passed as printed.

Title and enacting clause passed as printed.

Third reading deferred.

RICE FARMERS (SECURITY OF TENURE) ORDINANCE

Mr. Luckhoo: May I ask that Item 5 on the Order Paper be taken now?

Mr. Speaker: It is a question of the relevant Standing Orders being suspended to allow that item to be taken.

Mr. Luckhoo: I move that the relevant Standing Orders be suspended to allow me to move the motion standing in my name on the Order Paper as Item 5.

Question put, and agreed to.

Relevant Standing Orders suspended.

Mr. Luckhoo: I request leave of the Council to amend the motion by deleting in the resolve clause, paragraph (a) —

"That the operation of the Rice Farmers (Security of Tenure) Ordinance of 1956 (No. 31) be suspended forthwith; and"

I will not proceed with that, though it was put in the motion for a particular reason.

Motion amended accordingly.

Mr. Luckhoo: Your Honour, I desire to move the motion standing in my name. It reads thus:

"Whereas there is widespread dissatisfaction by rice farmers in this Colony who are experiencing great hardship consequent upon the operation of the Rice Farmers (Security of Tenure) Ordinance of 1956 (No. 31); and

Whereas the said rice farmers are in need of immediate relief from the operation of the provisions of the said Ordinance:

Be it resolved: That a Committee be appointed immediately to enquire into and report upon the working of the said Ordinance and its effect generally on tenants and landlords."

I would say that no legislation passed by this Interim Government has caused more hardship and invoked more uneasiness in its working than Ordinance No. 31 of 1956, the Rice Farmers (Security of Tenure) Ordinance, and no legislation has met with more widespread opposition in its working than this Ordinance. The object of this Ordinance was to provide for the rice farmer security of tenure and to provide for the landlord a more reasonable rental than he was receiving and a rental which would enable him to effect improvements on the land, which would in turn benefit the tenants. In an endeavour and effort to meet the situation this Ordinance was brought forward.

As in everything which is new, it is difficult sometimes to anticipate how the Ordinance will work, whether the formula which is being put forward will be a practical one, and one which will be able to do justice both to the farmers and to the landlords. In this case, I can say that the object is not being obtained, that the working of the Ordinance presents greater problems than those problems which faced the landlords and tenants prior to the acceptance of this Ordinance by this honourable Council. I feel it was an honest endeavour by this Government to meet a difficult situation. The fact that it is failing means that something has been astray and it is not working successfully.

Consequently, I feel it is incumbent on Government as the result of what is happening now to see in what way the position can be remedied, and I feel the only way the position can be remedied is by having an immediate enquiry into the working of the Ordinance, by having a Committee appointed forthwith, by having those who had some opportunity of seeing the Ordinance work go and give their advice and counsel to the Committee.

I am referring particularly to the Chairmen of the several Committees and members of those Committees. I have attended several meetings of those Assessment Committees, and I have appeared before many of them professionally. I can tell Your Honour and this honourable Council that there are many factors which were not given the fullest consideration. The formula which was worked out and which appeared at first blush to be satisfactory, is not working satisfactorily.

The point I wish to make is that not only the landlords but both the landlords and tenants are complaining of the hardships which they say readily they are now bearing in many cases. The major difficulty appears to be this: whereas a certain sum is fixed as the basic rent for a particular type of soil, one is getting day by day cases in which the same type of soil in like circumstances is producing a different yield.

Yet the rent remains the same. Let me amplify that. If we were to look at the Ordinance and take the East Coast Demerara area, we would see in the First Schedule that for clay soil the basic rent is \$10. Section 4 reads:

"(1) For the purpose of this Ordinance there shall be established certain zones numbered in the manner indicated in the first column of the first schedule hereto comprised of the areas of land described in the second column of the said schedule and the basic rent chargeable in respect of rice lands in those areas shall as from the 1st day of May, 1956, not exceed the

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appropriate amount set out in the third, fourth and fifth columns of the said schedule.”

One finds on the East Coast an estate with clay soil adjoining another estate with the same kind of soil. Conditions would be more or less the same on both estates with respect to drainage, irrigation and general conditions, yet there are cases where the yield from estate “A” would be different from the yield on estate “B” — a difference ranging from between 5 and 10 bags of padi per acre. Yet, on estates giving a lesser yield rice farmers are being called upon to pay the same basic rent as the others.

One of the difficulties is the question of drainage which I have found to be affecting not only one but several areas in this Colony where the Committee has replaced the basic rental by a mixed basic rental per acre, as if it were a standard basic rental. It seems to me that what is required—I am not providing a solution however—is a sliding scale system, otherwise the word “mixed” would have no effect.

If estate “A” is producing 20 bags per acre, then it should be given a mixed rental because estate “B” with the same clay soil might only yield 10 bags per acre, due to circumstances over which neither tenant nor the landlord has had any control. That has been one of the chief causes of complaint on the part of tenants.

