

*Leave of Absence*

*Friday, February 28, 1992*

**HOUSE OF REPRESENTATIVES**

*Friday, February 28, 1992*

The House met at 1.35 p.m.

**PRAYERS**

**LEAVE OF ABSENCE**

**Madam Speaker:** Hon. Members, I have granted leave of absence from today's sitting to the following Members: The Member for St. Augustine (Mr. John Humphrey); the Member for Barataria/San Juan (Hon. Dr. Linda Baboolal); the Member for Chaguanas (Miss Hulsie Bhaggan) and the Member for Tobago West (Miss Pamela Nicholson).

**PETITIONS**

**Eckankar Society**

**Mr. Basdeo Panday** (*Couva North*): Madam Speaker, I have the honour to present the petition on behalf of the Eckankar Society of Trinidad and Tobago.

I now ask that the Clerk be permitted to read the petition and that the promoters be allowed to proceed.

*Petition read.*

*Question put and agreed to,* That the promoters be allowed to proceed.

**Lawrence Maharaj Foundation**

**Mr. Basdeo Panday** (*Couva North*): Madam Speaker, I have the honour to present the petition on behalf of the Lawrence Maharaj Foundation of Trinidad and Tobago.

I now ask that the Clerk be permitted to read the petition and that the promoters be allowed to proceed.

*Petition read.*

*Question put and agreed to,* That the promoters be allowed to proceed.

**1.45 p.m.**

**ORAL ANSWERS TO QUESTIONS**

**Couva Hospital  
(Rebuilding of)**

**1. Mr. Ramesh Lawrence Maharaj** (*Couva South*) asked the Minister of Health:

- (a) Would the Minister of Health indicate when will work commence upon the rebuilding of the Couva Hospital?
- (b) What sums, if any, have been allotted for the said project?
- (c) Has the Government taken steps to award a contract for the said project?

**The Minister of Health (Hon. John Eckstein):** Madam Speaker, while it is definitely the intention of the Ministry of Health to construct a new hospital at Couva, the precise date for the commencement of construction cannot be determined at this date. The sum of \$1 million has been allocated in the Estimates of Expenditure for the 1992 Development Programme for the reconstruction of the Couva Hospital.

In March, 1988 Cabinet gave approval for the construction of a 120-bed hospital at Couva. The Central Tenders Board, through a prequalification exercise, shortlisted five firms which were invited to tender for the pre-construction feasibility study. The firm of The Edge Group P.A./ Herrera Consulting Practice, a joint venture company, was awarded the contract. All legal requirements precedent to the signing of the contract have been resolved and the contract is now due for signing by the Permanent Secretary, Ministry of Health, on behalf of the Government. The pre-construction feasibility study is expected to be completed in nine months' time.

**Sea Serpent/Dragon  
(Cost of Removal)**

**2. Mr. Ramesh Lawrence Maharaj** (*Couva South*) asked the Minister of Works and Transport:

Would the Minister inform this honourable House of the total cost incurred by the Government in removing the sea serpent/dragon from the top of the Red

House and having it replaced with a dove altogether with all its trappings and/or accessories?

**The Minister of Works and Transport (Hon. Colm Imbert):** Madam Speaker, before I reply to the question, may I offer you my personal congratulations on your elevation to the position of Speaker.

**Mr. Mohammed:** Maiden speech?

**Mr. Imbert:** Repair works were undertaken to the roof of the Red House prior to the commencement of the current session of Parliament. During the course of this exercise, the old wind vane which was not functioning, was removed and replaced. The total cost to the Government for removal and replacement of the wind vane was \$1,670.00, broken down as follows: rental of equipment for that period of the roof repair operation involving work on the wind vane, including equipment operators, \$1,670.00; cost of labour, nil; cost of new wind vane, nil. Total, \$1,670.00. No labour costs were incurred in the exercise in question since the workers involved volunteered their services free of charge.

The Government wishes to thank these workers most sincerely for this public service. The new wind vane was designed and constructed by Mr. Ken Morris, artist and recipient of the Humming Bird Medal, 1969 for his contribution to fine art. Mr. Morris, together with other public-spirited individuals, raised the funds for the construction of the new wind vane and presented it as a gift to the Government and people of Trinidad and Tobago. The cost of the new wind vane to the Government was therefore nil. Mr. Morris, who was suffering with a terminal illness, passed away recently. The new wind vane was his final work. The Government wishes to express its deep appreciation to this outstanding citizen for his contribution to our heritage.

**Mr. Panday:** Pity he should die in that way.

**Mr. Mohammed:** Madam Speaker, may I be permitted to ask the hon. Minister a supplemental question please?

**Madam Speaker:** Yes.

**Mr. Mohammed:** Will the hon. Minister state what was the wind vane removed, what was it replaced by, and the reason for changing from one to the next?

**Mr. Imbert:** Madam Speaker, I see that as a different question and I will seek your protection in this.

**Mr. Mohammed:** Madam Speaker, the hon. Minister in his—

**Madam Speaker:** May I rule? The question of what it was replaced by— will the hon. Member really say whether this is not connected with the question of the consideration, "Would the Minister inform the honourable House of the total cost"? We are dealing here with the question of the cost. So if you wish to raise the question of what it was replaced by, or why it was replaced, I would respectfully suggest that that should have come as a question from the hon. Member himself. It does not arise as a supplemental question from this question.

**Mr. Mohammed:** Madam Speaker, with the greatest deference, I just wish to make reference to the question itself which spoke about a sea serpent and a dragon; and the hon. Minister answered in terms of a wind vane. I did not see "wind vane" in the body of the question, so I was merely seeking an elucidation. That is why the question I considered to be supplemental, for clarification.

**Mr. Imbert:** Madam Speaker, the object referred to in the question is a wind vane. Thank you.

**Mr. Mohammed:** Sea dragon.

**Mr. Maharaj:** Madam Speaker, could I ask a supplemental question? Since the labour was free, in dedication to the Government of Trinidad and Tobago, could the Minister indicate to this House whether it was a company or individuals, so that we will know, and if it was a company, which company.

**Madam Speaker:** Yes, the Minister may proceed.

**Mr. Imbert:** Madam Speaker, the question refers to the total cost.

**Mr. Panday:** We know.

**Mr. Imbert:** That information is not contained in the answer to the question.

**Mr. Mohammed:** You need some time to give the answer?

**Mr. Imbert:** I would ask that you give me time to seek the necessary information.

**Mr. Panday:** To find out who did it. You know they did it, but you do not know who did it.

**Madam Speaker:** Hon. Member for Couva South, proceed please with the third question.

**Mr. Maharaj:** Madam Speaker, would the hon. Minister indicate how much time he wants? Until the next sitting, I suppose.

**Madam Speaker:** How much time do you want?

**Mr. Imbert:** Madam Speaker, the information will be given at the next sitting.

**1.55 p.m.**

**Couva Market  
(Construction of)**

**3. Mr. Ramesh Lawrence Maharaj** (*Couva South*) asked the Minister of Local Government:

(a) Whether the Government intends to construct a public market at Couva?

(b) If the answer is in the affirmative, would he inform this honourable House when work will commence upon the project and what sums, if any, have been allocated for the said project?

**The Minister of Local Government (Hon. Kenneth Valley):** Madam Speaker, a public market at Couva is already in existence at Grant's Trace. However, the market is not being used by vendors, who prefer to ply their trade along the Southern Main Road. In keeping with the draft structure plan of the urban and regional planning division for Couva/Pt. Lisas, it is proposed that the market be expanded and redeveloped. The Couva Regional Corporation has included the sum of \$350,000 in its 1992 development programme for major improvement works to the Couva market.

**Mohess Road Hindu School  
(Construction of)**

**4. Mr. Sahid Hosein** (*Siparia*) asked the Minister of Education:

Could the Minister state when the Mohess Road Hindu School will be constructed and at what cost?

**The Minister of Education (Hon. Augustus Ramrekersingh):** Madam Speaker, construction of the Mohess Road Hindu School is expected to commence on March 4, 1992. A contract in the sum of \$3,555,872.10, VAT inclusive, has recently been awarded by the Central Tenders Board for the building of the school within a period of approximately seven months.

**Mohess and Scotts Roads**

**(Repairs)**

5. **Mr. Sahid Hosein**(*Siparia*) asked the Minister of Works and Transport:

Could the Minister state what plans the Ministry of Works has for the repair of Mohess Road and Scotts Road?

**The Minister of Works and Transport (Hon. Colm Imbert):** Madam Speaker, Scotts Road is the responsibility of the Ministry of Works and Transport. Repair work on Scotts road must be viewed in conjunction with repair works on the Siparia Road. Both roads were damaged by WASA in their pipe-laying operations. Because the Siparia road carries a much greater volume of traffic and serves as a main link from Siparia through Fyzabad to San Fernando, it was given priority treatment by the Ministry of Works and Transport, with WASA's concurrence, and necessary repair work was undertaken in 1991. At present, the Ministry of Works and Transport is holding discussions with the Water and Sewerage Authority in an effort to obtain the necessary funds to affect repairs to Scotts Road. In the interim, the Highways Division will undertake temporary measures to bring some relief.

**LIDP Recruitment**

6. **Mr. Sahid Hosein**(*Siparia*) asked the Minister of Works and Transport:

Could the Minister state:

- (a) Whether his ministry is recruiting people to be employed in the LIDP and other programmes?
- (b) If the answer is in the affirmative, what is the criteria being used to employ these persons?

**The Minister of Works and Transport (Hon. Colm Imbert):** Madam Speaker, the LID Programme is at present in the process of recruiting monthly-paid contract officers and supporting daily-paid workers, in order to facilitate commencement of the programme on the March 16, 1992.

Contract positions have been advertised in the daily press which sets out the qualifications and experience required.

Other programmes: relief of unemployment programme, recurrent programme and construction programme, are scheduled to commence on the March 16, 1992, and recruitment is in progress.

The criteria for selection of workers for all the programmes listed above, are:

- (a) qualifications for skilled positions;
- (b) experience in the particular categories;
- (c) the need to provide unemployment relief.

**Mr. Haniff:** May I be permitted to ask a follow-up question?

**Madam Speaker:** Please do.

**Mr. Haniff:** Will the hon. Minister please state what is the procedure of recruiting workers for the said DEWD projects which are due to start on the 16th, as he said?

**Mr. Imbert:** The question asked for the criteria. The criteria, as I said, are qualifications for skilled positions, experience in the particular categories, the need to provide unemployment relief. These criteria are used by the Ministry of Works officials to recruit workers for the programmes in question.

**Madam Speaker:** If I recall rightly, I did hear the Minister say that they were advertised in the daily press. The procedure for recruitment was through the advertisement in the daily press.

**Mr. Haniff:** Madam Speaker, clarification again, please. He referred to monthly paid in that context. I am simply and humbly requesting information about daily-paid workers who work on an hourly basis on these projects part time. I wish to point out that it is a burning issue.

**Madam Speaker:** There may be some other issues here which, probably the Minister of Works and Transport, can tell us whether he needs time or he has that information on hand. If I heard rightly, it was the advertisement in the daily press with respect to monthly and daily paid. But if you wish some further details, I think the Minister should oblige, if he is in a position to reply.

**Mr. Imbert:** Madam Speaker, I offer to answer that question. With regard to the LID Programme, a registration programme will take place all over the country at various offices of the ministry and other areas, which will be advertised in the daily press. The officers who compile the registration forms will therefore apply the criteria I have listed here for the recruitment of workers.

**ADJOURNMENT MOTION  
(LEAVE)**

*Adjournment Motion (Leave)*

*Friday, February 28, 1992*

**Mr. Raymond Palackdharrysingh** (*Caroni Central*): Madam Speaker, in light of the current crisis in the nation's public utilities, specifically TTEC and WASA, and its implications for the welfare of the national community, I hereby seek your leave to move the adjournment of the House on matters of definite, urgent, public importance.

The matters are definite because the breakdown of these utilities has adversely affected a large number of the citizens of this country, with many areas suffering from water shortages and erratic electricity supplies, for example, Longdenville, Las Lomas, Laventille and 400 other areas in the country.

It is urgent because water and electricity are universally acknowledged as basic necessities in any civilized society, and the deprivation of these amenities have served to impact negatively on the nation's productivity, education, health systems, especially given the imminent threat of a cholera epidemic.

It is of public importance because the denial of these essential services, constitute a violation of the basic constitutional right to life of the citizens of this country.

Madam Speaker, I am sure that I have made out a very precise and concrete case here, and I seek your leave.

**Madam Speaker:** I have considered the application of the hon. Member with respect to the problem at WASA. Shortage of water supplies has been with us for a very, very long time and it is really nothing of definite public, urgent importance at all at this time. From what I have seen and the information through the news media, the problem seems to have been one of the payment of money to workers. I see that the particular ministry involved is making all attempts to have this problem solved through, in fact, obtaining quite a substantial sum of money for the payment of these workers. So I do not think that at this point one can really say that a crisis has arisen in the water situation. So on that point, I will not allow the motion.

**2.05 p.m.**

**Mr. Mohammed:** Madam Speaker, I rise here having regard to the leave not being granted to support the request of my colleague from the constituency of Caroni, Central and I do so in accordance with the provision of the Standing Order 12(b)

**Mr. S. Panday:** Madam Speaker, I also stand in support of the Member for Caroni Central.



**Mr. Hosein:** Madam Speaker, I too wish to stand in support of the motion for the Member of Caroni Central.

**Mr. Haniff:** Madam Speaker, I also wish to support the motion.

**Mr. Sudama:** I also wish to support the Member for Caroni Central.

**Mr. Jurai:** I also support the Member for Caroni Central.

**Mr. Sharma:** I too support the Member for Caroni Central.

**Madam Speaker:** At least nine Members have risen, honourable Members, to indicate that they support the request and so the motion shall stand over until 6.00 o'clock this afternoon.

**Mr. Maharaj:** Madam Speaker, notwithstanding Standing Orders, I take a certain view of Standing Order No. 12(5). It is not less than one motion and the adjournment of the House under the Standing Order, may be allowed at any one sitting. I should like to get a ruling from the Speaker because it is my view that the Speaker has a discretion having regard to the wording of that rule. You would have recognized that I lodged with you notice in that I proposed to raise the matter of definite, urgent, public importance in respect of the issue involving the failure of the National Carnival Commission to take steps to guarantee the freedom of the press and mass media in its arrangements with the Trinidad Broadcasting Authority in its sale of the media rights to the coverage of shows for carnival. The working journalists are now restricted to the coverage of news in respect of these shows in that they are requested to pay a fee as the condition precedent to their being able to cover the said news.

**Mr. Valley:** On a point of order, Madam Speaker. You noted already that the motion on the adjournment will be taken and I am guided by the standing orders.

**Madam Speaker:** This is with respect to a second motion which, according to the hon. Member, he is relying on Standing Order 12(5) and I am supposed to have a ruling on that as soon as he is finished with his contribution.

**Mr. Maharaj:** As I was saying that the freedom of the press is an important constitutional guarantee for the benefit of the public in its right to receive unhindered information. It is of urgent public importance that the rights of working journalists to cover the said carnival shows be restored having regard to the fact that carnival is being celebrated on Monday and Tuesday. It is important for me to have given you the nature of the proposed issue in order for you to

*Adjournment Motion (Leave)*  
[MR. MAHARAJ]

*Friday, February 28, 1992*

properly adjudicate as to whether you have jurisdiction under Standing Order 12(5) to entertain this as a matter of definite urgent public business.

It is my respectful view that what that rule says is to give the Speaker—it is not mandatory, it is permissive and it gives the Speaker a discretion. The cumulative effect of the rule is to give the Speaker a discretion as to whether she can permit another matter of definite urgent public business. I recognize that there can be arguments against it but it is important for us to get a ruling so that we will know what is the attitude of this Speaker in relation to matters like these. If we know what the attitude of this Speaker is we may be able to advocate for change of the rule if we consider it essential.

**Madam Speaker:** I have taken some time to give consideration to Standing Order 12(5), which states that:

"Not more than one motion for the adjournment of the House under this Standing Order may be allowed at any one sitting."

and try as I might to stretch my thoughts and my authority to see whether or not I could permit this second motion under this Order I find it impossible for me to do so having regard to the wording. I hold and I rule that I can only allow one motion for the adjournment of the House under Order No. 12(5). Another reason that I have been perusing these rules—I was hoping that we would have gotten that rules committee in place very soon to really go into an in-depth study of these rules so that we can decide whether or not there is need for any revision because subclause (5) could have definitely gone on to amplify with a proviso. I need not go on with the wording of the proviso but as it stands I hold that I can allow only one motion under Order 12(5) and so I rule.

#### ELECTIONS AND BOUNDARIES COMMISSION

**Mr. Ramesh Lawrence Maharaj** (*Couva South*): Madam Speaker, I certainly have no intention of taking over the seat of the Member for Caroni North. As a matter of fact it seems to me that the other side has been tied already; subsequent to the last debate we have been tied since December. They had to wait for a subsequent period to be tied.

