

*Leave of Absence**Friday, May 15, 1992***HOUSE OF REPRESENTATIVES***Friday, May 15, 1992*

The House met at 1.35 p.m.

**PRAYERS**[MADAM SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

**Madam Speaker:** Hon. Members, I have granted leave of absence from today's sitting to the hon. Member for Tobago East (Mr. A.N.R. Robinson); the Member for Diego Martin West, (Hon. K. Rowley); the Member for San Fernando East (Hon. P. Manning); the Member for San Fernando West, (Hon. R. Maraj); and the Member for St. Ann's East (Hon. W. Mottley).

**PAPER LAID**

The Report of the Auditor General on the Accounts of the Point Fortin Borough Council for the year ended December 31, 1991.

*(To be referred to the Public Accounts Committee.)*

**ORAL ANSWERS TO QUESTIONS****Youlande Pompey Recreational Park**

**32. Mr. Mohammed Haniff** (*Princes Town*) asked the Minister of Sport and Youth Affairs:

Would the Minister state:

- i What amount of funds have been expended on the lighting project at the Youlande Pompey Park in Princes Town to date?
- ii When is the project likely to be completed, and what plans are in place to commence its use?
- iii Which agency will be responsible for its operation?

**The Minister of Sport and Youth Affairs (Hon. Jean Pierre):** Madam Speaker, in response to the first question, the floodlighting of the Youlande Pompey Recreation Ground was initiated in 1988 by the then Ministry of Youth, Sport, Culture and Creative Arts as a self-help project. Up to November 30, 1991, the sum of \$226,777 of public funds has been expended on the project made up as follows:

- 1) The sum of \$157,000 was paid to the Princes Town Self-Help Committee for the implementation of the project.
- 2) The sum of \$50,000 was allocated from the Sport and Culture Fund For the purchase of electrical fittings and fixtures. Of this amount, the sum of \$43,677 was utilized for the building of lighting support frames on the derricks. However, no electrical fittings or fixtures were purchased.
- 3) The sum of \$26,100 was utilized in the construction of an electrical equipment room.

In response to the second question, the project has been at a standstill since the end of November, 1991, as no further funds were released because of the non-involvement of the Central Tenders Board in the project. The Ministry of Sport and Youth Affairs is reviewing the project.

In response to the third question, in light of the current status of the project, no decision has yet been made as to the agency which will be responsible for the project. Thank you, Madam Speaker.

**Mr. Haniff:** Madam Speaker, supplemental question, please. I wanted to enquire about the completion date.

**Madam Speaker:** Unfortunately that was not formed as part of the question to the Minister.

**Mr. Haniff:** I have not heard about the completion date and will the hon. Minister tell us whether she is in agreement with the fact that the derricks have been placed on the cricket field and that this situation is dangerous to those who use the playing field for cricket and football.

**Hon. J. Pierre:** Madam Speaker, the question posed is asking for an opinion and I will look at it and get back to the Member for Princes Town.

**Madam Speaker:** No, I think what has happened here, Member for Princes Town, it is two entirely different topics, one is the funds and the other, completion. You did not pose your question for completion so you can probably pose that question for answer as well as the question with the stakes.

**Mr. Haniff:** Madam Speaker, with due respect (b) asks for the completion date: when is the project likely to be completed?

**Madam Speaker:** That is what I am saying. You can get that answer, but with respect to the stakes on the cricket field, I do not suppose that really relates to the question under consideration.

**Hon. J. Pierre:** Madam Speaker, the completion date is being reviewed at present.

**Mr. Haniff:** Madam Speaker, could the hon. Minister can inform me and this honourable House as to what is intended for its operation? Is it intended to raise funds, to have public fund-raising in there or not? What is intended? How is it intended for operation? Although the agency has not been determined, I would appreciate if the hon. Minister could tell this honourable House how it is intended for operation.

**Hon. J. Pierre:** Madam Speaker, the entire project is being reviewed at the moment.

### **ECHO and Food Stamps Programme**

*The following question stood on the Order Paper in the name of Mr. Krish P. Jurai (Nariva):*

- 33.** Would the Minister of Consumer Affairs and Social Services state what is:
- i. The number of persons responsible for the ECHO and Food Stamps Programme by constituency and what is the criteria used for selecting these persons?
  - ii. The criteria used for selecting persons for the said benefits?
  - iii. The number of households receiving benefits by constituency?
  - iv. The nature and quantity of food hamper per household?
  - v. The frequency of distribution of food hampers?
  - vi. What are the controls for the efficient distribution of food hampers and what steps are taken to ensure that food hampers reach the needy people?

**The Minister of Consumer Affairs and Social Services (Dr. The Hon. Linda Baboolal):** Madam Speaker, unfortunately I had to ask the Member for Nariva to give me one week again and he has graciously consented to do so.

**Madam Speaker:** Are you asking that this question be deferred?

**Hon. L. Baboolal:** Yes, for one week.

*Question, by leave, deferred.*

### Voting Machines

**34. Mr. Krish P. Jurai** (*Narava*) asked the Minister of Finance:

Would the Minister state:

- i. When were the voting machines purchased and what was the total cost of same?
- ii. How many voting machines were purchased?
- iii. What is the total maintenance cost of these machines to date?
- iv. Are these voting machines still being maintained?
- v. What does the Government intend to do with these voting machines?
- vi. Whether the PNM Government has any plans for the reintroduction of voting machines in the electoral system?

**Mr. Valley:** You will recall this question was deferred for a period of two weeks.

**Madam Speaker:** The answer will be ready when?

**Mr. Valley:** Next week.

*Question, by leave, deferred.*

### JUSTICE (COURTS' BACKLOG)

**The Attorney General and Minister for Legal Affairs (Hon. Keith Sobion):** Madam Speaker, there is a truism in the world of jurisprudence which is expressed in the oft-heard phrase "justice delayed is justice denied". We the people of Trinidad and Tobago have for many years now felt the full impact of that statement as the slow pace of the legal process becomes a source of frustration to persons in all walks of life.

The problem is one which has an adverse effect, not only in financial terms, but more importantly in human terms when one considers the tremendous degree of frustration and mental anguish which it wreaks on victim and perpetrator alike. The final stage of this destructive force is the erosion of the fabric of the society itself.

Civilization as we know it today is the coming together of individuals under the protective umbrella of the state which is regulated by laws. The security provided by the state is predicated on the basis that the laws which regulate and govern its citizens would be effective and be effectively applied in regulating the relationships between individuals and between the individual and the state. When the laws are inadequate for that purpose, either in its substantive form or in the procedures which are meant to ensure that the ends of justice are met, then the basis for the state crumbles and we revert to the law of the jungle.

For too long now we have talked. For too long now we have discussed. For too long now we have held symposia and conferences. For too long now we have had letters to the editor and editorials by the editor.

Madam Speaker, what I propose to do is alert the national community, through this House, to a state of affairs which demands the highest priority on the national agenda.

The fact is that despite the best efforts of the members of our judiciary, our magistracy, our lawyers and the administrators and others involved in the legal process, our system of justice is continuing on a downward spiral which must be arrested—and I use that word advisedly. The fact is we can no longer continue to pay mere lip-service to the problem. We must act and we must act swiftly.

On assuming office, Madam Speaker, I began to assimilate data in relation to this matter with a view to determining the best course of action available to the Government in the interest of the society as a whole. Some of the facts are startling to say the least, and I recognized that there was little choice but to bring the information to the nation at large. The population of this country is by and large one of the most dedicated and sophisticated and once armed with information, I am convinced, will understand and appreciate the problem.

If I may outline some of the available statistics in civil jurisdiction for the court period October 1, 1990, to July 31, 1991, one would have a better appreciation of the magnitude and scale of the problem. I will cite available figures for the Port of Spain High Court only, although the situation is very much the same in San Fernando: Commercial civil trials, 3,093 matters listed; 1,331 determined. It should be noted, however, that the matters listed are not aged in the statistics available, but they go back as far as seven or eight years from the date of filing. One also has to consider that during that period, October 1990, to July 1991, a further 3,792 new matters were filed.

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In the family-related matters, during that same period there were 3,594 listed and 1,636 of those were determined. Again, the listed matters are not aged, but there were a further 1,003 matters filed during that period.

Those bare statistics do not tell the sad tale of businesses which have gone through as a result of not being able to collect outstanding debts and the consequential loss of employment; nor that of insured persons who have not been able to collect compensation for loss or injury to life or limb and of broken families with children living without maintenance, shelter or hope. The loss in human terms is a most serious matter.

In the criminal jurisdiction, a mere recitation of the matters listed and matters determined does not present a true picture of the problem with which the system of justice is faced, as the procedure for listing civil matters in the High Court is different in this jurisdiction.

Suffice it to say, that when a teenager who has been raped has to wait 12 years, attending court time after time to find that the victim is set free without a word of evidence being given, that person can only feel that there is no justice in the land.

That is one instance on the victim's side, but there are many unfortunate victims who sit in their homes scared and pondering over the horror of their experience. There are some who, year after year, trudge their way to our magnificent Hall of Justice to face adjournment after adjournment only out of a sense of civic duty. There are many, too, who, battered into defeat not only by the crime committed against them, give up in despair, frustrated by the system.

Madam Speaker, there are also those within the walled prisons, hundreds of frustrated young persons accused of crimes who are denied the opportunity to answer the charges laid against them. The fact of arrest is not a determination of guilt. Under our system, a citizen is innocent until proven guilty. A system which denies a citizen the early opportunity to have his status determined is a system which breeds the lawlessness which it is intended to curtail.

Madam Speaker, I would like the House to note the following statistic: There are 1,324 criminal matters whereby persons have been committed to stand trial at the Assizes dating from 1983, and these matters have never been listed for trial. Not only have they not been listed and adjourned, they have never been listed for trial.

Additionally, in the past few months over 60 constitutional motions have been filed by accused persons who state that having been arrested and confined in prison, they are not transported to court when their matters are fixed for hearing.

I may have painted a dismal picture, but that is not even the whole canvas. The fact is that the situation is truly bad. My investigations have shown that there is no area of the delivery aspect of the system of justice which is free from the horror of delay. The final nail in the coffin, so to speak, lies in the statistics relating to coroners' inquests, that is, preliminary investigations into unnatural deaths. Those figures show that there are over 3,231 cases which have not even reached the coroner for a determination as to the cause of death, far less to determine whether or not a felony has been committed.

The time has come, Madam Speaker, when a concerted national effort must be made to address this problem. For too long judges, lawyers, sociologists and opinion writers have sought to address this problem from their respective offices without the necessary tools and the necessary assistance.

I have put the problem to the Cabinet as I have put it to this honourable House in its stark reality. I have not sought to ascribe blame to anyone and, indeed, I do not intend to do so. We, the nation must rally in a non-partisan way to solve the problem.

Cabinet has agreed as an immediate and urgent action plan to activate a team charged with the responsibility to provide solutions for immediate implementation to deal with the problem of delays. I do not expect immediate results, but I expect and hope for solutions which would, in the course of the next few years, redress a situation which, left any longer, would be totally out of hand and perhaps be then irreversible.

This Cabinet-appointed team comprises persons who have felt the concern which I have shared today with this honourable House and who have the confidence of their respective organizations. The team comprises:

- Mr. Dennis Gurley,  
Law Association, Chairman;
- Mrs. C. Morris-Alleyne,  
Acting Registrar of the Supreme Court,  
Deputy Chairman;

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- Mr. Lloyd Skinner,  
Assistant Director of Public Prosecutions;
- Mr. Byron Henriques,  
Magistrate, Magistracy;
- Mr. Teasely Taitt,  
Management Expert;
- Mr. Wendell Kangaloo,  
Law Association;
- Mr. Gilbert Peterson,  
Law Association; and
- Mr. Mohan Ghopee,  
Representative of the Legal Aid and  
Advisory Authority.

Madam Speaker, the team has been mandated to report within four weeks, and the implementation process will begin immediately thereafter.

Finally, I have alerted the Cabinet of the need to have an ongoing exercise in this regard, as the situation will require continuous monitoring with input from concerned individuals and organizations over the next few years, once this initial exercise is completed.

I thank you, Madam Speaker.