It is a moot point—this question of varying yield—and it is one which affects individuals in all three counties in the Colony. Increased production on a particular estate might be due to improved drainage and irrigation, while low yields might be due to poor drainage and irrigation or lack of a system for getting water off the land, due to the fault of the management or the landlord.

The contention is that if the management would put the estate in order, I would have no objection to the fixing

of a mixed basic rent as proposed, but I would object to the paying of \$10 per acre for land that is not giving a proper yield. Another contention raised by some of the farmers is that even with the best drainage and irrigation in certain places one might only get a yield of about 18 bags per acre because of the poverty of the soil, while another farmer who is also cultivating clay soil would get 20 or 24 bags per acre. What is required is some investigation as to whether there should not be the introduction of a sliding scale whereby the farmer would pay a rent in proportion to the size of the crop he reaps. Therefore, it would be in the interest of the landlord to make his land as fertile as possible, because the more it yields the more rent he would receive.

Sir Frank McDavid: I think that would amount to penalising the good farmer.

Mr. Luckhoo: I fail to see how that would be penalising a good farmer. The farmer plants the crop, but he does not control the yield from the land. I have seen a great difference in the average yields from two estates where the conditions appeared to be similar.

Sir Frank McDavid: You have to put the same farmer on both estates before you can draw such a conclusion.

Mr. Luckhoo: I have already heard the suggestion that the difference in yields is due not to the soil but to the methods adopted by the farmer. These people who have been planting rice all their lives are accustomed to “given” conditions. I think we have some of the best farmers in the entire world here, because they have been doing it all their lives under such circumstances. I do not think there could be such a difference between one method and another as to account for the difference in yield from the estates concerned.

What we have today is really a new formula (relating to land rent), and

what I am saying is that it is not working satisfactorily—based upon what the farmers say. All I know about planting rice is from what I have been told; I have not had the opportunity of doing it myself. But, both the farmers and the landlords complain that the working of this Ordinance will certainly create many hardships.

Another cause of complaint concerns the question of "estate charges". In this Bill the term "estate charges" means "any expenses incurred by a landlord, other than those referred to in paragraph (a), (b) and (c) of section 23 of this Ordinance, in the improvement and maintenance of any holding carried out for the purpose of cultivating padi." I think the question of the partitioning of the very rice lands should be regarded as expenses under this head. The question has arisen that if the rental is from the 1st May, 1956, then an established partition should be regarded as expenses incurred from the 1st May, 1956.

So far as the 1956 rental is concerned, there should be no claim for estate charges because it would not be expenses "to be incurred" but expenses "incurred". It is the working of the Ordinance to which my complaint chiefly refers, and it means that this particular definition might have conditions—a landlord can anticipate what he is going to spend with respect to estate charges, but from my reading of the Ordinance that is not so. It is a question of the actual amount spent, and the question of intention does not arise.

I am just pointing out some of the differences to this question—some of the pinpricks which are rather deep and about which both the landlords and the tenants complain. Another point deals with the question of "a highly maintained estate." There is no definition of "a highly maintained estate" and it has been observed by farmers who have been farming for years that there are really no highly maintained estates in this Colony. A highly maintained type of estate

—such as one declared under the Drainage and Irrigation Ordinance—should, in my opinion, receive up to \$10 per acre (as rent), but too many estates have come within the maximum rent group and the suggestion is that there are no highly maintained estates.

From the landlord's or the tenant's point of view a person might incur heavy estate charges, but that does not necessarily mean that the estate concerned is highly maintained. For instance, a landlord might spend \$10,000 in a particular year on his estate and the next year \$10 per acre, but he might not spend anything more on the estate for several years thereafter but yet the estate would have become a highly maintained estate.

He can then get for that year the maximum of ten dollars when he spent a thousand dollars to bring his estate up to that standard. He is not able to get the benefit of the thousands he might have spent in the previous year. As such, they have pointed out that this produces a hardship.

Another point they have urged is that they might never be able to come up to the standard of a highly maintained estate within the description of the law or the view of the committee. There were no standards by which they could say, 'well now, we have come up to the said standard and we now have a highly maintained estate.'

If a farmer wishes, he can make application for a certificate of non-observance of the rules of good estate management and the committee will fix damages as they see fit. At the moment the rice farmer is saying, for example, 'I am called upon to pay estate charges although you (the proprietor) have incurred no expense for the year 1956. On the 1st of May, I am still made to pay a sum of money,

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and this charge is said to be really applicable to 1957. If I am made to pay estate charges, then I shall be in a position to apply for a certificate of non-observance of the rules of good estate management.' In other words, he can turn around and say, 'all right, I have suffered loss due to the fact there is improper drainage of this estate, and as such I must get compensation for it.'

But the likely answer to that is, 'this law has only come into operation on the 1st of May and no opportunity has yet been given the landlord to put his estate in order, so how can you apply now to get a certificate of non-observance of the rules of good estate management. ?'