Madam Speaker, I beg to move the following motion:

*Whereas* several complaints and/or irregularities surfaced in the last general election which tend to indicate that the Elections and Boundaries Commission was not functioning adequately:

*Be it resolved* that this honourable House recommend to the Government that it institutes an immediate enquiry by an independent body into the operations of the Elections and Boundaries Commission.

*Be it further resolved* that the said body shall be comprised of persons to be appointed by the President after consultation with the Prime Minister and the Leader of the Opposition.

*And be it further resolved* that the enquiry be held in public and its report submitted to Parliament within a period not later than six months from the date of its appointment.

Madam Speaker, I should like to make it clear that the intention of this motion, is in no way to attack the integrity of the members of the Election and Boundaries Commission. As a matter of fact, I should like to say that we accept the integrity and the hard work being done by the Members of the Elections and Boundaries Commission. This motion deals with the question as to the effects of the administration of the election machinery in Trinidad and Tobago and what we are saying and what this motion is asking for is that having regard to the fact that there is widespread complaints of irregularities and having regard to the importance of the right to vote in a society and the right to ensure that persons who have the right to vote exercise that right if they so desire, that this House should consider it important enough for a public commission of enquiry to be held into the complaints and irregularities of the election machinery.

May I point out that after the last election in Trinidad and Tobago the party to which I have the honour to belong and the party which I have no doubt will form the next Government of Trinidad and Tobago, became very concerned about the complaints and irregularities which surfaced during the holding of the election and as a responsible party and as a party truly dedicated to the lives of the individuals in our society, we decided to investigate these complaints. We investigated these complaints and a report was compiled by the party about these complaints and the report consists of about 15 pages. There was a section of the report in which one of the complaints was documented and it became quite clear that something was wrong with the machinery of the election—that many persons who were entitled to vote and who wished to exercise that right were not able to do so.

**2.15 p.m.**

Madam Speaker, when one looks at the election results, one sees that the United National Congress was denied being the government of Trinidad and Tobago on the basis of about 12,000 votes. In other words, in six of the seats, the UNC lost, it lost by a total of 12,000 votes and in some of those seats, it was very, very close. I say this to underscore the importance of people who have a right to vote and who wish to exercise that right to vote being given the opportunity of voting. That is so because the whole concept of democracy, of our parliamentary system is based on the right of the public to feel that they are participating in the government that it has elected. It does neither government nor opposition good for the people in a country to feel that the government which is in power is not the real government, in that if people were given the right to vote, the results would have been different. Therefore, I think that all of us who are concerned with the rights of people ought to take every step to remove any obstacle to ensure that the right to vote is an unhindered right—it must be enjoyed to the fullest.

The motion before this honourable House seeks to establish an independent commission of enquiry with a mandate to conduct an investigation into the operations and administration of the Elections and Boundaries Commission. It is my intention to demonstrate that from 1961 to 1991, the complaints about elections are almost the same. I would demonstrate to this House that the People's National Movement was at one time making the same points about the election machinery that I am making today in this House. I would quote some of the hon. Members on the other side as to what they said about the irregularities at elections. I would do this in order to support and bolster the view that it is important to have an enquiry into the operations of the Elections and Boundaries Commission.

The fact that there have been these complaints, as I would point out, from 1961 to 1991, and the fact that the complaints in 1991 were so great, should create a serious challenge to all of us to take steps to ensure that the citizen's right to participate in the government of his or her choice is upheld. A denial of a person of the right to vote is a denial of the right of that person to participate in the government of his choice.

The United Nations General Assembly, in 1948, adopted unanimously what is stated in Article 2(i) of the Universal Declaration on Human Rights, and Article 2(i) provides that:

"Everyone has the right to take part in the government of his country directly or through freely chosen representatives."

The Universal Declaration on Human Rights further provides, in Article 21(iii):

"The will of the people shall be on the basis of the authority of government. The will shall be expressed in periodic and genuine elections, which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures."

So, one sees, Madam Speaker, that in order for there to be the authority of the government, there must be the will of the people. One cannot have the will of the people if some or a substantial number of the people are being denied the right to participate in the government of the choice of the people.

What are some of the complaints and irregularities which surfaced during the election? Permit me to refer to a letter written by the General Secretary of the United National Congress, Mr. Trevor Sudama, to the Chairman of the Elections and Boundaries Commission. I would not read the entire letter but would refer to the material parts which are pertinent to the issue, to give this House an idea of the core of the complaints and irregularities.

- "(1) Deficiencies in the registration exercise which resulted in the names of thousands of otherwise eligible voters not appearing on the final list of electors.
- (2) The names of numerous people with new ID cards could not be found, either on the final electors' list or in the permanent registration record card folder, (binder).
- (3) Late mailing of poll cards by the Elections and Boundaries Commission to electors, and duplication of information on poll cards, even when these were presented. This considerably slowed down the voting process.
- (4) Inability of candidates (and, in some cases, many of the United National Congress candidates) to obtain final revised lists for use on election day.
- (5) Procedure for the selection of returning officers, presiding officers, poll clerks and other personnel, involved in the polling day exercise in view of the inefficiencies and irregularities experienced.

- (6) The role of information officers allegedly appointed by the Elections and Boundaries Commission.
- (7) Irregularity on the ballot papers.
- (8) Inconsistencies in the decision of presiding officers, with respect to the identification of voters, taking of oaths, searches in the binder, canvassing within the precincts of polling stations, operation of mock polling stations outside of the 100 yards perimeter of polling stations, authority of the candidate or his agent.
- (9) Physical arrangements at the polling stations and the attitude of presiding officers which prevented polling agents from carrying out their legitimate functions of scrutinizing the voting procedure.
- (10) Late start of polling in some stations and disruption of polling in others due to a lack of a sufficient quantity of ballot papers and ink and in instances, faulty stamps.

**2.25 p.m.**

Madam Speaker, if I may, apart from the irregularity of people who lived in an area for years and who were permitted to vote over the years in that area, now not permitted to vote; and in some cases two members of the households having been permitted to vote but the others who have voted over the years were not permitted to vote, one of the major and widespread complaints was that in the conduct of the elections at the polling stations. The candidates' agents were not permitted to see what was happening during the process of voting. That is to say, see when the person came in and the name was checked—I am not talking about the actual voting in the room, I am talking about the election machinery at the polling station. The law permits that.

As a matter of fact, the rules permit that and the whole purpose of the rules permitting that is because it is recognized that the election machinery must be scrutinized so that there would be confidence in the system. That must be the perception of the population at large. It would prevent any allegations of irregularity. The scrutinizing of the election by party supporters or by party agents has taken a wider connotation over the years in that it is now recognized—it is part of the United Nation's policy—that you can have international elections observers. When one looks at the concept of the principles of election observance—the Government of Trinidad and Tobago in the past has been part and parcel of international election observer teams in certain countries—the

concept is that it is important for other people to see what is happening, people other than the persons who are conducting the election machinery. I mention that, Madam Speaker, because I think that as part of this motion, it is important, and one would see that one can have the best law in operation, one can have the best machinery on paper, but it is the people who make the machinery work. It is the commitment and it is the monitoring of the system which ensures that it works. That is why it is important for us to recognize that putting things on paper is not all-important; it is the spirit, it is the moral values which motivate the operations and that is so in particular in respect of state operations.

Madam Speaker, if I may crave your leave—I was about to say Your Lordship's leave. I have no doubt that if things were not as they were, I would have been calling you Your Ladyship in other places by now had things been as what they ought to have been. It is because the spirit was not there. Be that as it may, God works in mysterious ways. If I may be permitted to refer to the United National Congress Report, which was prepared and submitted by me—just one aspect of it. It was studied by the Party [*Interruption*] I see my friend the Minister wants to heckle me—at complaint 9 of the report:

"Voters at fixed addresses for years who had their names on the revised electoral list over those years and who exercised their right to vote over those years at particular polling stations, were not allowed to vote at the said polling station. Checks at other polling stations revealed that their names were not on the lists of the other polling stations. In some of these cases some members of the family who voted in the past were allowed to vote, but other members of the said family who also voted in the past were not permitted to vote."

There is evidence—and if the other side wants a copy, we can make the evidence available to them to be satisfied that the complaints are genuine.

Madam Speaker, we come now to the question as to having given the House, through you, an idea of the main complaints and the irregularities. If I may be permitted to go back in history a bit, to show that, as far back as 1961 there have been complaints about the election machinery and, in other words, to build up my case, that it calls for a public inquiry. If I may be permitted to refer to the report of the Elections and Boundaries Commission, in 1961, at page 56, paragraph 154:

"The usual complaints of persons not finding their names on the revised list, not being able to find their list or not being able to find their polling stations were received as was expected. These appear to be somewhat greater than usual although not considerably so."

*Elections And Boundaries Commission*  
[MR. MAHARAJ]

*Friday, February 28, 1992*

If we go now to the report of the Elections and Boundaries Commission for 1976 at page 5, one of the express purposes of the survey which was conducted by them was:

"...to purge the registers of the names of deceased persons—'ghost electors'—whose registration had not been located for cancellation due to an incorrect name or 'alias', supplied by the informant to the Registrar of Births and Deaths at the time of registration of death..."

So one sees that, coming up, 1961, 1976, there have been complaints and even the Elections and Boundaries Commission has been recognizing that there have been these complaints and in the Report of the Elections and Boundaries Commission of 1981, page 19, paragraph 104:

"There was, however, ample evidence that names of a substantial number of persons who presented themselves to vote at polling stations on election day did not appear on the revised list for that station."

If we go to the same report, at page 22, paragraph 113:

"The Commission readily concedes that there may have been instances of human error which probably resulted in omissions of names or the assignment of names in wrong polling divisions."

Madam Speaker, if I can refer now to some newspaper cuttings, going back in history a bit, and if I may start with 1976, the *Trinidad Express*, September 14, 1976:

"Confusion at polling station: Scores of people not able to cast votes. Confusion at several polling stations led to scores of people not voting yesterday.

Prospective voters turned away from the polling stations disappointed and dejected when their names could not be found on the voters' lists.

Reports stated the number of deprived voters could run into 'a sizeable figure'.

People charged that though they registered for the general election and were in possession of their identification cards, their names were neither on the lists nor binders with the voters' names.



Scores of people turned down suggestions by registration officers and poll clerks to check for their names at other polling stations in the district.

Said one woman in the Caroni East constituency, 'I am not so keen on voting that I should travel so far to look for my name. I prefer to stay at home'.

There were similar reports at several other polling stations in Central Trinidad, at Sangre Grande, Laventille and San Fernando West.

Eric Michael Edwards, 49, related how he searched four registration lists in the Laventille constituency for his name. Displaying his identification card, Edwards blurted, 'I cannot understand why I am not registered. I am angry about it, I really wanted to vote'.

Four young men who were eligible to vote for the first time, charged that another man who, like them, did not have his name on the list, was allowed to vote.... They said, 'We are confused. We cannot understand it'.

And the article continued.

In the *Express* editorial of September 16, 1976:

"Things that went wrong on election day.

The capacity for human error being what it is, it would have been impossible to organise a general election without anybody complaining afterwards about an irregularity of some kind."

It goes on:

"The general election on Monday was no exception. Monday evening, quite a few people turned up at the *Express* office complaining they were not allowed to vote although they had their identification cards.

Since then, opposition politicians particularly, and also quite ordinary people have added their voices to the litany of complaints against election officials who were on the job Monday.

The principal complaint seems to be that the names of prospective voters could not be found on the index in the polling station. In other cases there were simple errors, such as forms were not available for people to swear to their identity; some polling officers did their job too slowly, and so on."

It went on at the end of the opinion, I would not read the entire opinion:

"It needs to investigate closely the things that went wrong last Monday and try to come up with solutions so that the next time we vote (and one hopes the local government elections will not be much longer delayed), the mistakes would be fewer."

I am not saying, Madam Speaker, that we will have a system in which there will be no error at all, or there would be no instance of complaint. The point of this motion is that the complaints have been persistent, the complaints have been widespread and the complaints relate to particular things which have been occurring over and over again. It is because of that it has become urgent and important in the public interest for the Government and for this House to consider that it needs public inquiry and public scrutiny so that the members of the public can have an input into a decision as to whether this thing is good or bad, whether there should be changes or there should be no changes whatsoever.

I do not have to articulate in this House what bad effects in a society it can have, if people in the society or groups in the society have a perception that the Government is not the Government of the people—I do not mean this particular Government, any government—one merely has to look at history, not only in Trinidad and Tobago, but in history all over the world one can see what the result of that can be. I am not saying that action is justified, but what the results of that can be.

In the *Trinidad Guardian* of November 11, 1981, the National Joint Action Committee says:

"The Election 'bogus' and 'invalid'.

Monday's general election convincingly won by the ruling People's National Movement (PNM), has been described by one of the losing parties—National Joint Action Committee (NJAC)—as 'bogus', 'invalid' and 'not reflective of the will of the people.'

Makandal Daaga, political leader of NJAC, made this observation at a post-election press conference."

He outlined some of the features which he said went wrong, and they were the same features; people who should have voted did not vote; people whose names were on the list did not get the chance to vote; they went to other polling stations and their names were not on the list. As we go through political and electoral history in Trinidad and Tobago, we see, before the election of 1986, that the fears which were being experienced by a major political party, the National

Alliance for Reconstruction—which is no longer a major political party in this country, it has become a minor political party or a major disaster, if I may adopt the words of my leader.

December 10, 1986, the *Trinidad Guardian*,

"Humphrey warns of polling day fraud."

Here is Mr. Humphrey anticipating what could have happened with the election machinery. The article says:

"NAR candidate seeking re-election John Humphrey has charged that the sting in the ruling party's 'scorpion' was massive fraud which the NAR expected on polling day."

He talked about addressing the meeting, and then he said that:

"...the NAR discovered poll slips indicating names and registration numbers of children 14 years old on the Voters' List. Registration of married women under both their married and maiden names. Names of deceased persons still on the Voters' List..."

A litany of complaints. Then, Madam Speaker, I think Members in this House would remember that there was a major statement made by the National Alliance for Reconstruction as to the conduct of the election machinery for the 1986 election. That attracted the chairman, to make a statement that the complaints, or the charges were reckless. Madam Speaker, for the record, evidence of this can be found in the *Trinidad Guardian* of December 12, 1986.

If I may refer to the opinion of the *Express* of December 13, 1986, "Vigilance needed for a true poll." In effect, what the opinion and what I would like to say is that regardless of how one may feel about these complaints, if these complaints have been happening over a period of time, then it must be the responsibility of those entrusted with power to ensure that these matters are investigated and the matters are investigated so that the public would feel satisfied as to the investigation, the public would have an input into the investigation. The opinion of the *Express* lead writer on that date, headed: 'Vigilance needed for a true poll,' The opinion was to the effect that one has to investigate these complaints.

Madam Speaker, if I may, with your leave, refer to the *Trinidad Guardian* of December 16, 1986:

“Complaints pour into EBC office.

Central office of the Elections and Boundaries Commission at the Salvatori Building in Port-of-Spain was deluged with complaints from irate prospective voters who were not allowed to cast their ballots for a variety of reasons.

Dissatisfied with the response from polling station employees, scores of the disgruntled persons went to the Commission's office and registered their grouses—all of them demanding that they be allowed to vote.

The complaints ranged from persons receiving poll cards to vote at particular stations, but on arrival being told they have to exercise their franchise at other stations—sometimes very far away from their homes, to the absence of their names on the registration list even though they completed their registration exercise.

One man who stormed the Commission's office was Horace Raymond of Picton Road, Laventille. Normally he voted in the city but at the polling station yesterday he was told he had to vote in Tobago...

A woman called the *Guardian*... and she said: 'On arrival my husband's and our daughter's names were there but not my own. Inquiries revealed that my name was sent to some police station in Forest Reserve.'

This was a person in San Fernando West being told that her name had been sent to Forest Reserve. Then we had an instance of somebody in Diego Martin East making the same complaint that his name was sent somewhere else.

"Mr. Alvon Quamina, General Secretary of the PNM, confirmed that there were several complaints from PNM supporters that they were facing problems at the polls. He said that among the complaints were that persons with pink slips were not being allowed to vote.

Lines at polling stations were being stagnated, he said, and several persons were denied the right to vote.

He said they were drawing the attention of the Elections and Boundaries Commission of all the complaints that were coming in."

So one sees that the political party known as the People's National Movement, whether it was old or new, however one wants to describe it, had recognized in 1986—I suppose they had lost the election and I do not know if maybe they had a greater interest, I would hope not, in ensuring that the election machinery is fair, that people are given the right to vote. It may be that in Opposition the

yardstick is different in determining what are the public interests. It may be that in Opposition one can say it is bad, but in Government you take the same thing and you say it is good. I do not agree with that. But I hope that our political culture in Trinidad and Tobago has changed.

