

*Leave of Absence*

*Friday, November 30, 1990*

**HOUSE OF REPRESENTATIVES**

*Friday, November 30, 1990*

The House met at 1.35 p.m.

**PRAYERS**

[MR. SPEAKER *in the Chair*]

**LEAVE OF ABSENCE**

**Mr. Speaker:** The hon. Prime Minister is excused from today's sitting.

**PAPERS LAID**

1. Report on the Death Penalty whether it should be retained for offences under the Criminal Law of Trinidad and Tobago by the Commission of Enquiry into the Death Penalty. [*The Minister of Food Production and Marine Exploitation (Hon. Dr. Brinsley Samaroo)*]
2. Draft Estimates of Expenditure for the year 1991. (*Hon. Dr. B. Samaroo*)
3. Draft Estimates—Details of Estimates of Recurrent Expenditure for the year 1991. (*Hon. Dr. Brinsley Samaroo*)
4. Draft Estimates of the Revenue and Expenditure of the Statutory Boards and Similar Bodies and of the Tobago House of Assembly for the year 1991. (*Hon. Dr. B. Samaroo*)
5. Draft Estimates of Development Programme for the year 1991. (*Hon. Dr. B. Samaroo*)
6. Review of the Economy 1990. (*Hon. Dr. B. Samaroo*)

**BUSINESS OF THE HOUSE**

**The Minister of Finance (Hon. Selby Wilson):** Mr. Speaker, I offer my apologies for being late. I would like to take the opportunity to give notice that Budget Day would be Friday, December 7, 1990.

**ORAL ANSWERS TO QUESTIONS**

*The following questions stood on the Order Paper in the name of Mr. Trevor Sudama (Oropouche):*

**Post Office  
(Debe)**

1. Could the Minister of Works, Infrastructure and Decentralisation state whether his Ministry intends to construct a post office in Debe in 1991 for which requests have been made over the last nine years?

**Roadways  
(Resurfacing)**

2. With respect to resurfacing work on the South Trunk Road, the Princess Town/Manahambre Road, the Naparima/Mayaro Road and the San Fernando/Siparia/Erin Road, could the Minister of Works, Infrastructure and Decentralisation inform the House as follows:-

- a) The sums expended under Development Expenditure and Recurrent Expenditure on each highway for the years 1987, 1988, 1989 and 1990?
- b) The distance of roadway resurfaced on each of the above highways for the years 1987, 1988, 1989 and 1990?

**Mr. Speaker:** I have just been notified that the Minister of Works, Infrastructure and Decentralization is unable to attend today's sitting. He had informed the office earlier on but this was not indicated to me.

*Questions, by leave, deferred.*

**San Fernando General Hospital  
(Extension)**

3. Could the Minister of Health state whether his Ministry has any plans for the extension of the San Fernando General Hospital in order to have increased bed space available to relieve the chronic overcrowding at that institution?

**The Attorney General (Hon. Anthony Smart):** Mr. Speaker, I wish to request that this question be deferred to the next sitting as the Minister of Health is not here.

*Question, by leave, deferred.*

**ADJOURNMENT MOTION  
(LEAVE)**

**Mr. Basdeo Panday (Couva North):** Mr. Speaker, I crave your leave under Standing Order 11 to move the adjournment of this House to discuss a definite

*Adjournment Motion (Leave)*

*Friday, November 30, 1990*

matter of urgent public importance. That matter has to do with the virtual closure of the Chaguanas Government School. I urge that the matter is definite, since, as I have said, it has to do with the closure of the school and the life and education of over 1,200 children whose parents have decided to keep them away from the school. That has been going on for about a week.

The matter is urgent because as time goes by, the term is shortly coming to an end. Those children are going to be deprived of an education. The Common Entrance Examination, as I am sure you are aware, is coming up shortly. It would be in their interest to have some statement from the Government about what is going to be done with respect to the closure of that school. I am informed that the reason for the closure of the school is its dilapidated condition. It has been allowed to deteriorate. It is a 54 year old school. I am raising this motion as a result of the fact that last week, I attended a meeting called by the Parent Teachers' Association. The hon. Member for Chaguanas was there, so I do not think he was taken by surprise as I did announce there that I would raise this motion so he would have known.

There is also a threat. It is a decision that has been taken by the parents that they are going to be very reluctant to send their children back to school unless there is some resolution to this problem and it is in those circumstances I thought that the matter is definite, urgent, and of public importance, and I crave your leave to move the adjournment at the appropriate time to have the matter debated in this House.

**Mr. Speaker:** You are seeking the indulgence of the House under Standing Order 12. This is the Standing Order that requires three days' notice. I would advise the hon. Member to perhaps serve the three days' notice and bring this matter under Standing Order 11. I do not think that it qualifies under Standing Order 12.

**1.45 p.m.**

#### **MECHANICAL RECORDING OF COURT PROCEEDINGS BILL**

**The Attorney General (Hon. Anthony Smart):** Mr. Speaker, I beg to move, That a bill to provide for the mechanical recording of court proceedings and for matters incidental thereto be now read a second time.

Mr. Speaker, in his address on the occasion of the opening of the 1989/90 law term, the hon. Chief Justice referred to the desirability of the introduction,

*Mechanical Recording of Court Proceedings Bill*      *Friday, November 30, 1990*  
[HON. A. SMART]

into the judicial system, of mechanical recording of court proceedings. Although under section 58(1) of the Supreme Court of Judicature Act, Chap. 4:01, the High Court may at the trial of a person on indictment—that is a trial in the High Court—record proceedings on electro-magnetic tape, it is to be noted that legislation providing for mechanical recording of other court proceedings has not yet been made. The failure to bring such legislation to Parliament is interesting to note, when one considers that the technology to mechanically record court proceedings has been available for more than two decades, during which time the introduction of such legislation had been repeatedly advocated by the legal profession.

We on this side feel that it is more than time that our laws in relation to this subject be made to keep abreast of the technological development in today's world.

Our laws, at present, require under Order 35, Rule 5 of the Rules of the Supreme Court 1975 that judges take notes of evidence in the trial of a civil action—the judges themselves have to take notes. Also, under section 63(5) of the Summary Courts Act, Chap. 4:20, it is provided that magistrates take or cause to be taken down by a competent clerk, notes of evidence in writing in a book to be kept for that purpose.

Mr. Speaker, given the various mechanical means available for recording and storing information in this technological age, any law which restricts the means of recording court proceedings in writing is nothing less than cumbersome and archaic.

This Bill will enable all courts to use any mechanical device, or any other device, to record proceedings at any time. There will be no need for the making of any subsidiary legislation before a new method of mechanically recording proceedings could be introduced. In other words, once the Parliament sees it fit to pass this Bill it will deal with all the pieces of legislation that require notes to be taken in writing. This Bill, once it is passed, will deal with all those laws and there will be no need for subsidiary legislation or consequential legislation.

This measure would give our courts the flexibility to introduce and experiment with new and different methods of recording proceedings as technology in the field progresses. So that, for instance, if the day comes when the world devises machinery whereby one can speak into a machine and the machine immediately transcribes that into writing, well then we would not need to change the law again to deal with that.

*Mechanical Recording of Court Proceedings Bill*      *Friday, November 30, 1990*

Further, the bill would not prevent proceedings from being recorded by more than one method at the same time. For example, proceedings may be recorded by mechanical means and by a palantypist at the same time. Nor would the bill in any way hinder a court from switching from one method of recording to another, where necessary, as in the case of a power failure. The bill applies to every circumstance in which a written law provides that proceedings in a court shall be recorded and it would preclude the need to effect, as I said, separate amendments to the following statutory provisions: section 58, subsection (1) of the Supreme Court of Judicature Act No. 4, Chap. 4:1; Order 35, Rule 5 of the Rules of the Supreme Court—to which I have already adverted; section 63(5) of the Summary Courts Act, Chap. 4:20; section 16 of the Indictable Offences (Preliminary Enquiry) Act, Chap. 12:01; and Rule 3(2) of the Tax Appeal Board Rules, Chap. 4:15.

Mr. Speaker, much has been said about the delays in the administration of justice and I think it has been generally agreed that a major first step necessary to reduce delay in the administration of justice is to eradicate the legal requirement for judges to record evidence in long hand. As I said earlier on, the Chief Justice called for it in his opening address to the courts in 1989. He also did so in 1986, as did the Chamber of Industry and Commerce that appointed a committee to look into the delays in the judicial system. The Committee presented a report which was dated February 29, 1988.

At a seminar that was held on October 20, 1987, the Law Association called for the introduction of the necessary laws in order to speed up the process of taking notes and also the introduction of the necessary mechanical technology to speed up the process.

There are several methods of court reporting that are available. You can have tape recording and manual transcription; you can have video taping and manual transcription; you can have palantyping with manual transcription; you can have stenotyping with manual transcription; you can have mass reporting taping and manual transcription. Finally, you can have stenotyping and computer aided transcription. All of these methods call for the services of a court reporter or a technician of some kind and for a transcript of the proceedings to be done at some time. So there are two methods. You take down the information on a machine and then you have to transcribe manually or by a computer. Such a transcript when prepared must be verified and certified. This bill provides for the verification and certification.

The Government of Trinidad and Tobago has made a policy decision to opt for stenotyping and computer-aided transcription. I will refer to Computer-Aided Transcription, the means for reporting court proceedings, as the CAT system.

Mr. Speaker, CAT is a system which employs an electronic stenotype shorthand machine with a memory used by the stenotypist to record verbatim, what he hears. That machine is referred to as the input device.

**1.55 p.m.**

At the last sitting of this Parliament you may have seen an unusual looking machine being used by a stenotypist. That was, in fact, the device to which I just referred. It is an electronic stenotype shorthand machine with a memory used by the stenotypist to record verbatim, what he hears, and a computer system to transcribe into English what is recorded on that input device. Transcription is almost instantaneous. Indeed, when that machine is being used, just behind us in a room there is a computer with a screen, and what is said appears on that screen within seconds. That type can be easily converted into hard copy with a printer at speeds which differ according to the speed of the printer chosen—from 70 pages per hour to 400 pages per hour.

Editing of the transcript can be done by the stenotypist directly on the computer at the computer terminal. The element of the CAT system involves a computer device, a personal computer, a printer and, of course, software to convert what is on the machine onto the printer.

This Government has taken a decision that we have to face the twenty-first century with some reality. We have to keep up with the improvements in technology globally, and we felt that the time has come for us to speed up the process of getting reports, not only in the courts, but also in other departments of Government. Only recently Cabinet took a decision that one of the reporters in Trinidad should participate in the Parliament system in order to improve the speed at which *Hansard* reports are transcribed.

What of the history of this project? Sometime early 1988, an offer of some US \$50,000 was made to Trinidad and Tobago by the University of the West Indies and the United States Aid Caribbean Justice Improvement Project to provide tape recorders for the courts and to computerize the births, deaths and marriage recording of the Registrar General's Department. This Caribbean Justice Improvement Project is a project managed by the UWI and funded by the US Aid Programme. It is mainly to assist in the improvement of the courts in the OECS

*Mechanical Recording of Court Proceedings Bill*      *Friday, November 30, 1990*

countries, and for the provision of library services—developing legal work and so on. At that stage we felt that the US \$50,000 could best be used to improve the speed at which evidence is taken in the courts.

The then Attorney General named an advisory committee to advise and to administer the fund. The committee advised the Attorney General that a working committee be appointed. Two parallel working committees were appointed with some overlap in membership. The working committee on the court project advised that CAT should be used instead of tape recordings. The US \$50,000 that was granted to the Government of Trinidad and Tobago was used to purchase three CAT systems for the courts and to assist in training staff in the use of this system; and it is also going to be used to begin research into computerization of births, deaths and marriages registries of the Registrar General's Department.

Thereafter, a National Advisory Committee was formally appointed by the Cabinet on March 30, 1989. The committee reported to the Attorney General in June, 1989 and recommended that a CAT training programme be instituted locally, and that all verbatim reporting in the Government service be changed to CAT. Where it started with the courts out of this offer that came from the United States Aid Justice Improvement Project, the Government having considered the matter, thought that all verbatim reporters in the Government service should have the benefit of using this very modern technology.

Cabinet extended the working committee on CAT to include a representative of the office of the Prime Minister, the Service Commissions Department, and the Personnel Department, and mandated this committee to report and make recommendations on the implementation of the proposed training programme. That extended committee reported to the Attorney General on January 31, 1990.

Thereafter, Cabinet agreed that a computer aided transcription training programme be introduced at the John Donaldson Technical Institute with effect from September 1, 1990. Cabinet also agreed that certain court reporters be withdrawn for training and other places be allocated to other ministries and departments. It also agreed that CAT reporters be recruited from abroad for the period of 24 months to serve the courts that are now being served by some 15 reporters. The intention was that while these court reporters are being trained at John S. Donaldson Technical Institute those court reporters from abroad would be introduced to carry out the function of the court. The training programme takes 24 months.

*Mechanical Recording of Court Proceedings Bill*      *Friday, November 30, 1990*  
[HON. A. SMART]

After these decisions were taken by Cabinet, Central Tenders Board invited a selective tender for EduCorp International Incorporated of Fort Worth, Texas on October 4, 1990 for the training programme and for substitute court reporting services. EduCorp tendered on October 19, 1990. The tender was assessed by the Central Tenders Board on November 26, 1990. The Tenders Board, by letter dated November 9, 1990, awarded a contract to EduCorp International. That contract was signed on November 16, 1990—a mere week or two ago.

What are some of the questions that are likely to be asked about this system? One question, for instance, would be: Why the Computer Aided System? Mr. Speaker, the committee realized that what was needed was rapid transcription of verbatim notes. There are several ways to record verbatim what is said, but only the computer can transcribe instantaneously. The only proven technology that is computer compatible—transcribed by computer—is stenotyping. Therefore, we must train our reporters in computer compatible stenotyping and in using the CAT system to provide the transcript.

One may ask, why is the training period so long? The reason is that people are being trained in a mechanical skill that calls for them to reach a stenotype speed of 225 words per minute. Once the theory is learnt and the basic keyboard is conquered, much time is spent in speed building. It takes approximately this length of time—24 months—to attain that speed. The trainee also needs to be trained on how to use the CAT technology to provide the transcript and also needs to be trained in basic computer literacy.