It must necessarily be a two-way passage, not a one-way. If on the one hand we say that from 1956 the landlord can claim for estate charges, then for the same year, 1956, the tenant should be able also to claim for the failure of the landlord to put the land in proper order whereby he has suffered damages; and he should be able to apply and get his certificate with the endorsement on it. I know this particular point is causing a great deal of confusion and it is one of the obstacles which landlords and tenants, particularly the tenants, are meeting.

They are being told they must give the landlords an opportunity to put their lands in order or to improve conditions there, and yet in the same year the landlords have been able to get estate charges. I hope the hon. Member or hon. Members will not think that this is an effort to get rents cheap. That is not the purpose of this motion. That which one wishes to see, and what the rice farmers themselves want is that they would have land with better conditions for

reaping so they can get better yields. Let me stress that above all.

Rice farmers are willing to pay reasonable rentals provided that they are able to get the yield from the land; they can only get the yield from the land when drainage and irrigation conditions are such that they can plant their padi and reap it under proper or reasonable conditions.

I have seen scores of cases where farmers have lost nearly their whole cultivation because of improper drainage trenches and irrigation and if these were in proper order they would have been able to reap bountifully from their efforts. Farmers must necessarily resent paying rentals when they are not receiving the appropriate yield from the land. Of course, they would have to pay; and pay more if the conditions are improved and they get a better yield; if in some way we could tie the rental to the factor of production. Because where certain lands that can produce more are concerned, the landlords, 'you have to pay more.'

What the Lee Report recommended is not a hard-and-fast rule, but as a new formula I think the hon. Member will be one of the first to agree that it must necessarily be subjected to a certain amount of trial, realization of errors and then remedial measures to counter those errors. That is the primary purpose of this motion: that some committee be set up immediately in order to see how this Ordinance is working.

Hon. Members will, I am sure, appreciate this point. It is very hard on rice farmers who, because of the poverty of drainage and who, because of the failure of landlords to supply

anything remotely resembling proper drainage, lose their entire crop and are still called upon to pay this maximum basic rent per acre.

That is where you get the hue and the cry. It does not arise from the question of good farming or bad farming. It is a question of farmers suffering because of the failure of the landlords to have the land in a state whereby they would be able to reap that which they have planted. I know the reply is going to be that this is an effort to help the landlord to get the money so he can do this work. That may be so, but you cannot, while the tenant is receiving in some cases no benefit from his land, turn around and charge him the maximum basic rental for an acre.

I feel that these chairmen who are magistrates, who have been going around the country areas, who have been doing a job of work day after day, who have been seeing the difficulties in practice and who have been experiencing the hardships which farmers suffer would have help and advice which would be invaluable in the consideration of this matter by a committee; and it would be regarded as preferable to have them as witnesses rather than sitting as members of the committee. The wealth of their experience should be brought to the attention of Government.

I have had an opportunity of speaking with several of these Chairmen and with one who has since resigned. I know that the suggestions they can offer will be of great value in having this Ordinance recast so that the hardships which are there now—in some cases directed against the landlords and in some cases directed against the tenants—can be removed and a more generally accepted formula put forward.

I think it was in one of the Bills which we accepted in this Council—the Moneylenders Bill—a short while ago, the hon. Mover said :

“Experience is necessary for us to know how it is going to work, and if it is not working satisfactorily I hope to bring it back again in some modified form.”

I think that is the correct approach where legislation—peculiar legislation of this type has been put forward for the first time and has been in operation for several months. I should say the time is abundantly ripe that something should be done now. I do urge hon. Members to support the plea for a Committee to be set up immediately so that they may be able to accept and receive evidence on the subject, and this Ordinance which is now regarded as something repugnant might be put in some acceptable form.

One aspect of this Ordinance section 56 (3)—deals with the question of the right of the tenant to keep oxen on his holding. That section should be replaced. I would say this, that if a Committee were going into this matter, I would be quite happy to have that Committee consider the working of that section. Prior to the enactment of this Ordinance there was always a working arrangement between landlords and tenants in respect of the keeping of animals on holdings.

In some cases the tenants paid a small sum, and in some cases it was allowed gratuitously. If something can be done by means of mutual agreement and consent, I think it is not our duty to interfere and lay down rules and laws involving an Ordinance. I have found myself that wherever there were mutual working arrangements existing before these provisions of the Ordinance some landlords—I am glad to say they are in the minority—are endeavouring to

[Mr. Luckhoo]
hold this section over the heads of the tenants as if it were the sword of Damocles. Because of that, I feel a section like that should be investigated and that also should be the functions of the Committee.