With your leave, Madam Speaker, I shall deal with periods after 1986. If I may just mention that even in 1987, on January 4, 1987, the *Sunday Guardian* published a notice for the Elections and Boundaries commission, it said:

"Polling day complaints.

The Elections and Boundaries Commission has embarked upon an urgent and full investigation into discrepancies and errors which were the subject of complaints on polling day, December 15, 1986, for the purpose of taking remedial action to rectify its records and improve its procedure.

All electors who experienced difficulties in casting their votes or were affected by errors on the Revised List of Electors or on the poll cards received by them, and all interested parties, groups or agencies who know of such difficulties and errors, are earnestly requested to assist and co-operate with the Commission in this important investigation by giving particulars of them in writing before January 30, 1987."

Signed Samuel Gordon, Chief Election Officer.

Madam Speaker, we have requested a copy of these reports but we have been told that the enquiries never got off the ground, because they never got the co-operation of persons. There is no way, as one knows the law in Trinidad and Tobago, that the Elections and Boundaries Commission, like most of those other commissions are, in effect, constitutional dictatorships in that their actions or decisions cannot be questioned in a court of law unless there is a breach of the rules of natural justice, or an action in excess of jurisdiction.

So the sum total is that as far as the Elections and Boundaries Commission by the Constitution, that any decision of theirs—if, for example, the United National Congress would like to challenge the decision of the Elections and Boundaries Commission as to whether it did an investigation and determines whether it does have a report, we cannot do that by judicial review, because their action cannot be questioned in any court of law. This highlights the importance of why we should have a public commission of enquiry not into operation of the Commission, but into the operation of the election machinery.

*Elections And Boundaries Commission*  
[MR. MAHARAJ]

*Friday, February 28, 1992*

Madam Speaker, on December 20, 1987:

"Manning to visit the EBC chairman.

Opposition Leader Patrick Manning will pay a courtesy call on chairman of the Elections and Boundaries Commission (EBC) Isaac Hyatali this morning. According to a release from the Office of the Leader of the Opposition, the People's National Movement (PNM) interim political leader will raise the issue of the upcoming local government elections and is expected to discuss some of the difficulties that arose in the way in which the 1986 General Election was conducted."

It seems that history repeats itself: Local elections, Manning; local elections coming up, Panday; 1996, Panday as Prime Minister.

Madam Speaker, *Trinidad Guardian* December 21, 1990:

"Irregularities in Diego Martin by-election:

Electors denied the right to vote.

Now that the Diego Martin Central by-election is over, the Elections and Boundaries Commission (EBC) should take the opportunity to put its house in order. Despite the views expressed by some EBC officials that the elections were incident-free, it appears that there was an unusual amount of voters denied the right to vote on Monday.

This, of course, will have to be borne out by the actual records of persons that were turned away, but judging from reports there appears to have been a higher than normal incidence of election irregularities on Monday. Most of the aggrieved voters were apparently disenfranchised (I am using this word advisedly) because their names did not appear on the Revised List of Electors."

I forgot to mention, Madam Speaker, that the author of this article is no less a person than the hon. Member for Diego Martin East; "What really matters", by Colm Imbert. Probably this is a wind vane and whether one calls a dragon by a wind vane, a dragon is a dragon. Anyhow, the learned author of the article, a person who seems to be well knowledgeable in election affairs, then goes on:

"The official explanation that I have heard for this anomaly is that these voters did not update their registration when they were asked to do so, and so their names were struck off the list.

This, in my view, is an extremely rigid and legalistic approach to the problem of voter registration. Striking people off a voters' list simply because they did not update their registration at a particular time, especially in a developing country like Trinidad and Tobago is bound to lead to problems.

Our information systems are just not sufficiently developed at this time to allow reliable accuracy in such an exercise. In addition, I consider the emphasis placed on voter education in this country to be totally inadequate.

Consequently, many of those who were struck off the list still turned out to vote because they did not believe that they would be denied the right to vote, although their name had not appeared on the Preliminary List of Electors posted in the constituency. Many of these people had apparently voted in the 1986 General Election and in elections before 1986, and they felt that since they had done this they would be allowed to vote on Monday.

Well, they were in for a rude awakening. The EBC officials stood their ground, and in most cases, that was that. If your name was not on the new list, you could not vote, regardless of how many times you may have voted before. In other instances there were persistent reports that in each polling station, there were several voters holding new identification cards, issued late as 1989, and even in 1990, whose names apparently could not be found on the revised list or even in the binder of duplicate photographs, which, considering the procedure for issuing cards, seems almost impossible.

**2.55 p.m.**

"But it happened. I personally was shown several new ID cards issued in 1989 where the persons reported that they had not been allowed to vote because their names were not on the list. So unless these cards were bogus, or the voters involved were from some other constituency, something seems to have gone wrong this time around."

Well it is the same thing we are talking about.

"I am sure we may hear that the EBC is addressing these matters, . . ."

I want to tell him that we had a meeting with the EBC this week and that is exactly what the EBC told us, very cordial, very nice. They were very good to us. They listened to us very attentively; they listened to our complaints; they asked us for suggestions, and we would like to compliment and congratulate them on the seriousness of the attitude they displayed in promoting the right to vote. They

*Elections And Boundaries Commission*  
[MR. MAHARAJ]

*Friday, February 28, 1992*

said, "Do not worry, we will see about it; the matters will all be sorted out; we need the co-operation of the party."

". . . but the fact is that there were many frustrated voters on the streets of Diego Martin Central on Monday . . ."

I want to know how they are going to tie this camel, the hon. Member for Diego Martin East, if he does not act according to his conscience.

". . . and I even heard the odd allegation of fraud, and vote-rigging, coming in the main from what appeared to be PNM supporters who had not been allowed to vote. From my own observations, my estimate of the total number of PNM supporters who were turned back from voting is about 300."

Now this was the Diego Martin by-election.

**Hon. Member:** Who won?

**Mr. Maharaj:** The general election was coming up, you see.

"As for the number of NAR supporters who were not allowed to vote I have no information on this, since nobody I heard complaining seemed to be supporting the NAR, but I am sure that the party also had its fair share of problems with the machinery."

My photocopy is bad, Madam Speaker. He went on and talked about what the learned, well-researched author talked about.

"For if a large number of voters are not allowed to exercise their franchise in the next election, we may have a riot in this country. And we have had enough violence and unrest this year to last us a lifetime."

I think I agree with him on that.

"In my view, in a country like Trinidad and Tobago with our *laissez-faire* approach to many important matters, it is certainly not good enough for the Elections and Boundaries Commission to just scratch people's names off the list, who have been accustomed to voting for years. . ."

Madam Speaker, one sees that in 1990 after the famous or infamous by-election in Trinidad and Tobago, which resulted in tears, that the hon. Member for Diego Martin East, in his capacity as a well-informed journalist, in performing that role, was, in effect, expressing some of the things we are expressing here today.



That is not all, Madam Speaker. The *TNT Mirror* of January 15, 1991 states:

"Election body denying right to vote:

PNM Deputy fears for general election. Although the Diego Martin Central by-election is now political history, the People's National Movement has not forgotten how close the party's runaway victory could have turned into defeat."

That is exactly what we are saying here today. In our victory at the polls, we were close—six seats, 12,000 votes. If he wants, I could explain it to him. If the hon. Members did not study the election report on the results and if they have not yet started working for 1996, they are in a serious error of judgement. The figures show that the United National Congress did not form the Government of Trinidad and Tobago because of about 12,000 votes in six seats.

**Dr. Rowley:** Because they lost the election. Accept that!

**Mr. Panday:** We accept that. We accept our seat of minority.

**Mr. Maharaj:** Madam Speaker, I shall continue.

"In the aftermath of 5,728 winning votes polled by PNM's Ken Valley, top level discussions have taken place in Balisier House concerning serious reversals—PNM experience on Election Day in Diego Martin Central."

I could understand how my friend from Diego Martin West is getting worked up.

"Speaking with the *Mirror* on this issue, PNM Deputy Political Leader, Dr. Keith Rowley, emphasized that the leadership believes the Elections and Boundaries Commission should function moreso as a facilitator during elections. The EBC has nothing to prove. Their role is to facilitate the conduct of elections in Trinidad and Tobago. When the Commission takes a rigid position as it did in Diego Martin Central, then it is not operating in a manner which truly encourages the democratic process."

**Dr. Rowley:** Well said!

**Mr. Maharaj:** I would assume that he would say that in 1992 their role has changed.

**Dr. Rowley:** I will speak for myself.

**Mr. Maharaj:** He does not speak twice.

"The Tobago-born geophysicist was at pains to highlight the electoral hurdles PNMites encountered during the election on December 17, 1990. He said his party estimates more than 1,000 PNMites were unable to cast their ballots through various problems they encountered at specific polling stations. Many of these problems should not have occurred in the first place. I want to refer to Union Village where, for a variety of reasons, large numbers of PNM supporters were denied the opportunity to vote."

It hurt his heart then; I would expect it to hurt his heart now for, after all, I believe he has the same heart. Or is it no heart?

**Mr. Panday:** At all.

**Mr. Maharaj:** I continue:

"Many of them were asked to cast their votes outside Union Village although they live there. Instead, they were compelled to vote in St. Anthony's College, Westmoorings different forms of transportation had to be hastily arranged by the PNM to have them transfer to St. Anthony's.

Rowley said many Union villagers affected were living in their community for several years. 'It was a terrible inconvenience,' I mean, asking Union villagers to vote in Westmoorings when Powder Magazine residents voted in Union.

Dr. Rowley also spoke about many instances in which there were names appearing on the EBC voting list outside specific polling stations, yet, these same names were not listed inside the buildings."

**Mr. Panday:** That is true.

**Mr. Maharaj:** I continue:

"As a result, affected voters were unable to vote. They all had their ID cards. I believe they should have been allowed to vote. Rowley said it was more so a matter of the EBC enforcing its prerogative of disallowing voters with minor problems."

I cannot agree with him more.

"I call it arguing the letter of the law."

**3.05 p.m.**

Well I hope we do not get a legalistic view today because the law has the spirit. I do not mean that the hon. Attorney General will give us a legalistic view.

“ ‘But how good is a system which denies voting rights to people with ID cards issued in 1989?’ Rowley questioned. He further described as 'strange' that from a PNM family of seven, only two members were allowed to vote although having ID cards in their possession. 'I am saying that they were disenfranchised. They were disenfranchised just as those PNMMites who had their EBC pink slips and ID cards in their possession.'

Dr. Rowley contended that Trinidad and Tobago nationals are living in a period in which the EBC should be bending backwards to accommodate voters to vote at the polls. But we have received reports that in many instances as long as you are identified as a PNM you had problems in casting your ballot on December 17th."

**Hon. Member:** You would be surprised to know it applied to the UNC.

**Mr. Maharaj:** I continue:

"For this reason we believe one thousand more PNM voters can be safely added in the margin by which NAR's Clive Pantin was defeated."

We would say 12,000 and more could be added to the names of the people who supposedly won their seats. But, Madam Speaker, it was the same PNM who said two seats for them, three seats for them, it is 13 we have and more coming, do not worry. For this reason we believe the PNM Deputy Political Leader continued by saying:

"He envisaged a situation developing in Trinidad and Tobago's next general election, which could deny thousands of citizens their right to vote."

So he was talking in 1986 about the next general election and he was prophesying—he is a good prophet, a good “seer-man”—that thousands of people would not be able to vote. He was saying that, because he knew genuinely in his heart that the machinery needed investigation, improvement, and public input in order to analyze what is wrong, what should be done in order to give people the right to vote.

This is why I believe the EBC should look at itself more as a facilitator rather than anything else.

*Elections And Boundaries Commission*  
[MR. MAHARAJ]

*Friday, February 28, 1992*

"Dr. Rowley also called on PNMites to ensure that they meet the EBC's requirements before the next general election, which he believes is imminent."

Madam Speaker, I do not know—some of them say I have an interest in the press, but I have been able to get all these cuttings because of the efficiency of our research department at the Opposition office.

The *TNT Mirror*, June 7, 1991, 'San Fernando East Voters' List Bothers Manning'. I am sorry my Prime Minister is not here today. The article states:

"With the General Election drawing steadily closer the People's National Movement Political Leader, Patrick Manning, is becoming more concerned with the registration process in San Fernando East, so much so that the San Fernando East constituency residents are now being flooded with reminders that they should ensure their names are included in the list of electors."

Mr. Manning went on to quote the situation in the Diego Martin by-election and he said:

"It is therefore necessary that you make serious attempts to get yourself registered. In this regard should you encounter any problems go to the constituency office."

Then the article went on to refer to PNM's Public Relations Officer, Mr. Nello Mitchell—I think he is still the Public Relations Officer of the PNM—

**Mr. Panday:** Yes, he has no office; that is all.

**Mr. Mohammed:** *De facto* dismissal.

**Dr. Rowley:** Like yours.

**Mr. Maharaj:** Then he said:

"There are numerous problems. People have migrated and their names are still on the list of electors. Others are dead but their names have not been taken off the list. There are many constituents with new ID cards but their names have not been included among those who are eligible to vote. Some people have their pink slips which indicates they have been registered. Still their names are not appearing on the list of electors."

There are so many. As a matter of fact, Mr. Marshall is here too, the hon. Member for Laventille West. I would not read all these things but I would like to put it in the record.

**Mr. Panday:** Without reading it.

**Mr. Maharaj:** If I may refer to the *Express* of December 13, 1990, headed "Voting Rights Denied." That, Madam Speaker, was a letter written by a San Fernando lawyer, Mr. Peter Jamadar—I have permission to call his name, in which he gave instances of election irregularities.

On May 15, 1991 the *Express*: "'Couva UNC: Names not 'missing'."—

"Public Relations Officer of the United National Congress (UNC) Couva party group, Krishna Deonarine, has accused the Elections and Boundaries Commission of shedding crocodile tears over thousands of names missing from the electoral list.

He said the names were not missing but had been left off the list by the enumerators.

For instance, Deonarine said, there were complaints from residents living in the Couva areas coded 3130. He said the census enumerator was told that at the time she visited the area most residents were at work. The EBC clerk left and promised to return another day, but never returned.

'We are awaiting the publication of the electoral list and then we will see how many names are really missing or left out.' "

The *Trinidad Guardian* of May 12, 1991: "UNC, PNM concerned over 'missing' 50,000 voters". You see, Madam Speaker, in opposition it seems to me that parties have a way that they can combine together, but when they get in government there seems to be something to prevent that. I hope my friends will take note. I am not saying that there will be a combination of the UNC and the NAR, but I would like my friends to know that 13 and 2 make 15 and 15 is not very far from 19. So, Madam Speaker, "UNC, PNM concerned over 'missing' 50,000 voters."—

**Hon. Member:** And 21 minus 2—

**Mr. Maharaj:** I continue:

"Both parliamentary Opposition parties United National Congress (UNC) and the People's National Movement (PNM), yesterday expressed concern about the 50,000-plus electors who could lose their right to vote because of their failure to update their registration.

*Elections And Boundaries Commission*  
[MR. MAHARAJ]

*Friday, February 28, 1992*

Political Leader of the PNM, Patrick Manning, and General Secretary of the UNC, Kelvin Ramnath, highlighted this position while commenting on the report of the Elections and Boundaries Commission, laid in Parliament Friday, which recommended the renaming of four constituencies.

Ramnath said he was very pleased the Commission had recognized that Caroni deserved another seat..."

And then he talked about other electors. I think this article is important for us to hear, Madam Speaker. The *TNT Mirror* of June, 21, 1991—"We are not offering food, LIDP jobs':

"The Elections and Boundaries Commission has stoutly denied that representatives are doing political work on behalf of the NAR in South Trinidad. Natalie St. John, EBC's Public Relations Officer, cleared the Commission from reports which tainted its..."

I cannot understand the word, Madam Speaker.

"The *TNT Mirror* was told that EBC field officers were approaching voters and asking about their age, employment, status, number of people in their homes, and would they like to see NAR get back in power. And they were being offered a LIDP job.

*Mirror* was informed by offended people that if the interviewee refuses to back the NAR he is not offered a job nor a hamper."

One sees that there were allegations that workers of the EBC were in effect making these offers. Madam Speaker, there can be an organization, but the organization depends upon the people who administer it or make it work. That is why when there are such widespread complaints over a period of years, the public interest demands that there be a public inquiry.

Another article headed "Thousands missing, claims Marshall" of June 24, 1991 states:

"The People's National Movement has reported so far that in 25 constituencies it has discovered the names of 7,263 persons who are not on the electoral list although claiming to have registered.

PNM's General Secretary, Morris Marshall, MP for Port-of-Spain East, told the House of Representatives Friday night that his party has adopted what it deemed as a civic responsibility and has sent out some 1,600 persons in the field to ascertain missing names from the electoral list."

**3.15 p.m.**

So one sees, in spite of those complaints; in spite of parties doing everything that was in their power, what happened in 1991.