**Mr. Maharaj:** Could the hon. Minister say whether the public will get an opportunity to have an input into the deliberations; that is, to give their views as to what is happening so that the committee would be able to get the views of the public?

**Mr. Sobion:** Madam Speaker, the team is expected to deal with the matter as they see fit, but I have indicated to the members to whom I have spoken that there are in existence several reports from different organizations and from individuals making recommendations with a view to having as early a report as possible. They will concentrate on those reports which are in existence.

**Mr. S. Panday:** What is the Government's position on the death penalty?

**Madam Speaker:** Maybe the hon. Member can file a question.

**Miss Nicholson:** Madam Speaker, I had my hand up to ask something for clarity.

**Madam Speaker:** I am sorry. I did not see you trying to get my attention. Yes.

**Miss Nicholson:** What I was really asking, for clarity, the Attorney General's office was one that did not even have one-third of the staff. I wanted to know if that had any bearing on what the AG spoke about and what is the AG doing to deal with that so that it can impact. I am just asking for some clarity, if it has anything to do with what you are talking about.

**Mr. Sobion:** Madam Speaker, the shortage of staff in the Attorney General's Department does have a bearing on the matter, and about four weeks ago I requested all heads of departments to supply me with recommendations for filling those vacancies.

#### **RAMESH LAWRENCE MAHARAJ FOUNDATION (INC'N) BILL**

*Question put and agreed to,* That a bill to provide for the incorporation of the Ramesh Lawrence Maharaj Foundation and for matters incidental thereto, be now read the first time.

*Bill accordingly read the first time.*

#### **POLO GROUND HINDU ORGANIZATION (INC'N) BILL**

*Question put and agreed to,* That a bill to provide for the incorporation of the Polo Ground Hindu Organization be now read a first time.

*Bill accordingly read the first time.*

#### **LAND ACQUISITION**

**The Minister of Planning and Development (Sen. Dr. The Hon. Lenny Saith):** Madam Speaker, I have the honour to move that this House approve the decision of the President to acquire lands described in the Appendix for the public purpose specified.

The land consisting of two parcels containing 19.4586 hectares is situated in the parish of St. Patrick in the ward of Tobago and comprises 11.2980 hectares said to belong now or formerly to La Venezuela Limited and 8.1986 hectares said to belong now or formerly to Celestine Charles.

This land was utilized for the extension of the Crown Point runway. Proceedings for the acquisition of the subject parcels of land were initiated on January 14, 1988, when the notice of intended acquisition under section 3 of the

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Land Acquisition Act was published in the *Trinidad and Tobago Gazette*, following which authority to commence work on the said parcels of land was issued on January 28, 1988, under section 4 of the Act.

Madam Speaker, I beg to move.

*Question proposed.*

**Mr. Ramesh Maharaj** (*Couva South*): Madam Speaker, I rise to make a contribution on this resolution on the basis that the land acquisition policy of this Government is not quite clear. It has been recognized by a previous administration that the present Land Acquisition Act is totally contrary to the public interests, and there was a bill to that effect, the Land Acquisition Bill which was introduced by the last Government. It would appear to me that what this Government is doing by attempting to proceed with this acquisition is proceeding under a law that has been recognized as being totally outdated to the present society in which owners of land are at a grave disadvantage.

Madam Speaker, under the present law, which was passed in the early 1900s, the owner of land had a strict meaning and therefore persons with interests in land were not really protected. One of the things which the Land Acquisition Bill of 1991 tried to redress was to recognize that interest should not only include the owner of land and there are many interests inland which ought to be protected.

**2.05 p.m.**

After considerable investigation, in an effort to promote the human and fundamental rights of people including the right to the enjoyment of property—one of the things that the previous administration, and the public in this country, recognized which compelled Government to decide to introduce the bill was that it was not right in the age when talk about human and fundamental rights being enshrined in the Constitution, to decide to acquire a person's land without giving that person some reasonable opportunity of advancing causes or reasons why it probably should not be acquired if there are alternative means.

I have here, Madam Speaker, the Land Acquisition Bill. In the Explanatory Note of that bill deals with some of the matters which I have just mentioned. It also deals with the question of giving to the landowner, or the person who has an interest in the land, an opportunity, in effect, the rules of natural justice. On the whole question of the quantum of compensation, and having regard to the provisions of that bill, it was agreed that the Government should not proceed to acquire people's land or people's interests in land unless the compensation related

to the date when possession was taken—it used to be otherwise. There has been a different yardstick propounded in the bill which would make it fairer for the landowner to be properly compensated. I would like, even at this stage, to ask the Government to reconsider its decision in respect of this matter so that the landowner in this case can get the benefit of the legislation which was drafted to meet the modern day requirements in Trinidad and Tobago.

I would also like, Madam Speaker, the other side to tell us, and the country, what is its policy with respect to land acquisition. Will they rely on the provisions of the law in the early 1900s, or will they recognize a law of the previous administration? Or are they going to say that they do not accept that this new legislation should come into force? These are very serious issues.

As you know, Madam Speaker, the ownership of land, property, has been recognized from time immemorial as something basic and although the state has the right to take land for public purposes, it has been recognized, over the years, and the courts have in effect developed principles which have forced governments to yield to a more equitable manner in dealing with people's property.

What has been happening is that people's lands are being acquired and they have to wait several years before they can get compensation. One does not want to go into all the details at this stage, but I can safely say that there are instances where people have to wait, at least, up to 10 years before they can get compensation for their land.

I think the NAR Government should be complimented with respect to this particular piece of legislation, in that, it recognized that a grave injustice was being done by the state in acquiring people's land under the present law. The only thing that they ought not to be congratulated for is that they had the courage to have the bill but not see it get through Parliament and make it law. That is something that this country need not forgive them for. But I think that praise must be given where praise is due. They, at least, took the initiative in having tried to get it passed. It seems to me that what happened is that other things got in the way and they probably thought that other things were much more important to them at that time. I am appealing to the Government that they should really not proceed with this unless they can give some assurance that this man will be compensated under a different yardstick.

In my view, it is immoral under the system that we operate that a government recognize that the law is unfair and then proceeds with an acquisition under that particular law. Thank you very much, Madam Speaker.

**Miss Pamela Nicholson** (*Tobago West*): Madam Speaker, I just want to support, very strenuously, the point raised by the Member for Couva South, but, firstly, I want to tell him that he must compensate us for everything in totality. What he has to recognize is that we have a department in Trinidad and Tobago, called the Legal Drafting Department—I cannot remember if that is the full name—and for a Government to be very effective, that department has to be very strong, but in Trinidad and Tobago we have great difficulty in getting attorneys-at-law who will confine themselves to that particular area. That is one of the weaknesses that one finds in the whole drafting system of legislation in Trinidad and Tobago.

There will be many others to which this Government will not agree. We would have repealed the one for squatter regularization that the People's National Movement has here, that was with that section for over two years and I did not get it to really come to the House. That should have been done. I am just using one example that I know about. That particular area which the Member for Couva South spoke about was also one of the very, very important areas that we were waiting for. But when you have two or three people to draft all the laws in Trinidad and Tobago—and you look for lawyers all over but everybody wants to function as the Member for Couva South. One must have some level of loyalty to the country to really have that area improved. I am sure that the new Government will feel that problem also. That is one of the problems why that particular document did not come to the House. That is very, very critical, and I only hope that the new Government is progressive and will take the correct line.

The Member for Couva South talked about 10 years. You have people who for 15 years and more cannot get their compensation. They might have taken their land 15, 20 years ago and you find that they want to give them \$2,000 for a lot at this particular point in time—waste of time, totally. I know that the acting hon. Prime Minister will get up to defend himself because some relative of his experienced the same thing—he did say something like that in the House already, when he was being bombarded. We are not dealing with personal business now, we are dealing with what is happening in the country.

I went through two areas in my constituency and we had a number of people complaining about acquisition. I explained to them what the Government was doing while I was there and the heavy emphasis that was placed on finding funds to compensate people as quickly as possible. I should like to know out of the \$100 million which the American government, under President Bush is trying to

help us with, how much will be going to compensate the people, to wipe off what has been left behind so that you can come in line to deal with the issue. It is very, very important.

There is an area in my constituency, Madam Speaker, for a playground in Black Rock and the price of the land has raised tremendously. Why? Tobago is the gold mine, now, so an area that might have been one cent per square foot is now \$20 per square foot. You find the people who go to look at it are recommending other things at this stage. They said that if they had acted at the particular point in time when the issue was raised, you would have gotten the lands for a particular price. But it will be unfair to the people that their land is there and they can get \$20 or \$25 per square foot for that land and the state is coming to tell them that they are going to give them \$4.00 or \$5.00 per square foot. I think that is one of the points which the hon. Member for Couva South is making, and I support that very strenuously.

I would like to know what the Minister of Planning and Development will tell us that he is doing, because these are the things he should be planning and dealing with. He should tell us what the policy is and what he, as Minister, is doing to clear up the backlog; how much of the \$100 million which they are bringing in he will be using to really bring some fairness and caring to the people that they left behind—1981, 1986 period, and so on.

**2.15 p.m.**

Well, under the NAR we were making a very strenuous effort. It is there for all to see; not only with the Act. I am talking about getting funds to pay people.  
*[Interruption]*

Madam Speaker, with due respect, when I am speaking I would like to function very easily here and I have been elected to this House by the people of Tobago West and I would like to hear no misbehaviour coming from the public gallery when I am on the floor. You have some people who come into this House week after week—even when I was in Government; I could point them out now to you—and they behave badly. I used to complain very regularly to the last Speaker. Sometimes they are passing along the corridor and you are being disturbed. I could point them out. If they cannot behave let them leave the House. Some senior citizens at that.

Madam Speaker, the point that I am making is, this is a very important matter. I know that on the Claude Noel Highway you still have a number of people who

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have not been compensated—and that is one of the main reasons I am on the floor—for their land. A number have been compensated but there are still a few who have not been compensated and in some cases the lands have been taken over 15 years ago. I have been raising it all the time in the House and privately and, again, I would like to raise that issue with the Minister of Planning, because I feel if lands are taken over 15 years ago, they should compensate the people. Those should be the first people you compensate and then you come up the list. I do not know how it is done. I am just reminding the hon. Minister, so that the people should get compensation in relation to the time that the lands have been taken.

I would like to know what is the policy of the Government. I would like to know if additional funds are now being sought to do other things to help to clear the backlog. Thank you very much, Madam Speaker.

**Mr. Trevor Sudama** (*Oropouche*): Madam Speaker, I want to raise a few points on this Land Acquisition issue which is before us. First of all, when I see that action was first initiated in 1988 on the Acquisition of Lands for the Crown Point runway and we are, today, coming here to approve this in Parliament, I think this is speed as far as the Government is concerned. This is really speedy action, from 1988 to 1992—four years—so I congratulate them on this.

I want to ask: Is this extension completed? If you are still acquiring lands for this extension, I want to know what is the status of this extension. Is it completed? Is it still to be completed? Is there money still to be spent on it? We have spent a lot of money in Tobago in the last five years, not that I begrudge Tobago, but when I consider expenditure in Oropouche and I compare what has been spent in Tobago, I have a genuine and legitimate grievance. But I would like to know whether this Crown Point extension has, in fact, been completed and what is the cost to complete it.

Madam Speaker, there are two issues I want to raise. The first is acquisition, which does not cost the Government money, but which has been requested for decades in this House. I am speaking about lands owned by Caroni Limited, which have been used by the public for recreational and other purposes, like cemeteries and so forth; and these lands have not been acquired by the Government and particularly lands on which recreation grounds stand. Because these lands are in a state of in-betweenity, so to speak. Caroni Limited cannot afford to provide proper recreational facilities for the public and the lands have

not been acquired by the Government, so they cannot be taken over by the respective local government authorities.

Therefore, no developmental work can be done on these recreation grounds and the people in those areas, particularly in the counties of Caroni and Victoria, suffer tremendously due to the inadequacy of recreational facilities in these areas, because, of course, of the imbalance of expenditure between urban and rural areas, in the past, on recreational facilities.