There are several other matters I have not mentioned, such as the right to transport padi. That is not in the Ordinance, but there are cases where we find some landlords are using it against the tenants by compelling the tenants to use their mode of transport to bring the padi out of the field and charging what one would regard as an exorbitant figure. That also should receive consideration by the Committee—the right to use the canal. I may repeat what I said at the beginning, that with every good faith this Ordinance was brought forward—the present Rice Farmers (Security of Tenure) Ordinance—but in the working of this Ordinance there has been great hardship occasioned rice farmers and great uneasiness has been evoked. Farmers are anxious to bring forward their difficulties which I feel it is right, should be taken to a Committee.

I feel that the greatest help and assistance could be afforded that Committee and, to my mind, the evidence should be able to convince Government, coming from those who have seen the Ordinance operating. They would be of great benefit and use in giving their experience and suggesting how this Ordinance could be recast. Particularly, I refer to the Chairman of the Assessment Committees who are all trained lawyers and who have expressed in some cases their uneasiness in dealing with some of the problems which confronted them. One cannot see everything in the future. This Ordinance has been in operation for several months,

and I feel the time is ripe that a Committee should be set up to enquire into its working.

Mr. Speaker: So far as the hon. Member knows the Committee under the Ordinance is functioning now.

Mr. Luckhoo: It is working. The Chairman has resigned but another has been appointed.

Mr. Speaker: The hon. Member did not refer to any case where there is no water. He referred to a trench where there is water, but it is said that some landlords for some reason put up a stop-off to prevent the water from reaching the tenants. So, the water is not there for the tenants. Has the hon. Member heard about that?

Mr. Luckhoo: I have heard of that, but those landlords are in the minority. If a Committee is set up it would inquire into these difficulties and report back to Government as early as possible. Government will then be able to introduce such amendments as it deems fit. I am sure the recommendations of the Committee will deal with the question of estate charges and a view will be expressed as to whether there should be a sliding scale basis or not.

Mr. Speaker: I was wondering what would be the point. I find it extremely difficult to appoint a Committee with powers to report to this Council.

Mr. Luckhoo: I see Your Honour's point. I have no doubt that with the correct approach to the question Government would be able to take the necessary steps to give some relief to the farmers. This is a Committee which is going to see how the Ordinance is working from the point of view of both the landlord and the tenant and it

would be for the Government to introduce the necessary measures if they feel that anything can be done.

Mr. Sugrim Singh: I wish to second the motion. In support, I desire to say that this Council which is nearly defunct has passed legislation from time to time and, in good faith, we have endeavoured to meet every possible situation. But, in spite of all our endeavours and precautions, we do find that in practice certain important points and hardships arise although they were never anticipated. This is one such case, and we have to see what could be done in order to remove the hardships and bring about a state of affairs in which both sides would be adequately and satisfactorily taken care of.

It is because of these reasons that laws are never static, and we have to make amendments from time to time to meet new situations. There is no doubt that a considerable amount of dissatisfaction has arisen between landlords and tenants with regard to the application and the working of this Ordinance. I must support this statement, because I happen to have appeared professionally for all the landlords at Leguan and Wakenaam—and indeed they are legion—in this matter. My hon. Friend (Mr. Luckhoo) who has just spoken, was on the opposite side, appearing on behalf of the tenants. It is realised that it takes money in order to bring the various points before the assessor who was dissatisfied with the conditions that existed and he decided to relieve himself of the post. We touched every conceivable aspect of the case relating to the landlords and we also dealt with the tenants' case. Hon. Members will agree that in this atmosphere one was in the fortunate position of being able to examine both sides of the matter, and I wish to say here that there is more dissatisfaction on the side of the tenants.

As Counsel for the landlords to whom I have referred, however, I wish to state that not only tenants, but landlords also are worried about the operation of this Ordinance. For instance, here we see from the definition that "rice land" means "any land which is let or agreed to be let and be subject of an agreement of tenancy which is used either wholly or mainly for the cultivation of padi such land being at the time of letting fit for the cultivation of padi according to normal agricultural standards, but does not include any land forming part of any estate which is being used by the owner (or any person claiming title through the owner) mainly for the cultivation of any crop other than padi and is let for the cultivation of padi at an annual rental of not more than six dollars per acre."

In the case of sugar lands, as a result of the limited quota for our sugar in the Sugar Agreement as has been mentioned before in this Council, large areas of lands which formerly were seen under sugar cultivation are now devoted to rice growing, and I think the time has come when those lands should be put on the same legal basis. Rice lands are rice lands.

I remember being associated professionally with a case in which a sugar estate was a party. The question came up concerning possession on an estate just about 12 miles from the City, on the East Coast, which was substantially under rice cultivation on the front lands. The poor rice farmer there was dispossessed and it was found out that under the 1945 Ordinance he had no remedy because converted sugar lands did not come within its ambit. Over 35 cases came before the Court, with this point at issue.