I have already referred to our report which identifies the complaints. What I would like to refer you now too, is some of the things which have been said about the 1991 general election. Madam Speaker, that this must be taken in the context that even before the election, the Elections and Boundaries Commission, as far back as May, 1991, was saying that it was totally capable, not only of handling a general election, but of having both the general election and the local election on the same date.

"7th May, 1991—EBC ready for dual elections. Two in one elections proposed by the EBC."

But it is now a matter of history that it would have been sheer madness if we had had two elections in one. If I may refer to the *Express* of December 17, 1991: "A little 'mix-up' in Santa Cruz"

"Early morning showers in the village of Santa Cruz failed to put a damper on election proceedings. People left their homes as early as 5.00 a.m. to get to the polling stations. But as it turned out for some, their journey was wasted. One 85 year old woman who turned up at the Santa Cruz RC Primary School where she has been voting 'since PNM win the first election' was told that her name was not on that list. She was directed to the Cantaro Community Centre.

Moments after, an irate female, who, earlier on had been sent away from the school to the Cantaro Community Centre returned to say she was told at the Centre, that she was, in fact, registered at the school. The pattern continued to occur at other stations, particularly at the Bourg Mulatresse RC School in San Juan, where one resident of the area explained that there were lots of similar complaints from people living in the La Canoa, Santa Cruz and Bourg Mulatresse areas.

Up to 8.00 a.m. there were no returning officers at the polling stations to deal with the mix-up.

At the Cantaro Community Centre things were quieter with a trickle of people at 7.15 a.m. One incident between the police and the public occurred at the Primary School."

Then we have the *Express* of the December 17, 1991:

"Early morning voting in Central; Let's hope for a better deal.

An hour and a half after she arrived at the polling station, Bhagmania Sookdeo was still waiting to vote.

She was among three lines of over 75 persons at Presentation College in Chaguanas, where voters waited to cast a vote for a representative at the Chaguanas Constituency at Parliamentary level.

Mrs. Sookdeo arrived at the polling station minutes to six o'clock and had been standing in line when voting commenced. She was told that her name was not on the list. At 6.35 a.m., 15 voters had cast their votes in one of the three polling stations; 22 voted in the other and 31 in the third station.

At the ASJA Muslim school in Charlieville, 21 and 25 voters had dipped their fingers in ink by 7.00 a.m.

Then at the end of the article:

"At Lendore Hindu School there were names that could not be found on the voters' list. Registered voters said that things were moving too slow and many had been waiting for over an hour. Crossing the boundary to Caroni East, Vijay Seukeran, the PNM candidate, was busy moving from station to station...

Seukeran said that some of the presiding officers were not sure of their roles and as a result moved cautiously and delayed the voting process."

Mr. Vijay Seukeran is a member of the People's National Movement.

The *Express* of December 17, 1991, "Busy Day for EBC's 'queries counter'."

"The Elections and Boundaries Commission, nerve centre of yesterday's general election, was flooded with several telephone queries from persons regarding their eligibility to vote, while others descended on the Salvatori Building, Port-of-Spain office to do same.

EBC staff reported early for duty and set up a 'queries counter' on the first floor of the building. With the help of computers, staff members attended to the group of people that had gathered.

But in the words of Chief Elections Officer, Jocelyn Lucas, some people were 'kicking fire'.



Up to the close of yesterday's polls, people were still gathered at the 'queries counter' at the EBC.

Lucas said polling staff at some polling stations were not checking the list of electors carefully and were telling some electors their names were not on the list. Staff manning the EBC's hotlines said they received several hundred telephone calls from persons wanting to know whether they were eligible to vote, effectively jamming the telephone hotlines. They added that it was discovered that most of the callers did not update their registration and were therefore not eligible to vote.

Several electors also reportedly went to the wrong polling stations. While EBC officials were unable to quantify the voter turnout, Lucas said last night that by 12 noon yesterday more than 50 per cent of the electorate in most constituencies had voted. Officials said that there was a lull in voting between 3 p.m. and 4 p.m."

The *Express* again, December 17, 1991, page 5:

"There was some rule-breaking, mainly party posters stuck too near polling stations. At Arouca Boys' RC school, for example, two A-beam stickers were displayed on the school wall and the gate. At St. Augustine Senior Comprehensive, electoral officers told a middle-aged woman in a PNM T-shirt to leave."

It then went on and gave some idea of a slow poll.

The *Express* editorial of December 19, 1991: "EBC must do better." Then if I may be permitted to read parts of the editorial:

"The Elections and Boundaries Commission really has too important a function to allow itself to be hamstrung by simple democracy."

And it went on and listed some of the complaints. I know my time is becoming very important, so I do not want to—but may I say that this article supports the contention that after the 1991 general election, there have been complaints and expressions of views by the public that something should be done about it.

Madam Speaker, we see that it cannot be seriously disputed by anyone that there has been complaints of irregularities in one way or another. There may be disputes on the intensity of the complaints, but complaints of the irregularities at elections exist and this, in my respectful view, gives rise to the reasonable belief

by any reasonable thinking person, that the functioning of the election machinery needs investigation by a public enquiry.

**3.25 p.m.**

**Madam Speaker:** The hon. Member would have to wind up in three minutes.

**Mr. Maharaj:** May I wind up by saying, and if I may quote from an American jurist who said in the famous case of *Westbury and Sanders* in 1903, reported in the United States Reports "that no right is more precious in a free country than that of having a voice in the election of those who make the laws under which as good citizens, we must live. Other rights even the most basic, are illusory if the right to vote is undermined. Our Constitution leaves no room for classification of people in a way that unnecessarily abridges this right."

Finally let me quote from a lecture by Lord Salmon, who is now deceased, a lecture delivered at the Hebrew University in which he discussed the question of a tribunal of enquiry. In that lecture he stated that for matters of public importance, a joint select committee probably is not appropriate, but it is for that reason that the institution of a public enquiry—as we have under the devised Commission of Enquiry Act—has the powers and the procedures which are given it in order to do an effective enquiry. It is in that context I am saying that if the Government is seriously interested in the right to vote as an important human and fundamental right which right has been recognized in international law, and which has been recognized in any developing country or any country which has true respect for the rule of law and the human and fundamental rights of the people that the Government of the day would not speak with two tongues but they would support this motion. Thank you very much, Madam Speaker.

**The Attorney General and Minister for Legal Affairs (Hon. Keith Sobion)** I thank you, Madam Speaker, for giving me the opportunity to respond to the motion moved by the Member for Couva South.

When I first saw the motion and read it I had several concerns. One of the things that troubled me was the motivation for bringing this motion before the House. That concern of mine was nonetheless cleared up when the Member for Couva South gave his opening remarks and the expressed concerns throughout his presentation that his party could have won the elections. He proceeded to read from newspaper articles from 1961 to 1991. Those articles demonstrated, with the exception of the article written by the Member for Diego Martin East, that sore

losers will always be with us, and that they would always complain. What we have by this motion is a raising of the level of complaints by sore losers from the daily newspapers to the record of *Hansard*. That is all that has been achieved by the presentation of the Member for Couva South.

It appears that there is a failure on the part of the Members on the other side to recognize and to accept that they lost the election in December, 1991. That is a fact which seems to escape them at every turn but that is a fact which is not going to be removed by this motion.

My concerns were not only in respect of that. I was concerned as well with respect to the constitutional implications of the motion and I am certain that it is a fact which also did not escape the Member for Couva South. You will recall that in his presentation he said that he hoped that one would not be too legalistic. He also said in his opening remarks that he was not questioning the integrity of the members of the Commission. You see the reason for making those statements is that the Member for Couva South understood the dangerous course he was charting. We must accept the role and functions of independent commissions as they are established under our Constitution. That is a fact. The Elections and Boundaries Commission is established by section 70 of the Trinidad and Tobago Constitution 1976. At section 71(3) the Commission is appointed in this way:

"The Chairman and other members of the Commission shall be appointed by the President, after consultation with the Prime Minister and the Leader of the Opposition".

At subsection (11) it says:

"The registration of voters and the conduct of elections in every constituency shall be subject to the direction and supervision of the Commission".

This is also repeated in the Representation of the People Act at section 3(1) and I read:

"Subject to section 71 of the Constitution, in the exercise of its functions under the Constitution the Commission shall exercise general direction and supervision over the administrative conduct of elections...".

So that the learned Member for Couva South in attempting to separate the operations of the Commission from the members of the Commission will no doubt find himself in extreme difficulty. The fact is that the effect of this motion, if it were to be accepted by this honourable House, would be to cast aspersions on

*Elections And Boundaries Commission*  
[HON. K. SOBION]

*Friday, February 28, 1992*

the integrity of the members of the Commission. He was unable even to get it out of the motion as framed. The motion as framed reads:

*"Be it resolved* that this honourable House recommend to the Government that it institute an immediate enquiry by an independent body into the operations of the Elections and Boundaries Commission."

The Commission is charged under the Constitution and the Representation of the People Act with the overall conduct and operations of elections in this country.

But that is not the major concern which is raised by this motion. The major concern which is raised by this motion is the question of what is attempted to be achieved based on the irregularities which are cited by the Member for Couva South. To put it simply, what the Member for Couva South has sought to do is to list a number of administrative irregularities and to say that because they are numerous and because of the fact that it has happened over a period of time it should lead to a public commission of enquiry. That is a situation which can be demonstrated quite simply. It does not matter how many minor offences are committed. You do not cumulate them and say you have committed a capital offence. What he has done is to say that because there have been numerous reports of irregularities in terms of registration of voters, what we should therefore do is not seek to influence the Elections and Boundaries Commission in getting its house in order, but that we should put them up for public scrutiny with respect to what is pure administrative irregularities.

**3.35 p.m.**

The Member cited, for instance, the question of persons with old voters cards not being allowed to vote. Well the Commission is charged with the registration of voters, and if persons do not take advantage of the registration exercise, then you would have that kind of situation recurring. What is required to deal with situations like that is public education which the Elections and Boundaries Commission has undertaken from time to time. Those are purely matters of administration which can be solved merely by representations being made to the Elections and Boundaries Commission and not in the manner suggested by this motion.

I would like this honourable House to take note, in order to demonstrate the position that I have just outlined, that since 1961—and there have been six

elections since 1961—there has not been one election petition presented in this country, and that can only be a tribute to the operations of the Elections and Boundaries Commission.

**Mr. Maharaj:** Would the Minister not say that this is probably because people lack total confidence in the administration of justice to get a speedy determination of the matter?

**Mr. Sobion:** The question of whether or not there is an election petition rests simply on the fact—and I would not answer my friend directly, but I am sure he would pick it up—that there has not been any matter of substance raised against the Commission since 1961, when seven election petitions were filed.

**Mr. Sudama:** Madam Speaker, I think that the Minister is misleading the House. On the basis of the 1961 elections, a matter went to court with respect to the conduct of those elections.

**Mr. Sobion:** I thought that was what I said. I said, “since 1961 when seven election petitions were filed. There have been no election petitions in the six elections which have been conducted since that time”. And you will recall that 1961 was the first year in which identification cards were introduced in Trinidad and Tobago and the first year the voting machine was introduced.

Other than that, one can conclude that there has been no matter of substance in the conduct of any of the six other elections since 1961 and therefore there can be no need to call, at this stage, for a commission of enquiry into the Elections and Boundaries Commission. There is nothing that has been said by the Member for Couva South to suggest that there has been any substance in any of the allegations that he has raised.

He speaks about volume—that because there have been so many administrative irregularities, they must be lumped together, compounded into a commission of enquiry.

**Mr. Maharaj:** Could the Minister say whether the Government, in the light of the complaints which it became aware of or ought to have become aware of, instituted any investigations, and if so, when, and does it have a report?

**Mr. Sobion:** As far as I am aware, the party to which I belong has not set up any formal enquiry into the last elections, but you will recall the Member quoted extensively from concerns expressed by Members on this side with respect to the conduct of elections. The difference is that the recommendation that this motion

seeks to make far outweighs the nature and substance of the irregularities of which we on this side are aware. That is not the way to solve the problem. The problem is not putting one's head in the sand and saying that there are no problems. One has to look at the nature of the administrative irregularities which the Member for Couva South alleges, to see whether the result of this motion is justified. We, on this side, are of the view that the irregularities can be dealt with otherwise. You see, it is a drastic step to put an independent commission, constituted under the Constitution of Trinidad and Tobago, under public scrutiny for matters of mere administrative irregularities, and that is what is being suggested. In the true spirit of the sore loser, he jumps before the Elections and Boundaries Commission lays their report on the election and files this motion.

Hear what the Elections and Boundaries Commission has to say in its 1991 report. And I read from the report of the Commission at page (vi), item 7:

"Irritations and delays were experienced by voters at some of them (the polling stations) but these were few and far between. In the Commission's view, these were the offspring of understandable human shortcomings and had no material effect on the results of the election".

The Member for Couva South would not be too pleased to hear that.

"This view is fortified both by the overall percentage of the turn-out of electors who recorded their votes and the absence of any election petition to challenge any of the results".

It may also be important to look at the Commission's report of 1986—and we will compare the report of the Commission in 1986 with that of 1991 and Members on the other side, who were then on the winning side filed no motion in 1986. I read from the Commission's report of 1986, page 1:-

"A noteworthy feature of this election was that polling day commenced, continued and concluded with manifestations of responsible and orderly conduct by electors throughout the country. In fact, except for minor skirmishes reported at a few polling stations, and regrettably, some justifiable irritations experienced by some voters thereat, it can be asserted with assurance that the 577,300 who went to the polls and exercised their right to vote, did so peacefully, freely and fearlessly".

And then it follows at paragraph 5:

"In the event their choices were made voluntarily and by secret ballot, produced a result which accurately reflected the true will of the overwhelming

majority of the electorate and one which could not possibly be impugned or discredited as the offspring of electoral fraud. In fortification of this conclusion, it would be pertinent to record here, that so far as is known, no representation petition has been filed to question the election..."

Same allegations in 1986 of irregularities.

**3.45 p.m.**

In the 1986 report, Madam Speaker, they talk about skirmishes at some polling stations. I understood the Member for Couva South is not challenging the integrity of the members of the Commission. But the fact of the matter is that in 1986 and in 1991, the Commission made the same type of report, save that in 1986, there is a reference to skirmishes which no doubt would have had the effect of impending voters at those polling stations. The short story is, quite simply, this: if one wants to challenge the operations of the Elections and Boundaries Commission, the law of Trinidad and Tobago provides a way whereby one can do so.

**Mr. Maharaj:** I rise on a point of order. The hon. Attorney General, probably due to his lack of practice in law, and I make no reservations about that, does not seem to understand the issue. I am not challenging the decision of the Elections and Boundaries Commission or administrative irregularities.

**Mr. Sobion:** I thank my learned friend for his wide experience in the law. The point is this: if one is concerned about the operations of the Commission—and if he had permitted me to finish, I would have clarified what is no doubt a puzzlement in his mind—there are avenues open to anyone who wishes to challenge the operations of the Commission in their conduct of the elections. On the very same basis that he is now putting forward these questions of irregularities, he said those irregularities warrant going for an election petition. That is what the law says one can do. If you feel that you do not have grounds to file an election petition, but you feel that there are matters of substance affecting the operations of the Commission, you can then come to this honourable House and say, "I admit that I cannot file an election petition, but these are matters of substance, and I would like this honourable House to recommend, therefore, that an inquiry be appointed." But do not come with matters of triviality, matters which can be resolved in other ways, through other avenues, as my friend well knows.

*Elections And Boundaries Commission*  
[HON. K. SOBION]

*Friday, February 28, 1992*

He and Members of the other side went and spoke to the Elections and Boundaries Commission, people in whose integrity they have no problem. They went and explained and laid before them all the irregularities that they have managed to diligently discover, again based on the sore loser syndrome. Having diligently discovered them, having threatened to file election petitions, having realized that there was no ground or basis for doing so, they then did the proper thing, they went to the Elections and Boundaries Commission and outlined the irregularities that they found. That was the proper thing. But in order to raise the level of the sore loser complex, they now come here to raise it in the people's Parliament, the very trivial irregularities with which they went to the Elections and Boundaries Commission.

The fact of the matter is that the Member for Couva South does not understand that volume does not create seriousness. The mere fact that there is a volume of minor irritations does not warrant the conclusion which this resolution seeks to create. That, Madam Speaker, is what this house is being asked to do by the Member for Couva South.

On December 16, 1991, this country, in keeping with its true democratic traditions, returned the party of which I am proud to be a member to the Government of Trinidad and Tobago. They did it faced with the same administrative irregularities that my friend for Couva South is complaining about. We had the same problems of persons' names not being on the list. But this is not the forum to address that. You go to the independent Elections and Boundaries Commission and you say to them, "This is what we have discovered", and not with vague allegations either, but with allegations that ought to be supported.

My friend waved a document which really, if he were serious about this motion that he seeks to bring before this House, he would have made available to this side. If he wished this side to support the motion, he would have provided us with the document containing the several irregularities that he spoke about. But no, he stayed from across there and waved it and said it is here. What is the substance of the document? Has the substance of that document been established in this House?