**2.05 p.m.**

One may ask: How many people are being trained? Twenty-nine people have been selected for training and the training has already begun. Fifteen of them from the Supreme Court, three from Parliament, four from the Prime Minister's Office, three from the Industrial Court, one from the Public Service Appeal Board. Two scholarships have been granted by the Training Unit of the Personnel Department and two persons are being trained as teachers to take over from the foreign instructor in two years' time in order to continue the programme at the John S. Donaldson Technical Institute. In all, there would be 29 persons benefiting from this training and also an additional two who would be trained as tutors. There would also be new intakes each year.

The cost of the programme, based on the contract that was signed, is \$1,686,794.90. What do we have before us? We have a situation where a Government, keenly attuned to what is happening in the outside world, desirous



*Mechanical Recording of Court Proceedings Bill*      *Friday, November 30, 1990*

of introducing technology in order to make the Government of the country a more efficient place, has taken a step to introduce this technology so that the entire Government can become more efficient.

When I first saw the system operated about a year ago, I described it as a miracle. You were actually seeing what somebody was saying, put on a machine and you were seeing it on a screen almost immediately thereafter. I think the Government has taken a wise step, a forward step in introducing this technology so that our nationals could be trained in order for us to move into the twenty-first century and keep pace with with advancing technology.

This was not decided out of the blue. If you look at our manifesto, you would see that one of the items under "Administration of Justice" on page 25, Part V paragraph 6, speaks about provisions to be made so that judges do not have to take down evidence in longhand writing. Evidence could be either tape recorded and then reduced to type written sheets or recorded verbatim by shorthand typists. This should save considerable time. Here again, you see a government following a programme that was set out in the manifesto and achieving a great deal in the course of doing so.

I commend this bill to this honourable House. I also wish to indicate that moving along with this bill to provide for mechanical recording, we have at the same time introduced a state-of-the-art system that would make the reporting of court proceedings more efficient, the recording of parliamentary proceedings swifter and more efficient, and the reporting of other proceedings that take place in the Government swifter and more efficient. For example, tribunals, commissions of enquiry, meetings that the Government would hold where you need to get verbatim reports and typewritten scripts and so on. It is a bold step and a quantum leap into the future, as some people would say, to bring Trinidad and Tobago up-to-date with the technology that is available in the larger countries of the world.

*Question proposed.*

**Mr. Basdeo Panday** (*Couva North*): Mr. Speaker, this bill is long overdue. Not only has the Chief Justice spoken of the need for this bill since 1986; not only did we have it in our manifesto, but over the years there have been several calls for the introduction of a system that would obviate the necessity of judges having to write, in longhand, every single word a witness says during the course of a trial. It is a pity that the Government has only seen fit to bring this in its dying

*Mechanical Recording of Court Proceedings Bill*      *Friday, November 30, 1990*  
[MR. PANDAY]

years—as a matter of fact it has taken four years to bring this legislation to Parliament. I remember calling for this and similar legislation for over 10 years now. Being lawyers, we are quite familiar with the fact that it is an oppressive burden on a judge to ask him to sit and listen to witnesses give evidence, write what they have to say while at the same time evaluating their evidence and marshalling the facts. That is really a burden which our judges were called upon to bear.

I want to put this on the record, but I recall bringing this matter in this House somewhere in the late 1970s. The former Leader of the Opposition was probably still at school—he is always in school—but I remember raising this matter when the PNM was in Government and I was told that they could not get anyone to do the job. In fact, I remembered asking for palantypists and was told that there was some rule that a palantypist has to be employed with their own machine and that people could not afford the machine which used to cost \$1,500. They must buy the machine and be trained to be hired. That was the reason that was being given on the other side.

We recalled asking: Is not there some method whereby the Government can assist a potential palantypist to acquire such machinery and to train? They did not have any such provision. What is even worse, is that in the 1980s, when I had raised this matter again in the Parliament, I was told by an Attorney General of the former regime—I do not want to call any names, but the records will show—that there was no need for me to raise this matter any more because the judges could have palantypists if they needed them. As evidence of this I was told that there at the Industrial Court palantypists are used and, therefore, all the judges needed to do was to request the need for palantypists and they would get them.

**2.15 p.m.**

Because of the fact that I am often in the courts and in contact with the judges, I took the word back to the judges and I told them that they could get palantypists, if they want to and that they are only quarrelling for nothing. I was told by the PNM Attorney General that you may only request. That turned out to be a totally false statement.

What I want to ask this Government, first of all is: Why did it take so long when we all know that this has been a very pressing problem for several years? Secondly, why have we not introduced palantypists for the judges, even before this legislation came into being? Was it not possible? How is it possible in the Industrial Court? Is there a special provision for the Industrial Court to use

palantypists? The third question I would like to ask is: When can we expect this system of which he speaks to be introduced? It appears to me that what we are introducing here is a very sophisticated system and I have no quarrel with that. We should introduce the best technology available to us, provided of course, that we can handle it. From what he has described, the technology seems quite appropriate.

If I understand him rightly, it is going to take 24 months to train people to operate this system. Am I right? Does that mean that we are sure that we will not have this system for 24 months? Have they been in training? If they have been in training, when can we expect this system to be introduced? If it is more than a year, is it possible, having passed this piece of legislation in the House, to introduce palantypists now as a temporary measure? I understand that these machines are not very expensive. With this temporary measure introduced, the judges can have some relief from this onerous burden, immediately. If that is not possible, is it possible to introduce shorthand/typists? Will it be some time before this system is introduced? If there is, is it possible that there can be some temporary relief in the meantime?

It is a pity that the hon. Member for Diego Martin East did not see it fit to make available these reports which recommend this machine because I would like to know whether there were alternative systems. I am not saying that there is, but I would just like to know. I have found with this Government, having found themselves in the pocket of some conglomerates, there is a kind of unwritten corruption which takes place, in that, when they order machinery, they order it from their supporters. I am not saying that this is occurring in this case. I would have liked to see the report so that I could have evaluated for myself, whether there were alternative systems available from alternative sources. It is easy to say "we have gone to the Tenders Board and they have done it".

We all know the constraints of the Tenders Board. If you ask the Tenders Board to receive tenders for IBM machines, they will receive tenders from who will supply the cheapest IBM machines. They are very constricted. If you tell them that you want them to supply a CAT system, then they are restricted to that system and obviously they would be restricted to certain agents in this country. If there are alternative systems, there will be alternative agents.

I would have liked to see that report, all the valuation documents which have been made in order to arrive at the decision to go EduCorp, and also the bids. I think this Parliament has a right to know who bid what and for which contract.

*Mechanical Recording of Court Proceedings Bill*      *Friday, November 30, 1990*  
[MR. PANDAY]

Parliament also has a right to know, not only what is the bid and what is the cost for the supply of this machinery—I see the Attorney General has not thought it fit to favour us with such information. What is the projected cost of its maintenance? That is where the trap comes. It is always like that. The deepwater harbour for Tobago is \$50 million but by the time you are finished, it is a \$100 million. It is the same kind of technique which we had for the Hall of Justice. There is one quote, but as you start to supply and go on, the price keeps increasing. I would have liked to know the full package. I think this House has a right to know whether there are alternative systems, and the cost of the alternative systems.

Mr. Speaker, I am very happy to know that some relief is at long last forthcoming in this crucial area of the administration of justice in the country and it is a pity that the Government will not live long enough to witness its introduction. I hope that the hon. Attorney General will favour us with a reply to some of the questions which I have asked.

**Mr. Trevor Sudama** (*Oropouche*): Mr. Speaker, I would not have spoken on this bill if it were not for the fact that I am extremely disappointed by the Attorney General's presentation of this bill here in this Parliament. When I listened to him, I got the impression that this bill was about technology and technological development. The purpose of it, to upgrade our technological capacity to go into the twenty-first century. Here we have a situation where this population is so disenchanted with processes and procedures in the administration of justice and we come here today to listen to a lecture about technological advancement and to a presentation of detail. Not that details are unimportant, but when of course, we do want details in this Parliament we are not getting them here.

Today we have been regaled about which committee sat, which recommendations were made, how many advisory committees were involved, what Cabinet did and did not do, how long it would take for training and all sorts of myriad details, without focusing on the crucial problem which this country faces, and that is, a certain lack of confidence in the general population with respect to the administration of justice, the speed with which that justice is administered and the costs and frustration to the average man in Trinidad and Tobago.

As we have known for a long time, they are not concerned with these minor details as to how their Government and the policies and actions of their

*Mechanical Recording of Court Proceedings Bill*      *Friday, November 30, 1990*

Government are affecting the people of Trinidad and Tobago, the small man. That is not their concern.

**2.25 p.m.**

So here we are today, in this Parliament, being given a lecture about technology and the different kinds of computer aided technology, stenotyping, palantyping and what have you. I am not terribly concerned with these details, but if you are going to delve into the latest technology—surely technology has its human and social purposes. What then is that purpose? It may be by inference that the Attorney General talked about the administration of justice and speed in the administration of justice. That is only by inference. Not very good inference either.

We know the old adage that "justice delayed is justice denied" and when you consider the judicial processes of the courts in this country, what happens when the average man has to face the courts, the number of postponements to which his matter is subjected, the inherent costs in those postponements from the initiation of action to the final decision, ask yourself: What kind of justice is involved in this system which we have allowed to develop in Trinidad and Tobago?

I recall a personal experience in 1971 when I was involved in some trade union activities and was at the receiving end of the thuggery that existed in the sugar industry in those days. I was assaulted and shot at, so I have an experience of these matters—my experience did not start on July 27. I recall, in the Magistrate's Court, for reasons which could not be clear to me, my matter was postponed 16 times. Nobody seemed interested in pursuing that matter. It is these matters, in addition to this archaic system, which we practise in Trinidad and Tobago of judges taking notes in longhand which contribute to delays in the administration and delivery of justice to the average man in Trinidad.

What this bill perhaps would do, although the Attorney General did not, of course, make that point, is to speed up the administration of justice in Trinidad and Tobago. I assume that is the larger purpose. But this is merely one minor element in the whole issue of delayed justice in Trinidad and Tobago.

We talked about a parliamentary democracy, fundamental rights and freedoms, an independent Judiciary and all these things, but a critical issue is the accessibility of justice to the average man in Trinidad and Tobago. When he has a problem and he goes to the courts, how easy or difficult is it for him to obtain justice? Costs involved, the delays, the number of adjournments and this whole question of getting notes of evidence in time. One of the excuses made by those

*Mechanical Recording of Court Proceedings Bill*      *Friday, November 30, 1990*  
[MR. SUDAMA]

who are responsible is the fact that there is such a backlog that you cannot have these notes, there is a shortage of typists and transcripts, and people to do the work, therefore you cannot get the notes of evidence in time. But that is not the only problem. The problem has to do with an attitude on the part of many in the system and that is, whether you want to deliver the notes at all. It is a certain attitude.

I recall a matter involving the Sugar Workers' Union and their question of backpay and when the matter was referred to be looked at a second time, by the High Court, you could not get the notes from the Court of Appeal and this went on for months. I am sure my colleague from Couva North would corroborate what I have to say, and in that instance it was not just a question of not having the notes transcribed, it was a question of—it appeared to me—deliberate resistance in having the notes available so that justice could have been delivered speedily and efficiently. The average man in this country wants to know, not only that there are laws implemented but also that there is a fairness in the system of implementation of laws, in the delivery of justice in Trinidad and Tobago. I am sure that the majority of sugar workers in this country, after having had the experience with this back-pay issue which has been an on and off thing, have little confidence in the administration of justice in Trinidad and Tobago. These are matters which the Government should look into.

While it is important to speed up note-taking I want to find out from the Attorney General, whether once they have introduced palantypists and the computer aided transcription system into the court processes, we will have speedier decision making in the system. I want to get that assurance from him. Will that make for judges and magistrates giving decisions speedily and quickly so that we would have the benefit of that system being made available to the average litigant in Trinidad and Tobago?

**2.35 p.m.**

If that commitment may have been made by inference, I would like the Government to make it unequivocal, that the introduction of this technology which he is proposing here this afternoon will in fact have the result of speeding up the administration of justice in this country. It is not only a question of taking notes through a faster system, through a system which is technologically advanced. What about where you take notes and the records in the courts are lost, what implication does that have, for the administration of justice in Trinidad and Tobago? You take the notes speedily, but when you look for the notes they

*Mechanical Recording of Court Proceedings Bill*      *Friday, November 30, 1990*

cannot be found. and the whole process as a result of that is aborted. What guarantee do we have that these matters are being looked into, that we have proper monitoring and security procedures within the administration of the judicial system in Trinidad and Tobago? As I said before, we are dealing with an attitude and it seems to me, if I may so, in the legal profession, there is this attitude of adherence to form so you do not change things very easily.

Whereas even in a country like the United Kingdom this legislation was introduced way back in 1981 or 1982 to speed up the process of note-taking in the court and judicial system, we have waited a long time, almost a decade to introduce it in Trinidad and Tobago. So you are talking about people who are in a certain frame of mind that they do not like to get things done quickly. They do not look at the end result of their actions in the judicial system and the people who are to benefit otherwise as a result of that action. An adherence to form and that is so rampant, not only in the administration of justice and the processes, but of course in the bureaucracy of Trinidad and Tobago as well as in the public service. This whole question of adherence to form without being sensitive to what is the purpose of what you are doing, so that when the Attorney General tells this House that this Bill will give his Government the flexibility to experiment, I also want to draw to his attention that they must also bear in mind the purpose for experimenting. They must always have in mind the larger purpose for which they do things. Is it for the benefit of the average man in Trinidad and Tobago? Is it for the benefit of the litigants in this country who have to face the courts? Will it give greater confidence to the administration of justice in Trinidad and Tobago? Will these amendments and the introduction of this bill go toward achieving these ends and objectives?

Then we are not even addressing the system of proper staffing, if the bill is to be properly implemented. It is not just a question of staffing for the purpose of provision for this bill. It is a question of proper staffing throughout the judicial system of Trinidad and I am talking about the system at the administrative level.

As a representative of the people, I get complaints on a daily basis, as to the frustrations which the average man in this country has in matters relating to the courts, in the manner in which the courts are functioning, in the attitude to which people are subjected, in the insensitivity of the people in the legal profession, as to the plight of poor people who have to face the courts and the inconveniences to which they are subjected and the pressures which they get as a result of that lack of sensitivity to their interest and to their welfare.