Leaving that aside, we come to the patent definitions or terms under this Ordinance, which are causing

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confusion even among the most fertile legal brains. Take the term, a "highly maintained estate." I think this Council will agree we can look upon the Mahaicony-Abary Rice Development Scheme as a beacon light to be followed in rice production in the Colony. Whenever people who are interested in rice visit this colony we always find they are taken in with it and they feel it is a wonderful step we have taken. If there is any part of this colony where we can look for evidence of a highly maintained estate it is the Mahaicony-Abary Scheme. Yet the figures show that in spite of all the good conditions, best machinery and expert supervision the yield is only 10.94 bags of padi per acre.

Now what does the Scheme lack? Good land is there, laid out by an expert and all expert knowledge brought to bear on the production. But one can see that even under the most favourable circumstances nature is not uniform, and so the question of a highly maintained estate's effect on production cannot be ruled out altogether. Indeed, if an estate is highly maintained it must to some extent affect production. My point is, it is not the end-all. Although, as I tried to show, the Mahaicony-Abary Scheme is a highly maintained estate I do not know whether the fertility of the land in that area cannot be compared with the land at Leguan and Wakenaam. As has been mentioned by the hon. Mover, there exists loopholes which, after some investigation, can be remedied by amending the Ordinance, thus bringing some degree of satisfaction to those concerned.

We do admit that legislation, in very few cases, meet with unanimous approval, but this situation is one of country-wide dissatisfaction among landlords and tenants. Landlords and tenants get together, I have seen

it in the Essequibo islands, except in a few cases. The present dissatisfaction has been followed up by a rupture in the hitherto harmonious relations between landlords and tenants. Now the tenants and landlords are wide apart, each vying with the other to see how much he can get out of this Ordinance, caring very little to preserve that harmonious relationship which is so necessary in our relations one with the other.

I do feel that such an inquiry by persons undoubtedly familiar with and with some experience of, the problems which have arisen as the result of the operation of this Ordinance could, perhaps, obtain the view of not only the Assessors who are charged with the responsibility of working this Ordinance, but also valuable information and help from some members of the Committee in order to bring about a state of affairs which, I am sure, every Member of this Council would desire. Rice is important, if nothing that has been mentioned as to the situation is.

This motion and its application are therefore important. Rice is one of our major industries in this country. Before we allow the situation to lag, and before we permit the relations between the landlords and the tenants to deteriorate bringing with it all its evils—I want to say and I must repeat that the members of the Committee who sat and submitted their report on Rice Farmers' Security of Tenure and the Government who framed this Ordinance had good intentions at the time they did so and their intentions are still good—there is no harm in their going one step further in trying to perfect this Ordinance to the general satisfaction of landlords and tenants.

Mr. Speaker: I do not want to interrupt the hon. Member, but both yourself and the hon. Mover directed

the Council's attention to the difference between the landlords and the tenants as to the interpretation to be put on this Ordinance. May I ask if there has been any appeal against any judgment of the Committee either by the landlords or the tenants?

Mr. Sugrim Singh: I think it was in yesterday's newspaper or the day before, I read of an appeal which went before the Full Court of Appeal. I think the case was fully reported. It was a case from Berbice.

Sir Frank McDavid: There has been only one appeal heard in the Supreme Court.

Mr. Speaker: I would be wrong in allowing any arguments in this council either in favour of the landlords or the tenants, where the matter is *sub judice*. I have nothing before me and I do not wish to be landed in that position.

Mr. Luckhoo: I have no appeal pending. I have brought this up on a question of great principle.

Mr. Speaker: If there are reasons of objecting to the interpretation of the Ordinance as applicable between landlords and tenants, it is the subject of appeal to the Court. I want to be advised. The discussion that has taken place on the appointment of a Committee will have some bearing on its inquiry.

Mr. Sugrim Singh: I also wish to say, like my hon. Friend who represents the tenants, that so far as the landlords are concerned in that issue there is no appeal. There is no question of anything being *sub judice*. We are discussing the general principles and no particular case is involved.

Mr. Speaker: What I mean is that you say decisions have been made by these Committees.

Mr. Sugrim Singh: I do agree that decisions have been made.

Mr. Speaker: But there were no appeals from them.

Mr. Sugrim Singh: No appeal has arisen from the people I happen to appear for. They have not done so because efforts are being made in certain quarters to make representations to have this matter settled. I recall having signed a letter asking His Excellency to meet us on this matter. We will stand by until there is an inquiry into this whole affair rather than rush into the Court of Appeal. There being no appeal from the assessors' decisions, however, must not be taken that those decisions have been received with satisfaction. That is not the case.

I know from the landlord's point of view the Supreme Court would have been flooded with appeals, as I understand it, but for the representations to be made in certain quarters for an inquiry in this direction.

The aim of this motion is to ask that a Committee inquire into the hardships—some imaginary, some of varying degrees of merit—complained of, examine them and see if there is, to see what amending legislation could be brought forward to rectify this state of affairs and bring about mutual harmony between landlords and tenants.