My friend spent his entire 75 minutes reading from newspapers from 1961 to today. That is what he has done. What he has failed to do is to demonstrate to this House that the allegations which he wishes to bring forward are of any substance. Therefore, Madam Speaker, we on this side feel there is no merit in this motion. Firstly, it seriously runs close to disrupting the independence of our constitutional



commissions and, secondly, it just absolutely has no merit. I thank you, Madam Speaker.

**Mr. Basdeo Panday** (*Couva North*): Madam Speaker, I rise to second the motion so ably moved by my learned colleague, the Member for Couva South.

I refer, first of all, to the Report of the Elections and Boundaries Commission which was laid on the Table today.

**Madam Speaker:** May I just have a word at this point. I want to apologize to hon. Members. During the "Announcements by the Speaker", I should have mentioned that I instructed the Clerk of the House to circulate to Members a copy of the Election Report which was presented to me by the Chairman of the Elections and Boundaries Commission. I do hope that each Member is now in possession of his or her copy of the report.

**Mr. B. Panday:** Yes, Madam Speaker, and thank you very much. The point I wish to make is that this report is itself justification for the motion. My friend read paragraph 7, but he did not read paragraph 6. Had he read 6—I do not know if he goes backwards—he should have started at 9, if he was reading from page (VI), because that is the last paragraph. I suppose he starts from the last paragraph and goes upwards.

You see, Madam Speaker, the Elections and Boundaries Commission is itself calling for a change of the law. But do you change the law just like that? When you are changing the law, do you not do a comprehensive exercise so that you have the views of the public, you have the views of the members of the Commission, you have the views of the Parliamentarians and so forth, and you have the views of as many people as you can before you embark upon a change of the law which is a very serious matter in this case?

I thought that Government had talked about consultation, and the learned Attorney General exposes the lie and the fraud that is the PNM and this fraudulent approach to consultation. You do not want consultation at all, you want "mamaguy", you want "pappy-show". You want to call people and let them talk knowing in your mind that you are not going to do anything. It is a fraudulence that is going to result in your not being there for long. I was shocked to hear this Attorney General behave in this manner, no wonder he was selected as Attorney General. Obviously, whoever is calling the tune knew he was useless. The arguments put forward by this Attorney General are an absolute disgrace.

Madam Speaker, the Commission says at page (vi):

"The Commission was given a period of 28 days to organise and implement activities for the election on the basis of the time-frame fixed by law for each successive activity leading up to polling day. Notwithstanding the preparatory action which had been taken before the announcement of the date of the election, this period proved to be unmercifully exacting and, in the result, its staff was subjected to long, sustained and gruelling hours of toil to accomplish its task. It is earnestly hoped that such an imposition might be avoided in future elections."

My friend asks what that has to do with the Commission. What the Commission is telling you is that the law as it stands set a time-frame that makes it extremely and unmercifully difficult. They had to work gruelling hours. If people have to work gruelling hours, can you expect them to be competent as if they did not have to work gruelling hours?

So the first point is that there is need for a change in the law to expand the time-frame within which the Elections and Boundaries Commission must operate so that it may do so efficiently, calmly and effectively. That is the first point that should be noted. Let me tell the learned Attorney General that this is the view of the Commission. We spoke to the Commission. There is need for change in the law and the Elections and Boundaries Commission has imposed upon us the duty for changing the law. They were totally right when they told us, "Why do you come to us with these complaints when, in fact, you should have gone to Parliament with those complaints?" We are told to come to Parliament and this is the wrong forum because he does not want to offend somebody. Whoever was responsible for his appointment or whatever it is, now people can see why he is appointed. He is a rubber stamp. He exercises no intelligence on matters that come before him. Maybe this Attorney General has got to be exposed; he is a danger to the society. He would not have made a remark like that had he examined carefully what we were saying.

So first of all do not tell us that this is the wrong forum to come to because the forum to which we went indicated that this was the right forum to which we should come. Do you know why so many names were left out on the list? Names were left out of the list because of the law. It is the law that resulted in names being on the list.

There is a provision in the law, Act No. 26 of 86, Registration (Amendment) Rules 86 and 88. The effect of these rules and amendments, is that as at

December 31, 1986, unless you had reregistered as an elector after July 22, 1985, and before December 31, 1988, then your existing registration record card shall for all purposes be deemed invalid, void and of no effect. We must go and tell the Commission that? Is that the advice of this learned Attorney General? The learned Attorney General tells us that we must take that complaint to the Elections and Boundaries Commission? When the effect of this law is that unless you were reregistered you are automatically deregistered, even if you are entitled to vote, even if they have an ID card, even if your name was on the list—  
[*Interruption*]—

I beg your pardon? Did I hear that? I cannot believe what I am hearing from the other side. God help this country. I cannot believe it. Why do you not do a registration exercise, the PNM did a registration exercise. That is their answer to it. We have a law. We pay civil servants. We vote moneys into this House, we make allocations in order to do our jobs and he says, "Why do you not do it as a political party?" The reason is we do not get support from the conglomerates like you do. That is the reason. God help this country. Look what we have on the other side. That is their response to serious arguments in this House. We are talking about the right to vote, you know.

Madam Speaker, I want to go on. The effect of the present law is your registration card would have been removed from the unit registry, usually called the binder, and you would not be entitled to vote. Now, the answer to that is, let the conglomerates fill your coffers and take that money, pay people, pay enumerators and so forth to go from house to house as a political party that is, and you resolve the problem. You pay taxes only to pay itinerant registers, but that does not matter, you let a political party do that. It is only when you are taking from the conglomerates you could talk like that. If you are not taking you cannot talk like that. It is obvious and clear the road that this Government has taken. It will run the Government from the party with funds received from the conglomerates. That is how it is going to run this country. Every decision taken so far is pointing to that direction: Total sell-out of the country.

The first point I want to make to the learned Attorney General is that this is the place to come, because you first of all have to extend the time as indeed the Elections and Boundaries Commission is itself pleading.

Madam Speaker, it says there are times which are fixed for what is called a provisional list, then the final list and a supplementary list. The supplementary list is generally delivered one or two days before the election, if you are lucky. The Elections and Boundaries Commission cannot do anything about that because the

*Elections And Boundaries Commission*  
[MR. B. PANDAY]

*Friday, February 28, 1992*

law sets a time-frame. The Elections and Boundaries Commission cannot do anything about that because the law sets a time-frame for new lists within a period of two or three days and we are saying, change the law. We are also saying that we do not go to the Elections and Boundaries Commission if we want to change the law, we come here. But we say, do not change the law because of our say so, do not do that. You change the law after there has been an investigation and an enquiry, a consultation. If you feel that the method that is being adopted is wrong, say so and let us amend the motion. No problem with that. But do not come here with these spurious arguments.

I have never heard such an illogical approach to things. Could anybody tell me what he means by the statement that you cannot add up several minor crimes to create a capital offence? A first-year law student would not make a remark like that. A primary school student might not make a remark like that. A primary school student might not make a statement like that. What is the relevance of it? Only an Attorney General could make a statement like that. How is this relevant to what is happening before the House? We all know that you can steal a hundred times, it does not become murder. We know that. You get up to 1,000 traffic offences, it does not become murder. We know that. But what you are saying is, what is happening here is these are mere and minor administrative irregularities and, numerous though they may be, it does not make it a capital offence; that is, it does not warrant what is being asked for in the House, so that this is capital punishment, you see. To set up a commission of enquiry is capital punishment for him, is execution for the Government. What do you mean, then, when you say that by merely adding up several minor offences you do not arrive at a capital offence?

If the administrative irregularities are such that they militate against the objective of the law, then you change the law. I will repeat that. That is more relevant than this nonsense about many little crimes do not make a big crime and so forth. If the irregularities are such that they militate against the objective of the law, you change the law. There is nothing wrong with that, and that is what we are saying.

One of the major complaints that politicians have spoken about is the electoral list. The electoral list is not a minor irregularity. Maybe that is why you do not take any steps to be serious about the Guyanese situation. In the Guyanese situation that has become the most important thing: The integrity of the list. Now, in Guyana it may be that the integrity of the list results from the lack of integrity of those who compile the list. We are not saying that the integrity of our

list has anything is that, as a result of the operation of the law, the object of the law is stultified in that 124,000 names were initially removed from the list as a result of the operation of this law.

There is a big hue and cry and the Elections and Boundaries Commission made their investigations and I think they reduced it to 102,000. The point is there are still 56,000 people who cannot vote. There are people in South Africa who are dying for that right and you simply have their names taken off. It is important that we get the list right so that people who want to vote can vote. We repeat: We are not blaming anybody. We repeat: We are not questioning the integrity of the Elections and Boundaries Commission. You find that inconsistent, I cannot figure why.

I am indebted to the Member for Couva South who has pointed out to me that in Australia there is a similar system to ours. Basically, the Westminster mode, basically the first-past-the-post single-member constituencies and so forth. Same thing about the Elections and Boundaries Commission and that sort of thing. They thought it fit to appoint a public commission of enquiry. What I am trying to tell you is that the fact that you have an Elections and Boundaries Commission does not make it sacrosanct to the point that it is not possible—

**Mr. Sobion:** I wonder if the learned Member would give way, Madam Speaker. I think the Member for Couva North is attempting to misrepresent what I said. I said that the initial recourse, if the operations of the Elections and Boundaries Commission are to be challenged, is via the elections petition. Secondly, if you cannot use that route, and they are matters of substance, you may then think of a commission of enquiry. So I have never ruled out the question of a commission of enquiry, but what I have said is that the matters raised by the Member for Couva South did not constitute sufficient ground for having a commission of enquiry. That is simple and could be understood by all, even school children.

**Mr. B. Panday:** I am extremely happy. He is coming around. He just needs a few right crosses and two more upper cuts and he will be all right. He is coming around.

So that we are now saying—I am glad I am getting him right—he has no objection to a commission of enquiry, first point I am making—I am wrong?

**Mr. Sobion:** You are wrong. But I will not repeat it. If you cannot get it through after the simple explanation, well then, Madam Speaker, I rise no more.

**Mr. B. Panday:** So that he has objections to a commission of enquiry, so I will go back to where I started. I thought what he was trying to tell me is that he has no objection per se, but there was not enough evidence and so on and so forth. That is what I thought he was saying. I thought it was a procedural objection. I did not think it was on principle. So I do not know where he is at the moment; I think I better argue it on both sides.

If you feel that we should come by election petition, I just want to make one point: The good book tells us that "the sabbath was made for man, not man for the sabbath". By that is meant your laws must be so framed that they take into consideration the whole sociological and ideological development and the stage at which your people are at any given time.

#### **4.15 p.m.**

Now, it is either the hon. Attorney General has been living in the sky or that he is so caught up in that little clique, that he operates in, that he does not know what goes on with the grassroot. Our culture is such that people are really very lax with their registration before election. We have what is called "an election season" in Trinidad, where the blood begins to boil. And it is on election day that you see people running helter-skelter, like flies, all over the place looking for their names and they want to vote, only to discover that their names had been taken off the list two years ago because of the law. That is our culture. Do not spit hence the wind, it will blow back in your face. This is our culture. The moment the election is over, our people—and that probably is an asset to us—say, "well the election is finished, that is it." Maybe, that is a good thing. We accept election results. So that people are very loathe and reluctant to come forward to give evidence about election irregularities.

We have a report compiled by the hon. Member for Couva South, and I know the trouble he went through in order to get evidence. You need a statement from someone. He has got statements from people. But there are hundreds of people. I myself saw that. On election day, I went to the Presbyterian School in Felicity, and I saw scores of frustrated people, they could not vote, and so forth. And after election when you say, "come give us the evidence so that we can file an election petition," they say, "ah, the election is finished already, so what!" That is the culture of our people. You do not fly in the face of that.

What you do, is fashion the law so that it has regard for the culture of the people. You have to know, as leaders of this country, what you want to achieve. And what do you want to achieve as leaders of the country? You want to achieve

a system whereby people are given the opportunity to vote. When they are angry on election day, you are going to punish them and say, "I do not care what your culture is; you should obey the law, you should go and re-register and so forth." That is not the culture. They do not do it, and then on election day they are frustrated.

If we have an enquiry, it is matters like these that will come up. We may even have difficulty in getting people to come to give evidence. But if they think that this is a serious matter and there is likely to be change in the election rules they may be prompted to give evidence. I think the learned colleague was totally right when he said, "people do not come forward because they have lost faith in the system."

You know how many people are raped and they do not come to court. Does that mean that you must not take action to protect people who are raped but do not complain? It does not mean that. It could not possibly mean that. If people did not complain about rape, would you abandon the law on rape? That is not the issue. The issue is that the culture of the society is such that it looks upon a woman with some kind of disdain, disrespect, or disregard because she has been raped. That is the culture of the society. So you frame the law that permits her to do it without being disgraced. That is the difference. That is what we are talking about here.

I find it very strange when the hon. Attorney General says that if the Member for Couva South wanted to be taken seriously on this matter he would provide them with the documents. Listen, they say this is the highest court in the land, but, believe me, that is because they say so. This is not a court at all, in the sense that you are using the term. What do you want—an exchange of documents, discovery, filing affidavits, and so on? You mean that he is hiding those documents from you? He does not want to give them to you, and you have to make an application to the court so that you may get them? Surely, say, "Member, it looks as if you have a serious point here, may I see those documents, please?" That is good reason. But no he says if he wants to be taken seriously, he should provide us with the documents.

There are two points I want to make about that. One is, that is a spurious argument in that if you wanted it—I would only take your side if he gives it to the learned Attorney General. And he has not refused; you have not asked. You do not want it because you do not intend to change any law, obviously; and the second point is, most of the points that were made by the learned Member for

Couva South are points which were made by Members of the ruling party. In fact, very little new was said. The statements, the newspaper clippings, as I have heard him mentioned, were that of the hon. Prime Minister, who was then Leader of the Opposition, and the hon. Member for Diego Martin West, who, at that time, was a Senator, complaining bitterly; and justifiably so. Their argument was justifiably so; I have no problem with them for that.

Is the hon. Member saying that the Member here should provide him with photocopies of the newspaper clippings of those complaints? What documents do you want? He disbelieves the complaints of his own Members. Did he read them? Does this Attorney General read newspapers? If statements are made by his own Members, does he believe them? If not, then that is the only thing I think could justify this statement, that if the Member for Couva South wanted to be taken seriously then what he would have done was to provide him with documents.

Madam Speaker, I have already dealt with that point in which he says, if one is concerned about the operations of the Commission there are adequate remedies available—for example, go to the Elections and Boundaries Commission and complain. Parliament is not the forum to raise these matters. Such illogic befuddles, baffles the mind. We have said, and I thought the hon. Member had said, that he is not blaming the Commission. If the Commission was doing something wrong, something perverse, you would go to the Commission so that it would correct its perverse action. What we are saying, is that the law is such that the Commission is forced into a system that violates and militates against the objective of the law and consequently the objectives of democracy.

No motion was filed in the 1986 election report. Although there were minor skirmishes and justifiable irritations, nobody filed an election petition. I have already told the Member that election petition is not our style. We do not do that. We rather grumble, mourn, quarrel, demonstrate, and so on. But it does not negate the complaints of the people. The fact that we did not file an election petition, does that negate every complaint that has been made? Does it mean that they do not exist? That is the question I want to ask the Member. No petition has been filed, therefore you guys are talking nonsense. I just want to ask him: Are you telling me that the fact that no petition has been filed means that all those complaints are untrue? It could not mean that. Because it would mean that the complaints made by his own Members when they were in the Opposition were untrue, and I am sure he does not mean that. The bitter complaints of the Member for Diego Martin West and the Member for San Fernando East, that were read by



my friend from Couva South, if they were so bitter, why did they not file a petition? The answer is obvious: after the election people do not care.

**4.25 p.m.**

Oh you won it, that is why you did not—I see. If you win it, that is all right; if you lose it, then you have to file a petition. Did they complain to the Elections and Boundaries Commission? I want to ask the learned Attorney General, what is drastic about the step that is being taken? Kindly tell me and tell this country, what is drastic about the request for an enquiry so that we may be better equipped to change the law. Tell me what is drastic, what is draconian about that? Does the Member prefer that we have a joint select committee of Parliament to look into this matter? If so, tell us that you believe that is the better system—tell us that. Because the object has got to be for us to remove those irritants. *[Interruption]* You hear the attitude? “Is your motion.” Because its “we” motion, vote against it. It does not matter what happens to the country, and to democracy, or what happens to the people; it does not matter how frustrated they are; it is our motion. Maybe it is tragic that some people have a smattering of legal knowledge. They do not know where and when to apply it.