He talks about this technology taking the Government and the country into a quantum leap into the twenty-first century. It is a pity that this quantum leap is only confined to note-taking in the courts, and in every other area of governmental action, there is no quantum leap. There is in fact a regression, because if you want to speed up the administration of justice in this country, then the load on the administration of justice has to be relieved and one of the things which must be done in order to relieve that load, in fact, is to get into the area of crime prevention so that, what input goes into the legal and judicial system is lessened and, therefore, you will enhance the process of the administration of justice in that way. That is a different issue, I do not want to get into that, but I want to tell this Government that if there is any need for quantum leaps in that area of security, law and order in the administration of justice, take a quantum leap in crime prevention in Trinidad and Tobago.

Despite all the assurances, the average citizen in this country knows that crime is on the upsurge. It is on the increase. Everyday we are hearing about crime being decreased, but we know that when you look at it from the work load on the courts, and what has to be undertaken there, that crime, in fact, is not on the decrease regardless of the assurances of the Member for Ortoire/Mayaro.

I really wonder where he gets these figures from. I would really love to know how these figures are derived, whether he is putting these figures in perspective. Suppose people are reporting less crimes to you. As a representative of the people he will realize that for some particular reason crimes are not reported, but he wants to look good in the eyes of the population. Crime is decreasing. The Attorney General and Minister of Justice is belatedly functional—not being functional before July 27—in trying to reduce crime in Trinidad and Tobago. You know, they may talk to the population, nobody believes them, and that does not give people a greater sense of security in their homes, on the streets, in their businesses wherever they are. It gives no person a greater sense of security.

**2.45 p.m.**

**Mr. Fox:** Nobody is listening to you.

**Mr. Sudama:** I see! Nobody believes him and nobody listens to me. This is a hell of a remark coming from a Member of the Government. He says that nobody believes his Minister of Justice and National Security.

**Mr. Fox:** You said so.



**Mr. Sudama:** He says that nobody believes his Minister of Justice and National Security. This revolt is taking enormous proportions and the Member for Barataria/San Juan has got himself into some trouble. The Member for Port-of-Spain North is saying that a senior Member of his own government is not taken credibly in Trinidad and Tobago. I do not know what is happening in this country.

**Mr. Richardson:** As usual, you are attempting to twist his words.

**Mr. Sudama:** I am attempting to twist his words?

**Mr. Richardson:** He is saying that.

**Mr. Sudama:** Mr. Speaker, as I said, with this Government anything is possible.

**Hon. Member:** All things.

**Mr. Sudama:** In that respect they do have the blessings of God. All things are possible with them, and the Member for Toco/Manzanilla is quite right when he invokes God into the fortunes of the National Alliance for Reconstruction.

**Mr. Toney:** You leave me out. I am not one of the few persons who are listening to you.

**Mr. Sudama:** I admire his optimism. He was very prophetic when he asked of me on that fateful day of July 27: "Who is your leader?" It is a big question today. Who is the leader in the NAR? Nobody seems to know. There is a problem with my colleagues on the back bench—"Who is your leader there?" There seems to be aspirants and so on. I do not know. There are proposals for new leaders in the NAR.

The point I am trying to make is that the average man has a number of concerns with the administration of justice, not only with the speed with which justice is administered. As I said, when it comes to the question of administration of justice this is only a minor proposal that may eventually result in justice being delivered more speedily. There is a whole range of other things which need to be put in place in order to achieve that objective, in the interest of the small man, the average man in Trinidad and Tobago, and to engender a greater sense of confidence in the average members of this population in the processes of the judicial system.

If Members of this Government had their ears to the ground; if they were not so much concerned with political propaganda; if they were not so enveloped in

*Mechanical Recording of Court Proceedings Bill*      *Friday, November 30, 1990*  
[MR. SUDAMA]

their own propaganda, then they would have heard the concerns of the average man, his disenchantment with the administration of justice and the processes involved. If they had listened they would have been sensitive and then they would have more positive action to deal with that experience and indeed that perception of the average person in the country.

Mr. Speaker, I would have thought that today was a good opportunity for the Attorney General to have given this House some indication of how his Government is streamlining the bureaucracy for greater efficiency in the judicial system in Trinidad and Tobago. The end result of that would have been that the average person in Trinidad and Tobago would see that he would get a more efficient delivery of justice.

As I said, it seems to me that their only concern is matters of form. The former Attorney General, the Member for Ortoire/Mayaro, moved heaven and hell from 1976—

**Hon. Member:** Heaven and earth.

**Mr. Sudama:** Heaven and earth. I do not know why in referring to them I talk about hell. His concept of improving the administration of justice in Trinidad and Tobago is to build a nice building—the Hall of Justice—and merely by building a nice structure justice in this country would have been served. He spared no efforts in trying to get that building—which originally ought to have cost \$97 million and ended up costing \$197 million—completed

**Mr. Richardson:** That was after I had left.

**Mr. Sudama:** Are you saying that there were no cost overruns from your original estimate while you were there in office?

**Mr. Richardson:** Very little.

**Mr. Sudama:** How little is little? We would like to know how little is little. So that you had the same thinking which persisted under the People's National Movement, of which he was the Attorney General from 1976 to 1981—you build a building and justice will be served. In his view, we will have a speedy administration of justice merely by building nice commodious quarters—a place for the judges to sit and so on.

**Mr. Richardson:** For the public.

**Mr. Sudama:** Now today in 1990 we come here and get the impression, from the presentation of the Attorney General, that all that has to be done for the

*Mechanical Recording of Court Proceedings Bill*      *Friday, November 30, 1990*  
[MR. SUDAMA]

speedy administration of justice in Trinidad and Tobago is to introduce a computer-aided system of transcription. That is all—form and no substance, and not dealing with the realities with which the bureaucracy is faced.

As I said, I really did not intend to make a contribution on this bill. I thought that it was something that was long overdue. I do not know why the Government has taken so long. When it wants to act with speed it can very well act with speed—

**Mr. Panday:** And build a whole court house in a month.

**Mr. Sudama:** Yes. The Chaguaramas court was built in a matter of weeks. When they wanted to throw us out from the National Alliance for Reconstruction they acted very speedily. There was a kangaroo court headed by the Member for Diego Martin East, and they acted with great speed.

**Mr. Panday:** Political execution is the only answer to him for that.

**Mr. Sudama:** Yet, when it is a simple matter of introducing a bill which would facilitate the judges and magistrates in giving speedier decisions, they come here after four years to introduce such a simple measure. You see, these matters are not important to them.

There is no question of our side not supporting this measure, but what I should have liked, for the elucidation and the edification of the people of Trinidad and Tobago, was for the honourable Minister to have at least put this bill in some perspective with respect to the speedier administration of justice. What else does this Government propose to do with respect to that burning question? It is to that deficiency in his presentation I wish to make reference and I hope that in his winding up, on behalf of his Government, he would give us some indication of what larger purposes are being served and what other things the Government will be putting in place so that the small man would benefit from this system of justice which presently obtains in this country.

I thank you very much.

**The Minister of Justice and National Security (Hon. Selwyn Richardson):** Mr. Speaker, let me assure you that I shall be concise and precise. I just rise this afternoon to congratulate the Member for Oropouche on his undoubted support for the Attorney General in presenting this bill. From what I have heard, I just want to assure him that—as I said publicly recently—as far as statistics go, crime is on the decrease and, I shall do all in my power to ensure that it remains so for the foreseeable future.

*Mechanical Recording of Court Proceedings Bill*      *Friday, November 30, 1990*  
[HON. S. RICHARDSON]

I want to correct him on one thing. Unfortunately, I was not here for the contribution of my learned colleague, the hon. Attorney General, but I can say, without fear of contradiction, that I am sure that in his presentation the hon. Attorney General would have shown what he was doing and what this Government was doing to ensure that this measure would help with the administration of justice.

**2.55 p.m.**

**Mr. Sudama:** He did no such thing.

**Mr. Richardson:** I am sure he would have done that.

Mr. Speaker, he said that he was attributing to the Attorney General the fact that all he was doing was just putting mechanical systems in place to ensure that the system of justice would work. I am sure that the Attorney General would have shown that this is part of a far-reaching programme to help the poor man, the man-in-the-street and everybody else. *[Interruption]* We always welcome you, unlike many of your peers. You know of what I am speaking.

This is not all that the Attorney General is doing. During the mid 1970s—and the Member for San Fernando East knows of what I am speaking—we were—

**Mr. Sudama:** Mr. Speaker, on a point of order. This is not a private dialogue between the Member for Ortoire/Mayaro and the Member for San Fernando East. If he has something to say tell it to the House. We would like to know of what he speaks. What is this private understanding?

**Mr. Richardson:** Mr. Speaker, putting this mechanical system in place as I said, is just another cog in the wheel to ensure the smooth working in the system of justice. There are different actors who have their roles to play at different times. By the Attorney General, Cabinet and the Government putting this measure in place, we are doing what we are supposed to do. The Judiciary will do what they are supposed to do. Mr. Speaker, as a member of the profession you will know that we play our part effectively in this country; without the financial measures necessary; we play our part. The members of the Judiciary are playing their part. I have no problem with them, and I know this Government has no problems with them. They play their part and will continue to play their part to make sure that the system of justice would operate for all.

I simply want to congratulate my friend and learned colleague in getting this measure to this House at this time. It was long in coming. As I said, the Member

*Mechanical Recording of Court Proceedings Bill*      *Friday, November 30, 1990*

for San Fernando East knows—although he was a part player at the time—that since 1976 we were trying to get this measure implemented. It is not so easy and this is why I want to congratulate [*Interruption*] It is not as easy as my friend thinks. Mr. Speaker, you know why it is not as easy and this is why I want to congratulate—

**Mr. Sudama:** You know and he knows—

**Mr. Richardson:** It is not just a matter of bringing a bill to Parliament, you have to change your whole system. This system has been in operation for decades, where according to our laws the magistrate or the judge has to take all their notes in long hand. This system will change it but you could not, just at the stroke of a pen change it. You have to make sure that there are systems in place to secure the security of this system. All that has now been done. As I said, it is long overdue. It seems to be a simple measure as the Member for Oropouche is saying, but it is not so simple as members of the legal profession would know. Ask any lawyer and they would tell you why it is not as simple. I need not go into that here, but it is far-reaching and it will help every man in the street.

Mr. Speaker, I want to congratulate the Member for Diego Martin East, my colleague, friend and Attorney General for bringing this long overdue measure and to assure him that every right-thinking citizen will welcome it.

I thank you, Mr. Speaker.

**Mr. Patrick Manning** (*San Fernando East*): Mr. Speaker, I sat very quietly as I had no intention of getting involved in a matter which, in my view, is straightforward and a matter that we on this side of the House support. I would have maintained my silence had it not been for the fact that the hon. Member for Ortoire/Mayaro, the Minister of Justice and National Security in his contribution advanced this piece of legislation as a measure designed to help the poor man. I have no doubt that in making that statement the hon. Minister of Justice and National Security was seeking to convey the impression that a Government of which he is a part is embarking on programmes designed to assist the small man. The question that obviously arises is: Since when has the Government discovered that the small man in the country is in need of assistance? Because it is a point that we have been making year after year after year; budget after budget after budget; bill after bill after bill with absolutely no positive response from hon. Members opposite. Today on the eve of a by-election in Diego Martin Central and no doubt with a general election a maximum of one year away the Minister of Justice and National Security is seeking to give the impression to this honourable

*Mechanical Recording of Court Proceedings Bill*      *Friday, November 30, 1990*  
[MR. MANNING]

House and through this House, to members of the national community, that the Government is concerned about the welfare and well-being of the small man. Mr. Speaker, I am afraid that the record of the Government over the past four years does not justify that.

It was only last night at a public meeting elsewhere that the point was raised about this whole question of the small man and whether in fact the Government is concerned. There is an example—

**Dr. Tewarie:** Mr. Speaker, I think the hon. Member is being irrelevant. This is a debate on a particular bill before the House.

**Mr. Manning:** Yes, Mr. Speaker, you see—

**Mr. Speaker:** Confine yourself to the bill, please.

**Mr. Manning:** Mr. Speaker, this is a debate and those of us on this side, I am sure you will agree, have a right and a responsibility to reply to the statements and comments made in the contributions of hon. Members opposite. That, I believe is the basis of our democracy. In fact, that I believe to be an essential aspect of the work of this Parliament.

**Mr. Speaker:** What the Minister of Justice and National Security said was that this measure would bring relief to the small man. If you agree, you agree, but if you disagree, you disagree with that, but that is not—

**Mr. Manning:** Mr. Speaker, I assure you that I do not intend to go off into a debate on that, but it is necessary to deal with the point. The point, Mr. Speaker, as you know, is not as straightforward as that, and the implications of the point are not as simple as one may try to make it out to be.

**Mr. Speaker:** Order please. Order please. Let us continue please.

**Mr. Manning:** Mr. Speaker, as much as I welcome the measure, I want to ask the hon. Member for Ortoire/Mayaro a question: How does this particular bill assist the small school child in Blanchisseuse who, as a result of the actions of the Government of which he is a part, is discontinuing a bus service from Blanchisseuse to Arima, now forcing that particular student to get up at 3.00 a.m.

**Mr. Fox:** Mr. Speaker, on a point of order. This is totally irrelevant. The Member is confusing the whole issue.

**Mr. Speaker:** Order please. Members please get back to the bill.

**3.05 p.m.**

**Mr. Manning:** Let me say for the records, since it is clear that neither Members of the Government nor those who are in an independent position would like to sit and listen to what has to be said in defence of the small man, permit me to place on the record, a total repudiation of the point made by the hon. Minister of Justice and National Security in respect of the concern that is now being expressed, four years into a five-year parliamentary term, where the small man has been ignored for all four of those years. We cannot at this stage accept that whatever is done, even if the small man is assisted as indeed I am sure he would be in this particular instance, is being done out of concern for the small man. Also, it is clear to us that that statement has been dictated by a by-election and general elections that is to follow. It dictated out of self-interest.