That is all the motion asks for, and I appeal to hon. Members of this Council. In this case you may have come across some complaints of tenants

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or some complaints of landlords, but I do ask hon. Members of this Council to accept that this Ordinance has resulted and caused quite a good deal of dissatisfaction and headache to not only landlords and tenants but actually to members who sat on the Committee.

They have not been slow in drawing the attention of the Chairman of this Committee as to why certain things have not been done. I do say that the report of these assessors and of this Committee will provide very important material for data. If one were to examine these reports he would find that they were not made by landlords and tenants, but by persons who are members of this Council.

There must be an increased production of rice in British Guiana for we are nearly 21,000 tons short already in our demand for the export market this year. We all know of the consequences that would follow if we do not increase the Colony's production, but I would ask hon. Members how could the rice industry be put on a sound basis if we have all this dissatisfaction existing between the landlords and the tenants?

Such a situation is bound to affect the question of production and the export market. Our good friends in the West Indies have stated that they are ready to take all the rice we can produce, and I do ask the Members of this Council to assist the rice industry to fortify itself for all time.

Dr. Fraser: I will support the hon. Mr. Luckhoo's motion to the extent of saying that there is some dissatisfaction as regards the operating of certain sections of this contentious rice Ordinance. I do not think, however, that there is such grave dissatisfaction as has been stated by the two

previous speakers. In the area that I am more conversant with there is, undoubtedly, considerable dissatisfaction in the carrying out of certain sections of this Ordinance but, frankly, I do not agree with some of the conclusions that Mr. Luckhoo has arrived at.

For instance, I gather from what he has said that if money is spent on an estate (or land) in one year, it could not be recovered in succeeding years—to provide proper drainage and other requirements under "estate charges." A proprietor might spend \$20,000 or \$30,000 in one particular year and might not spend a farthing in the next four years. One has to put his land in order so as to qualify for "estate charges" but no one is going to spend money on rice land or any other land unless it has been put in order. Whether the money is spent in one or in five years, the object would be to put the land in better condition for the cultivation of rice or whatever crop is planted. Therefore, the expenses must be "carried over," and the rents collected over succeeding years, so long as there are requirements to qualify the tenants for a good crop.

Mr. Luckhoo has also raised some disagreement over the method of collecting rents under estate charges, and has suggested that rent should be charged in accordance with the quantity of padi obtained from the soil in question. I can recall that last year land was cultivated on an estate of which I am in charge, the land having been rented out.

The land produced padi at the rate of 20 bags per acre but certain other tenants got 25 bags per acre and more. It all depends on the time and care exercised by the tenant, since the best results are obtained from good hus-

bandry. If poor husbandry is practised the tenants' results are going to be poor and that applies to all over this Colony. I do not agree with those tenants who cultivate crops by just scratching the soil and rushing things—trying to make money that way.

The land rent has been fixed by a properly constituted Committee, and I think it is a fair and reasonable rent. I think it would be fatal to fix rents on any other basis. If another method is adopted (for the paying of rent) we might find some tenants getting 25 bags of padi per acre, while others might get 15 bags or even less.

As I have already stated, the results depend entirely on the methods used in cultivation. I do not think there is any other point I can make except to repeat that there is a fair amount of dissatisfaction resulting from certain sections of this Ordinance. Unfortunately, however, a great deal of the dissatisfaction is due to politics.

Mr. Rahaman: I find, Your Honour, that this Ordinance works fairly well especially in Zone No. 7—in the County of Berbice which is described as the "Granary of the West Indies."

There has been some dispute relating to the Ordinance and, as everyone knows, the tenant tries to pay the cheapest rent possible for his land while the landlord tries to get the highest rent. Personally, I think that the tenants are the people who are making most of the trouble at present. They were getting away with cheap rents up to 1955 and were actually paying as low as \$6 per acre for some lands. Even in those cases the management had to maintain the internal drainage system.

It was impossible for those landlords to keep the drainage in good

condition and give the people good drainage.

Six dollars per acre to keep an estate going is out of the question, and the Ordinance as it stands can be amended because as you know, Sir, there are no perfect men or perfect horses.

Failure of the yield of padi has been referred to. I just want to describe one or two situations. Firstly, it may be due to bad ploughing. The average yield per acre at Mahai-cony-Abary Rice Development Scheme has been said to be something like 10 bags per acre. From what I have seen—and I would like the hon. Member for Agriculture to hear what I am saying—ploughing was done too deep. Rice growing does not need a 10 or 12 inch depth of ploughing. Padi is a plant of fibrous roots and it cannot bear or cannot give a high yield if it is sowed too deep. Rice only needs about 4 inches of ploughing and the farmer can get the best crop from that.

Secondly, failure of yield may be the result of bad broadcasting of the padi, and in that case the padi is germinated only in part.

Thirdly, it may be due to improper irrigation. Since the padi grows 6 to 8 inches in height, the field has to be charged with water so that it may cover the roots when the rice is dry. Then there may be drop seeds left in the field; in that case one would scarcely see any rice in the field. Again, when padi is broadcast one cannot have a good yield. There must be spacing to get a good yield. Those are the things which farmers of experience know.