**Mr. Sudama:** A little knowledge is a dangerous thing.

**Mr. B. Panday:** In court you may tell the other side that is your case, you prove your case. But Madam, even in the courts of law where the situation is of an adversarial nature, the prosecution is entitled to bring all the evidence before the court; the lawyer on the other side is not supposed to hide things from the court. It is not a case of your motion, and you do what you want, lose it if you want. This is not what is happening before this House. What is happening before this House is that we are saying that we, as well as you on that side, have both complained about the irritations and irregularities, if that is what they are, in the electoral system. Let us get together and remove those irregularities. What is draconian and drastic about that? If the Member's procedure is too harsh—a public enquiry—then suggest a private enquiry, but suggest something. Because not to do so would be tantamount to saying we condone those irregularities, we do not want to deal with them.

We disagree with the Elections and Boundaries Commission that the law creates a time-frame within which they cannot operate effectively. Madam Speaker, if we should have an enquiry, an investigation, as I say, there are so many suggestions that can come up from the rank and file of the people as to what we can do. For example, maybe there should be on the Elections and

*Elections And Boundaries Commission*  
[MR. B. PANDAY]

*Friday, February 28, 1992*

Boundaries Commission somebody from the Registrar of Births and Deaths, so that everybody who is born is put upon the register, so that when he reaches 18 he automatically votes; maybe we should have somebody responsible for the registration of deaths so that when someone dies the name is taken off the list. All kinds of provisions can be made to remove these irritations of which we speak. Why is the Government resisting us? Why? I find it extremely difficult to understand that.

**Mr. Maharaj:** They want to use the process, you see, they want to use it, abuse it.

**Mr. B. Panday:** “What you need is a system of public education”. That statement demonstrates a total lack of understanding of the problems that face the people. Education is not going to expand the time-frame at all. Education is not going to solve the issue of having what is called a revised list two days before the election, or sometimes one day before the election.

**Mr. Sudama:** It is not going to change the culture overnight.

**Mr. B. Panday:** Exactly, it would not change the culture overnight. So that, yes, I would accept, as the Member rightly says, that there is need for public education, of course. There is also need for other things. And that is what this motion is about. It is about setting the stage. As a matter of fact a public enquiry is itself a form of public education. When there is a public enquiry, people receive education by the facts of the enquiry; it is reporting; encouraging people to give evidence; the giving of evidence.

**Mr. Maharaj:** Public participation.

**Mr. B. Panday:** That's right, the public participation. It is probably the best form of education. I do not know if the Member thinks we should introduce this as part of the school curriculum, maybe that is what he is thinking. So that I ask the hon. Minister and Members on that side, for once in their life be true to themselves and say yes, we complained when we were there; yes, we have a problem in this country; yes, we want it solved, and for once in their life let us get together and solve it.

**Madam Speaker:** The sitting is now suspended and will be resumed at 5.00 p.m.

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

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

**The Minister of Agriculture, Land and Marine Resources (Dr. The Hon. Keith Rowley):** Madam Speaker, permit me to congratulate the Member for Ortoire/Mayaro on his very excellent contribution, which was his maiden speech in this House. I think he has demonstrated his mettle to the extent that it has ribbed my friend from Couva North, so that he decided to take him on in this debate.

I enjoy presentations from the Member for Couva North because I admire good acting, and he is, in fact, a very good actor. But a pattern is developing in this House that the Member for Couva South draws the curtain and the Member for Couva North begins to act. But I look forward to many years of that, because as I said, I enjoy it. You see, we started off with a motion filed by the Member for Couva South, and it must be seen for what it is worth. There is a background to this motion, which is, that we have had in this country over the years, a number of elections, local and general, and consistently, regardless of who is in government or who is in opposition, or the names of the parties, as the case might be, we have been having administrative problems of various intensities on election day.

The Member for Couva South, in seeking to present his motion, in fact, demonstrated that he can collate information, which is the first prerequisite for good research. But good research requires that as you collate the information and you analyze it, the analysis must bear scrutiny. I was not impressed with the trotting out of quotations from who said what, because we are not disputing the fact that there have been problems on election days.

The Member was at length quoting an article in which I was involved about a year ago, when I was concerned, the same concerns that the Member used to bring this motion. The matter was, if the elections were called, there would be many persons who would turn up at polling stations and would not be allowed to vote. That was no secret.

The reason for this was that over the years we have had an electoral list with many names on it which ought not to have been there, because people might have died; they might have moved from their constituencies; migrated, and so on. In 1985, after years of complaints against the state of the list—and these complaints were very valid—because it is that list that is used to determine the constituencies, the boundaries of constituencies. So if the list is inaccurate, then you have a different kind of problem. The configuration of constituencies can be

expressed in an incorrect manner, and would be an injustice, probably as big or bigger than not being allowed to vote.

So over the years we have had this problem. In 1985, a re-registration process was started. The intention was—and to put it in simple language—to clean up the list. A period of time was given over which this action should take place. We have had elections in between. But then the Commission took the position that there is a cut-off date, and if you did not re-register, the fact of the matter is, you come to the polling station, if your name is not on the re-registered list, even though we accept that you are here and you are present, you are termed valid—there is a funny phrase they use. Anyway, the fact is, “we know you are here, but you cannot vote, because you did not comply with the law”.

At the time we noticed that the Commission was saying that 127,000 names were removed from the list. Our first reaction was that, well, this is good, because the list is now cleaned up, because they have removed 127,000 names, which ought not to have been there, people who are deceased, emigrants and so forth. The fact is, when we, as a serious political party, started to check out the work of the Commission, we discovered that in the 127,000 were a large number of persons who were present in the country and accounted for in constituencies. What was worse, was that a large number of these persons were unaware that their names were removed from the list.

So we went to the Commission and we said, “Are you aware that this is the situation?” The Commission said, “yes, we are aware, but we have taken steps; we have written to people; we have tried to ask them to come in; we have sent people out in the field, and we are not getting the co-operation of the public in cleaning up the list, the same list which was not clean, which was causing the problem. Now that the effort was being made to clean up the list, we are doing what we can within the constraints of our resources and we are not getting the co-operation of the public. We now have no recourse but to use the letter of the law which permits us, the Commission, to say, ‘if you do not comply with the registration exercise, you will be denied the opportunity to vote.’”

As the Member for Couva South pointed out in the article, where he quoted me talking to the *TNT Mirror*, the argument we made to the Commission was this, as the Member for Couva North said: The sabbath was made for man. So we said to the Commission—the point I am making, you said that to the Commission on Wednesday; we said that to the Commission a year ago. Because while we were really concerned about people being allowed to vote and about democracy, he

was busy running from Naparima to Caroni Central. He was not concerned then. We were concerned as far as a year ago, and we took this matter to the Commission, as a serious political party, and we said to the Commission, that if you pursue this line—to quote my friend from Couva South, this legalistic line—what is going to happen is that on polling day you are going to have large numbers of people coming to the polling station and not being allowed to vote, and this would damage the credibility of our electoral process because people will not accept the results, because they will believe that the results did not truly reflect the will of the people.

So even though the law permits you to do that, we say, please, do not do that. And our first position was—at the time we were in a state of flux for a long time in the last year and a half or so; every day, elections were due anytime now. We kept saying to the Commission, if an election is called at short notice, this problem will endanger our electoral process, its credibility. So we said to the Commission, we are suggesting that even as we agree that the list must be cleaned up, if an election is called in the very near future, putting the purpose of the electoral process and its credibility on a higher plane, it should permit people to vote on the old list, including people in that 127,000.

**5.15 p.m.**

The Commission argued against that as an expedient which would undo all the work that it had done with respect to cleaning up the list to that stage. The Commission was adamant that it was not acceptable and it would not comply with that request. The alternative was to comply so we asked the Commission if it could see within its resources the means to mount a campaign to inform those people whose names were off the list and who were unaware that they are off the list, and to encourage them to re-register and to make it easy by going to them, setting up sub-centres, publicizing it and working to improve the registration. That basically was the ultimate goal of the exercise. The Commission agreed and we offered and invited other political parties to join us in assisting the Commission to complete that registration exercise so that at the end of the day there would be a clean electoral list for the conduct of elections in Trinidad and Tobago in which we all could be pleased. The PNM set out to take part in that.

**Mr. Sudama:** Why do you have an Elections and Boundaries Commission?

**Dr. Rowley:** It is not a question of why you have an Elections and Boundaries Commission. It is a question that the Commission has a problem, the country has a problem, we have a problem; you only now have a problem and we

said we could assist you in solving it. What we did in our party—because we have a party, 35 years old this year—we went out there and mobilized almost 2,000 persons on a particular day as a national exercise using the mechanism available to us through the media to sensitize the public thereby assisting the Commission. We did not assume the Commission's responsibility. We assisted the Commission in finding a large number of those persons. So the number was reduced from 127,000 to 65,000, to something substantially lower.

The by-election in Diego Martin Central had us very concerned because this was the first election which was being conducted in the country after the Commission had taken the position that if you were not re-registered you would not be allowed to vote. We used that by-election as a barometer to see what the position would be and as he quoted from an article in the *Guardian* where my colleague, the hon. Member for Diego Martin East was at the time a contributor, we were able to identify that almost 1,000 persons turned up at various polling stations and for more reasons than one were denied an opportunity to vote, most of them, because they were not re-registered. So we were able to go to the Commission and say that if the election is called within a week, given that situation, it appeared as though about 36,000 persons would be denied the opportunity to vote. We said it is untenable in a small country like ours that you can have 30,000 odd people coming to vote and being turned away because they did not register and because in many instances they were unaware they were off the list.

The Commission intensified its drive and we also intensified our drive and I presumed others in the community, other political parties got involved at that stage. The end result is we are being told today that approximately 12,000 persons did not get the opportunity to vote. I presume that the 12,000 apply to 12,000 persons across the country, because I presume that the Member for Couva South was speaking about the whole country and not for his constituency or any similar situation.

The point I am making is that the ultimate goal was to have an updated electoral list in which we can be totally satisfied. And beginning early last year when we began with about 127,000, to be told today that about 12,000 people were involved—I do not know if the figure is correct but I would not dispute it. It might very well be so. In fact, it might very well be correct.

**Mr. Mohammed:** I do not think the hon. Member for Couva South was saying in effect that the whole country was involved in these names of 12,000

quoted. What I understood the hon. Member for Couva South to be saying was that the UNC missed being the Government by 12,000 votes. Not the point the Member for Diego Martin West is making.

**Dr. Rowley:** Thanks for the clarification. Anyway the fact of the matter is—I had better stick to my own information, I was trying to use his information.

In the constituency of Diego Martin West when the position was taken and the number was 127,000 names off the list, at that time the Commission made available to the country the list of those names taken off by constituencies and the constituency of Diego Martin West had lost more electors than any other constituency in the country with respect to names removed from the list. Approximately 4,000 persons had their names removed from the list.

Madam Speaker, I am pleased to report that even comparing the situation with what existed in the Diego Martin Central by-election one year before, where we had about 1,000 persons not being allowed to vote, in 1991 by our estimation there were less than 100 persons who had that kind of problem. The point I was making, yes, there was some element of that problem but not on the monumental scale as to warrant the comment which says that the UNC would have won the election because of something that the Commission did or did not do. You see the Member for Couva South prefaced his presentation here this afternoon by saying that the UNC would have won the election.

**Mr. Maharaj:** Madam Speaker, not that I have any doubt that the UNC would have won the election, if there were no irregularities. However, the motion was not put on that basis. The motion was put on the basis that these irregularities could be critical and maybe the results could have been different if these irregularities did not occur. There is a big distinction in saying—I could not have made that statement on the basis of this motion and the *Hansard* is here—that this motion is based on the fact that whoever won the election is totally immaterial. The fact of the matter is that there are irregularities and we ought to do something about them.

**Dr. Rowley:** Madam Speaker, the Member for Couva South was quoted in the newspapers very soon after the election results were known. The Member for Couva South was quoted in the national press—and I have seen no denial so I presume that he was correctly quoted—that there is a likelihood of matters being taken to court because of actions on polling day which caused a result which he did not accept.

**Mr. Maharaj:** If my friend will be making quotations from a newspaper he should walk with it so that we could see because I have no recollection of saying that. If my friend wants to know what I said I could tell him. I said that the UNC was considering filing legal proceedings, elections petitions having regard to the complaints.

**Dr. Rowley:** From my understanding, the purpose of an election petition is to change the results. When you get a result as announced by the presiding officer you do not file a petition if you win. If you lose you file a petition because you do not accept that you have lost and lost properly. If something is wrong and you felt you did not have a fair chance and can identify what was wrong you could go to the court, file a petition showing the court where you were wrong and then the potential is there to reverse the presiding officer's position. I am no lawyer but that is how I understand it.

**Mr. Maharaj:** Madam Speaker, on a point of order. That is not an election petition. An election petition is where the person can show that there were irregularities and that the irregularities were responsible for the Member not getting the seat. He must show not only that there were irregularities but that the irregularities were responsible for his not getting the seat.

**Dr. Rowley:** The same thing! The purpose of the petition is not to reinforce the result. That is the point I am making. The purpose of an election petition is to question the result. The Member for Couva South was quoted in the press, and I am paraphrasing here, as questioning the results indicating that action might be taken. So when he files a motion against that background asking for a commission of enquiry into the Elections and Boundaries Commission and then he comes to the Parliament and takes the position that the UNC would or could have been the Government, I have to see the motion for what it is.

**5.25 p.m.**

The motion really reinforces a position which was said in this Parliament. Notwithstanding the fact that the people in this country voted for the PNM Government, Members on the other side have been taking the position that the Government is a minority government because they and the NAR are more than we. That is their position. They have been seeking to give the impression that the Government of Trinidad and Tobago, with 21 out of 36 seats, is a minority government. I am quoting the Member for Couva North.



All this motion does is seek to reinforce that point of view and, as my learned friend, the Member for Ortoire/Mayaro, the excellent Attorney General, got up and said when he very elegantly put the point, they started with bellyaching election night, to “ole” talk in the papers, until it got into *Hansard* that they could have won the election but something happened on election day and they did not win. That is what it is all about. They have brought their spurious allegation into the Parliament that they would have won the election had it not been for problems on election day. What they are doing is casting aspersions on the Elections and Boundaries Commission, on an electoral process in this country that is not perfect, but is far from that kind of system.

When the Attorney General responded as beautifully as he did presenting the case to the Member for Couva South who drew the curtain, the actor from Couva North got up and sought to shift the argument from that position taken, where the problem was the Elections and Boundaries Commission. When the motion started, in the context in which it came to the House, the problem was with the Elections and Boundaries Commission. By the time the Attorney General replied as properly as he did, the Member for Couva North very elegantly danced the motion into changing the law. Nowhere in the motion is there any indication that there are problems with the law; nowhere in the presenter’s discourse did he say that that was the substance of it, but when he got his come-uppance from the Attorney General, the Member for Couva North used his style to seek to give the impression that the Attorney General is somebody else’s appointment. Apparently, he wanted to appoint an Attorney General and did not get the opportunity to deliver, so he has a problem that somebody else appointed the Member for Ortoire/Mayaro and he has started saying, “it should have been me”.

**Mr. B. Panday:** I do not think I have found myself in the position of the Member for San Fernando East.

**Dr. Rowley:** One thing I admire about the Member for Couva North, he never misses a step. That is how he danced the motion from the Elections and Boundaries Commission to the law, and then he was not satisfied with that, he proceeded to speak for the Members on this side. He proceeded to say that when we were in the Opposition we were saying one thing and now that we are in Government, we are saying something else. Madam Speaker, every Member on this side can speak for himself or herself. Nobody on this side challenged any of the evidence as presented by the mover of the motion, the Member for Couva South, because he is recent in this matter. He came in here on, December 16? Madam Speaker, does the Member for Caroni East want to speak?

**Mr. Mohammed:** Could the hon. Minister say how he proposes to bring some changes to alleviate all the complaints that we are having?

**Dr. Rowley:** That is the point I was making. He proceeded to speak for the Members on this side. I will speak for myself, and Madam Speaker, with your approval, I will use the time that you have given me to speak for myself. The Member for Caroni East is free to speak for himself on his time.

The point I was making is that the evidence as presented by the mover of the motion was not challenged on this side because nowhere in this country can you find a body of persons more familiar with the details of those developments than all 36 Members in this House because, having been directly involved in the elections we can substantiate what the Member said. There were problems with the list, there were problems with inexperienced officers, there were problems with ink and paper and things like that. These are the administrative problems that bedeviled the system from time immemorial and we are saying that they are problems which can be solved and ought to be addressed, not by coming to the Parliament and asking for a commission of enquiry into the Commission. What the Attorney General was saying is that there are other ways of addressing the discrepancies as outlined by the Commission.

Let me give an example. One of the complaints is that the polling was slow, the officers were inexperienced—it was not said here today, but I think I saw quotations from the Member for Couva North saying that some people were insulted. Even he was insulted. One has to understand that the Commission has a permanent staff and coming towards election time it recruits a large number of temporary staff to conduct the election.