**Mr. Kelvin Ramnath** (*Couva South*): Had it not been for the untimely intervention of the Member for Ortoire/Mayaro, I too, having regard to my busy schedule these days in this part of the country, would not have made a contribution on this matter.

Computer aided devices have been in existence for a very long time. When I entered school in 1970, computer aided devices with respect to machine tools, computers in industry and business were in existence and being perfected. It is a great tragedy that we have not kept abreast of computer aided devices whether they are in respect of the handling of transcripts or other forms of activity so that we could have made the public service more efficient. I want to say at the outset that I support the measure. It is a measure which, I am quite sure, if implemented expeditiously, would assist those people who have a great responsibility to ensure the speedy administration of justice.

My comments are confined to the introduction of such measures for the speedy delivery of services to the citizens of Trinidad and Tobago. I have observed in the *Review of the Economy* for 1991, that we have had computer aided devices producing, at least on the surface, a very fine document for perusal by Members of the House of Representatives. *[Interruption]* I do not think that one should be too excited at these things.

**Mr. Panday:** At this stage they will grab at straws.

**Mr. Ramnath:** A few years ago, public servants had to prepare budgets and supporting documents such as the *Review of the Economy*, the *Review of the Development Programmes* and various other complicated and cumbersome

*Mechanical Recording of Court Proceedings Bill*      *Friday, November 30, 1990*  
[MR. RAMNATH]

documents mechanically, that is—through the use of typewriters and hand-written activities. All I am saying is that at a time when the country had many resources, at a time when the Member for San Fernando East and the Member for Ortoire/Mayaro were in the Cabinet and indeed when the country had thousands of millions of dollars, that there was no effort on the part of the last regime to introduce the level of technology that would have made the public service much more efficient.

There is a tendency in the country today by certain vested interests to criticize the low level of productivity in the public service on the basis that has to do with the inability of public servants to perform their jobs, that is, to perform their jobs with respect to the equipment available to them. The fact of the matter is that today in the public service, whether it is the Judiciary, the Parliament, in every aspect of the public service, we have to work under very adverse conditions and we have to use very archaic means of getting things done.

It was very interesting to hear the Member for San Fernando East speak. He would make you believe that this is the first time the discussion with respect to the provisions for judges in the courts of the country has been raised. This is a matter that has engaged our attention, at least some of us, for the last 14 years. We have had assurances from the present Member for Ortoire/Mayaro when he was in the last Government because he was always a very stout defender of the system of the administration of justice. *[Interruption]* I do not wish to hear his problems and his complaints because that is all he is doing. I know that if I am in a political organization and I have difficulties with the leader, I will quit but I will not complain that I could not get things done when I was the Attorney General in a former government.

The fact of the matter is that Government had the resources to make this Parliament an example of what we are discussing today and it did not do it. The Government of the day ignored all of those measures which could have introduced modern technology, not only in the administration of justice but in the administration of Parliament and the entire public service. If you remove one Minister of Health and replace him by another Minister of Health, the problem of technology would not be solved because there is a serious problem with respect to the shortage of important equipment in the various institutions in the medical service in the country. An example of the failure to introduce basic technology and computer-aided devices so that people could live happier in this nation.



When measures like this come before this Parliament, I do not think anybody would oppose them. We know, of course, that when one introduces such a measure, one expects to have the support for the party that is raising the matter. I think matters of this kind may not go beyond the need to have approval so that there will be greater efficiency in the public service.

**3.15 p.m.**

Mr. Speaker, the matter has been raised about improving the standard and efficiency of the administration of justice. You pay a senior state counsel in this country \$4,312 a month. I do not know why people work for that money in the public service. I do not know how they remain as a senior state counsel, working for \$4,312 a month when colleagues of mine—I do not wish to call their names—get that for probably one hour of work in the court, or half day. As I have been told, there was a case of \$1 million for a brief for a particular matter.

The point I want to make—I do not want to be distracted by these matters—is that, such a public servant has to be very dedicated to remain in the service of the state at a salary of \$4,312 a month. There are other lawyers in the public service working for the state who get as little as \$3,600 a month. So if you want to really assist in the speedy administration of justice, there must be an overall programme, not only the introduction of computer-aided transcriptions, but a total and comprehensive system to deal with the problem of the administration of justice.

I do not wish to get into matters which affect conditions of the people at the higher levels of the Judiciary. I think we all know that for some time the judges in the country have had cause to protest loudly. I have had cause to listen to remarks from senior politicians in the country, asking them to stop protesting and go back to work. One case was a delegation having been led to the President of this country, to protest the withdrawal of overseas travel for judges so that they could meet with their other counterparts in other parts of the world to discuss matters relating to the development in the profession.

Of course, we would be told that the country is in a state which cannot afford an increase in wages but we all know that priorities must be established. If it is their priority to spend \$100 million on a deepwater harbour, when the country has no money, then the present Government proceeds to establish that as a priority. It perhaps does not see as a priority the improvement in the conditions of service of our judges and magistrates. While one may argue that these lords work extremely hard, I am quite sure that there will be an improvement in the performance of all

*Mechanical Recording of Court Proceedings Bill*      *Friday, November 30, 1990*  
[MR. RAMNATH]

involved in the administration of justice, if the Government were to look at the conditions of service and the levels of salaries available to these people.

While we welcome the introduction of this modern and sophisticated system of transcribing, we need to see elsewhere in the Judicial and Legal Service in the country, an improvement, as far as the terms and conditions of service are concerned. Judges and magistrates; people who work for the state and who have serious responsibilities, are not fortunate enough to complain publicly—unless terribly frustrated—about what is taking place. But they do complain privately. I am sure they have complained to the Minister of Justice and to the Attorney General in the past about the conditions under which they have to work.

I think that the Minister of Justice, instead of misrepresenting the facts produced by the police in this country, particularly at a time when there is a state of emergency and a curfew, should pay a visit to the courts in Trinidad and Tobago, particularly the Magistrates' Courts and the police stations. I want him to look at the Freeport police station, the Couva police station, the Mon Repos police station and the Brasso police station to see the inhumane conditions under which policemen in this country must work.

Mr. Speaker, it is not surprising that Members of the police service, before the state of emergency, had to close the doors of their police stations at night because of the very terrible conditions under which they had to work. They too are important in the administration of justice, they too must be considered in this comprehensive approach to improving the administration of justice.

I do not think this is the time for the Government to pat itself on the back for having brought technology. There is a lot of talk in the country about transfer of technology. Transfer of technology is a much used and abused term in Third World countries. You can buy any technology once you have the money to buy it. The problem is whether we have developed the consciousness among users of technology to be able to service, maintain and upgrade technology that is changing at such a very rapid rate in the world today. We might very well find ourselves in a situation, particularly in our country and other Third World countries, in which we invest large sums of money to acquire technology and to provide training for our operators and managers and discover that there is an absence of maintenance, as is so prevalent in other parts of the public service.

We are concerned about this matter. It is not a matter of simply providing the judges with a speedy transcript of what has transpired during the hearing of a court matter. We are concerned with the provision of equipment which will

survive the conditions. Computer-aided devices do not work in the San Fernando court or in the Couva court which do not have any air-conditioning; the air is filled with dust, dirt and grime. They must work under certain conditions of humidity, temperature and purity of the environment.

**3.25 p.m.**

While we welcome these measures, we also want to indicate to the Government that we need to put in place an entire programme of preventative maintenance at all levels of the public sector, so that our investments will not go down the drain. We all share the great concern of the country with respect to the wastage of the last Government. We will never forget the atrocities by the last Government. If it is one thing I agree with my colleagues on the other side about, it is that we must jointly condemn the wastage and mal-administration and corruption of the last regime. I will join with them on that, because they too introduced modern technology in Trinidad and Tobago. They introduced billions of dollars of useless monuments, almost a billion dollars of burden on taxpayers on the Mount Hope Hospital, which as you know, the Government is finding great difficulty with respect to staffing and putting into full operation.

What is going to happen? Are we going to bring back SODETEG, after we got them out for having fleeced this country? I see a new Minister of Health has come in and is talking about bringing back SODETEG because they are familiar with the technology, computer-aided devices, ultra sound and nuclear medicine and equipment. So when you change Ministers of Health, you change the contractors which service them. Or at least, there is a coincidence. We will soon discover that a lot of the very modern equipment and technology introduced in the public service will go down the drain unless we introduce simultaneously, a system of preventative maintenance.

How long are we going to depend on foreigners to maintain our expensive investments? They have been talking of being a self-reliant people, the transfer of technology, developing the technological skill of our citizens so that when we acquire expensive equipment into Trinidad and Tobago we will be in a position, not only to operate them, but to maintain them for the future. All I want to do is to advise the Government, that while they are in power for the next few months, they should not repeat the mistakes of the past. The PNM is past and gone and they will soon be forgotten. In spite of all their wishes, aspirations and hopes, they are dead—for all intents and purposes. They have a right to be because they

*Mechanical Recording of Court Proceedings Bill*      *Friday, November 30, 1990*  
[MR. RAMNATH]

wasted our petro money. They destroyed the hopes and future of generations. They invested billions in the desert. We do not want that repeated.

One thing I could assure you of is that when we shall have taken the reins of power ourselves, we too would want to come to this Parliament, unfortunately most of them would not be here, but we too would come to this Parliament asking for the introduction of computer-aided devices.

I have no problem with the bill before the House since my friend, the Attorney General, chose to elaborate on the effects of the introduction of this new measure and since he seems to be extremely fascinated by the introduction of computers and associated equipment—and I understand all lawyers are fascinated by electronics, computers, cameras and so on, my leader is a great fan of that kind of equipment—he has probably one of the largest collection of antiques. But since he has chosen that, I thought I should let him know that we too are concerned and we would like to see the introduction of modern equipment more and more in the public service.

Today in the private sector, secretaries no longer use typewriters. If you want to make your secretaries in Parliament and in your ministries more efficient and productive you would have to start buying them word processors, but the last place where change occurs in Trinidad and Tobago is in the public service; and this management centre, that you have—I do not know if it is called Organization and Management Centre—needs to be sent on a course so that the people there will become *au courant* and knowledgeable on the improvements which have taken place in the twentieth century, in the age of the computer and communication. When you need to acquire equipment in the public service you first of all must have an assessment of that department.

We must stop complaining of the low level of productivity in the public service. How many typewriters you provide for the police stations or do they still have to take some cyclo-styled paper and fold it in a corner to write "Mr. Ramnath states....." a very archaic form of taking evidence.

**Mr. Smart:** So you eventually gave them a statement?

**Mr. Ramnath:** I did not run out of the Parliament and desert my leader as you did, wearing a dress. Do not interfere with me today. I am trying to lift this debate to a certain height but he cannot help descending to the lowest level capable, as he descended on July 27 in the basement of this building to run away, dressed like a woman.

**Mr. Panday:** He put two grapefruits on his chest.

**Mr. Ramnath:** May I Mr. Speaker, come back to the point of the very archaic means by which the policemen must work in these stations because the Government will not provide them with basic equipment. I am not saying that it will be easy to furnish every civil service department or police station in this country with what is desirable but I am saying that there must be a will to change.

Ministers for example, if I may say a word on their behalf, must stop being hypocritical about their own conditions of service. When I see the salaries these ministers work for, and you Mr. Speaker, as head of this Parliament, I wonder whether we are not just making a mockery of the whole system, when in the state enterprises, a junior engineer in Trintoc earns more than a Minister of Government and has better conditions of service.

So we must not just boast about the introduction of some device which fascinates the minister, we must look at the introduction of technology with a view to improving the overall performance of the public service. We are the biggest business—government. We must see ourselves in terms of how the private sector operates; how it is structured; the conditions under which the managers of Government must work so that they can produce. If for example, Government Ministers were better treated, we would not have had all this confusion which characterizes the ruling party today. I am sure my friend from Barataria/San Juan would have been engaged in more productive activity.

### **3.35 p.m.**

I do not want to get involved with internal politics of the party. I have had enough involvement with them, but I want to emphatically state, that this is only a very small measure towards improving the overall efficiency of the public service, and I want the Government to seriously consider, when for example, they present the 1991 budget, the area of communication and technology, as these two main areas affect Trinidad and Tobago in the last decade of the twentieth-century.

I have been following the activities of the Member for Caroni East who was on a link-up while he was abroad, with one of the Ministers from Trinidad. It is called teleconferencing. I do not know how many members of the Government actively followed that teleconferencing link-up between Great Britain and Port of Spain, but we are indeed observing the kind of air pollution taking place in the rich urban areas of the country, by the introduction of these satellite dishes. Not

*Mechanical Recording of Court Proceedings Bill*      *Friday, November 30, 1990*  
[MR. RAMNATH]

that I have any objection to it. I simply cannot afford one. I am not so fortunate as my friend from Ortoire/Mayaro, with his Wimpey connections. You see what causes the problem in this Parliament is the cross-talk.

It is a day and age in which householders have access to the world by pressing a button. It is the day and age that young children in the developed countries are more advanced than governments of the Third World, in their understanding of telecommunication and computers. We simply cannot dismiss in Trinidad and Tobago, particularly at a time when we are talking about increased productivity in manufacturing and other sectors, computer literacy and computer application as being mandatory in secondary and primary schools in the country. Most of all, we cannot simply, once in every four years, come to Parliament, and as good as the proposal might sound, to introduce piecemeal, computer-aided devices and other aspects of the computerization of the public service.

I advise the Government to start thinking about settling some priorities with respect to making the public service the engine. The engine of growth in the public sector is the public service, and no amount of commissions of enquiry and very detailed reports about why there is inertia will help us solve the problem. We might use technology and computer aided devices to help us to get this big bureaucracy moving, so that it can assist the managers who, for the time being, happen to be the Government of Trinidad and Tobago, providing the citizens with service that is so badly needed. I support the measure and I am pleased to have contributed.

**Mr. John Humphrey** (*St. Augustine*): Mr. Speaker, I just have one or two questions to ask the hon. Attorney General. Since he is talking about making the court processes more efficient and one of these systems is being introduced to Parliament, a few ideas crossed my mind during the course of the debate. In introducing the system in Parliament, for example, it is a very much more efficient system that will require fewer personnel and I am just wondering, that when some of the workers at Hansard are made redundant by the introduction of this system, whether consideration has been made to transfer the existing system to other areas of, I would suggest the Judiciary and the workers who are familiar with the system to expedite the process of note-taking.