Now, there is an opportunity to acquire these lands from Caroni (1975) Limited and put them in the hands of the local government authorities and, therefore, spend some money for developmental purposes in these areas. In my tenure here from 1981 to 1986 we had raised this issue. In those days, the then PNM Government said they did not have surveyors; there was a shortage of surveyors—a shortage of everything in this country—whether it is lawyers, or surveyors, whether it is committed Ministers in this House, whether it is committed citizens of Trinidad and Tobago, there seems to be quite a shortage. In those days there was a shortage of surveyors, therefore you could not survey the land in order to have it transferred to the state. No funds are involved because, from what I understand, according to what the Government claims, Caroni (1975) Limited owes the Government a lot of money, so it is merely a set-off in the books, a book-keeping transaction that has to be done.

The problem then was surveyors, I do not know what is the problem now. When I went to Caroni (1975) Limited in those days, they said they will find the surveyors. All the Government had to do is to provide the funding for the survey work. I put that to the then Minister concerned and there was no response. During the five years of the NAR Government the distinguished NAR Government—I see its representative has forsaken us in the House—the issue was raised again. There are 60-odd recreation grounds. We want them acquired by the state so that developmental work could be done on them, because technically, they have to be acquired by the state. No action has been taken under five years of the NAR Government, so when we said that the PNM and the NAR is the same “khaki pants” you understand what I mean, Madam Speaker, same “khaki pants”. One refused to act from 1981 to 1986; the “B Team” of course continued in the same tradition—

**Mr. D. Allum:** That you were part of.

**Mr. Sudama:** Refusal to act. Therefore, Madam Speaker, I am asking the present regime, this so-called “new PNM” if they have a new policy towards the

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transfer of lands owned by Caroni (1975) Limited to the state for recreational purposes, so that we could have some developmental work done on those recreational facilities, and if that is their intention, what is the problem today with respect to effecting this transaction?

Madam Speaker, there is another problem which I face in my own constituency and I am sure others face it in theirs. I have a constituency in which we have severe drainage problems. I do not know what the present position is. I understand that on drains or natural watercourses you have reserves which are state lands. I tried to find out from the Minister of Works and Drainage and what else he is responsible for—the dragon—and he tells me he does not know. He does not know whether our natural watercourses have a reserve which is owned by the state on which equipment can pass so that you can clean the watercourses. It poses a tremendous problem during the rainy season.

Now, my question to him was: If there is no reserve, should you not put a programme of acquisition of lands on the embankment of watercourses so you will have the facility to have those watercourses cleaned? I took him down to my constituency to look at the problem. After an hour and a half when the sun really took him, he ran back to Port of Spain. He said he had some emergency in Port of Spain. He left the tour in a state of suspension. So I understand what kind of response I can get from that Minister. I am sorry he is not here today—totally ineffective, inefficient, knows nothing what he is about. Anyway, I will deal with him on another occasion when he is here.

**2.25 p.m.**

I ask the Government, what is its policy with respect to acquisition of land on embankments? Because, you see, if you have to put a unit on the embankment of a watercourse to clean it, and you are not sure if it is your land, you are not going to do it, because if private people claim the land and you pass a unit there, they will claim compensation, and the Government has no money, they say, for compensation. So that, if that is the situation, do they have a policy with respect to acquisition of land on the embankment of natural watercourses to facilitate the cleaning, clearing and the flow of the water and to deal, at the same time as you are doing that, with the endemic drainage problem that we face in Trinidad and Tobago every rainy season? Every rainy season we get the promise and the same thing recurs, like a recurring decimal.

So I ask the hon. Minister of Planning and the Acting Prime Minister, do they have a policy? Do they know there is a problem, to start with? Are they aware

there is such a problem? Because before you have a policy you must have awareness. Are they aware that there is such a problem? If there is such a problem, do they have a policy to address that problem with respect to lands on the embankments of natural watercourses to facilitate the drainage problem which we face?

I want to raise another issue. This relates to the way in which this Government and its predecessor has acted. It is gross lawlessness. There was a bridge in my constituency being constructed in 1979—13 years ago—by a contractor called Chin Lee. For some reason or the other, the work on that construction on the La Fortune Pluck Road over the Oropouche River, was suspended—13 years ago. But in order for the work to continue, they had to make a diversion, a detour. In making the detour, they invaded private property without permission. They said it was going to be a temporary detour, but that temporary diversion is now 13 years old. The man has been deprived of his property without his consent and without due process of law for 13 years. If it is the Government's intention to acquire those lands, then why have they not taken action for the purposes of acquisition during these years?

It was initiated under the PNM regime; it continued under the NAR regime and today he is faced with the same problem. He is deprived of the use of his property, facing all sorts of inconvenience by dust and whatever, due to this detour; facing also a drainage problem, because the bridge over the river which is used as the detour, from time to time collapses and causes a blockage on that river and then causes flooding.

What I want to point out to this House is the utter lawlessness of this action. They ought not to go into private people's property without their consent. Having done it, and if they say that they need it for public purposes, then surely, they have the obligation to put the due processes into operation for the purposes of acquisition. They have done neither. They have not got the man's permission; they have not got his consent; his land is being utilized for public purposes for 13 years now; he cannot get compensation because there is no question of acquisition. He wants back his land; he cannot have back his land. I advised him to take the Government to court. He told me that he has no money to do that. It is a very costly thing, Considering what we have to pay for lawyers' fees and so on, it is not an easy matter. It can be very high at times. He says he is a poor farmer and he does not have that kind of financial resources to take the Government to court. As a citizen of this country, being deprived of his legal rights without due

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process of law and being done by a so-called caring Government, this is a matter which calls for redress of some sort, immediate action.

I have asked that construction be resumed. But you see, when it comes to the constituency of Oropouche, suddenly, whether it was the NAR treasury or it is the PNM treasury, it never has money. So this bridge cannot be constructed; this detour has to be used; the man is deprived of the use of his rights of his property without due process of law, and we are in the situation where this great democracy that our Prime Minister preaches about in North America, under this democracy, the man cannot find redress in this country.

So I raise this in this Parliament to show you the injustice of the system when it is operated in a certain way, how these injustices can result—a poor citizen of this country deprived of his rights under both the PNM and the NAR Government.  
[*Interruption*]

I do not really want to deal with the Member for Tobago West this afternoon. There are other occasions to deal with what transpired under that NAR regime of 1987 to 1991. This afternoon, I just merely want to emphasize this point, because I believe that the aggrieved person about whom I speak is not the only one in such a situation, where the state has encroached on his property without his permission and is occupying it without due process of law.

I wish that the hon. Minister take note of this. I hope that I can get a response as to what they are going to do about this man's situation, his predicament, to show that there is really a change from the old corrupt, inefficient PNM, to this new one. I would not label it at this point in time. I will wait on their deeds. They have done a few things so far in the last four months. I will wait a little more. By their fruits ye shall know them. So far the trees have been very barren, without fruit. So I wait. But in the meantime, I would like to get a specific, direct response and undertaking from the Minister as to what his Government intends in these matters.

Thank you very much, Madam Speaker.

**Mr. John Humphrey** (*St. Augustine*): Madam Speaker, on the description of land, there is something which I think the Minister should take note of. If you read the description on the Appendix, it says:

"...on a plan of survey executed under Survey Order No. 6/90..."

Presumably that is "6 of 1990",

"and filed in the office of the Director of Surveys."

**2.35 p.m.**

I know that the hon. Minister is a very experienced engineer in his professional life and is fully apprised of the procedures required in development works, and he, too, having that experience, would appreciate that the design of an extension for a runway would require very meticulous surveys. I want to know why it takes so long for the Director of Surveys to give an order of survey, when in fact, surveys have to be executed in the design stage, of the project? Those surveys have to be executed by licensed surveyors because nobody else in fact, can do land surveys but licensed surveyors and the work of licensed surveyors must be accepted by the Director of Surveys. So could the procedure not be expedited considerably if at the design stage the professionals who are responsible for designing—I think in this case it was the Airports Authority who were responsible for the design of the extension of the runway—not identify lands that need to be acquired?

In fact, if such a project was submitted to Town and Country Planning for approval it would not be approved if the lands were not owned by the developer. But I believe that much time could be saved if in the procedure for executing projects of this nature, at the design stage, lands that are to be acquired to enable the project are identified, surveys are submitted immediately to the Director of Surveys, who then proceeds to do what he is required to do, to come to Parliament so that we would save many years. In this case we could have saved four years and in that way we could, as Members of Parliament, expedite these procedures so as to ease the burden on so many of our citizens who suffer in receiving their compensation. I just wanted to suggest that to the hon. Minister.

**The Minister of Planning and Development (Sen. Dr. The Hon. Lenny Saith):** Madam Speaker, if I may briefly try to respond to some of the points raised by Members opposite. The Member for Couva South made heavy weather of a bill that he was waiting on. I want to tell him that the bill was not introduced into Parliament. In fact, it was put out for public comment. That is as far as it got. The comments are now in. A team had been set up early this year. I remember the last time I was in this House I indicated that we were working on a time-frame, that the comments would be collated and dealt with by the end of April. This has been done. The proposals are on my desk and I propose to take them to Cabinet within a week or two and then send them to the Attorney General's office for

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amendments to the bill. It is still my intention that that bill be brought to Parliament this year. That is the programme I am working on. Until that is done though, we have in fact, got to proceed with some of these lands that have been acquired.

As I indicated, the section 3 notice was published in 1988 and work started on January 28, 1988. It would be unfair to the landowners, without having a new Act in place to just leave them in limbo, therefore one is proceeding to complete the transaction in accordance with the legislation that now exists in order to ensure that the people are compensated. I want to again assure the Member for Couva South that I am in full agreement with the points raised about the present bill and its weaknesses and it is my commitment to the House to see that legislation for this year remains.

It is interesting to listen to the Member for Tobago West, having produced a remarkable defence for the non-performance of the last Government in terms of the problems with staff and all the problems that ministers and governments face. Having listened to that I sat back and said well, now I will get a sympathetic hearing. The Member for Tobago West having gone through what it is to be a Member of Government, that one would not get some wild statements in terms of performance. I was disappointed however, because a matter was raised about the Claude Noel Highway, 15 years people are waiting. I think of that 15 years, for five years the Minister had enough influence to ensure that the matter was dealt with and therefore if it still has not been dealt with, I am sure it cannot be ascribed to this Government not wanting to deal with matters in Tobago. Obviously there is something more structurally wrong with the system that even the Member for Tobago West, when she had the power, could not get the system moving. I note the request and when I get back to the office I will see what I can do.

I think the question was also asked by the Member for Tobago West, with respect to the policy of Government and I think that in my answer to the Member for Couva South I have indicated that we are proceeding along the lines of the draft bill and pretty soon we will have an opportunity to deal with it in the House. The question about additional funds I keep hearing a \$100 million—if it is a TT \$100 million, or US \$100 million, I am not sure. The question of funding for acquisition is a serious problem. It is like everything else, a question of deciding what priorities one gives and how one deals with the allocations that one has. As the Minister of Planning and Development, I will continue to fight to ensure that I get as much money for acquisition matters as the country can prudently allocate

to this vote because I recognize that even as we go through these procedures and as we acquire land, the end result really should be payment to people and not merely to go through the legal framework.

It has always been very instructive to listen to the Member for Oropouche's contribution, especially as he divides the last 10 years into what he calls the PNM of 1981 to 1986 and the B-team as he calls it, 1987 to 1991, and raises all these problems concerning his constituency and constituents. I believe during both periods he was representing the constituency of Oropouche. Just for the record I want to remind the Member for Oropouche that he cannot entirely wash his hands of what took place during 1987 and 1991, as the hon. Leader of the Opposition cannot wash his hands for foisting on this country what he has since tried to deny. There are three points I think the Member raised. Is the extension complete? I suggest that I do not have the information. I would check. My own information is that it is substantially complete and the fact that we are acquiring lands now, if you really read the land note, the lands were in fact, entered onto in 1988.

**2.45 p.m.**

The question of staffing at the Lands and Surveys Division remains critical. There is still a shortage of staff. It is related to two things: the production of land surveyors as well as the fact that private practice is still more lucrative than government employment. Therefore, there is a shortage and this does in fact slow down the process.

The question of acquisition of land on the embankment of natural watercourses, I was not aware of the problem that the Member raised, but when I get back to my office I will get some information on it.

With regard to the diversion through private property in his constituency, if he would provide me with the details of it, I will try to deal with it. The matter of acquisition does come under the Ministry of Planning and Development.