**5.35 p.m.**

The staff is recruited from the people of Trinidad and Tobago. So it is quite feasible that among those recruited you will have all shades and pale of people. Also, on the basis of the kinds of budget the Commission has, the Commission appoints staff at different levels. A certain level of trained person would be appointed at the presiding officer's level and then you have poll clerks and people like that at another level being paid at a different level. Of course, what the Member for Couva North described in some of the polling stations with respect to treatment of the electorate by these people, much of it has to do with the quality of training. The quality of training is a function in some cases of the length of time a person has been exposed to training and also the starting material. That can

be addressed by affording the Commission the resources to hire a higher quality of personnel and also to expose them to a longer period of training.

Now, you must remember, Madam Speaker, the Commission does not set elections, the Prime Minister does that. The period of training logically and reasonably would relate to the coming of an election. So the Commission is put in a position where, by virtue of the nature of our electoral system and process it has this constraint of a period of activity. Because if it trains in January of 1992, and the election is called in 1995, what is the use? So if we extend the period of training and we hire better quality personnel in terms of their training and so on, you probably would not get insults and that sort of thing. You would get some more competence at the polling table, but it is going to cost money. The elections are important enough to cause us to want to spend money to ensure that the process is free and fair and is seen to be free and fair.

Over the years, the expenditure has been increased. I have seen where in 1990 the Commission was allocated \$9.4 million; 1991, an election year, \$17.9 million; and for 1992, where a local election is possibly due, it went down to \$14.4 million.

Now, we are of the view, on this side, like the Member for Couva South, who started off by saying he did not question the integrity nor the impartiality of the commission, what he did not say is that he did not question the competence. By not saying that, we are at one, eye to eye. The problem is not integrity, the problem is not impartiality, the problem has to do with competence on the day of election. That can be addressed by putting resources to the Commission. The Member for Couva North, when he shifted the argument to the law, my position on that is this: to agree with the Attorney General.

You see, Madam Speaker, when you get the better of it, the system is okay. When you are on the other side, something is wrong with it. I am speaking for the Member for Couva North. Because, you see, no election in this country ever dealt a blow to a political party like the PNM was dealt in 1986: 36 seats up for grabs, the PNM won three seats. We lost one seat by 109 votes. Nowhere did you hear the PNM going about saying that the result was something which developed as a result of the Elections and Boundaries Commission's shortcoming.

You see, I am drawing the line between the PNM on this side, in Government and those on the other side. We agree that there are problems with the electoral system. We agree that there is need for improvement. Where we do not agree is to seek to give the impression that those difficulties are such that they have changed

the outcome of an election in this country. The PNM takes no such position. The PNM's position is that we do not require a commission of enquiry to address these problems. For example, the Attorney General spoke about petitions. The last election in which there were petitions with respect to the conduct of elections was 1961.

Let me read for you, Madam Speaker, from the report on the general election in 1961, page 76:

"The grounds on which these petitions were based were drawn on identical lines."

The last time petitions were filed in this country, point number one was that:

"Many of the persons registered on election day under the registration rules were not properly registered and should not have been allowed to vote."

That was 30 years ago. That was the irregularity. Thirty years later, after winning an election 33 seats to three, you lose 13 to 23, you are arguing that you should go back to the election which was the basis on which your original petitions were filed, that people who were not properly registered should have been allowed to vote.

I say, Madam Speaker, it was that argument which caused us on this side to say yes, we must proceed with the registration, and as we proceed with registration and we make the list tighter and cleaner, the main ground for complaint as it was in 1961, as it was in 1990, as it is in 1992, will be eliminated. That is why we gave way to the Commission's position when we made that argument that people should be allowed to vote if they are not registered. We eventually gave way to the Commission's position that the best thing to do is to get the list updated.

Madam Speaker, the Member for Couva North quite correctly pointed to cultural behaviour in the country. As a candidate, I was involved in assisting in getting persons registered. Responsibility is two-sided; we do not have compulsory registration in this country, maybe we should have it. I support the proposal from the Member for Couva North that as soon as you are born in this country, your name should be put on a list and that when you are 18 you are automatically put on the voters' list. That is one way of improving the situation. If you are born in this country, you automatically go on the list and any other action taken which gives you the right to vote in this country should automatically put

you on the voters' list. This would also prevent people who were not born here and who are not properly documented here from getting on the list.

**Mr. Sudama:** Would the Member give way to a question? Would he make that recommendation to the Elections and Boundaries Commission on behalf of his political party?

**Dr. Rowley:** Madam Speaker, I prefaced my argument by saying that we are all at one that there are problems with the list. The suggestion came from the Member for Couva North, and I am saying I support that position. That will assist in improving the list, because I do not want to lose sight of the objective: The objective is to have a properly updated electoral list and then many of the problems listed in 1961 and 1991 will disappear. That is the point I am making.

Madam Speaker, we have amongst us a number of persons who do not accept that we have some measure of responsibility in the processes of this country. Whether it is in driving on the correct side of the road or getting yourself registered, we have amongst us a fair number of persons whose attitude does not help us. I have been to persons with the list and you say, "Look, your name is off the list. The position for the coming election is that if you are not registered and your name does not appear here, you cannot vote." "You mad? I voting since I born here. They cannot take my name off there." "I am saying you are off the list, please go and get registered." They are blaming the Government, they are blaming the Prime Minister.

That kind of behaviour was not confined to the unemployed person of secondary school education or primary school education. I have met people who had university training, to whom you would explain and to make aware that the process has taken their name off, and then they turn up on polling day and say to you, "But I have to vote, here is my passport. I have a passport I must be allowed to vote." They refuse to accept that there are systems in place and they have a measure of responsibility to comply with the system.

All I am saying is that we need to encourage such persons. If we are not going to have compulsory registration, we need to encourage such persons to co-operate with the system so as to eliminate the outcome of those same persons turning up on polling day crying to the high heavens that they have been disenfranchised. We also need to provide the Commission with greater resources to allow the process to continue on a more ongoing basis until such time as we are happy that

the list is 98, 99, 100 per cent complete. Because without the resources, with the best will in the world, the Commission would not be able to discharge its duties to the full satisfaction of all of us.

I say, Madam Speaker, to eliminate from this debate, for the benefit of all, any feeling that the difficulties as described by the Member for Couva South had something to do with intent and involvement of the Commission in seeking to affect the outcome.

When the Member for Couva South moved the motion he quoted from an article in my name, even though we have had a record in this country of free and fair elections with some niggling problems on polling day, we were particularly concerned last year when a document came into our hand from a high official of the ruling party, addressed to the Prime Minister of the country, who was at that time absolutely desperate. The document outlined in detail how an election could and should be rigged. The very first recommendation in that document was that the Prime Minister, if he wishes to be the Prime Minister after the next election, must move heaven and earth to ensure that his party has a say in the choosing of presiding officers for the upcoming general election. We became very concerned then, because when we looked at the plan, the plan could have worked, providing they had managed to get that first proviso in place.

So when I saw in the newspapers that the party from which the mover of the motion came is quoted as saying that the political parties must have a say in the choosing of presiding officers, all parties must have a say, I got particularly concerned. If you think this motion outlines allegations, difficulties, aspersions, and that is a problem, wait until any such thing happens in this country where political parties interfere in the selection process for an election and after the election then you will hear. Because if the political parties have to get involved in that selection, immediately that prejudices the independence of the Commission, the very root of the impartiality.

Political parties accept that the Commission has no axe to grind and the Commission would select persons based on their competence or their availability and will accept responsibility for the behaviour of those persons. The minute you come and tell me political parties are to get involved, what are you going to tell me? That NJAC will support the PNM nominee? Or are we going to get a quota system or a veto system? I am only opening the scenario that will develop if you permit political parties to interfere in the Commission. Because, after a while, you will see nobody is okay for anybody. So you either walk away and grumble that

they selected somebody you did not like, or you know they selected people on the basis of the say-so or the approval of another party, and therefore, that person is working in polling station X and you lose there and the accusation is that that person had a hand in it.

Madam Speaker, I am saying that this Government will have grave difficulty in entertaining any such thought, because we see it not as an improvement in the process, but as a dagger in the heart of the process. There are many points on which we agree and there are many points on which we clearly disagree. One is that we are saying, in summary that, yes, we have a Commission which is independent and has been so for the longest while and has served us in good stead.

I was very proud indeed when Namibia was granted independence and Trinidad and Tobago provided Namibia with 40 persons from political parties and the Commission itself to go to Namibia and assist them in getting their first free and fair election going. We have a system here which we must cherish and improve, not cry down and talk down. When you give the impression that you did not win because of something to do with the Commission, the effect of that is to put the Commission in a certain position.

I am saying, Madam Speaker, that there are problems that we are all aware of, which we do not dispute. If there was a dispute over what the problems were, if there was a dispute over how things developed, I would have been the first to support this motion and say let us have an enquiry to find out what is causing this.

If the Member's motion did anything, it was to demonstrate to us that since 1961, we have been aware of the problems. I am saying to you, Madam Speaker, that insofar as the problems are largely administrative, there is no point in coming here and telling me that nothing has been done, because when it worked well for you in 1986, there was nothing wrong with the Commission or the system.

**Madam Speaker:** The hon. Member's speaking time has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [*Hon. K. Valley*]

*Question put and agreed to.*

**Dr. Rowley:** Madam Speaker. I want to thank hon. Members. I shall wind up immediately.

In short, we are saying that we are aware of the problems; every elector is aware of the problems. We believe the problems are largely administrative. There is no need to put the Commission through a public enquiry to find out what we already know. What we can do is to address the problems by a variety of means, one of which is to provide the Commission with a greater body of resources.

With respect to the need for changing the law so as to permit the Commission more time, I do not think there is any body of persons in this country who can adjudicate as intelligently, I hope, on these constraints with the law than this House. If there is need for legislation, there is no need for a public enquiry to determine that legislation. I thank you, Madam Speaker.

**Mr. Trevor Sudama** (*Oropouche*): Madam Speaker, I would not have intervened in this debate, but for the attitude displayed by the Member for Diego Martin West. Because here he was talking about agreeing with certain proposals and propositions and when I asked him, if he would be willing to make those recommendations on behalf of your political party to the Elections and Boundaries Commission, he would not answer and he became offensive in the process. Will you do it or will you not do it?

**Dr. Rowley:** Madam Speaker, on a point of order.

**Madam Speaker:** Gentlemen, I think both of you are very experienced to know that only one Member should stand at a time.

**Dr. Rowley:** On a point of order. The Member for Oropouche makes a habit of misrepresenting people. I cannot accept that the Member for Oropouche can put on the record in *Hansard* that I became offensive in this august House. I seek your protection.

**Madam Speaker:** I saw no signs of offensiveness.

**Mr. Sudama:** He was not offensive, Madam Speaker, he was just obstreperous. But that is the talk we get from the other side: Yes, this is a good idea. They have been there for 30 years plus a few months now and you are coming to tell this House that they knew of the problem since 1961, but have done nothing about it. They come here to this House saying well, this motion is out of order. Precisely the attitude we face now.

Madam Speaker, I want to draw the attention of this House to one issue in the 1961 general election. You will recall the first time that voting machines were brought into this country was in 1961. What was the motivation for bringing



voting machines into Trinidad and Tobago? At that point in time we had possibly about 350,000 registered voters. If there is a question of impersonation, how does the voting machine prevent that? The question is a question of proper identification, which is a problem with any system. But I shall tell you why the voting machine was introduced into Trinidad and Tobago.

**Madam Speaker:** The hon. Member will have to give way at this stage because a motion on the adjournment was stood over until six o'clock.

**PUBLIC UTILITIES  
(T&TEC & WASA)**

**Mr. Raymond Palackdharrysingh** (*Caroni Central*): Madam Speaker, let me thank Members on this side of the House for finding it important enough to support my motion. Let me assure you that I am speaking, also, for many of those on the other side whose ropes have been shortened.

Madam Speaker, I want to bring back some focus on the matter before the House, merely to repeat what I said in the beginning. In the light of the current crisis in the nation's public utilities, specifically T&TEC and WASA and its implications for the welfare of the national community, I hereby seek your leave to move the adjournment of the House on a matter of definite urgent public importance. I stated that the matter is definite because the breakdown of these utilities has adversely affected a large number of citizens of this country with many areas suffering from water shortages and erratic electricity supplies, for example, Londonville, Las Lomas, Laventille and about 400 other areas.

I also stated, Madam Speaker, that it is urgent because water and electricity are universally acknowledged as basic necessities in any civilized society and the deprivation of these amenities has served to impact negatively on the nation's productivity, education and health systems, especially given the imminent threat of a cholera epidemic. It is of public importance because the denial of these essential services constitutes a violation of the basic constitutional right to life of the citizens of this country.

Madam Speaker, I just want to point out that nowhere in that presentation was the focus only on water or WASA alone.

I want to start off with a headline in the *Daily Express* on Wednesday, February 26, 1992: "Lights go out in 400 areas". Madam Speaker, can you imagine 400 areas in this country without electricity and what that means to the security of our population, to their safety, their comfort and their total way of

*Public Utilities (T&TEC and WASA)*  
[MR. PALACKDHARRYSINGH]

*Friday, February 28, 1992*

life? Four hundred areas in this country is quite a significant amount in terms of our own size. So the entire country is affected by the inadequate provision of a basic supply.

**6.05 p.m.**

But more than that, Madam Speaker, this utility, electricity, has what could be considered a spiralling or a rippling effect with respect to other problems. If electricity goes out, it is likely that a number of other services would be affected. For example, water stations, business places, places of employment, all these other areas would be affected. In that regard, I think that the citizens of this country would be experiencing extreme difficulty because the Government of the day does not have the will to find solutions to any of the problems.

Madam Speaker, let me quote from the *Trinidad Guardian* of Thursday, February 27, 1992:

"Power problems bring water woes to Central:

Six villages in Central Trinidad have been without water for five days . . ."

**Madam Speaker:** Could the hon. Member state the page?

**Mr. Palackdharrysingh:** Page 1 of the *Trinidad Guardian* of Thursday, February 27, 1992. I quote:

"Six villages in Central Trinidad have been without water for five days; one of the results of the current industrial unrest of the Trinidad and Tobago Electricity Commission. Affected are residents of Upper Caparo, Todd's Road, Brasso, Mamoral, Chase Village and Flanagin Town. Yesterday the Guardian received several calls from residents of the affected areas of Central Trinidad complaining about the water shortages, particularly in the light of the current cholera threat. A spokesperson for the area said, 'Parents are keeping their children from school.' He also said, 'residents have to pay for water.'"

Madam Speaker, just let me highlight that while there is a general breakdown of the service throughout Trinidad and Tobago the area of Central Trinidad, particularly represented by myself and the hon. Member for Caroni East, has been affected most seriously because there has been a massive disruption of electricity supply in the Montrose, Enterprise and Longdenville areas, and immediately it could be estimated that about 10,000 residents from Enterprise, Longdenville, Montrose, Caparo, Flanagin Town, and some of the other surrounding areas, are

affected, and this has been happening since Monday morning. I made attempts to speak to members of T&TEC. I informed them both at Point Lisas, the local area, and Port of Spain, and it is my information that the hon. Member for Caroni East did the same—I am afraid to state that nothing has been done to really alleviate the plight of residents in those areas. People are becoming openly hostile and aggressive because they perceive that their fundamental right to basic comfortable living has been denied them.

Madam Speaker, again, on page 5 of the *Express* of Wednesday February 26, 1992:

"Fallen poles knock out power in Central."

That has been documented in the press.

On page 3 of the *Trinidad Guardian* of Wednesday, February 26, 1992:

"Power outages in South and East."

On page 6 of the *Express* of Wednesday, February 26, 1992:

"Cholera threat shows up problems at WASA."

Madam Speaker, permit me to quote a section of this because I think it is important. I quote:

"It is becoming clear that the cholera scare has shown up serious deficiencies in waste-water control, distribution of safe water supplies, and disposal of faecal waste, which have existed for some time and about which little, or nothing, has been done.

Speaking on TTT's "Issues Live" on Monday evening, Dr. Lester Forde, WASA's Chief Engineer, Water Management, pointed out that the free-flowing sewage, for instance, was caused by problems at water treatment plants. With poorly functioning plants, the cholera threat would be exacerbated, but these plants were non-functional even before there was a cholera threat in Peru months ago."

He goes on to say:

"There has been no major capital spending on the main waste-water treatment plants in Arima, San Fernando, or Port-of-Spain since the time of the Lock Joint project 25 years ago and they had 'exceeded their design life,' Forde said.

*Public Utilities (T&TEC and WASA)*  
[MR. PALACKDHARRYSINGH]

*Friday, February 28, 1992*

In addition, the whole water distribution system, including pipelines, was ageing and there had only been funds for 'ribbon-cutting amenities' opened by politicians. There was a critical need to replace mains as an ongoing exercise. Parts of the Hollis system, for example, were laid down in 1936. All this would certainly add to the cholera crisis if it came.

There were also peripheral issues like the need for 'positive pressure to prevent backflow contamination in pipes.' This meant that when T&TEC had a power cut, for instance, the water mains emptied with possibility of backflow of contaminated water into the pipes."