The other thing that ought to be considered, is that this country has a tremendous quantity of qualified attorneys, many of whom are not fully occupied, why has the Government not given consideration to relieving policemen of the role of prosecutor in the courts and employing some of these young attorneys to

prosecute, not on the basis of the time they spend in court, because that would give them an incentive to spend a lot of time in court, but on the basis of each brief and free the policemen to do more police work and to go to court only when they are needed as expert witnesses.

Another thing crossed my mind and this is from the experience that I had when I was called to give evidence in the Tesoro enquiry to a US court that was resident temporarily in Trinidad. When I received the transcript of my contribution, there were hundreds of mistakes that were due to the fact that the foreign palantypists could not understand our accent and misread many of the things I said. I am sure the same thing happened with many of the witnesses. If foreign experts are being employed while the system is being introduced, are we not going to have the same problem, which means they are going to have editorial corrections made of their work which will be a delay in the process. Could they not find Trinidadians who are experts in these areas to take those jobs, or to give these experts a quick course in understanding our language?

This is a good measure but I understand it is only three systems that are being introduced, one to Parliament and the hon. Attorney General did not indicate where the other two are being immediately introduced. No doubt, as time passes we would introduce the system in all of the courts starting with the appellate, the supreme court and then going down to the magistracy. Can we not, at the same time, introduce improvements in the systems in all of those courts where, at the present time, they are not introducing the CAT system, and ensure that when the introduction of this very modern system makes the old system redundant, that you transfer that old system and its personnel and equipment to another area of the public service?

Unfortunately, when modern systems are introduced you throw out the old as if it is junk. Parliament has functioned reasonably well. I have never had cause to complain for not getting *Hansard* when I needed it. Every time I have been to that department and asked for the contribution of a member, I have received that in very quick time. So even though they did not have an ultra-modern system, the *Hansard* workers have always been efficient and I daresay they are now going to become super efficient, and *Hansard* is going to be delivered to Members quicker than previously. But I only hope that we are not going to get redundancy as a result of the introduction of these modern processes, and that our employees who have skills in systems that are not so ultra-modern, will be transferred to other areas of the public service and not be sent home.

*Mechanical Recording of Court Proceedings Bill*      *Friday, November 30, 1990*  
[MR. HUMPHREY]

I just thought I would make these few points with the hope that the hon. Attorney General will address them.

**3.45 p.m.**

**The Attorney General (Hon. Anthony Smart):** Mr. Speaker, I should like to congratulate the Members of the other side for wisely supporting this measure.

I should like to deal with some of the contributions that have been made and I will deal with the Member for St. Augustine's contribution first of all. He is concerned about the question of redundancy. I want to let him know that there is absolutely no question of anyone being made redundant by the introduction of this system. In fact, if at the end of the training period there is need for three workers where there used to be five, the additional two will be placed elsewhere in the public service.

I want to correct a false impression which he has, that it is just the palantypists in the court system who would be involved in this training. That is not so. The idea first came up for introduction in the courts, but then when the Government, with its committees, looked at the idea and thought it was a good one it was agreed that the system would be spread throughout the public service. This is why at the present time there are some 29 persons, drawn from various departments of the public service, in training at the John S. Donaldson Technical Institute: 15 from the Supreme Court, three, for the time being, from Parliament; four from the Prime Minister's Office; three from the Industrial Court; one from the Public Service Appeal Board; two scholarships have been granted by the Training Unit of the Personnel Department; and two persons are being trained to be teachers of the system. So that at the end of the two year period these two persons would be able to carry on the system at the John S. Donaldson Technical Institute so that more people in Trinidad and Tobago could be trained in the system. I said this in my opening remarks but the Member for St. Augustine probably was not here when I made the point.

The committee that was involved in the introduction of the system knew that there would be problems in understanding the Trinidadian accent for those replacement reporters who came from abroad. First of all, persons were chosen by EduCorp, the company, that is responsible for the system, and then members of the committee went to North America and interviewed those persons to see whether they would have been able to deal with the accent and the committee chose those persons whom they thought best able to deal with the Trinidadian accent. Of course, there are some difficulties at this stage but one expects that in a



short time those persons who have come as replacement reporters will get over the accent.

I indicated in my opening remarks that there are replacement reporters now in the Court of Appeal actually doing the work of those persons who have gone for training from the Court of Appeal. Also, as I said, there is one who was here last week—I have not seen him as yet for the day—who is being used in the Parliament.

I think I have dealt with the concerns raised by the Member for St. Augustine. He asked whether there were not any Trinidadians who could do the job. Unfortunately, there are none at this stage.

Mr. Speaker, he also raised the question of getting lawyers to prosecute in the Magistrate's Courts. That is not an issue that really should have been raised in this debate but I can assure him that in fact the police do an excellent job in the Magistrate's Courts doing the prosecution, and when they do run into difficulties they get the aid of the lawyers in the DPP's department. So that is a matter that has been considered.

**Mr. Humphrey:** That is not my concern. Certainly they do an excellent job. My concern is that policemen should be doing the job for which they are employed by the society—to protect and serve—and lawyers should be doing the job of the court, so as to relieve the policemen to do their substantive work and, therefore, make the system more efficient.

**Hon. Smart:** Ideally that would be very acceptable but there is a cost involved and one has to look at the question of the availability of the funds to staff the Magistrate's Courts with lawyers.

The Member for Couva South raised the matter of the salary for a senior state counsel. I think the figure he gave was really the salary for a State Counsel III and not a Senior State Counsel, but that is a minor point. We on this side are very concerned about the low level of salaries for legal officers in the Government service. As a matter of fact, at this time Cabinet is considering that problem.

**Mr. Panday:** You pay \$1 million for one brief.

**Hon. Smart:** Just a couple of days ago I discovered, by chance, that the salaries of chief legal officers in the Attorney General's Department are higher than the Attorney General's, and the reason was that they are a special breed of

*Mechanical Recording of Court Proceedings Bill*      *Friday, November 30, 1990*  
[HON. A. SMART]

persons under the Constitution and, did not suffer the 10 per cent cut nor the taking away of their cost of living allowance. But I have no problem with that. I am here to serve, and I am prepared to make sacrifices—all of us here on this side are prepared to make sacrifices—until such time as better can be done.

**Mr. Sudama:** What is the pay of a Member for Parliament?

**Mr. Smart:** So that I want to let the Member for Couva North know that we are very concerned about the low level of salaries for lawyers in the Government service.

I got the impression that he was saying that the judges were complaining privately about their conditions of service. I am quite surprised to hear that because under this administration a few months ago a decision was taken for the salaries and pensions of judges to be tax free. We took that decision deliberately because we recognized that judges are a group of persons apart from the society—at least they ought to be—because they sit in judgement of their fellow men, and they should not be put in a position where their financial security is at risk.

Some months ago the President of the Law Association made a statement saying that the Judiciary was in crisis because there were some five or six judges who were due to retire shortly and there would be difficulty to fill those places. Well, I think the facts now speak for themselves. The Judiciary is not in crisis. In fact, those places have been filled. And if I am to anticipate what is going to come afterwards in this House one would see that steps were taken to increase the number of judges in the establishment of the Judiciary. The judges, I am sure, are not complaining. I have not heard any complaints recently about the conditions of service.

We also took the step to ensure that judges, when they are travelling, do not need to have tax exit certificates. In addition to that, judges are entitled to the use of diplomatic passports and, as a result, they do not have to pay departure tax. So that we have sought to lift the level.

You will recognize by some of these things—some of them minor; some of them major—that this Government does not only talk about the independence of the Judiciary, this Government has taken steps to ensure that the Judiciary is in fact independent. That is all part of the democratic process to which we subscribe. We do not just talk democracy, we act democratic all the way.

**3.55 p.m.**

Just a couple weeks ago, Members the other side were saying that we wanted to continue the state of emergency in order not to have the election in Diego Martin Central. Absolutely nothing could be further from the truth. *[Interruption]* Yes, an election and a state of emergency because the exigencies of the situation require that the emergency remains in place. But at the same time we took steps to ensure that everybody can speak publicly on the platform and let democracy prevail.

I would like the Member for Couva North to know that the Government has taken the lead in technology. He has said that the last place for technology to be introduced is in the Government service, but the very fact that we are debating this Bill and the information given in the course of the presentation of the bill put a lie to what the Member for Couva South has said. Maybe in days gone by the Government service was the last place to modernize, but certainly, on this question of the computer-aided transcription system, the Government has taken the lead. I am not aware that in the private sector this kind of equipment and technology have been introduced as yet. I think it is a very important point to make.

Mr. Speaker, what about the Member for San Fernando East? He came and made his pitch about the small man and then left. I wanted to ask him: What about the small child? Are they concerned about the small child? I ask this question because in June, 1986 the School Feeding Programme was abandoned by the former administration. The former administration left this administration with a bill of some \$26 million to \$29 million. Through prudent management that bill was paid and through even more prudent management, we have been able to reintroduce the feeding of school children at a higher level and throughout the entire country. So, one wonders what this small man talk is about.

There were housing projects built by the former administration for the small man but at prices that the small man could not afford—exorbitant prices. One of the first things this administration did when it came into office was to address that problem and reduce the cost of those houses for persons who had bought them at exorbitant prices. That is another indication of the steps that this Government has taken to address problems of everybody in the society. When you run a more efficient government, when you come out of a recession everybody benefits—from the small man right up to the top because there is growth in the economy, more jobs available and so on.

*Mechanical Recording of Court Proceedings Bill*      *Friday, November 30, 1990*  
[HON. A. SMART]

We had inherited a system of ruin. We were required to preside over ruin. What did we do? We performed better than anybody else could have. So today we are seeing signs of growth in the economy, we are seeing a new buoyancy in the economy and in the spirit of the people. I want us to be optimistic, but to be cautiously so. What we are asking for is cautious optimism as we develop this country and see the fruits of very difficult decisions taken over the last four years.

I now deal with some of the questions raised by the Member for Couva North. He asked: "Why did it take so long?" Mr. Speaker, it has not taken long insofar as the responsibilities lay on this administration. As I said in my opening remarks, there have been calls over the last 20 years for the introduction of this piece of legislation.

We came into office and indicated in our manifesto that we would do exactly as we are doing today. You cannot do everything in the first year. There were many things that had to be done which took greater priority, but the point is, we indicated that we will take these steps, we will introduce mechanical recordings throughout the court system and today we have done it. That is what they must understand. I thank them for supporting the measure.

The Member for Couva North asked: "When is it going to be introduced?" I think I have answered the question. It has already been introduced in the Court of Appeal.

**Mr. Panday:** I thought I heard the hon. Member say that this was going to be introduced throughout the court system. Would that include the Magistrate's Courts? Is that the plan? I do not know, I am just asking.

**Mr. Smart:** Certainly, that is the intention once the persons are trained, because this bill seeks to amend the Summary Courts Act which provides for evidence to be taken in writing. The bill would also be amending that provision.

The Member for Oropouche suggested that this was a very minor step being taken to improve the administration of justice and to eliminate delays. This is not a minor step, this is a major step. It is one of a number of steps that this administration has taken to deal with the delays in the administration of justice. One of them is the fact that more judges have been employed under this administration. In addition to that, this Government took a decision and amended the Constitution a couple of years ago to provide for the re-hiring, on a contractual basis, of judges who have reached retirement age. As a matter of fact, right now there are four judges who have retired and have been reinstated into the

*Mechanical Recording of Court Proceedings Bill*      *Friday, November 30, 1990*

system in order to deal with the backlog. Had the events of July 27 not occurred, there would have been a formal opening of the courts. At that stage, I think the country would have been surprised at what the Chief Justice would have had to say about the improvement in the administration of justice, but the time will come when he will say what he has to say. *[Interruption]* Because you just have to look at the record of the Court of Appeal and in a number of other courts where there is very little backlog. You would find that matters are being dealt with expeditiously in the criminal courts and the Industrial Court where the administration of justice is moving swiftly.

I think there is a lot for us to be proud of as far as the administration of justice is concerned. This step is but another very important one in the process to speed the administration of justice.

**4.05 p.m.**

As I conclude, I would like to let the Member for Couva South know that I am fleet-footed and sometimes in an emergency I am quite smart. Maybe because of that combination I was able to be in another place on July 27, to ensure that he and other Members of Parliament exited safely. With these words, I beg to move.

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole House.*

*House in Committee.*

*Clauses 1 to 4 ordered to stand part of the bill.*

*Clause 5.*

*Question proposed, That clause 5 stand part of the bill.*

**Mr. Smart:** Mr. Chairman, I beg to move that clause 5(2) be amended by substituting for paragraphs (a) and (b) the following—

- "(a) certificate of the person responsible for the recording certifying that the recording represents so much of the proceedings as is specified in the certificate; and
- (b) certificate of the person making the transcript certifying that he has made a correct and complete transcript of the recording."

*Mechanical Recording of Court Proceedings Bill*      *Friday, November 30, 1990*  
[HON. A. SMART]

Here we are talking about the person making a transcript certifying that he has made a correct statement and also about the certificate of the person recording the transcript. The recording comes before the transcription and in the bill as it is presented now, we have the transcription before the recording. For the sake of logic, we thought we would just change the clauses around so that 5(b) of the bill will now become (a) and (a) now becomes (b).

*Question put and agreed to.*

*Clause 5, as amended, ordered to stand part of the bill.*

*Clause 6.*

*Question proposed, That clause 6 stand part of the bill.*

**Mr. Smart:** Mr. Chairman, I beg to move that clause 6 be amended by inserting between the word "upon" and the word "application" occurring in the second line, the word "written".

*Question put and agreed to.*

*Clause 6, as amended, ordered to stand part of the bill.*

*Question put and agreed to, That the bill, as amended, be reported to the House*

*House resumed.*

*Bill reported, with amendment; read the third time and passed.*

#### SUPREME COURT OF JUDICATURE (AMDT.) BILL

**The Attorney General (Hon. Anthony Smart):** Mr. Speaker, I beg to move,

That a bill to amend the Supreme Court of Judicature Act, Chap. 4:01 be now read a second time.