Mr. Speaker: By broadcasting, do you mean shying?

Mr. Rahaman: Yes. Some tenants are very careless from the beginning when they broadcast the padi, and they have to go back and see whether irrigation facilities are sufficient, or bed heads are to be tied or water needs letting out. When one tenant gets 20 bags of padi from his acre, the next man 10 bags and his neighbour 8 bags, I think it goes to show that one of them is careless. That is what I am trying to point out to the hon. Mover.

The hon. Mover referred to estate charges. The Ordinance gives a schedule of estate charges, and I must say that a good job was done by the Committee when they tabulated these estate charges.

First of all, we have to consider that a highly maintained estate may not be under the Drainage and Irrigation Board. The estate owner is paid \$10 and he has to do everything for himself — he has to get all the dams and trenches cleared. He gets \$10 but in the case of an estate which comes under the Drainage and Irrigation Board, he gets only \$7.50. He has his rangers going there, his trenches are cleaned, his bed-heads are all tied. Those are the services he gives his tenants and he gets \$7.50.

Other estates under the Drainage and Irrigation Board, partly maintained, get \$2.50, and I find it works because we are not getting much drainage in Berbice. There was only one court case recently, and Mr. Sugrim Singh referred to it; it was for possession.

The hon. Mover said something to the effect that in one year an estate owner may spend \$10,000. Well, we do have owners spending \$10,000 or \$15,000 for reconditioning of drainage and irrigation trenches which have to be kept in order. But that is not

done every year: that is done, say, once in five years. That money is not recovered in one year from the tenants, but it is spread over a longer period.

He said that it is only in that year the amount should be charged, but I say it should cover a greater period because the tenants cannot pay \$10,000 or \$15,000 in one year. That is how we have \$10 and \$7.50 as estate charges in one year. That is what I know estate charges are intended for. I would not like to say anything more, but that I am not in favour of this motion.

Sir Frank McDavid: I find this debate somewhat refreshing and intriguing. If hon. Members cast their minds back to 1955 they would recall that on the 29th April, 1955, I presented in this Council a motion to allow the 1945 Rice Farmers (Security of Tenure) Ordinance to be kept alive for another six months in order to allow me time to reconstruct the Ordinance of which we are now complaining. During that debate I got a tremendous drubbing. I was criticized for not at once coming to the Council with a Bill. It was urged that I should have brought something which could be debated and hammered out. The hon. Member, Mr. Singh, used the words "hammered out." They asked, "Are we not the Legislative Council? Do we not know what we want?" I did succeed in getting by one vote the permission and the time to appoint a departmental committee to construct what is now the Rice Farmers (Security of Tenure) Ordinance. It took six months to do it, and a very good job it was.

In considering that Bill this Council had an opportunity to hammer out all the details and did so. The debate lasted for weeks. The Bill

itself was hammered out in the Executive Council of which, I make bold to say, Mr. Luckhoo was a member at that time. I am not saying this capriciously. Those Members are now pressing for the immediate appointment of a Committee to do what?

Is it to remedy what is wrong? Let me say that Government does not feel the time is ripe. The Ordinance was passed after a great deal of consideration by those who framed it, after a great deal of departmental and careful examination in the Executive Council and finally in this Council itself. A great deal of care was taken in the matter and the Ordinance was finally passed in December 1956 and put into effect in January, 1957. This is June, 1957.

Obviously, when we passed this law, we knew that there would be mistakes in it. We knew that there were some points that might have been overlooked. We knew that some of our intentions would not actually be carried out by the law or by those who had to administer it. One mistake I admit. I never counted on the ingenuity of the lawyers who would later on argue the cases brought before the various Assessment Committees. Those lawyers not only confused the landlords and tenants but themselves. The Chairman of the Committees who has since resigned, adopted an attitude. Many things he did not understand himself and he undoubtedly confused himself in the interpretation of the Ordinance.

As the Member of Government responsible for this measure, I had asked to be supplied with reports of cases month by month, but I have had only one report. I am hearing now that the various Chairmen (who are Magistrates) have various opinions as to the interpretation of certain

sections of the law. I would like to know through the proper channel and from the formal reports from each of those Chairmen how the law is working and what are their own views as to those sections of the law which they think require amendment. Before these Chairmen were appointed they did have an opportunity of a conference with me and some of the difficulties they may have foreseen at the time were discussed.

There are some difficulties—I recall I made the point—which require administrative investigation. Until reports of that nature are received it is far too early to talk of appointing a Committee. Six months only have gone by. I am afraid I cannot possibly accept the request that a Committee should be appointed at this stage to go into the working of the Ordinance.