With respect to the point raised by the Member for St. Augustine, yes, you are quite right. If in fact during the design stage, we could get the survey done to the extent of producing a survey plan which is signed by a licensed land surveyor, it would assist. What is happening is, because of the shortage of licensed land surveyors, much of the design work is done by surveyors who are not licensed, because what you need in design is the topographical survey. You want to know the contours of the land and, therefore, the boundaries, while they are important, they are less important to such a precise nature and you can proceed with the

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project. The ideal situation is the one which you have identified, that we have enough land surveyors in the country and we can in fact begin to do simultaneously the design and, the survey necessary for acquisition.

We are attempting to do that with some of the housing projects, for instance, where you need to have the plan for the lot available at the time of completion, so that simultaneously with the design, you begin to do the land survey. It is a valid point and one that is part of the improvement in the way we can do business and construction activity and is really worth noting.

I believe that I have basically touched on the points raised and I wish to move that the House approve the motion.

*Question put and agreed to.*

*Resolved:*

That this House approve the decision of the President to acquire the lands described in the Appendix for the public purposes specified.

APPENDIX

Description of Land	Public purposes for which to acquired
<p>The following parcels of land containing together 19.4586 hectares, more or less, situate at Kilgwyn, in the parish of St. Patrick, in the ward of Tobago, described in the Schedule hereto and coloured raw sienna on a plan of survey executed under Survey Order No. 6/90 and filed in the office of the Director of Surveys.</p> <p style="text-align: center;">THE SCHEDULE</p> <p>The two (2) parcels of land containing together 19.4586 hectares situate on the southern side of Store Bay Local Road and bounded on the south by the sea and on the west by Kilgwyn Bay Road, in the parish of St. Patrick, in the ward of Tobago and comprising: —</p>	<p>Extension of the Crown Point Runway</p>

Description of Land	Public purposes for which to acquired
<p>1. 11.2890 hectares said to belong now or formerly to La Venezuela Limited and</p> <p>2. 8.1696 hectares said to belong now or formerly to Celestine Charles.</p> <p>These parcels are more particularly shown coloured raw sienna on a Plan of Survey filed in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p>	

**LAND TENANTS (SECURITY OF TENURE)  
(RENT REVIEW) REGULATIONS**

**The Minister of Housing and Settlement (Dr. The Hon. Vincent Lasse):**  
Madam Speaker, I rise to move the following motion standing in my name.

*Whereas* it is provided by subsection (3) of section 5A of the Land Tenants (Security of Tenure) Act, Chap. 59:54, that for the purpose of a review of rent the Minister shall by order specify the matters to which the Land Commission or the Rent Assessment Boards, as the case may be, shall have regard in undertaking a review;

*And whereas* an Order of the Minister under Section 5A is subject to the affirmative resolution of the House of Representatives;

*And whereas* the Minister has on the 20th day of February, 1992 made the Land Tenants (Security of Tenure) (Rent Review) Order;

*And whereas* it is expedient that the said order be affirmed:

*Be it resolved* that the Land Tenants (Security of Tenure) (Rent Review) Order, 1992 be approved.

Madam Speaker, as Members of this honourable House would realize, there are two motions standing in my name. They are interrelated and their approval will give effect to the principal legislation. Therefore, with the consent of the Members of this House and you, Madam Speaker, I wish to speak on both

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motions at the same time unless, of course, I would have the opportunity of repeating myself a second time.

I would now move the second motion.

*Whereas* it is provided by Section 18 of the Land Tenants (Security of Tenure) Act Chap 59:54, that the Minister may make any regulations necessary or expedient for carrying out the purpose of the Act subject to the resolution of Parliament;

*And whereas* the Minister has on the 20th day of February, 1992 made regulations;

*And whereas* it is expedient to confirm the said regulations;

*Be it resolved* that the Land Tenants (Security of Tenure) (Rent Review) Regulations, 1992 be confirmed.

At this juncture, I would like to make an amendment to the regulations. The amendment would be passed—

**Madam Speaker:** I would like to draw to the hon. Member's attention that really what ought to have happened was that you should have moved the first motion and then the second one would have just been procedural, because the permission is being given to the hon. Member to speak on both concurrently. This is how it really ought to have been done.

Proceed please.

**Mr. B. Panday:** On a point of order. I suggest that we debate both motions at the same time, not that we debate one and automatically accept the other.

**Hon. Dr. V. Lasse:** Thank you, Madam Speaker, and I wish to thank the hon. Members for agreeing to debate both, at the same time.

I now wish to refer to the amendment made in the Senate on the regulations:

Delete the period occurring after the word "confirmed" at the end thereof, and substitute the following:

Subject to the following amendments:

In Regulation 4—Substitute for the word "by" occurring in line 1, the word "with".

In Regulation 6(1)—Substitute for the word "oral" occurring in line two, the words "and receive".

Madam Speaker, the subsidiary pieces of legislation which constitute the subject of these motions derive from the Land Tenants (Security of Tenure) Act 1981, as amended by the Land Tenants (Security of Tenure) Amendment Act 1983, which sought to regularize tenure conditions and the relationships between landlords and tenants with respect to privately owned lands.

The Act as amended applies specifically to land upon which a dwelling house was erected or was actually in the process of being erected on the appointed day June 1, 1981. The Act relates to landlords' and tenants' relationships with respect to residential lands only. The Act does not apply to state lands.

What this Act sought to do was to give to tenants of privately owned residential lands a statutory 30-year lease, with an option to renew for a further 30 years.

**2.55 p.m.**

What this Act sought to do was to give to tenants of privately owned residential lands a statutory 30-year lease, with an option to renew for a further 30 years, commencing June 1, 1981. Therefore, an insecure leasehold interest in the form of a periodic tenancy, or a lease of less than 30 years, unexpired duration, was converted into a secure 30-year leasehold interest.

The Act sought to standardize the contractual relationship between the landlord and tenant by specifying that the terms and conditions of an existing tenancy be incorporated into the new statutory 30-year lease; any term or condition inconsistent with the terms and conditions of the statutory lease as specified in the Act or, indeed, with any other provisions of the Act, being rendered void. The payment of rent was also fixed at the rent payable immediately prior to June 1, 1981 and could only be varied in the manner stipulated under the Act, that is, by the Land Commission or Rent Assessment Board upon application by either the landlord or the tenant.

The landlord was given the right to seek redress from the proposed Land Commission—effectively the High Court, as the Land Commission was never established—where the tenant was in default of rent payments for six months. The redress was in the form of recovery of possession of the land upon payment of compensation to the tenant for his dwelling-house or recovery of possession

and removal of the dwelling-house in cases where the dwelling-house was capable of removal from the land by the tenant.

The Act, therefore, was passed to regulate the tenure relationship between landlords and their tenants, and to provide mechanisms for facilitating the regularization of those rights between the parties. One of the rights sought to be regularized is contained in section 5(a) of the Act as amended. Section 5(a)(i) of the Act gave both landlord and tenant the right to apply to the Land Commission for a review of rental paid. Since the Land Commission had not been appointed at the time, and has not yet been appointed, such applications are to be made to the Rent Assessment Boards established under the Rent Restriction Act, Chap. 59:50.

Under section 5(a)(iii) of the Act, it is incumbent upon the Minister to whom responsibility for the administration of Housing has been assigned, to specify by Order published in the *Gazette*, the matters to which the Rent Assessment Boards should have regard in undertaking the rent review. Under section 5(a)(iv) of the Act, the Minister's Order is made subject to the affirmative resolution of the House of Representatives. Further, the procedures to be followed in the hearing of rent review application, by virtue of section 5(a)(iv) of the Act, must be in accordance with the Regulations made by the Minister under section 18 of the Act. Such Regulations are subject to the affirmative resolution of Parliament.

I wish to read into the records the Order and the Regulations before his House:  
"The Land Tenants (Security of Tenure) (Rent Review) Order, 1992

1. This Order may be cited as the Land Tenants (Security of Tenure) (Rent Review) Order, 1992.
2. In this Order 'Board' means a Rent Restriction Board constituted under Section 5 of the Rent Restriction Act.
3. In undertaking the review of rent a Board shall take cognizance of the following:
  - (a) the general state of the market and the value of the land within the locality;
  - (b) the nature and cost of improvements to the land;
  - (c) improvements to the facilities and amenities of the premises or improvements in the locality from which the tenant derives benefit not being improvements for necessary maintenance or drainage;
  - (d) property taxes and current interest rates;

- (e) length of occupation of the tenant upon the land;
- (f) specific use of the land made by the tenant during his occupation; and
- (g) any other factors that a Board may think relevant to the application before it."

The records reveal that action was taken by the Ministry of Settlement and Public Utilities in 1987, to commence the drafting of the Order and Regulations referred to in section 5(a) of the Act, but without a legal capability in its establishment, the Ministry had to rely on assistance from the Legal Department of the National Housing Authority. The records further reveal that drafts were made available to the Ministry only in July, 1990.

However, it was then realized that the Rent Restriction Act, Chap. 59:50, under which the Rent Assessment Boards are constituted, had lapsed on February 24, 1990. This Act remained lapsed and inoperative until it was revalidated by Parliament only on November 12, 1991, by Act No. 36 of 1991. Presentation of these pieces of subsidiary legislation was therefore held back until the Rent Restriction Act had been revalidated by Parliament.

The said Order and Regulations were laid in the House on April 3, 1992 and introduced into Parliament on April 28, 1992 to fulfil the responsibility of the Minister under section 5(a) of the Act. The passage of this subsidiary legislation is expected to alleviate the grave hardships being suffered by both landlords and tenants of private lands who have been unable to vary land rentals legally, since the passage of the Land Tenants (Security of Tenure) Act 1981.

I believe at the outset that I should inform this honourable House that much time had lapsed before the legislation had been introduced before this House, and that whereas someone should accept the responsibility for tardiness, I must state with all sincerity, that apportioning blame at this time should be placed behind us. What is necessary at this stage is for the Minister to carry out his duty or responsibility pursuant to the relevant provisions of the substantive legislation. We must address this question with the utmost seriousness and approve the Order and Regulations now before this honourable House.

**3.05 p.m.**

Madam Speaker, to highlight the urgency, permit me to inform this House that as early as May 23, 1990—almost two years ago—my predecessor was

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written to by a firm of attorneys-at-law, having been instructed by their client, landlord, who stated that he was suffering severe losses as a result of non-performance of the Minister in her duties under the Land Tenants (Security of Tenure) Act, 1981.

Mention was made of the duties of the Minister to publish by Order in the *Gazette* the matters to which the Rent Assessment Boards shall have regard to in undertaking a review. The letter went on to state that the Minister was obliged to obtain an affirmative resolution of the House of Representatives in respect of the said Order and that the Minister was also obliged to make regulations for the manner in which the review of rent is to be carried out.

Instructions were given to initiate legal proceedings to compel the Minister to comply with the provisions of the Land Tenants (Security of Tenure) Act, 1981, if a favourable response was not received within 14 days.

Madam Speaker, by letter dated January 3, 1992, I was written to in my capacity as the Minister of Housing and Settlement—approximately 11 days after I had assumed duties as Minister. The letter, among other things, stated that certain persons were affected by the failure of the Minister of Housing to carry out certain statutory duties under sections 5(a)(iii), 5(a)(v) and 18 of the Land Tenants (Security of Tenure) Act, No. 11 of 1981.

**Mr. Sudama:** Would the Minister give way to a question, please? Would he inform this House who wrote the letter? Is it only on the receipt of letters that he acts or does he know that there was a certain lapse existing? Because I, myself got a letter, you see; I want to know if it is the same letter he is acting upon.

**Hon. Dr. V. Lasse:** In the course of my summing up I will try to address the question raised by the Member for Oropouche because he must remember, as I said, it was 11 days after I had assumed duty as a Minister the letter was written.

The letter ended, Madam Speaker, and I quote:

"I am instructed that, in the meantime, to make a formal demand that you carry out your statutory duties. Failure to carry out the statutory duties under the above-mentioned legislation would necessitate my client's taking legal action to compel the performance of the duties by you."

As the Minister responsible, I have responded, and as the subsidiary legislation would reveal, it was signed on February 20, 1992. Hon. Members would note that

this action was taken two months after my assuming duties as Minister of Housing and Settlement.