Mr. Speaker, this bill, again, has to do with the Judiciary and its administration of justice and the question of the legal system. In 1989, this Government took a decision to increase the establishment in the Judiciary—in other words, to increase the number of judges in the Judiciary. It was a matter that was considered for some time because of the cost involved, because once an additional judge is introduced, you also have to employ back-up personnel for that judge, in the form of finding office space, secretaries, drivers and so on. This

Government, having considered the matter, took a decision to increase the number of judges on the establishment by one and the number of masters by one.

Unfortunately, the Supreme Court of Judicature Act provides for the number of judges on the establishment of the Judiciary. At the present time, the Act says that there should be 15 judges on the establishment. If one has to increase that number, one has to return to Parliament to amend the Act. We felt that we should come to this Parliament and seek its approval for the increase in the number of judges from 15 to 16 and at the same time, amend the law so that when it becomes necessary in the future to increase the number of judges, it would not be necessary to bring the matter to Parliament. In other words, the law is going to be amended to give the President the power, by Order, acting on the advice of the Cabinet, to increase the number of judges. That simply is what this bill is about and I have no doubt that, like the last bill, all the Members of this House would find it easy to support this measure.

*Question proposed.*

**Mr. Basdeo Panday** (*Couva North*): Is it not amazing that the more things change, the more they remain the same? Ten years ago, in 1980, the Supreme Court of Judicature (Amdt.) Bill came before this House and introducing that bill was the perpetual Attorney General and Minister for Legal Affairs, Sen. Selwyn Richardson. I think he was PNM then. In fact, I believe he is PNM now in spirit and there has been no change. Not only has there been no change in the hon. Minister but there has been no change in his colleague because I remember when he introduced his bill he did exactly what the Minister has done today. That is, merely come to this Parliament, say that the Act provides for so many judges and they simply wish to increase it by one more and make provisions for increasing it thereafter. However, he gives no justification. No justification!

I would have thought that when bills are brought before this Parliament, the first thing one would do is say: "This bill is necessary because of A, B, C, D, and E." The hon. Attorney General said when this bill is implemented, it is going to cost money. That is going to be taxpayers' money. They do not wish to return people's COLA; their 10 per cent; they do not want to pay them their backpay. All of that is because they have no money. If therefore they are introducing this bill, which is going to result in further expenditure, the least they should do is say why.

The law provides for a given number of judges. Why seek at this stage to increase it by one? What is the need for one more judge at this stage? Is it the

*Supreme Court of Judicature (Amdt.) Bill*  
[MR. PANDAY]

*Friday, November 30, 1990*

backlog of cases? Is it because of a matter involving Justice Crane? What is it? Tell us because that is exactly the point I raised 10 years ago. I had to raise this point against the PNM Attorney General and now I raise it against the PNM No. 2 Attorney General—PNM 'A' team, PNM 'B' team. It is very simple.

**4.15 p.m.**

Let me quote from the hon. Selwyn Richardson, the Attorney General as he was then:

"Mr. Speaker, we have taken steps to ensure that the Courts are going to sit in Tobago on civil and criminal matters."

He usually makes points which are quite irrelevant. I think, at least he was bold enough to state:

"With that, I am sure that all Members of this honourable House, including those on the other side, will agree with me that it is another nail in the coffin of the backlog of cases, another necessary step to ensure justice for all the peoples of Trinidad and Tobago."

Mr. Speaker, in that case, what he was doing, was amending the legislation to increase the number of judges from 12—15. The *Hansard* will show on that occasion I told him that was a very shoddy presentation and what he ought to do was to come to this House and give the statistics, the facts, and state the reasons it was necessary to bring the legislation before this House. It is not that we are going to object. We are all conscious of the fact that there is a backlog of cases and that justice is taking interminably long to be effected.

We want the figures and the facts. I think this is not the remnants, not the dregs, what is left of the NAR, who said in their manifesto that they were going to be an open Government. They were going to tell the people the truth and give them all the facts. These are the occasions upon which to give the facts, on which to say how many cases there are, what is the extent of the backlog and how increasing the judges are going to assist. Because, to merely come to this Parliament and say, "I want to increase the number of judges" and give no other reason, then this House should not assist in passing this law.

Mr. Speaker, we must assume that what the Attorney General means, or what he is implying, is that this bill is going to improve the administration of justice. But we have seen that when we merely increased the number of judges in 1980 from 12—15, we did not succeed in improving the administration of justice. The



reasons given were the backlog on that occasion. That was Friday, January 18, 1980 and the backlog still persists. Is it not reasonable that this House should examine and debate this bill in the context of a similar bill that was passed before this House, more than 10 years ago? Is it not necessary for us to discover why there is a backlog and what is wrong with the administration of justice? Not the mere introduction—as we have done just now—of mechanical means. Would that help the situation? Would the increase in the number of judges, the re-employment of judges who have retired, and the appointment of new judges have any effect at all? Because, surely the function of this House has to be to remedy the mischief and the evils that are taking place in this society.

Therefore, I wish to condemn in the strongest terms, the manner in which the Attorney General has sought to dump this bill on the table before Members of Parliament, in the hope that because they have a majority we will simply vote for it. On that occasion, I remember, on Friday 18, 1980, I had asked questions about figures which told us about the ratio between the number of outstanding cases and the judges to be appointed. Mr Speaker, I said on that occasion, at page 54:

"For example, if there is a clogging in the courts, I should like to hear that the Attorney General has addressed his mind to the reasons for the backlog, because those are reasons upon which we are going to base our assessment of whether the number of judges has anything to do with it. Might it not be a failure of the judges to do their work?"

Mr. Speaker, on that occasion, 10 years ago, I pointed out to this House that people were being frustrated and that their matters were not being heard. I quote again from that speech I made in Parliament on that day, page 61:

"In the civil court there are cases pending for over 15 years—for fifteen years there have been cases pending before the court and cannot be heard. There is one case I can quote as an example for you. Case No. 241 of 1972, the case of George Weekes..."

All this is great, how things remain the same even though they have changed.

"... Nuevo Diaz, Winston Lennard, Michael Joseph and Allan Campbell, against the Attorney General, Basil Pitt, Albert Peters *et al.* That case, I understand, was for illegal detention in 1971."

We have gone the full circle. You can only run this country by detaining people. They have not changed, it is the same. Ten years ago when a bill like this came

*Supreme Court of Judicature (Amdt.) Bill*  
[MR. PANDAY]

*Friday, November 30, 1990*

before the Parliament, we had arrested people. Why? You lied. You betrayed them. What else do you expect? I continue my quote, Mr. Speaker.

"One case arising out of that has been heard and determined. The writ was filed in October 1972..."

At that time I was speaking, it was 1980—

"...and since then the matter has been called and adjourned about 18 times with the exception of about four occasions when this matter came up before the court and came up before judges who had worked previously in the Attorney General's Department and who, having worked in the Attorney General's Department, disqualified themselves from hearing the case."

I also said:

"There are people who have been crippled by accidents, accidents which occurred seven and eight years ago and to date their cases have not been heard. They have been crippled, they are unable to work. They have become destitute and their cases cannot be heard in court. There is one case I know that has been pending for 10 years, the case of a man who had his legs broken and his face damaged, and he is still without compensation for his injuries.

In the criminal courts there are accused persons who are imprisoned for several years before their matters come up for trial."

I believe it was today's or yesterday's papers where a man's case came up for trial and he had been in custody for some four years. It was, in fact, the subject of an opinion in the *Express* of November 29.

#### **4.25 p.m.**

I say this to show that there has been no change. We voted out the PNM but we did not get change, we got exchange. We have replaced an A Team with a B Team and the position remains the same. Since the Attorney General will not quote the facts for you, let me quote them myself. I refer to the opening speech of the Chief Justice at the opening of the law term 1989—1990. In giving an account of the work that has been done in the previous years, he said—

"In Tobago there were sittings of the Civil Court for five months, namely, November, 1988 and January—April, 1989. During this period 197 matters were listed and 51 were determined. There were sittings of the Master's Court in December 1988 and March 1989. Thirty-one (31) matters were listed and 20 were completed. There were criminal assizes in November, 1988 and May,

1989. Seventeen matters were listed and seven completed. Most of the matters were adjourned due to applications for one reason or another.

The Court of Appeal sat in the sister isle in July, 1989. Ninety-one appeals were listed and eighty-six were completed.

*(ii) Port-of-Spain*

In the Port-of-Spain High Court 634 criminal cases were listed and 252 were determined. In the Civil Court 2,111 cases were listed and 678 determined. In the Matrimonial Court 907 divorce cases were listed and 811 were completed. Applications for ancillary relief in matrimonial matters amounting to 2,654 were listed and 1,205 of these were determined. Judgement summonses amounting to 659 were listed and 298 were determined. In the Civil Chamber Court 3,059 applications were listed and 2,504 were completed. Also, 415 motions were listed and of these 178 were completed. In the Master's Court, 1,845 applications were listed and 1,145 were completed.

*(iii) San Fernando*

In San Fernando 371 cases were listed in the Criminal Court and of these 127 were determined. In the Matrimonial Court 1,140 were listed and of these 478 were determined. In the Civil Court 831 were listed and 244 were determined. In the Civil Chamber Court applications amounting to 1,060 were listed and of these 540 were determined. Also, 236 motions were listed and 116 were determined. Judgment summonses amounting to 779 were listed and of these 125 were determined. In the Master's Court applications amounting to 2,961 were listed and of these 1,107 were completed.

The point I am trying to make is that we have, in fact, not made any improvement, although in 1980—10 years ago—they brought a similar bill before Parliament and used similar arguments for wanting to improve the administration of justice. I am sure you will agree that the administration of justice, as perceived by the population today, leaves much to be desired. It is literally in shambles.

I think what we need is to have a complete enquiry into the administration of justice. Nothing less will do at this stage. The conflict that is taking place in the Judiciary itself, the bastion of our freedom, the bulwark against encroachment of the executive upon the rights and freedoms of the citizens, right now, has sunk to the lowest level and it has been so for a very long time. We cannot permit this

to continue and I am, therefore, appealing to the Government to institute a Commission of Enquiry into the administration of justice. That enquiry should overhaul many aspects of the administration of justice in Trinidad and Tobago today.

What I tell you is nothing new. These matters have been alluded to for many years. The whole question of arrest, the procedure of the police, complaints of corrupt police practices and of fabrication of evidence, these are matters that are creating very serious problems in the Judiciary and reeks of complaints about the whole question of arrest and confession.

**Mr. Speaker:** The meeting is suspended for half an hour.

**4.30 p.m.:** *Sitting suspended.*

**5.05 p.m.:** *Sitting resumed.*

**Mr. B. Panday:** Mr. Speaker, the point I was making is that we do not object to the bill. To increase the number of judges is an administrative act. Those who are in the office and those who are running things will know how many judges there ought to be, by complementing the Judiciary at any time.

That is not really the issue. The issue is that the purpose of introducing a bill to increase the number of judges must be in some way related to the administration of justice. The point that I was making, is that the administration of justice is perceived as being at its lowest possible ebb at the moment, and that what we needed was a commission of enquiry into the administration of justice. I had mentioned that there was concern both in the police service among the lawyers and judges about the whole question of arrest, procedure of the police, complaints being made by accused, and complaints of evidence being fabricated.

There needs to be a procedure or an examination relating to confessions. There ought to be a better interrogatory process, and I believe that the former Chief Justice, Mr. Hyatali, in one of his speeches, had made reference to this whole question of confessions, and actually suggested that they ought to be taped. Today, we have introduced legislation to facilitate the use of mechanical devices for taking notes, and maybe the Attorney General or Minister of Justice should consider the possibility of introducing this measure of tape recording, so that all the controversy surrounding confessions may be removed. Many times accused persons who are guilty may be freed because of the controversy surrounding confessions. It depends upon the mood of the court at any given time whether the jury believes in confessions or not. If there has been a case recently where an

investigating officer has been brought into disrepute for giving some false statement about confessions, you find that for a period of time persons who are accused are likely to be set free.

There is also a lot of concern about the quality of judicial officers. We on this side believe that there ought to be a thorough investigation and an overhaul of the system of appointment and promotion. The system of discipline is bringing the Judiciary into very serious disrepute at the moment. As a matter of fact, I have with me the proceedings of a matter for judicial review, to which I shall not refer. I know, I can refer to the fact that judicial review proceedings have been filed by a judge and it deals with the question of discipline and conditions of work.

There also needs to be an enquiry into the functions of the judicial and legal services and of the Judicial and Legal Service Commission. We ought to set down clear and proper criteria for the appointment and promotion of judges. I think that the criteria that have been set down, have been observed more in the breach at the moment, where persons are appointed to judicial office totally contrary to the requirement set down by law. We cannot have a system in which our judges feel that they are being discriminated against in one way or another, in the question of promotion and discipline and still hope to have a Judiciary that is independent. Nothing short of a thorough overhaul of the system on the appointment of persons to high judicial office and indeed to higher office outside of the Judiciary is going to be necessary.

We on this side advocate that we should adopt a system similar to that of the American Senate investigating system, whereby people whose names are suggested for appointment to judicial office or to high office in the land, are subjected to investigation, cross-examination and questions by an investigating committee of the parliament of this country, so that there can be no allegations of favoritism, corruption or nepotism and we will be sure that persons who can pass that test will be our best.

I remember when I was giving evidence before the Constitution Commission, I made this suggestion. I would not call the name of the member of the commission who replied and said, that if we introduced a system like that in Trinidad and Tobago, we will get nobody going up for high office. That is a serious indictment upon the society. I do not believe that everybody in this country is corrupt. I do not believe that everybody has something under the carpet to hide. It is a serious indictment which seems to pervade even the government benches.

I was out of the country at the time and I recall that when I came back I understand that nobody was awarded the highest award in the country, the Trinity Cross. So it means that this government believes that there is nobody in this country who is deserving of the Trinity Cross. That is a serious indictment on the society and it is the first time, I think, it has happened and it had to happen under this Government. They are either too conceited or too arrogant or feel that they are God's almighty gift to the world and nobody qualifies for anything but they. It is a serious indictment upon the society to say that no one qualifies for the highest national award in your country. What have you done in four years that makes nobody qualify? That is a very serious indictment and it is based upon that same thinking that you must not subject people to scrutiny before appointing them because if you do they would not take the job. If that is the case, if someone is saying that I wish to be appointed in secret and that is the only condition under which I will take the job, then that would be the worst person to appoint to any job. Even the Chief Justice should be subjected, like in the United States, to interrogation, examination whatever you want to call it, of an investigating committee of this Parliament before appointment. That is important because once appointed, a judge cannot easily be removed.