Many points have been mentioned in the debate as to the difficulties which have arisen. I do not propose to enter into a discussion on them except one. The hon. Member, Mr. Luckhoo, seems to think that the basic on which we have prescribed the maximum basic rents is wrong. These basic rents were calculated on the average yield of each zone over a period of years. They are not the maximum obtainable by good farming or anywhere near the minimum for the bad farmer. They represent the value that a landlord should reasonably get from the land as an investment. They are neither the highest yield nor the lowest yield and, therefore, they represent a fair measure of the basic rent.

Since the word "maximum" is used in the Ordinance, it is conceivable that some Chairmen think they have the power to go below the maximum rent. That difficulty has

[Sir Frank McDavid]

arisen in this way: those of us who framed the Ordinance did not wish to use the word "maximum" but wanted the word "standard". But I am afraid our Attorney General was adamant on that point. He would not agree to insert in the law a figure of rent which would make it an offence for anyone to charge less than that amount. What he meant was, if you say the basic rent is \$10 and make it an offence to charge anything greater or less, it is wrong. Consequently, it was upon his advice that the word "maximum" was put in. I personally maintain the word should be "standard" instead. I am very glad to hear that the Committees will adopt these "maximum basic rents" as the standard rents which they are intended to be.

It is, nevertheless, a very excellent scheme and we are very proud of it, and happy to show people what we are doing to overcome some of the problems connected with the Ordinance. I may point out that the main paragraph (a), in the resolve clause of the motion reads:

"(a) That the operation of the Rice Farmers (Security of Tenure) Ordinance of 1956 (No. 31) be suspended forthwith; and....

I am well aware that the hon. Member (Mr. Luckhoo) has not deleted it.

Mr. Luckhoo: I have moved that it be deleted.

Sir Frank McDavid: I am perfectly willing to have it deleted, but I was hoping to shatter the hon. Member's case touching the whole motion. In so far as paragraph (b) is concerned, I think I have said enough to convince the hon. Member that the time is far from ripe for a formal

Committee to examine this matter. Obviously, the time will come when that may be necessary and it may be done by Departmental investigation, but certainly I do not think the time is ripe now. I am hoping to have a formal report as to what are these amendments recommended by the various Committees.

Mr. Luckhoo: The hon. Member for Agriculture has pointed out that we adopted the motion several years ago.

Sir Frank McDavid: It was in August, 1955.

Mr. Luckhoo: At first we demanded some action, but what we omitted to mention anything about was how long we thought the Ordinance should run. It also omitted to mention anything about Mr. Lee's report which was torn up in this Council. This Council was anxious for action to be taken in certain respects, and we are aware that there were difficulties connected with the appointment of a Committee and also with the tackling of certain problems. Of course, the personnel of a Committee need not, necessarily, be the intention of the Legislature, but that is not saying that this motion is likely to suffer the same fate as the Lee report.

The point that Dr. Fraser has made is one which I was endeavouring to make also. It is that the landlords, in my view, are not getting a square deal under the Ordinance. If a landlord spends \$10,000 on his estate in any one year, I do not see any provision whereby it is possible for him to recover it over a number of years. Mr. Rahaman has also made some remarks relating to this particular point, and I want to say again that the purpose of this motion

was to get the Government to set up a Committee so that they could become fully apprised of the conditions which exist even at the present time.

Legislation in the form of an Ordinance has been passed, but one sees that difficulties which were not contemplated have arisen — and are still arising. I think it is the duty of Government to call upon those who can help, and to do something in order to rectify the situation. I say in defence of the Chairman who signed this report that he endeavoured to do the job as he saw fit.

If with the necessary wisdom and foresight he felt that he should not continue to be Chairman, then I say he was perfectly within his right to tender his resignation, and I wish that to go on record.

Mr. Speaker: I am sure he (the Chairman) endeavoured to give of his best on the Committee.

Mr. Luckhoo: He has carried with him a wealth of information which he gained over a course of many years. I think it is fair to say that he was a man of courage and not the sort who would stand down and follow the line of least resistance. I am very glad that I have moved this motion; Government has realised that difficulties have arisen in this matter and that amendments must be made to the Ordinance. I said this at the time : *quo vadis?*

Motion put, the Council divided and voted as follows:

For

Mr. Lord
Mr. Sugrim Singh
Dr. Fraser
Mr. Luckhoo.—4

Against

Miss Collins
Mr. Rahaman
Mr. Tello
Mr. Gajraj
Mr. Farnum
Sir Frank McDavid
The Financial Secretary
The Attorney General
The Chief Secretary.—9

Motion negatived.

ADJOURNMENT AND PENDING
BUSINESS

The Chief Secretary: In moving the motion for the adjournment I should like to give notice, as the time is getting short, of certain legislation which is coming forward. At the next meeting I should like to ask the Council to waive part of the usual business and to take the Representation of the People (Amendment) Bill. There are three Pension Bills and a few other small Bills. I would like these Bills taken so as to clear these things out of the way.

Council at this stage adjourned until the following Thursday, 20th June, 1957, at 2 p.m.