I should, for the records, repeat that within two months of assuming duty as Minister, I responded in an attempt to redress this question and to alleviate the suffering of landlords and tenants with respect to rent review. Having responded without delay to what I consider an urgent matter, it is now the responsibility of the Members of this honourable House to deal expeditiously with it.

I am fully aware of the fact that the legal luminaries in this House may wish to raise fundamental questions of law with reference to the substantive legislation, the Land Tenants (Security of Tenure) Act, No. 11 of 1981. But I hasten to state that when this piece of legislation was debated in the Senate on Tuesday, May 19, 1981, the Senate was asked to adopt the report of the select committee of the Senate appointed to consider and report on that bill. It was felt that an eminently equitable balance between landlords and tenants was struck pursuant to the bill and that there was unanimity among Government, Opposition and Independent Senators. This was taken from the debate in the Senate official records, *Hansard*, 5th Session, Volume 10, page 459.

We are not here to debate the substantive legislation. We are dealing here simply with the question of the review of rent. We are dealing with the fact that the Regulations and Order took some nine years before reaching this House and we are dealing with our attempts to alleviate the suffering of landlords and tenants.

It should be recognized that I have moved with the utmost dispatch to redress the glaring lacuna in the law on being made aware of it. The Order and Regulations before this House cannot be more comprehensive. The Regulations were debated and approved in the other place on Tuesday, May 12, 1992.

I must reiterate that the substantive legislation cannot be any more comprehensive, given the purpose for which they are being promulgated and given the authority under which they are made. They are brought to this House for a simple purpose, that is, to alleviate the serious hardships being suffered by both landlords and tenants who have been experiencing hardship as a result of their not being able to have these pieces of legislation approved before.

The Regulations before the House are made under section 5(a)(v) of the principal Act and hence, can only deal with what that section authorizes the Regulations to deal with, namely, setting up the procedure for rent review.

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Madam Speaker, the landlords and tenants have waited long enough. It would be cruel and unjust and bordering upon the ridiculous to the persons this legislation is meant to assist to further delay the passage. These Regulations, together with the Order or the check-list, do comprehensively deal with the question of rent review. I submit that hon. Members should not delay the passage of these pieces of subsidiary legislation, the passage of which is expected to alleviate the grave hardships being suffered by both landlords and tenants of private lands who have been unable to legally vary land rentals since the passage of the Land Tenants (Security of Tenure) Act, 1981.

Madam Speaker I beg to move.

*Question proposed.*

**Madam Speaker:** What I intend to do, hon. Members, is that since this motion is embodying two questions and Standing Order 28 states that the propositions may be proposed by the Speaker as separate questions, we have already agreed that they are going to be debated at the same time, but the questions are going to be put separately. So as we begin the debate, Members may make their contributions on both the Regulations and the Order, but we are going to put the questions separately.

**Mr. Ramesh Maharaj (Couva South):** Madam Speaker, I felt constrained to speak on these motions. I consider it very important having regard to the history of this piece of legislation. I wish to put the hon. Member for Point Fortin's mind at ease in that I do not propose to attack the substantive legislation. However, I think it is important for us to look at this matter in the context of what happened when the 1981 legislation was passed, in order to see what really occurred with the Government at that time and with the Government which intervened to see the history to see whether there was any implementation of the measures not only of this, but of the measures in the 1981 Act in order to give redress to what the hon. Minister has spoken about.

It cannot be forgotten, and I think if anyone just mentions it, it sounds ridiculous and scandalous: The principal legislation was passed in 1981, and we are here after 11 years to approve Regulations which merely set up the procedure for which an application is to be made and the criteria to be used by the Rent Assessment Board in determining review of rental, either on applications of landlords or applications of the tenants. It took the executive arm of this state 11 years—whether it was old PNM, new PNM, NAR or what.

The hon. Attorney General has, quite rightly, talked about the ill-effects of judicial delays and he has recognized that delays cause injustice. What this highlights, Madam Speaker, is the importance of implementation machinery of the parliamentary machinery to ensure that the people can monitor the actions of the Executive. In other words, accountability by the Executive to Parliament and to the people. If there was machinery in place when this Act was passed in 1981 and the measures were not being implemented—the purpose for which the Act was passed, one of the main purposes was, in effect, being defeated—then that machinery would have been able to act in the public interest.

Madam Speaker, it has to be remembered that in 1979, the Government of the day went on a land law reform machinery and it was recognized that the land laws of this country were totally outdated; they could not meet the needs of present day society at that time in Trinidad and Tobago. What happened is this Act was passed, the Land Tenants (Security of Tenure) Act, was passed—the one that we are dealing with. But apart from that Act, several other pieces of legislation were passed in this House.

Prof. Wylie was contracted by the Government of Trinidad and Tobago through the Law Commission. It cost the taxpayers millions of dollars, for the land laws in this country to be reformed. He wrote a book entitled, *The Land Laws of Trinidad and Tobago*, by J.C.W. Wylie. That book was written on the basis that these laws would have been implemented. One of these laws is the Land Tenants (Security of Tenure) Act.

Madam Speaker, in order to put us in the picture, one has to see what was happening at that time to see whether, even with this measure which is being introduced, it is really implementing the provision of the Land Tenants (Security of Tenure) Act. Because I would want to show you, Madam Speaker, and show this House that an important and an integral part of the reform machinery was the setting up of a Land Commission. That Land Commission, having regard to the nature of its composition and the procedure it was to follow in determining disputes in the nature of what is before this House and others, was in order to bring relief to tenants, because the machinery of the normal court and the normal rent tribunal and the normal High Court was not suitable to determine that kind of machinery. So when we come into this House to say, listen, this measure, if it is passed is going to alleviate hardship of tenants, it is in effect not accurate.

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Madam Speaker, if I may quote from Prof. Wylie's book, just a few lines, the "Need for Reform" at page 18:

"As in so many parts of the world, land is a scarce and valuable commodity in Trinidad and Tobago and demand for it has grown enormously in recent decades. This demand covers a wide range of uses: agricultural, commercial, industrial and residential. This has imposed considerable burdens on the legal system."

Then he goes on and he deals with all the existing legislation.

Madam Speaker, do you know that some of the legislation—I have the 1981 laws of Trinidad and Tobago, bearing in mind that 1981 was an election year in Trinidad and Tobago, and in 1981, legislation after legislation was passed in order to reform the land laws in Trinidad and Tobago. This went as a part of a scheme and the Land Tenants (Security of Tenure) Act was part of that scheme. That is why, in all the legislation, you have the Land Commission.

The Landlord and Tenant Act, that was passed in 1981, was debated in both Houses of Parliament in 1981, and it is not law in Trinidad and Tobago after 11 years. Then we go to the Land Law and Conveyancing Act, debated in both houses of Parliament, passed, not implemented; the Trustee Act, debated in both Houses of Parliament, passed, not implemented; the Condominiums Act, same position: debated, not implemented; the Land Registration Act, debated, passed, not implemented; the Succession Act. This book, the biggest set of laws in Trinidad and Tobago with extensive debates and legislation in order to give redress to poor people in this country, and after 11 years the contents are still not law. It is in that context that we have to examine the Land Tenants (Security of Tenure) Act.

Madam Speaker, I am not interested in apportioning blame. What I am interested in is that I think that if this Government says that it cares and if it has a serious commitment to people and to poor people's rights, then if it is coming with a move like this in this House, it owes a duty to review all appropriate legislation or orders which evolve in respect of land and evolve in respect of the Land Tenants (Security of Tenure) Act and come and tell this House what the position is.

Now, under section 5(a), bearing in mind that in 1981, Madam Speaker—I think it should be put in its perspective—under the Land Tenants (Security of Tenure) Act, when they talked about a Land Commission under section 2, it was recognized that the Land Commission would be the authority to deal, not

only with review of rental, but would review the question as to compensation for chattel houses and would also deal with the question if there had to be a termination of the statutory lease. So the Land Commission under the Act was the tribunal which would be empowered to deal with matters which would arise and which there should be disputes about and there would have to be a resolution.

The question of the High Court being the tribunal, it was recognized that it will just be a holding operation, an interim measure, because it was important to pass the bill, they did not set up the Land Commission as yet and they felt that in that interim measure, whether it is two months, three months or four months, the holding procedure, the High Court would be the appropriate tribunal.

One sees under section 2 of the 1981 Act:

"Land Commission' or 'Commission' means the Land Commission to be established by the Land Registration Act of 1981, but if on the passing of this Act the Land Registration Act has not yet come into operation, then until the coming into operation of that Act, all references in this Act to the Land Commission shall be construed *mutatis mutandis*, as reference to the High Court of a judge thereof."

So one sees by the wording that it was anticipated that the Land Commission may have come in when the Act was implemented, but if it did not come in, let the High Court be the holding operation. We have a situation where the High Court has been the holding operation, at least in respect of matters other than review of rent—if this is approved—since 1981.

What the hon. Attorney General has said today about the court and the courts' delays is cogent evidence that the High Court is incapable of dealing with litigation which has come under this legislation. We have a situation where the Act sets up reliefs, sets up a machinery in order to grant redress for tenants or landlords. We have the pipeline for redress being the High Court as a holding operation and after that the Land Commission. We have a situation, from the admission of the Attorney General, where delays are blocking the pipeline in the court process and we have a situation where, with respect to the review of rental, there has been no machinery.

Madam Speaker, in 1983, when the Land Tenants (Security of Tenure) Act was amended, it was amended in such a way that it was recognized that, all right, there is no Land Commission but let us set up, permit, authorize, the Rent Restriction Board to do the jurisdiction with respect to review of rent.

We had a situation where, in 1983, the High Court was doing all other matters other than review of rent, and in 1983, by section 5(a), it states:

"The Land Commission may, on the application of a landlord or a tenant, review the rent in respect of land to which this Act applies in any area for which a rent assessment board has been constituted under the Rent Restriction Act. Until the Land Commission is appointed, rent may be reviewed by the rent restriction boards for their respective areas and such boards shall exercise the powers of the Land Commission under this section."

So we have here, again, where it has been recognized in setting up the Rent Restriction Board as the machinery to review rent, it was intended to be a holding operation. I will continue to read later.

Now, if it is that it was a holding operation and the Government is now serious in dealing with review of rental by landlord or tenant to produce justice to them, to produce the machinery intended under the Act, the Government must tell us why it has not taken steps to set up the Land Commission. When I read to you what the Land Registration Act deals with in respect of the Land Commission, one would see that it is the Land Commission, that is the machinery which is important for providing redress in respect of landlords and tenants.

Madam Speaker, if I may continue to read under section 5(a) (iii):

"For the purpose of the review of rent, the Minister shall by Order published in the *Gazette* specify the matters to which the Land Commission or the Rent Assessment Board, as the case may be, shall have regard to undertaking a review."

That is what has been done.

I think you should know, Madam Speaker, that as far back as 1988, the courts had to pronounce upon the lack of criteria. So it is not a situation where the Government, in 1983, did not know of the problem. Because, in 1983, the Government introduced legislation. So the Government knew in 1981, they knew in 1983. If it is to say, in 1987, whoever the Government was, they did not know about it, in 1987, in Magisterial Appeal No. 136 of 1987, between Ramjit Matura and Arthur Mungroo, delivered by the Court of Appeal on June 20, 1988, the Court of Appeal, presided over at that time by the hon. Justice of Appeal, Justice Des Iles; he had cause to pronounce upon the lack of these criteria. At pages 8 and

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9 of his judgment, he made it quite clear that there was no authority by the Rent Restriction Board to adjudicate without these criteria being enforced. He suggested to the parties that they could have gone and gotten a writ of mandamus to command the Minister to make the regulation.

The point I am making, Madam Speaker, is that the executive authority of this country, whether it was PNM, whether it was NAR, knew and must be presumed to have known of the provisions of the Land Tenants (Security of Tenure) Act, the provisions of the amended Act of 1983 and the decisions of the court. It is incredible that it is only now it is coming and that it has come in this superficial way.

**3.35 p.m.**

With the greatest respect to the Minister, it has come in a very superficial way, not dealing with the pit and substance of the matter. What is the pit and substance of the matter? What is the pit and substance of this legislation? The Land Commission. The procedure, the tribunal, and the nature of the tribunal, the nature of the adjudication.