I believe that when the adjournment was taken I was talking about the promises he had made—which anticipated the problems I speak of now—in order to deal with this whole question of police officers dealing with complaints left, right and centre, from every quarter, humiliating and demeaning them without investigations which will clear their names. So this is in the interest of the police service.

### **5.15 p.m.**

It is a point that I want to make—and I hope to emphasize that point from now until the next elections—that I was expelled. I was in there fighting. I did not leave. I want that to be absolutely clear. Our blood is on their hands. We did not leave. We were fighting to make this country a better place and they expelled us. What did they expelled us? For speaking. Where is Mr. Butcher? They say that a butcher is bound to recognize dead meat. Mr. Butcher has spoken, how come nothing happened to him? The Member for Port-of-Spain South, Mr. Guerra, has spoken out and said that this Government has done nothing for the people. How come nothing happened to him? The Member for Fyzabad launched an attack on the Government, saying that it has done nothing for the poor. How come nothing happened to him? I stood up and said: "We must have unity in this Government

and in this country," and they say, "out you go." What is the difference between them and me?

**Mr. Toney:** Is that what you said?

**Mr. Panday:** What did you think I said: "Who is your leader?" I did not say that at all.

It is extremely important that systems be set up in order to prevent the kind of corruption that is taking place in the Government. For example, it was raised in this House that they gave to their deputy political leader a brief fee of \$1 million to prosecute—\$1 million is fee on brief, and \$5,000 a day refresher. I ask: If this is not corruption, what is? Why do we have an Attorney General? Why do we have a DPP Department? Are we not paying people to do those kinds of jobs? Why did we not refer it to the Attorney General to prosecute? The state is paying prosecutors in full-time employment to do these kinds of jobs but when there is a lucrative one going, what do we do? We take our Deputy Political Leader and give him a \$1 million fee on a brief.

**Mr. Toney:** He is the same man who defended Ramesh.

**Mr. Panday:** Is that why he is being paid? He is the same man who defended Ramesh so you want that same man to prosecute in other matters.

**Mr. Toney:** He is a good lawyer.

**Mr. Panday:** So you mean you do not have good lawyers in the DPP Department and the Attorney General's Department? That is an indictment upon the public service and I resent it and I stand up in their defence. There are no good lawyers in the DPP Department, so you have to go outside for good lawyers and bring them in, and at \$1 million a time.

There are people who are hungry in this country; children who go to school without food and clothes and who drink sweet water before they go to school, and you pay \$1 million to do a job for which the state is already paying public servants. I cannot understand that. As I said before, only Sprangalang could explain that kind of logic to me.

I remember there was a time in this country when the Attorney General used to go in court and prosecute. It is the same Attorney General who prosecuted a gentleman named Abdul Malick.

**Hon. Member:** That was man!

**Mr. Panday:** I am being told, "that was man; this one is boy." That is the only conclusion I can come to. You have an Attorney General whose job is to prosecute—he must prosecute—he is paid for that. And the Prime Minister gets up in this House and says, "I had nothing to do with that. I have lost control of the corruption that is taking place in the NAR," he says, "I had nothing to do with that."

The Member for Port-of-Spain South was paid \$5 million last year to prosecute in simple minor cases. Why are we having all these lawyers in our employ? We pay state solicitors \$4,000; we have an Attorney General; we have senior state counsels, and they simply say that those people are not good. The Member for Toco/Manzanilla say that they are not good.

**Mr. Toney:** I want to make it absolutely clear that I did not make any attack on the lawyers of this country.

**Mr. Panday:** What is the implication of his statement, that they are taking that gentleman because he is good? What does it mean? It means that the others are not good.

**Mr. Toney:** In your logic. *[Interruption]*

**Mr. Panday:** Oh I see! You do not follow that logic. *[Interruption]* I will give way to you any time because of the fight I had for you to get Princes Town.

The point I was making is that we have stated in our manifesto that appointments must be on merit. We presume that all the appointments made in the Attorney General's Department were made on merit, and this Government must show that they are following the manifesto and the persons in the Attorney General's Department and the DPP Department are appointed on the basis of merit and, therefore, they are competent.

We have in our manifesto on page 35—I say, we, because I was part of it at the time—and I quote:

"The NAR will ensure that political influence is not a consideration in the recruitment of personnel for the Public Service Commission and other Service Commissions.

Achievement and merit must be the criteria in the recruitment of such personnel, and to this end a system of administrative law will be developed and put into effect."



Is that the criteria that was used to appoint a prosecutor? Let us have a system of state prosecutors like the United States. The United States has a system of state prosecutors. But no, we gave up one kind of corruption in 1986 only to be saddled with another kind of corruption to follow.

We spoke of the protective services, into which I should like to see a public investigation, and I quote:

"A NAR Government will do the following:

- (1) Initiate programmes of community education to foster a new awareness of our relationships with each other, to encourage communal efforts and values required for the advancement of social progress in the nation.
- (2) Expand the role of the Defence Force in Trinidad and Tobago to include a distinct social function.

I have not seen that happening as yet.

"Members of the Defence Force will be productively utilized in Community Affairs to encourage a sense of order and discipline in the general population and to rehabilitate criminal offenders and delinquents."

We have not seen any of that.

"A special programme for the Defence Force will be formulated and implemented to meet these goals."

- (3) Establish a Citizens' Commission, charged with the responsibility of hearing and determining complaints by the public against members of the protective services. This Commission will be composed of a retired judge . . ."

**Mr. Smart:** Mr. Speaker, on a point of order. I really do not see what all of this has to do with the bill before us. We are not talking about the protective services, we are talking about the Judiciary and the Member for Couva North is being irrelevant.

**Mr. Panday:** I thought that we were talking about the Judiciary and I thought that the Judiciary constituted part of the administration of justice and I thought that part of the administration of justice was the protective services, but it must be difficult for those who claim to be smart to see the point.

**5.25 p.m.**

Mr. Speaker, the point I was making is that the bill before the House is a mere tinkering of the system, and what we need to do is to review the entire system of

*Supreme Court of Judicature (Amdt.) Bill*  
[MR. PANDAY]

*Friday, November 30, 1990*

the administration of justice. I said that in our manifesto we anticipated that and we said that we would implement institutions to deal with those points to which I made reference.

Mr. Speaker, at the moment there is no existing machinery to deal with public complaints against judges and magistrates. I suggest that we ought to look at the system of complaints made against people of the protective services—judges, magistrates and so on. I think we need an indepth study, because without it, we are taking measures that do not seem to work.

This is not the first time we are retaining judges who have been retired. As a matter of fact, there was a time in this country when we had an almost full-scale system of temporary judges, where practising lawyers volunteered their services to be judges for a month or two in order to deal with the backlog. But that system did not solve the problem. I am sure the system of rehiring judges who have retired will also not solve the problem.

That really raises a point that makes it all the more imperative that we have a full-scale inquiry into the administration of justice. We find that when certain judges retire they are recalled and when other judges retire they are not recalled. The public is entitled to ask; what is happening, why are certain judges being sidelined and certain judges not being sidelined? Would this not in some way affect the independence of the judge? If a judge knows that if he is nice to the administration—if he gives decisions in their favour—I am not saying that our judges succumb to that; I am saying that these are the temptations from which we must exclude our judges. That is why the independence of the Judiciary is hemmed in with so many conditions. If a judge feels that by behaving in a particular way, after he has retired he will be given a job, then I say that we are laying the foundation to weaken the independence of the Judiciary. I am sure that you, I, and the whole country know that certain judges have retired and they have simply shut them off. The population would ask: why does that happen? The Judiciary must not only be independent, it must be perceived to be independent, so that people would have confidence in the Judiciary and will resort to the Judiciary to solve their problems instead of taking matters into their own hands. As I said, Mr. Speaker, they need much more than the increase in the number of judges.

This morning I was part of a protest by lawyers in the South. This morning, lawyers in the South refused to appear before the judges to do their cases because of the appalling conditions under which they have to work. Air-conditions are not

working. Where they store very important files of the High Court one can just stick one's hands through the broken glass pane and pull out very important documents. They are protesting the unsanitary conditions where there are no toilets nor drinking water for lawyers. We have some of our judges who are very, very eager and who are doing cases in the afternoon. I commend them for it, of course, but then, that means that you have litigants who are there from morning until evening and there is no place for them to drink water or any toilet facilities for them. These are the things that they and the lawyers are protesting. They are asking for the continuation of the road to the Supreme Court.

We never really heard an explanation of why we wasted so much money or why we hired contractors. Some people think that there is much more in the mortar than the pestle. We hired contractors who did half the work, and in the middle of it all the materials were left lying there and the job was abandoned. Nobody knows how much was spent; nobody knows when they are going to start; nobody knows who was going to start and the jobs have simply been abandoned. Mr. Speaker, I am sure when you pass on that road in the South you will see what I am talking about.

Mr. Speaker, I also take this opportunity to make a point which I have been making for some time and for which I am being ignored. But it does not matter, I will simply continue until such time as I get some kind of response. When we are considering the administration of justice, when we are considering the wider topic of being fair to people and introducing democratic systems, it means that you must have laws in place which make for justice, equity, equality and so on, and laws that make for proper procedures in commerce, transfer of land tenancy and so on.

Since 1981, I believe it was, when the Member for Ortoire/Mayaro was the Attorney General—one of these days I will read his speeches in this House—he spoke of the enormous urgency for this legislation, where we would transform the society—such important legislation on behalf of the poor and common people. These are the people who stand up on both sides of this House always talking about the poor and common people.

**Mr. Speaker:** The speaking time of the hon. Member has expired.

*Motion made,* That the hon. Member's speaking time be extended by 30 minutes. [*Mr. G. Roopnarine*]

*Question put and agreed to.*

**Mr. Panday:** Mr. Speaker, since 1981 there has been legislation passed by this House. It is not a question of introducing legislation, or of our draftsmen being too busy and they cannot do it, they have been passed by both Houses of Parliament. All that is required is that this Government makes the necessary arrangement for the President to assent to these Acts so that they become operational. Mr. Speaker, do you know what these Acts are? Land Law and Conveyancing Act, 1981. You talk about commerce. What is holding back the Land Law and Conveyancing Act for 1981? What is preventing this Government that is so concerned about people, about commerce and about the economy from simply advising the President to assent to this piece of legislation? The absence of this is causing enormous difficulties among people who are engaged in the transfer of land—farmers and so on. There is a Landlord and Tenure Act of 1981. When my friend the Member for Ortoire/Mayaro stood up in this House—he was PNM then—

**Mr. Sudama:** In body and spirit.

**Mr. Panday:** He stood up in this Parliament and said that they were so concerned about the poor and people who did not have security of tenure and it is absolutely urgent that this House pass this legislation. We fell for it, sided with them and passed the legislation. That is the Landlord and Tenure Act of 1981. It is still not there. That was election year, you see.

**5.35 p.m.**

Then there is the Land Registration Act. Earlier on, we talked about introducing mechanical means for the judges. For years and years, we have been talking about doing something about land registration in this country. The Limitation Act was passed in 1981, but to this day it has not been proclaimed. The Limitation Act is about poor people against the state, because the limitation period against the state for tortious acts committed against individuals is now one year. If in one year you do not bring action against the state, then your right of action lapses. If a PTSC bus knocks you down and you do not bring an action against the corporation within one year, you can be as cripple as ever, that is it, you have had it. Yet, if it is an individual who knocks you down, you have a period of four years.

In this Limitation Act, we had said the period of limitation for the state would be the same as the period of limitation for individuals. If a county council does something to an individual, he has a year in which to bring action. Many people have suffered at the hands of this state and have lost their right to redress because

the Government refused to formalize the introduction of this piece of legislation that has been lying on our statute books for nine years. I am sure if they are going out of office, they still will not have the time to do it.

There is the Succession Act which is an extremely important piece of legislation whereby people must inherit properties from their parents or families. What can be more important than an Act which deals with the welfare of children?—Family Law, Guardianship of minors, Domicile and the Maintenance Act of 1981. This book contains an enormous amount of legislation which they left on the statute books having wasted the time of Parliament.

Mr. Speaker, it is for this reason that I have spoken the way I have. Of course, we support a bill to appoint judges. That is neither here nor there. That is an administrative act and I am glad the Attorney General has taken a course of action so framing the law, that in future he may never have to return to this Parliament in order to increase the number of judges required.

I shall be much obliged if the hon. Attorney General would address the whole question of the Judiciary when replying to this debate. He would save me the trouble of moving a motion to debate the Judiciary because if I have to come to this House to debate the Judiciary he would not like it, but if I have to, I would bring a specific motion to debate it. Therefore, I would like to hear from the hon. Attorney General, whether the Government is interested in the idea of appointing a commission of enquiry into the administration of justice in this country.

Thank you.

**Mr. Trevor Sudama** (*Oropouche*): I only wish to make a very brief intervention in this debate. First of all, I am not clear in my mind whether this bill before us with respect to the increase in the number of judges is due to the need to deal with a backlog or because there is an increase in crime in the society and, therefore increasing the burden on the courts, or whether, in fact, the people of Trinidad and Tobago are becoming more litigation prone, meaning more and more they tend to bring matters to the Court. It seems to me that if the need to employ more judges is to get over a backlog, and if in fact we do get over a backlog, then our judges will be under-employed after the backlog is dealt with.

I suspect that the reason for this is due to an increase in crime and the burden on the courts is in fact increasing and, therefore, you need more judges to deal with an additional number of cases coming into the courts. If that is the case, then it gives a lie to the views expressed by the Minister of Justice and National Security that crime is decreasing. The workload of the courts is increasing and in

*Supreme Court of Judicature (Amdt.) Bill*  
[MR. SUDAMA]

*Friday, November 30, 1990*

the same breath, we hear that crime is decreasing in Trinidad and Tobago. I take that with a pinch of salt—that there is a decrease in crime. On that score, I again want to make the point and emphasize the cost effectiveness of crime prevention just like the cost effectiveness of preventative medicine—that it is much cheaper with respect to the consequences involved rather than having to deal with crime at the level of the courts, the police service and at the rehabilitative mechanisms that we may have in place.