Madam Speaker, just recently several schools in the Caroni Central district had to be closed down because of contamination of their water supplies. Some of those schools were Preysal Government, Palmiste Government, Longdenville Government and Lendore Hindu School.

### **6.15 p.m.**

You see, Madam Speaker, it is becoming very obvious that there is a serious crisis in the country and the Government has lacked the will to effectively control any of the exacerbation of this crisis. Therefore, I think, Madam Speaker, the country has to be told what is going on and what is in their best interest and, probably, when they can rest assured that some of their fears would not become realities in this country. Madam Speaker, here on page 26 of the *Guardian* on Wednesday February 19, 1992—"Sewage Plants in TT Defective". I quote:

"Surveys show well over two-thirds of the existing sewage plants in the country are defective, Siung-Chang said. These amount to well over 100, most of which are privately owned are on housing schemes or are attached to hotels. The problem areas are those where there are package treatment plants close to shore which discharge wastes without treatment. They are mainly in Tobago, but also include small plants in Trinidad. WASA is supposed to take over and operate them, but only if they are in good working condition. Many are not,' she said. "

Also it is pointed out that there are pit latrines in Caroni and when there is flooding it gives rise to the possibility of disease in the area. Madam Speaker, at the moment we are caught in what is called the "Carnival spirit" in the country; and it is the national festival in which many people do not think twice to get involved. One has to be extremely concerned when we see on page 2 of the

*Express* of Tuesday, February 25, 1992: "T&TEC workers' threat: blackout for Carnival"

"Workers of the Trinidad and Tobago Electricity Commission (T&TEC) yesterday threatened a blackout for Carnival if negotiations with the Commission failed to result in increases in wages, salaries and travelling allowances."

So, Madam Speaker, the point is that it is incumbent upon the Government to make a statement to the population with respect to the imminence of cholera, and its real possibility during the Carnival days, because many people would have their guard down and it would be the responsibility of Government and, of course other persons, to indicate to the population at large and even to our visitors that the situation is touch and go and there might be the need, probably, to take what is called necessary actions for the prevention of any sort of epidemic during the Carnival season.

So, Madam Speaker, I think that as we go out of this Chamber and interact in the community, the cry is the same, whether we are in the Opposition or on the Government Benches, and this is why I am saying I am talking for those Members who have ropes tied to them and cannot go very far. But I am also talking for them today.

**Mr. Mohammed:** We have a crisis on our hands.

**Mr. Palackdharrysingh:** I hope that the Government would give this urgent and serious consideration and would make a statement to the nation, giving solutions. Thank you very much, Madam Speaker.

**Mr. Mohammed:** Very good, very good.

**The Minister of Public Utilities (Hon. Morris Marshall):** First of all, I should like to say that I welcome the opportunity to respond to the motion presented by my friend from Caroni Central and to make the point that we are always going to be ready, prepared and willing to respond to any concerns that those on the other side have on any matter. We take the responsibility of government very seriously, and our approach is to take the Opposition into our confidence because they are Members of the Parliament, elected by people of Trinidad and Tobago; and that we are going to continue to take the issues that they bring to this Parliament very seriously. So I welcome the opportunity, Madam Speaker.

*Public Utilities (T&TEC and WASA)*  
[HON. M. MARSHALL]

*Friday, February 28, 1992*

Speaking for myself I want to re-emphasize that that is the approach I am going to take. So you find that immediately on my appointment, I made it clear to them that when they have problems they can come to me. In fact, I have not gone to any of the constituencies of my colleagues, but it was only recently I found myself in Caroni East as well as in Oropouche, for almost an entire day, to look in a very serious way at some of the problems they identified. That is our concept of national government; that is our concept of responsible government; that is our concept of honest government and that is going to be the basis of my approach and the approach of the Government.

**Mr. Mohammed:** And you have given us your phone numbers at home and office.

**Mr. Marshall:** Yes, you have that too. Madam Speaker, as it relates to the issue of utilities, let me make the point that this Parliament and this country must be told that there are serious problems at the utilities. There is no doubt about that. I am not prepared to hide any details. That is a fact.

There are serious problems at the utilities. What we are seeing today has its genesis in the far-reaching critical problems at the Water & Sewerage Authority, at T&TEC, some of which I alluded to when I spoke during the debate on the budget. The root problems, Madam Speaker, will have far-reaching consequences for the financial stability and the social stability of this country; and there is no doubt that they will have to be addressed. I said only recently—I think as recently as yesterday—that hard decisions will have to be taken and that the far-reaching consequences and problems of these utilities will have to be placed on the national agenda; and the Parliament will have to take decisions on them. I want to make the point that when those decisions have to be taken I am not afraid, as the Minister involved at this time, to take those hard decisions. So I admit and accept that there are serious problems.

Those problems did not originate yesterday or last week or two months ago. They have been with us. It is not of any significant consequence to me, or importance to me, who may or may not be responsible. There are problems. If you take, for example, it was yesterday—I met with the Prime Minister and I told him quite squarely what the problems are at this time. And it is my intention, very shortly, to put to the Cabinet an approach that will deal with the fundamental problems of those utilities. We simply have to address them. No doubt about that.

With respect to the immediate situation, Madam Speaker, as it relates to WASA, for example, the question of the industrial problems there over the last few

days came as a result of the fact that workers felt that they were not going to be paid. There were some problems. We have serious problems with respect to treating with the recurrent financial needs of WASA. As a result of that, workers started to respond in a certain way and it took my intervention and, I must say, the intervention as well of my colleague, the Minister of Finance and the assistance of the Ministry of Finance to deal with that matter. So that is more or less behind us; and as I understand it, workers were in fact paid today. I want to express my appreciation to the Minister and to those persons in the Ministry of Finance who assisted. In order to deal with the recurrent situation we have appointed a small committee that will look, on an ongoing basis, at what is happening at WASA—involving key persons at the Ministry of Finance—so that we will keep on top of that situation at the Water & Sewerage Authority.

Just to give you an example, right now WASA has outstanding almost \$94 million, I think, in respect of National Insurance; \$9 million, Health Surcharge; certain creditors, \$77 million; others, \$17 million. There is a bank overdraft of \$21 million. You are talking about \$222 million. This is the situation at WASA in terms of current requirements; no wonder they have difficulty in obtaining funds to deal with chlorine and to deal with pumps and other needs on a daily basis to treat with the present problems.

**6.25 p.m.**

That is the situation at this time, and you need to understand. Those are the facts. So you find that the question of salaries poses a problem every now and then and the workers are quite rightly concerned about that. As I said before, we have appointed a small committee of key persons who will look at this situation on an ongoing basis. But you have to deal with the root cause of what is taking place at the Water & Sewerage Authority and you have to be able to treat with that problem if we are going to put WASA on the kind of path which is in the best interest of us all and of Trinidad and Tobago.

As I said before, that is going to be dealt with, and I make no apologies about that. We have \$70 million outstanding in arrears by all sorts of persons and we simply have to collect some of that. There are some people who will have to pay. As far as many persons are concerned, the question of a WASA bill is not important. If they get a T&TEC bill, a telephone bill and a WASA bill, the WASA bill takes twentieth place and they would pay their electricity and telephone bills and so forth. So we have to get people to understand that they have to live up to their commitment to WASA and we have to collect some of those funds. If it is

*Public Utilities (T&TEC and WASA)*  
[HON. M. MARSHALL]

*Friday, February 28, 1992*

that we cannot disconnect people as a result of the cholera threat, we will have to consider the possibility of selling their properties, and I will get some information and advice from the Attorney General on this. People have to pay. It matters not whether you are PNM or NAR or whether you are a friend of this one or that one. People have to pay.

So that is a matter that I intend to continue to put before the national agenda. The situation worsened somewhat as a result of the problem at T&TEC over the last few days and as a result of that, some areas were without a supply. But it is not quite correct to give the impression that there is a disaster or the situation is as bad as my colleague attempted to make out a while ago. As I understand it, you have about 20 per cent or thereabouts, of the "normal" supply that as a result of the problems at T&TEC was no longer on course in terms of the service to those persons, involving areas like Siparia, I think, which returned on the 18th of this month. Point Fortin experienced some problems—the Point Fortin water works—but that, too, came back on the 27th. Chatham returned on the 27th. Carlsen Field was another area that suffered some problems as a result of low voltage and that was returned on the 26th. Mayaro water works, there was a power failure, but that, too, came back on the 23rd. This is the information I have, Madam Speaker. Penal water works returned on the 23rd as well. There were some problems in Las Lomas. I myself got involved in that. It returned on the 17th. El Socorro returned on the 19th. Valsayn water works returned on the 19th as well. River Estate is still unclear. The Arouca booster—power failure as well—returned on the 25th. Caura Water Works, I think that returned today. Tacarigua returned on the 26th; Aripo returned on the 24th of the second month.

So there were a number of areas which were out of service directly as a result of the problems at T&TEC, but in quite a few cases, that was regularized. As it relates again to WASA, I must say that none of the major plants, from the information I have received, were in fact affected. So Caroni was not affected; Navet was not affected; Hollis was not affected; North Oropouche was not affected and even Tobago was not affected. Things were, in fact, "normal" in Tobago, because I accept that we have had some problems with WASA, not today, but for some time.

Insofar as these major systems are concerned, it is my understanding that approximately 170 million gallons of water were in fact produced over the period.

So the situation was not all that critical, arising out of the problems at T&TEC. As it relates to the question of the sewer plants, that is an area of serious concern.



It is a fact that a number of plants are not functioning the way they ought to be functioning. This is a matter which we are very concerned about. The Cabinet took a decision some time ago to make \$5 million available to deal with this, and there is a programme in place to treat with the more critical plants. I think about 38 plants have been identified. It does not matter whether those plants are under the control of WASA, the National Housing Authority or some particular private enterprise. The fact of the matter is it is a serious matter and we have identified, as I said before, about 38 of those plants and work is going to take place almost immediately on most of those plants to treat with the concern.

My friend from Caroni Central would recall that I visited his area and one of the plants that we are going to be treating with is the plant which he identified. We are going to be looking at Palmiste, the plants at Arima, Maloney, Bonair Gardens, Five Rivers, Lange Park. There is a whole list of them. Santa Rosa Heights, Paradise Estate, Buccoo, Signal Hill Flats, Strikers Village and so on, Edinburgh 500 is the one he drew to my attention; Gulf View. We are making a serious attempt to deal with those problems within the constraints of the limited financial resources. That is how we are proceeding, and as more funds are available we are going to deal with others.

More than that, the information I have is that it requires about \$32 million to be able to deal with this particular matter of sewer plant and waste water. A request has already been made to the Caribbean Development Bank to see if we can source some funds to deal with this problem, as I said before, in a fundamental way, and that is how we are going.

So it is not really correct to say that we are not taking the kind of action that is necessary and we are not serious about it. That is not true at all. Within the limits of our financial problems we are dealing with the situation. The whole question of the cholera threat is a matter which we take very seriously. You would have heard about two weeks ago, the statement made by the hon. Minister of Health and the programmes which we are, in fact, putting in place to deal with that particular matter. We take it very seriously and we continue to call on the national community to be extremely careful. Much depends, not only on what we will do as a Government or what you will do as a Member of Parliament, but on the individuals themselves to act responsibly and to treat the whole question of sanitation in a certain way.

The situation at T&TEC at this time relates directly to the negotiations which are now taking place between the OWTU and the management of T&TEC. In fact,

*Public Utilities (T&TEC and WASA)*  
[HON. M. MARSHALL]

*Friday, February 28, 1992*

we were able to get them around the table once more, because the situation virtually broke down last Monday when they met, but they are around the table even at this very time. They started since this morning at 9.00 a.m. and I really hope that we can come to some settlement. The Minister of Labour is, in fact, involved. That is the reason he is not here this evening. He is there monitoring the discussions and we are hoping that good sense will prevail and that we will have some settlement in the interest of all concerned and of Trinidad and Tobago.

I myself do not wish to get involved in it. The process must take its course. We do not want to behave in a certain manner as if we do not understand what democracy is all about. The workers have their rights, so too does the management. My confidence is with the people involved and it was my hope that before we leave here I could have announced that some settlement had been arrived at. But they are still there at the Ministry of Labour and it is my hope that something positive will emerge.

It is totally incorrect to give the impression that 400 communities had been without an electricity supply. That is not true. What we have had is that a number of reports came through. In fact, it is more than 400 right now. We have almost 495 reports. But those reports are not necessarily an indication that there is no service. In fact, the information I have is that you have about 25 communities without a service. There have been many reports coming through, but about 25 to 30 communities without a service. We had 130 reports coming from the southern area, 160 coming from the eastern area, 62 coming from the northern area, 160 from Central and there have been no reports coming from Tobago. But you have, as I said, 25 to 30 communities out of service which represents about 10,000 to 12,000 households.

**6.35 p.m.**

I am aware that the area that is adversely affected is the area mentioned by my colleagues from Caroni Central and East because, what happened on Monday last, a vehicle travelling through the area delivering equipment for a particular steelband brought down certain lines. I am fully aware of what has happened but that requires a certain kind of manpower that is not available at this particular point in time as a result of the industrial problem. That is the reality. I am extremely saddened about the situation in Central Trinidad and I believe that about almost 3,000 households or so maybe affected—it is a very unfortunate and serious matter, and I understand, but it is not that we are not doing anything about

it. It is extremely difficult for us to do anything about it because of the nature of the problem.

As I said before, and I want to re-emphasize, the information which was carried in the newspapers that 400 communities were without service is not correct. There are many reports coming through, there might be a spark or something here and so on. It does not necessarily mean that the area is without service. What we have is that certain areas like—this is the information, up to this morning—Tacarigua and as I mentioned before, La Horquetta, parts of Matelot, Lopinot Road, the Valencia stretch and Park Avenue, Mount Hope, have been without a supply, also a few areas in Central Trinidad; but I must say and it is my understanding that the top management is in fact working virtually round the clock to keep abreast of the situation and to do what is necessary within the limits of their ability to bring the situation under control. In some of those areas that is in fact taking place, hence the reason some of them are back on stream at this particular point in time.

Madam Speaker, overall it is important to note that T&TEC has about 300,000 customers or thereabout and as I said it is about 10,000 to 12,000 households that are without a supply. So you are talking really about 3 per cent or 4 per cent and this is not to underestimate that it is a serious matter. We say if one per cent is in fact without a supply—if two persons are without a supply that is of concern to us. I am just presenting you with the information as I have it. We will ensure the management continues to work virtually round the clock if there is no solution, if there is no decision today, or over the weekend, to ensure that they keep on top of the situation.

Madam Speaker, there will be a time when I will address, comprehensively as I said, the situation at the Public Utilities Commission. To a large extent the financial viability of the country is in fact linked directly with what happens at the Trinidad & Tobago Electricity Commission and at the Water & Sewerage Authority. I understand that quite clearly—and as I made the point earlier on—it really matters to me and to the Government—I am not certain who must be held responsible for the crisis and the unfortunate situation of those utilities, but the point must be made that we have to do something about it and that we are in fact working on a plan to address that situation that will work in the best interest of all of us.

I take the opportunity to emphasize and to appeal to you as well, it is not just T&TEC's responsibility—it is our responsibility as leaders of Trinidad and Tobago regardless of which side we may find ourselves on at this time. I hope

*Public Utilities (T&TEC and WASA)*  
[HON. M. MARSHALL]

*Friday, February 28, 1992*

that we will have your co-operation, understanding, and support in dealing with what is indeed a very, very serious matter, in the life of our country.

I want to take the opportunity as well to express my regret and sadness that there are in fact approximately 10,000 to 12,000 households without this particular facility. There are people in my own constituency and in a number of other areas experiencing water problems. I am not happy about it. I have made it my business to visit some of these communities to express my views on what is happening.

I am one Minister—and I am certain all of us are taking our responsibilities very seriously. We are not God, but we are certainly messengers of the people and we are prepared to do whatever we can to improve the situation here in this country across the board.

Madam Speaker, I am really very happy that I got the opportunity to respond to the concerns raised by my colleague, supported by his friend from Caroni East. We will do whatever we can during this period and it is my hope that a settlement will be arrived at so that the situation can be returned to normal very shortly. I thank you most kindly, Madam Speaker.

#### ADJOURNMENT

**The Minister of Local Government (Hon. Kenneth Valley):** Madam Speaker, I beg to move that the House be now adjourned to a date to be fixed.

**Madam Speaker:** Before I put the question to the House, there is a matter which I ought to bring to the attention of hon. Members and that is I had noticed in the press that the President of the Republic of Trinidad and Tobago would not be sworn in on March 13, 1992.

The President has asked me to bring this matter to your attention. In fact one would recall at the electoral college the President was elected on February 18, 1992. Being the incumbent his term expires on March 18, 1992 so the President then will be required to take the oath of office on March 19, 1992 and I imagine that the necessary arrangements for that will be made in due course. This is just to correct the error made that the President of the republic will not be sworn in on March 13, 1992.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 6.40 p.m.*