You see, Madam Speaker, under the Land Commission a tenant will not have to spend much money to prove the things that he would have to prove with this criteria under the Rent Restriction Board because the Land Commission will have the authority to, on its own motion, bring expert evidence to get that. So, in effect, the state has to get the evidence. It is a different kind of procedure. The whole purpose of the legislation, the framework of the legislation in 1981 was to remove all the legal technicalities from all these proceedings. If the tenant had a problem, the landlord had a problem, the court on its own motion can get evidence and deal with it. What has happened is that the kernel of the matter has been forgotten and we have come with peripheral matters.

It is very significant and I would want the Government to respond. I consider this matter so important that—I hope I will not be regarded as being irrelevant—the Prime Minister and the Government of St. Vincent and the Grenadines invited me to the opening of the Bequi Airport and I turned down that invitation today in order to make this contribution because I am very serious about this. This is a very serious matter.

Madam Speaker, look what has happened. If I read section 5 (b), it says:

"Rents paid in excess of any amounts payable under this Act are not recoverable."

Now, if the tenants have been paying to the landlords, excessive rents over the years, they are not going to recover this money. It was passed in 1983 hoping that it will be a short period of time, so that if the tenants have to lose it would be a small loss. For 11 years, if it is found by any tribunal—whether it is the Land Commission or the Rent Restriction Board—that tenants have been fleeced by landlords; they have been robbed, taken advantage of; they have been oppressed; they have no right of redress to get moneys back.

**Miss Nicholson:** Madam Speaker, may I ask a little clarity from the Member for Couva South? What about the other way? He has been arguing with respect to the land tenants, what about the landlords?

**Mr. Maharaj:** Madam Speaker, I would have thought that it is very obvious because the tenant pays rent, the landlord does not pay rent; the landlord receives rent. I do not know whether in Tobago the landlords collect rent but in Trinidad—and I would assume in Trinidad and Tobago—the landlord collects rent and the tenant pays rent. I am dealing with rents paid in excess of any amounts payable under the Act.

When one looks at the scheme of the legislation in 1981, to which I have referred the Security of Tenure Act, it is recognized that the Act was passed in order to give relief to tenants. It had to be passed by a specified majority. It was an Act which abridged the constitutional rights of landlords. The Government of the day, quite rightly—and I can go on record—decided that the time had come when these people had to get some form of redress, and therefore, they had to strike the balance. So that they passed the bill—a very good piece of legislation, in my view—and it had to be passed abridging the rights of landlords, and by a specified majority. The aim of it, I am not saying was to alienate the landlords or to take advantage of them, but the primary aim of it was, in effect, to provide relief for the tenants.

Madam Speaker, we have a situation where, in my view, this resolution is merely the tip of the iceberg of the problem, and we have to deal with the whole iceberg. By coming here and just saying this, we are, in effect, imposing greater hardships on the tenants. If it is that such a resolution was coming, I would have expected to have legislation together with it in order to amend section 5(b) so that tenants who have paid excess rentals, there would be machinery for them to be paid back by the landlords. If a tribunal decides that rent was paid in excess of the

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amount that was due to the landlord, then I would expect the legislation to be fair and to require that that excess amount be paid back to the tenant. If this goes as it is going, what would happen now is that because of the Executive delay, the tenant could not have ascertained what was his rental, he would, in effect, be paying the price for the delay by the Executive when he had no responsibility in that process—none whatsoever. He will be made to suffer at the expense of the delay by the Executive.

**Mr. B. Panday:** That is the class difference Marshall cannot get out of.

**Mr. Maharaj:** I find it very difficult to understand what is the difficulty, and forgive me, Madam Speaker, these are matters which can be drafted in a night. There was no need for four months to pass for this—one night, less than a night. What was the difficulty in taking four months to bring this? What is the difficulty in drafting a piece of legislation in which you had to amend that in order to give relief to the tenant? What is the difficulty in setting up the Land Commission? Are we going to take another 11 years? Are we going to take another year? Are we going to take another six months?

We have recognized by the scheme of the legislation that the High Court is not the appropriate tribunal; we have recognized by the scheme of the legislation that the Rent Restriction Board is not the appropriate tribunal, that these are holding machinery. We have recognized that. We know that the judicial system is clogged, that it is difficult to get a hearing. We know that. Then why, as a camouflage, come and say, "well we are doing something?" Is that caring? That is not my definition of caring. Caring means that you must not only say that you care, you must show by your action and conduct that you care and that you care for all people.

**Mr. B. Panday:** Not yourself!

**Mr. Maharaj:** The Land Commission under the Land Registration Act is set up under section 7. Under section 10(5), there shall be a chairman, a judge of the court, and there will be other members—experts. But let me read section 10(5):

"Without prejudice to the penalty of subsection (4) the Land Commission may seek the advice of any suitably qualified person on matters relating to the valuation or surveying of land or any other material which it considers to be relevant to any issue or proceedings before it, provided that such advice shall

be disclosed to the parties to the proceedings and that the Land Commission shall not be obliged to accept such advice or to act upon it."

Madam Speaker, you would notice that you would not have this kind of procedure in a strictly adversarial set-up. One sees that the nature of the tribunal was, in effect, to provide relief and a different kind of procedure. I am at a loss to understand why—and it cannot be doubted—the previous administration erred. This is a serious blunder affecting the rights of tenants and, to a great extent, landlords. Why perpetuate that error? Two wrongs do not make a right. What they are doing is perpetuating the error. They are, in effect, going along with the window dressing but not dealing with the substance of the matter.

**3.45 p.m.**

**Mr. B. Panday:** That was Mr. Marshall's problem. He was using diversionary tactics. It will not work.

**Mr. Maharaj:** Madam Speaker, I think that in a matter like this one ought to also look—because this deals with tenants and people who occupy land. And do you know, Madam Speaker, it is the same problem under Act 20 of 1986? The tribunal which is supposed to adjudicate as to whether a person is a squatter or not has not been appointed, so people cannot have a determination of the benefits of Act No. 20 of 1986. I would have thought that the Minister responsible for Act 20 of 1986, since he is dealing with occupiers of land, would come and tell us. Let us have your policy. What is the Government's policy on these matters? Is it going to appoint one? Is it not going to appoint one? When is it going to appoint it? What is it going to do? Or is it ashamed to admit that the NAR had a very good policy and, therefore, they want to follow it? We are here with people, we are not here with personalities. I would have expected that the Minister would deal not only with this matter with respect to occupation of land, but would deal with matters with respect to squatters on private land, agricultural tenants. Deal with it. What is the policy?

You see, Madam Speaker, what I have noticed is that—and I say this very respectfully—we have a problem, we recognize there is a problem, but for some reason or other, we do not want to deal with the problem. We deal with other things, subsidiary matters. We do not want to go into the core of the problem. Why? This is one of the reasons people are suffering in this country.

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**Mr. B. Panday:** Killing people and they do not want to face the truth. Where is the Minister of Health? He is away on some jaunt.

**Mr. Maharaj:** Madam Speaker, I know you will permit me a little latitude just to mention this other aspect. One of the matters which is seriously affecting tenants and occupiers of land is the connection of water and electricity. That is something which I would have expected the Minister, coming on his first major piece of legislation in respect of these matters affecting people occupying lands to deal with. I would have expected him to say whether the Government is going to give squatters water and electricity connections. Because these are basic things for life.

Madam Speaker, if I may go back on the Order itself, I wish to say that we really have to understand that, yes, democracy can be in peril and it can never be taken for granted. But we must also understand that the threat to democracy is not always a military coup; it is not always illegal force. Threats to democracy can come from within; they can come when the infrastructure and the machinery are not in place; when it is known that they are not in place. It is recognized what the problems are; it is recognized that we have to deal with them, but we show a reluctance in dealing with them. We say we care, but we do not care. Thank you very much, Madam Speaker.

**Mr. Hedwige Bereaux** (*La Brea*): Madam Speaker, I rise to support the two motions: the Order and Regulations before this House. I think it is necessary.

I have listened carefully to the Member for Couva South and realize that he went to great pains to try to give the impression that these regulations that were brought here and this Act of 1981 were introduced by a Government that did not care.

We just need to go back into the history of land tenure, particularly as it refers to those persons who rented land, and to recognize that the PNM Government in 1981, the old PNM—and we only have one PNM for your information and I am proud to be and to have been a member of that PNM, the PNM generally. We were concerned with the fact that in areas where we had persons renting land upon which they built houses called chattel houses—and you know the old history of a chattel house was one that you could pick up and remove and, therefore, they had no security of tenure. Those persons could not borrow money to rebuild or repair

their houses; and I, as the representative for La Brea and recognizing that in my constituency there were a few thousand households who had chattel houses and I recognized that it was a legislation like this which gave security of tenure to the persons who were renting land is what enabled several of them—

**Mr. Maharaj:** I rise on a point of order. I do not like to interrupt, but I made it quite clear that I congratulated the Government for passing the legislation, but it is in the implementation of the legislation—

**Mr. B. Panday:** I do not think the Member understands.

**Mr. Maharaj:** With the greatest respect, Sir, there can be no relevance in saying that with respect to the Land Tenants (Security of Tenure) Act, because it is recognized that it was passed in order to grant redress for people who had chattel houses on land. I have no quarrel with that. As a matter of fact, I expressly said that the Government ought to be congratulated for that. It is the implementation.

**Mr. Bereaux:** Madam Speaker, the Member for Couva South has gotten the second bite of the cherry as he is so required to do. What I was trying to explain was that in the same context in which the Government sought to bring into being legislation to secure those persons who were on rented lands, although we recognized that there have been delays in the implementation, this particular Order and these particular Regulations which now seek to deal with regularizing the rents, are in the same caring spirit.

The Member went on to speak about excess rent and I want to deal with this question of rent properly. You will recall that in 1979 there was a special commission under a former Judge of Appeal, Mr. Karl de la Bastide in which he dealt with the full question. The commission held several enquiries. Memoranda were put forward by several groups and it was out of the findings of that commission that the Land Tenants (Security of Tenure) Act came about.

**3.55 p.m.**

If one would also recall, the rent in the original Act was stated as one per cent of the open market value. I was one of the persons who immediately came out against that particular one per cent of the open market value as being the recognized rent. Because in some areas, rents rose from \$7.20 as it is in Santa Flora and Palo Seco, to \$400. It was as a result of the outcry, that the 1983 amendment came into being. That 1983 amendment put back the rent to the rent paid immediately prior to the coming into being of the Act. So the question of

excess rent, as contained in section 5(3) of the Act—about which the Member for Couva South took such great pains and is so concerned, that after 11 years what would happen—was intended to deal with the period between June 1, 1981 and the coming into being of the amendment in 1983.

So that is it. Because the rent paid today is not any additional rent. It is a rent which was paid at the time immediately prior to the coming into being of the Act. So there can be no excess rent. In fact, if it is anything, the delay benefited the tenant in whom the Member for Couva South was so interested.

So the question about the excess rent does not apply. It is a red herring; it must be ignored. Everyone recognizes that justice delayed is justice denied. If a bill is passed and passed to correct a situation, it is important that that Act be brought into being as early as possible. I agree that every effort must be made to bring this Act into being as well as the whole land law reform legislation, as quickly as possibly.

I like to always refer to the legal luminaries. But you see, luminaries in court do not necessarily mean knowledge of the conveyancing practice. Because when you are doing good conveyancing, you stay quietly in the back and you perform away from the light, so you are usually a dark luminary, if any, at all. You never call a good conveyancer a luminary.

Many persons who come forward and say, put this or that Act into being, are not aware of the nuts and bolts and the practical situations which must be dealt with prior to bringing a vast body of legislation into practice.

**Mr. Maharaj:** Could you give way to a question? Is the hon. Member saying that the law of conveyancing applies to when you are putting a vast body of law into operation? That is draftsmanship. I wanted to know if that is conveyancing.

**Mr. Bereaux:** Madam Speaker, the laws which were passed in 1979 were intended to revamp the entire land law practice procedure in Trinidad and Tobago. I just took a look at the Land Registration Act which had to bring into effect the Land Commission and others. Maybe for the benefit of the hon. Member, land in Trinidad and Tobago today, is in two segments. You have common law land; land which came down from the Spanish grant days and you have real property ordinance land which came into being under the Real Property Ordinance, and your title in respect of that land is usually evidenced by a Crown grant or a certificate of title.