What is this Government doing about crime prevention? Crime prevention does not have to do so much with the building of spacious buildings, but it has to do with the mobility of the police service, the competence and training of the kind of people who are in the police service and the morale of the police. When you prevent the volume of crime in the country, you will thereby minimize the workload of the courts and we will have less need for judges and magistrates. I think my logic there cannot be flawed at all and I hope it has got home to the Member for Toco/Manzanilla. Then again, logic is not something with which he is familiar.

In the interest of the administration of justice—and not having this enormous burden placed on the judges due to the increase in the number of cases which come to their attention from year to year—if this Government would take the time off to deal with the situation of crime prevention, the question of involving the community in activities that will promote crime prevention, a greater liaison between the community and the police; decentralize the police service in such a way that you are able to deal with crime detection very expeditiously and efficiently. That is the larger problem, quite apart from the issue dealing with the unemployment problem which aggravates the crime situation. These are the matters to which they ought to be paying attention.

There is the question of cost. While you may say that the addition of one judge may not increase the cost a great deal, that in fact the administration of justice should not have any cost attached to it, we also must be mindful of these accretions to the expenditure of the Government which in the long run might get out of hand because at the moment, the Government is saying it is trying to maintain fiscal discipline in the system.

I sincerely urge this Government to tackle the whole issue of crime prevention, an exercise in which I am sure Members on this side would cooperate, in a matter which is one of the most serious problems. Apart from the

unemployment issue, the question of crime and law and order in Trinidad and Tobago is perhaps the second most important and urgent issue facing this society.

**5.45 p.m.**

Mr. Speaker, the question about the commissions, which we have in Trinidad and Tobago is a large problem, but it seems to me that we have in our Constitution, the establishment of all these commissions, the public service; the Judicial and Legal Service Commission; the police service and the teaching service, and it appears that the assumption is, that once you put people there, whom you say are independent people of character and integrity, that is the end of the matter. There is no monitoring the system as to how these commissions perform. There is no authority in the system to which these commissions are, in a way, responsible for the actions, behavior and their output. Of course, in this instance, it relates to the Judicial and Legal Service Commission.

We have had in this House, time and time again, the Government's spokesmen, both of the past regime and the present regime, who said that we cannot talk about that commission because it is an independent commission under the Constitution and that is the end of the story. Yet an independent commission whose functions and behavior can impact in a number of ways on the operation of the Government and on the people of Trinidad and Tobago. I think we should seriously reconsider the whole question of the role and functions of these commissions in the context of the exercise of power and the responsibility which goes with that exercise of power.

It seems to me that these commissions which have been appointed under the Constitution, have power and authority and we really do not know where the responsibility for their actions lies—in this instance, the Judicial and Legal Service Commission. The whole problem of matters being litigated now by a judge has to do, in some measure, with the performance and the functions of the Judicial and Legal Service Commission. The Government ought not to just wash its hands off their performance and the behaviour of all those commissions. There must be in this system somebody to whom these commissions should be accountable, some authority, if we are going to have a system of accountability practised and in fact, true and genuine democracy in this country.

Finally, I want to raise this issue of terminology. Why do we have to call these judges, "puisne judges"? I am not a lawyer and I know they go for tradition and that puisne was something which was relevant in the English system. I am a man of the people as the country knows and I am very much in touch with how

*Supreme Court of Judicature (Amdt.) Bill*  
[MR. SUDAMA]

*Friday, November 30, 1990*

people view these matters. I overheard a conversation where one litigant was talking to another person and he said that his case was coming up before a puisne judge. The other fellow asked, what was a puisne judge. He said, that is a small judge. Why could you not amend the law to make this a little more comprehensible to the average man in the street. Why do you have to say puisne judge? Is there an alternative terminology which can be used to be better understood by the average man in the street?

It gives me the impression, that when we carry on with these usages which may have been imposed on us in the colonial era—and this is not the only instance of the archaic terminology that we come across in the legal sphere, which only serves to befuddle and confuse the average man in this country. Maybe that is one of the ways in which the lawyers make their money but I am not casting aspersions on any member of the profession. What I am arguing for, is that we attempt, as we go along, to make the system more comprehensible for the common man, in terms of terminology and the processes which he has to face and that there is no mystification with respect to the procedures under the legal profession.

Mr. Speaker, I just thought that I would make those few points in the manner of giving some very friendly advice to this Government. They are in need of many things, including good advice and I take this opportunity to sympathize with them in their hour of travail and to lend them whatever support I can in the interest of the promotion of genuine and parliamentary democracy in this country.

Thank you.

**The Attorney General (Hon. Anthony Smart):** Mr. Speaker, I am once again happy that the Members on the other side have found it wise to support the Government on this bill. Two out of two—we are doing extremely well. I just want, in my winding up, to answer a few of the points that have been raised. I advise the Member for Oropouche that puisne in this case is spelt, **PUISNE** and not **PUNY**. He ought to know that. I thought he was being facetious and I took the comments in that spirit.

I was more concerned with the logic of the Member for Couva North. In one breath he talks about the independence of the Judiciary and in another breath, he proposes systems which will have exactly the opposite effect. He said, for instance, there should be a system for complaints against judges. I assume that he means complaints from the members of the public to some other body for the manner in which judges carry out their duties. Mr. Speaker, that will only whittle



away the independence of the Judiciary. Already there is a system in place for complaints against the judgments of judges. We have a system, where you have a court of first instance, where if a litigant is not satisfied, he can go to the Court of Appeal and if at that stage he is not satisfied he can go to the Privy Council, hopefully, eventually, the Caribbean Court of Appeal.

I really do not understand where he is coming from. He talks about a system whereby the Parliament, I think he said, should be able to question judges or approve of judges before they are appointed to sit on the bench. You see he takes things from the American not understanding why the American system is developed in a particular way. For instance, he talks about primaries. The primary system in the United States is used where you have, in one particular party, elections for the nomination of a candidate to run for the state or national elections. He tried to introduce it here in his own party and it has not worked.

Mr. Speaker, this system of asking the Parliament to approve the appointment of judges, in my view, while it works in the United States of America, our system of having the Judicial and Legal Service Commission, to appoint the judges, is one which has worked in the past and continues to work. In my view there seems to be absolutely no need to change it.

Mr. Speaker, there was some suggestion that no justification was given for this bill. We spent most of the afternoon talking about the administration of justice, the need to deal with delays in the administration of justice and I did not think it necessary to go into the reasons for the bill. I did go into the reasons. The fact that one has to come to Parliament to increase the number of judges, that is the reason. In 1989 when this Government took a decision to increase the number of judges on the establishment by one, that was done at the request of the Chief Justice and he quite cogently argued that Trinidad and Tobago is expanding. You have persons who are now more aware of their rights. You have a situation where, nearly every day a constitutional motion is filed against the Government—even though most of them make absolutely no sense and are usually thrown out. But nearly every day you find a lawyer bringing an action against the Government and then you have people, as I said, becoming more litigious and more actions are being filed and this Government, in its wisdom, accepted the advice of the Chief Justice and took the steps to increase the number of judges on the establishment, again to facilitate the speedy administration of justice in this country.

*Supreme Court of Judicature (Amdt.) Bill*  
[HON. A. SMART]

*Friday, November 30, 1990*

I was quite appalled to hear the Member for Couva North say that the appointment of judges, in some cases, is contrary to the conditions set down by law. That is an amazing statement. I really do not understand how he could have made such a statement. What he is saying is that the Judicial and Legal Service Commission has broken the law in the appointment of judges to the bench in this country. Maybe I should give him an opportunity to withdraw that statement, because it is on the record and as a lawyer I can hardly see how he could make such a statement.

**Mr. Panday:** I stand by it.

**Mr. Smart:** This is the gentleman who wants to run this country; who wants the prime ministership of this country.

**Mr. Panday:** I will run this country.

**Mrs. Johnson:** That and God's face you will never see.

**Mr. Smart:** Like the Prime Minister, I have absolute faith and confidence in the wisdom of the people of this country. I have no doubt in my mind that the people of this country will never let the Member for Couva North be their Prime Minister. That I can put my head on a block for. I gave him an opportunity to withdraw the statement but he said he stands by it, well stand by it, and let the people judge you.

He wants an enquiry into the system of administration of justice in the country. It does not matter that at this time there are impeachment proceedings before the court. There are systems in place for these matters to be dealt with. So you can rest assured that there will be no question, at this stage, of any enquiry by the executive into the administration of the Judiciary in this country. We, as I said earlier on, stand by the independence of the Judiciary and we have done everything possible to make it be seen that we do not only talk independence in the Judiciary; we have taken very concrete, innovative, far reaching steps to ensure that the Judiciary remains independent in this democracy.

He can talk about that easily, he has no regard for the democratic constitution of this country. He always says that we threw him out of the party. I will tell you something. The democracy of this country is founded on the principle of collective responsibility of the Cabinet to the Parliament. It is a fundamental tenet of our democracy. The Cabinet is collectively responsible to the Parliament and I can refer you to section 75 subsection (1) of the Constitution which says—

"There shall be a Cabinet for Trinidad and Tobago which shall have the general direction and control of the government of Trinidad and Tobago and shall be collectively responsible therefore to Parliament."

What does collective responsibility mean? Does it mean that on Thursday morning in the Cabinet you sit with your colleagues and decide on something and Thursday afternoon you go on a public platform—not only divulge what was said there, but criticize it. Is that collective responsibility? Surely not, and that was the fundamental reason the Members for Couva North, St. Augustine and Oropouche were expelled from the party, because they just could not operate under the system of collective responsibility.

**Mr. Sudama:** On a point of order. I just want to inform the Member for Diego Martin East that I was never a member of the Cabinet of this country. Not that the question of collective responsibility does not apply but I was never privy to decisions made in Cabinet. So he cannot hold me to that.

**Mr. Smart:** Mr. Speaker, he is a member of the executive.

**Mr. Humphrey:** The hon. Member said I was fired from the Cabinet for revealing Cabinet secrets and for not honouring the principle of collective responsibility and I want to deny that categorically. I never did any such thing.

**Mr. Smart:** The record is there. You see, Mr. Speaker, the main reason they were expelled is that they just do not know how to behave. If you are so angry with the administration of which you are a part, what you do is resign. You get up and say, "I can have no more of this, let me resign". That is how you do it. If you feel that today, the leader that leads you is for some reason not the person whom you want, you resign and go your way. That is how you do it. That is what I want to teach them. They have to understand that.

The real reason they behaved that way was that they could not take the jamming of Government. You see, it takes strength and testicular fortitude—I have heard him use the phrase before—to run a government in a time of recession. It takes great strength. They were not able to say "we cannot pay the COLA and the two per cent and we have to take back the 10 per cent because we do not have the money". They were also unable to say "we cannot pay the backpay that is due to Caroni workers." That was too difficult for them to say, so they took the easy way out. They said, "you know what we would do, we would behave so badly that there is no way they can keep us in the party and then we will be on our way". That is exactly what happened.

*Supreme Court of Judicature (Amdt.) Bill*  
[HON. A. SMART]

*Friday, November 30, 1990*

We have to understand these things. They have been behaving this way in the Parliament ever since and we have sat here and not said anything. I have made a commitment that anytime they raise these issues, I am going to get up and explain and show the public what they are.

**6.05 p.m.**

So, Mr. Speaker, I just want to make one other point. I have been hearing over and over again that a certain lawyer received \$1 million from the Government for a certain matter that is now before the courts. That is absolutely false. As a matter of fact that figure is way out of line and it is not for me to say at this stage what the figure is, but I can tell you it is less than a quarter of that figure that has been quoted, so that we have to put the record straight.

This country came under severe attack by a band of marauders and they are now before the court. This Government has a responsibility to ensure that the best lawyers available are asked to conduct the case on behalf of the Government and people of this country. I have a serious responsibility and I take it seriously. I am responsible to the people of this country and I will do all in my power, and what is best, in my view, for the people. In the matter of the case before the court, this Government will use the best lawyers available to handle the matter and that is the end of the story. No further word on it.

They do not understand English. When they get the truth they cannot take it. They cannot take honesty, truthfulness, forthrightness, efficiency, and good government. I think that we have done very well this afternoon in these matters and at this stage, I would like to move that this bill be read a second time.

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole House.*

*House in committee.*

*Clauses 1 and 2 ordered to stand part of the bill.*

*Question put and agreed to, That the bill be reported to the House.*

*House resumed.*

*Bill reported, without amendment; read the third time and passed.*

**RONALD PERRY (RETIREMENT BENEFITS) BILL**

**The Attorney General (Hon. Anthony Smart):** Mr. Speaker, I beg to move that a bill to pay Mr. Ronald Perry, former Magistrate, be now read a second time.

Mr. Perry was transferred from the police service to the Magistracy on March 17, 1986. At the time of the transfer Mr. Perry who had attained the rank of Senior Superintendent of Police and approximately 35 years of police service, was 55 years of age and was therefore entitled in accordance with section 62 of the Police Service Act, Chap. 15:01 to retire and to receive retirement benefits. His entitlement to these retirement benefits, however was not preserved upon his transfer to the Magistracy since he was not transferred on secondment.

Mr. Perry retired as a Magistrate on April 5 1990. In accordance with the Judicial and Legal Service Act, Chap. 6:01, he is in respect of his service with the Magistracy, entitled to retirement benefits. These benefits however, are considerably less in quantum than the benefits to which he would have been entitled had he remained in the police service.

The bill, therefore, seeks to deem Mr. Perry's service on transfer to the Magistracy as service on secondment in order to preserve to him all retirement benefits that would have been due to him had he remained in the police service until retirement. I beg to move that the Bill be read a second time.

*Question proposed.*

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole House.*

*House in committee.*

*Clauses 1 and 2 ordered to stand part of the bill.*

*Question put and agreed to , That the bill be reported to the House.*

*House resumed.*

*Ronald Perry (Retirement Benefits) Bill*

*Friday, November 30, 1990*

*Bill reported, without amendment; read the third time and passed.*

*Motion made and question proposed, That the House do now adjourn to Friday, December 7, 1990 at 3 p.m. [Hon. B. Tewarie]*

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 6.14 p.m.*