That was put in at that time to simplify conveyancing. The land under the common law title is where you prepare the ordinary deed. Land under the Real Property Ordinance is where you prepare a transfer. What it sought to do, was to amalgamate and bring these two parallel systems into one, under a Land Registration Act. When you speak about Prof. Wylie, I want to tell the Member for Couva South, that it is my contribution on the condominiums legislation that forms a large proportion of that chapter in that book.

As I was saying, it was intended to put these things together. A condition precedent to reforming the land system, was reforming the registry of records. You had, as you will recall—and we still have it to some extent—all the books, some were torn up. Over the years, you had a system where, prior to trying to get ready for the changes of land registration, for putting the Land Registration Act into place, young people were working round the clock to regularize and to put the books in proper order. The Land Registration Act calls for the introduction of local land offices.

**4.05 p.m.**

It calls for the introduction of an insurance fund and several other things. And all of these little segments must be put in place before you could implement this legislation.

I am the first to admit that maybe, and I am certain, that the Governments—I am not casting blame now—did not move with the kind of speed that one would expect. I heard the Member for Tobago West pointing out the lack of personnel in the drafting section of the legal department of the service. I heard the learned Attorney General mention that. So one must recognize these amendments and that these amendments to procedure would take some time. What is significant is that, that which we can do, we do now. What we are able to do is to prepare the Regulations in respect of the rent review of the Land Tenants (Security of Tenure) Act, and that we do. We can do the Order now and that we do. And for that, the Member for Point Fortin, my neighbour, must be complimented. When the Land Tenants (Security of Tenure) Act gave the statutory lease to tenants, the Regulations also gave them the right to call for a memorandum of statutory lease, and failure to give them that memorandum of statutory lease, the Regulations states:

- (4) "Every landlord or tenant who on being required to do so, refuses, without reasonable cause, to sign or cause, to be signed on his behalf any original or duplicate of such memorandum of lease referred to in this regulation is guilty of a summary offence and is liable to a fine of five hundred dollars."

What we found was that because there was no ability to review the rents, landlords, and to a lesser extent, tenants were avoiding the law and were putting themselves, unwittingly, in a position to have this fine imposed upon them. We are saying if there is a situation in which there is a law that people are breaking because of a simple amendment or regulation that has to be put in place, we feel that as a responsible and a caring party we must do that. When, however, we come to this honourable House with such an action, we do expect the Member for Couva South or any Member on the opposite side to point out that, "we hope you are not stopping there, but you will go further and complete the task". What we do not expect is recrimination and attacks.

**Mr. B. Panday:** You should not come here if you do not want that. Go back to Point Fortin or La Brea.

**Mr. Béréaux:** I would ignore the outburst of the—I do not recognize him or the grunting, I should say.

I was saying that when we come here with a piece of legislation or an amendment that is designed to correct something to make the situation for the tenant, for the small man, the poor man whom they claim to think about—and some big landlords must get upset—I would have thought and I expect, maybe the Member for St. Augustine, if he is going to make a contribution, would talk about, maybe, dealing with the arrangements for surveys and planning which are his normal statements.

You will note that this piece of legislation also provides a form of statutory lease, so you do not have to go to any high-priced lawyer to do it. It is easy to fill in the blanks and carry out the provisions of the lease. Maybe that is what is worrying some people.

We were talking about the Land Commission, about the High Court and the inability of the tribunal to take cognizance of facts. The Member made reference to the fact that the Land Commission is entitled to do its own investigation. Admittedly, the rent tribunal does not have that great latitude, but it has the

latitude to take into cognizance, facts within the knowledge of any member to the Rent Restriction Board.

As I said earlier, in the first instance I did not intend to take part in this debate, but when I heard Members in this House trying to use their brilliant legal arguments in order to mislead the population, those of us who understand and know about the history of the legislation need to come forward and point it out."

Madam Speaker, without much ado, I wish to support the motion put forward by the Member for Point Fortin.

**Miss Pamela Nicholson** (*Tobago West*): Madam Speaker, I just want to give one or two statements because I am one of the people perhaps, whom certain statements have been made about. I just want to state very clearly that it was in 1988 that I went into that Ministry. In 1989 I became aware of this situation—because you have so much to become aware of. However, we did our homework, but by the time we moved, as the Minister for Housing and Settlement stated, the time had lapsed.

I want to make a very clear statement. What the Minister came in here and was boasting about, all the work was done by this person standing here. We sent it to the Attorney General's office, there were delays and that is why it was not brought to the House. I felt very peeved sitting here and hearing the Minister boasting that in two months after he was called—I had several meetings with those people whom he spoke about, some troublesome old men.

I agree that this is to the advantage of the people who are renting; I agree that the regulations are very advantageous to the land tenants and it is something really that should not have lapsed. I agree to take that burden, but when we recognized that problem we went along with our homework and as he argued, a number of the things were brought to the House in 1990/1991. The Regulations were prepared and we wanted to get our clarity on them, and therefore, they were sent to the Attorney General's office and we had to wait. That is why they were not dealt with before.

I just wanted to clear the air that he was able to respond in two months because the groundwork was done. This is the problem of the NAR. All this new Government is doing, is implementing policies of the NAR Government. There is no doubt about that.

**4.15 p.m.**

When you sit and you read this, it is painful that Trinidad is just quiet. Everybody's mouth is locked up tight. People are killed in a serious way at St. Ann's Hospital and neither a drum nor a funeral note is heard.

**Mr. Bereaux:** On a point of order. I would like to check on the relevance of the statement being made.

**Miss Nicholson:** In other words, what I am saying is that the Minister should be fair and say, "well, you know, when I went there, this was already prepared and, therefore, I was able to do it." It is very painful when you sit and everything that you do—you hear 2,000 persons from WASA have to go home; you hear this, that, and the other—and you ask: are those the fighters? Are those the people who gave us all the battles in the House? It is painful and it is something the country must know. *[Interruption]* Wait. You are going to reply. I am going to be brief.

**Dr. Lasse:** In my statement, I made it abundantly clear what the Member for Tobago West did and what she could not have completed. Thank you very much.

**Miss Nicholson:** You really have not said anything, because you have a chance to reply and you can do so. What I am saying is that you were able to respond a few days after the people spoke to you because this work was done and was there. This is what is taking place in Trinidad and not a drum is heard; nobody cannot write anymore in the press; you do not have anybody taking up the battle and the fight. This is why I will always say, I love Tobago. The people are independent, sound and strong and can make their positions very clear.

People are being killed in a hospital. In America, when those people died in that shuttle, what did they do? Fire the Chairman, fire the Board, a commission of enquiry was called immediately.

**Madam Speaker:** I am sure the hon. Member would have an opportunity to discuss that situation. Maybe we can confine ourselves at this point to the matter before us.

**Miss Nicholson:** I will make it relevant to this. I feel that it is relevant because this is for the advantage of the people of the country. I was just referring to that to show—the analogy is so clear—what they are saying, that the people who did not bring this to the House before, they were wicked and they did not do their homework and others suffered. I am saying that people have died in this country and I do not want to hear anything about investigation. I want to know

why X was killed; who killed them and if we can be clear on that after. It is very important. It is a very sad day in the country.

**Madam Speaker:** The Member should have raised the question on an adjournment of the House. Just let us confine ourselves at this point in time to the Rent Restriction Order and what is before us. That is not before us at this point in time.

**Miss Nicholson:** Do not get peeved. We see it on your face on every occasion, when this side is getting under fire.

**Madam Speaker:** Would the Member withdraw that statement, please. I do not know what the Member is insinuating.

**Miss Nicholson:** Sure. I will withdraw. I withdraw. Sometimes you get a little emotional and certain statements come out. I withdraw.

I am very happy that the Minister of Housing and Resettlement, the Member for Point Fortin, was able to take up a document with regulations already put together by the National Alliance for Reconstruction and bring it to the House very promptly, because of the work done by the National Alliance for Reconstruction, a government and people who are taking blows today and other people are benefiting from all their hard work.

Thank you very much.

**Mr. Trevor Sudama** (*Oropouche*): Madam Speaker, I could not let this opportunity pass without making a few comments on the regulations before us and the parent Act which has given rise to these regulations, because the history and implications of this Act are very far-reaching and wide. The reason that this regulation is coming up before us today is because the old PNM Government clearly did not understand and know people in this country. They were not pragmatic and when they passed the original legislation in 1981, the Land Tenants (Security of Tenure) Act, they thought they were being very clever and in that Act they put in a formula to determine rents.

I will read out the formula to refresh the memories of Members of this House, as well as educate some of our new Members, such as the Member for La Brea, who comes here and does no research on these matters and so he does not know the historical evolution of the problem we are trying to deal with today.

In Act No. 11 of 1981, the then PNM Government in their wisdom—and I must say that many of these Acts were passed just prior to an election. Prior to the

1981 election a series of Acts relating to landlord and tenant, land registration and whatever dealing with the question of the rights of landowners and tenants were put on the record without any intention of having them implemented, merely to hoodwink the population in an election year. That was the purpose. In 1986, it was the same story. There was the Squatters Regularization Act of 1986, just prior to an election. That has been the history of the PNM.

I want to go back to talk about this formula and to indicate that when it proved to be unworkable, they came back to this House to revoke that section of the Act and to put in a section which said that rents will now be determined by the Rent Restriction Board, in lieu of a Land Commission. Listen to this preposterous formula set out in section 5

“(3) The rent under any statutory lease shall be as follows:—

- (a) for each of the first three years of the statutory lease, the annual ground rent for the land comprised in the lease shall be one per cent of two-thirds of the open market value of the land as assessed without taking into account the chattel house thereon (referred to in this section as ‘the prescribed value’)—such value to be agreed between the landlord and the tenant, and in default of agreement, to be determined by the Land Commission at the instance of either party;”

But you had this legislation, that is to show you the intent. It was never intended to be implemented.

- (b) at the beginning of each of the next four succeeding periods of three years, the rent shall be increased by one per cent of two-thirds of the prescribed value;
- (c) and at the end of the fifteenth year after the appointed day and thereafter at the end of each succeeding period of fifteen years of the statutory lease, the prescribed value of the land shall be re-defined by agreement between the landlord and the tenant and in default of agreement by the Land Commission at the instance of either party for the purpose of computing the ground rent.

**4.25 p.m.**

Now, do you know what happened immediately after this Act was passed? The landlords put up the market value of the land, because it was one per cent of

two-thirds the market value, so the higher you assess the market value of the land, the higher the rental. When the backlash came from places like Woodbrook, the Government hurriedly went back to amend this piece of legislation.

How could they put a piece of legislation in place that is dependent on agreement between landlord and tenant? An agreement between landlord and tenant as to market value hardly ever takes place. In the absence of that they must go to a non-existent Land Commission. That is their idea of being pragmatic in dealing with a problem which will result in the benefit to citizens of this country.

This was unworkable under the system which they had proposed. Laws which they intended to implement, they could not even properly implement, but this one was never intended for implementation. When the landlords began to put up their rents on the basis of this formula, they hurriedly came back here to freeze rentals at a certain date, and then to indicate that any review had to be done by a Rent Restriction Board. They go to all sorts of trouble to devise laws for private citizens. Do you know the state is excluded from the provisions of this Act? You ask why. If they are having a law which applies to everybody, why are they excluding the state from this formula when there are people renting from the state?

I recall that in the package of legislation passed in 1986, prior to the election, was Act No. 20 of 1986, the Act dealing with the regularization of squatters on state lands; that was just before election, to hoodwink squatters that the Government cared about their interests. Today, squatters on state lands are in the same position as they were before this Act and the Act of 1986 were passed. Today, there are squatters on state lands undergoing the same uncertainty and insecurity, and subject to the same kinds of harassment as indeed some private landlords are imposing on their own tenants. This is the state.

I do not have to tell you the tribulations of the people of Bamboo Settlement No. 3, where they are literally being bulldozed into accepting a decision to which they have never given consent and to which they were never a party, because these matters do not apply to the state. The state is free to do whatever it likes—to oppress citizens of this country.

I come to the other point. I had raised in this House a motion about whether the NAR Government was going to implement the Squatters Regularization Act, 1986. When the response came from the Attorney General, he said that the NAR Government was going to repeal all those pieces of legislation with respect to

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security of tenure, landlords and tenants and so on, because they had a different philosophy about the relationship between landlord and tenant and about regularization. Of course, their philosophy has landed them where they are today. I want to know from this Government whether they intend to implement the series of legislation here in this volume of 1981; whether they intend to implement Act No. 20 of 1986, with respect to those squatters in Bamboo Settlement, or whether those squatters are excluded from the provisions of that Act, which you are going to apply to other squatting settlements in the country. I want to say that the reason for that is political—they feel that the majority of people of Bamboo Settlement voted UNC and that is why they are bulldozing them.

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

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

#### THREATS AGAINST MEMBER

**Mr. Basdeo Panday** (*Couva North*): Madam Speaker, before the Member for Oropouche speaks, I crave your indulgence to bring to the attention of the House, and to your good self, an incident that occurred in the precincts of this House just as I was about to leave. I was leaving just after the break and I was told that the Member for Laventille was speaking to a group of men. And there are people in this House right now who overheard it being said, “if Marshall cannot go to South, Panday cannot come to North. We are going to go to his office of the Opposition and mash up everything there”, and making threats of violence against myself.

I do not say this because I wish that you should do anything, because I do not. I do not live in fear; I never have. I just bring it to the attention of this House and I bring it to the attention of this nation. That is all. That is the only reason I came back to the House and stayed because I had planned to leave, I have other matters to attend to. Thank you kindly for that opportunity.

**Madam Speaker:** Before the Member for Oropouche continues, I think I would make an appeal to persons in the public gallery. I think this is a very sacred building here where we all gather to discuss the nation's business and I really do think that those of you who come here, should please try to respect the precincts of these premises. If you wish to engage in any kind of activity other than that which pertains to the business of this House, I will appeal to persons in the public gallery to do so elsewhere and not here.

**LAND TENANTS (SECURITY OF TENURE)  
(RENT REVIEW) REGULATIONS**

**Mr. Sudama:** Madam Speaker, when we took the tea adjournment, I was on this question of indicating to this House that a matter of security, with respect to the people who are occupying the state lands at Bamboo Settlement No. 3, was being handled in a way which belied the Government's profession that they care for people. Because the people in Bamboo Settlement No. 3 do not want to be regularized in the way that the Government wishes them to be regularized. They do not wish their security to be determined on that basis.

When I spoke about the bulldozing of houses, in the immediate vicinity of houses, I was greeted with shouts from the other side. I have a newspaper here Madam Speaker, *The Bomb*, which actually shows pictures of this bulldozing taking place, and a bulldozing which is against the wishes of the people. They want it to be regularized under Act No. 20 of 1986, pay \$0.25 per foot and participate in the construction of their own infrastructure, which in the end would have cost them much less than the scheme which the Government is proposing, which is, in fact, the route that the Government is going on other squatter settlements.

So I just thought we had made an appeal in the past that the Government is totally insensitive to the views, to the expressions, to the plight of these people in Bamboo Settlement No. 3. Perhaps, knowing that that is their response to this plea from squatters at Bamboo Settlement No. 3, I know that they are not going to change their minds or their attitudes with respect to anything that we may say in this House.

The Member for La Brea, for example, spoke of coming to this House to speak on matters in the public interest and to promote the national interest. I have no problem with that. It is that the national interest under the Westminster system is defined in a certain way by those who wield power and you cannot do anything about it when you are on this side. That is what they are saying. That is the law. The ayes always have it and no matter what we say on this side—I have been in this House over 10 years now—regardless of the logic of our argument, the Government comes here with a predetermined position, and then puts it to a vote; the ayes have it and then the formality goes on apace.

I say that, because I really feel for the plight of these squatters. They do not like what is happening. They tried to change the views of the Government on this.

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The Government refuses to budge, the Government is going ahead with its plans to build a sewerage system which will create severe problems. So many sewerage systems in this country are not functional.

**Mr. Sobion:** Madam Speaker, on a point of order. I have sat here for a long time and did not intend to rise, but the Member for Oropouche, who is more experienced than I in these matters, is being quite irrelevant. The matter before this House is a motion with respect to regulations dealing with the criteria to be used by the Rent Restriction Board in determining rate applications for increases of rents. One could tolerate discussion about squatters, but we are getting now into what is happening with regard to a particular squatter settlement and I think he has gone outside the normal bounds.

**Mr. Sudama:** Madam Speaker, I really raised that issue because it pertains to the security of land occupied by citizens of this country. I use the Bamboo Settlement No. 3 as a particular instance to show how that security was affected. Here we are talking about security of tenure of people who are renting land which they do not own, on which they have a house. Now, the same thing applied in Bamboo Settlement No. 3, it is just that the state owns the land there and the state does not enter into landlord and tenant relationships because these things are excluded.

I am talking about the contradictory situation and the fact that no relief is being offered on the grounds of equity. No relief is being offered to these hard-pressed squatter citizens of Trinidad and Tobago in Bamboo Settlement No. 3. But it all has to do with the question of security in the same way that you are trying to give the tenant security under a landlord and tenant relationship. Here you have the state in a relationship with people who are occupying state lands and you are denying them security. That is the point I was trying to make.

Madam Speaker, I just want to move away from that point to express my regret at the attitude of the Government in this whole matter. When it could have stopped, although it would have involved a little cost on their part—they have spent billions of dollars wastefully over the years already—in terms of the contractual obligations to discontinue the project and proceed along the lines which the residents would have wanted them to proceed. But so be it. The PNM has laid down the law. They have a mandate to rule and they will as they see fit. That has been an expression used here from time to time—the old PNM the new PNM; they have a mandate to rule, regardless.

Now, Madam Speaker, on that issue, I just want to make one point—and I see my friend from Tobago West is not here. When she was here, she made an Order that anyone who was residing, occupying state lands without permission should not have an electricity connection. She made an Order in writing when she was Minister of Settlements. I want to ask this current Minister, would he revoke that Order? We are in the context of attempting to regularize squatters on state land, will the Minister revoke that Order? I want a commitment from him here this afternoon. Would he revoke that Order that has been made under the previous regime or is it a continuation—same old khaki pants—of the B-team's approaches into the A-team's regime?

I want to look at this problem of implementation which has been raised before. We have thousands of laws on the statute books of Trinidad and Tobago which never see implementation:

- (a) Sometimes the machinery or mechanism is not set up; and
- (b) When the machinery or mechanism is set up, the people who are empowered to implement them never do, whether they are members of the Police Service, whether they are officers of the Town and Country Planning Department, whether they are in the National Housing Authority, whether they are in the Ministry of Works.

Right now I am trying to get some drainage problems rectified. The Minister went down there, a fellow has blocked a natural watercourse. He cannot do anything about it; he cannot implement. I am talking about the whole syndrome of inability, incapacity to implement rules and regulations and laws that have passed here. I am wondering whether this will not be another victim of that syndrome.

Madam Speaker, I say so, because I have heard talk—the Member for La Brea said that this Act that we are dealing with, Land Tenants (Security of Tenure) Act, has given the right to the tenant to have a memorandum of statutory lease executed in his favour; all he has to do is ask for it. I want to ask him here today, how many memoranda of statutory leases have been executed under this Act? Does he know?

**Mr. Bereaux:** Madam Speaker, I would like to correct him. I know of several.

**Mr. Sudama:** He knows of several. I want him to ask his colleague, his neighbour on the other side, whether his neighbour could provide that information. If, in fact you have thousands and thousands of tenants in this

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country, how many memoranda of leases have been executed under this Act? You come here and you talk about equity of this Act and what it is intended to do. It could have all the equity in the world in words here. If it is not implemented, indeed, there is no equity.

Madam Speaker, as I said, Land Commission—11 years going now, no Land Commission on the scene, none whatsoever—which was supposed to deal with questions of rent review, questions of determining the market value of land. Now, we have established rent review boards.

Another thing I would like to find out—and the Minister in his presentation ought to have informed the House—how many rent review boards are functioning? Have you filled in the places on these rent review boards, the chairman and the secretary and the other members and so on? How many of them are functioning at all? How many of them sit? How many of them receive applications and requests from aggrieved tenants? How many? You do not know. You are operating in a vacuum. You have rent review boards, but whether they are functioning or not is not your concern. You come here to say how efficient you have been; in four months' time, you have brought regulations to this House; not, in fact, to give a review of how this thing was working in the past. That, I believe, you do not conceive to be your responsibility to this House.

Madam Speaker, this first regulation deals with chairman, secretary:

"An application for review of rent pursuant to section 5(a) of the Act shall be made to the relevant board having jurisdiction over the area in which the land is located and such application shall be made on a prescribed form as set out in the Schedule."

Do you know what happens in most of the cases? People do not know who is the relevant board. They cannot find the relevant board. There is not sufficient publicity of this rent review and the mechanisms, procedures and processes. You do not know who the relevant board is. When you do go to who you think is the relevant board, they say no, that is not their jurisdiction at all. You go somewhere else. This has happened. Tenants have come and made such complaints to me.

Then you make an application to the relevant board, if you can find the relevant board, that is. You make an application to the secretary and the application gets hidden away somewhere. You keep requesting a hearing and there is no hearing because the board either has no chairman, it cannot meet, or for some reason or another, you are not getting a hearing. So years and years elapse.

This Attorney General comes here to pontificate to this House: Justice delayed is justice denied. Thirty-five years of PNM justice; he comes here to pontificate about justice delayed as if all this backlog of cases is the responsibility of the UNC. These hundreds of cases he is quoting, all this backlog, when did this backlog start, under which regime? Under the UNC?

Madam Speaker, let us take a look at this Rent Assessment Board. A citizen makes an application in year one. He is not heard until year five, if he is heard at all. What happens in the meantime? There must have been some injustice being perpetrated over the years which is not corrected, because of the lack of implementation, lack of meeting of this Rent Assessment Board. I suggest to the Government, and we have a problem there. You have to understand administration and administrative procedures to come to grips with this problem. If you want to simplify procedures and you want to have more speedy action, then where an authority is exercising a quasi-judicial and an administrative function, you put the weight on the administrative side for effective and speedy action.

From the time—and with due deference to my lawyer friends on this side—you bring in the legal aspects and you give undue weight to that, you slow down the process immediately because all these fine points of legality and so on are brought up and you never get a decision. It is a fact of life.

**Mr. Mohammed:** He is a good bush lawyer.

**Mr. Sudama:** I take a little offence at the term "bush lawyer", because I do have some legal training.

Madam Speaker, what I am saying is that this Rent Assessment Board should be made into an administrative tribunal, as such. Put in charge of it as Chairman, a lay person, who, if he has problems of law, he can always get advice; he can always refer any legal matter. Because when you really look at this, what legal technicality is involved here in receiving an application and in determining it under the various criteria? You do not need a lawyer to determine the general state of the market and the value of land, the nature and cost of improvements to the land, facilities, amenities, property taxes, current interest rates and length of occupation.

What happens is that generally, a magistrate or a retired magistrate is put as the chairman of this Rent Assessment Board and from the start this thing becomes non-functional. You put this fellow in charge. You put him there because you say he has legal expertise, but you feel it is very important to have him. I am saying that it is not all that important. What I am saying is that lay people could handle

the job; if there is any problem, legal or otherwise, they could get advice and determine the problem. In which case, you will have speed of action, speed of determining these applications which are before the respective Rent Assessment Boards.

Now, Madam Speaker, my own experience has been, from the complaints that tenants have made to me, that if it is a sitting magistrate, he hardly has time. He has to find some spare time in order to deal with rent review matters. If it is a retired magistrate, there could be the same problem, because he is on retirement; he does not spend so much time with work. Then there is the question of getting a quorum from among those who have been appointed to the board and that sort of thing.

I am suggesting that the emphasis be placed more on the administrative side than on the judicial or quasi-judicial function that is being performed by these bodies. I give that free advice to the Members on the other side. Of course, in the usual way I do not expect that advice to be accepted, acknowledged or even acted upon. I do not expect it, but I have a duty to my constituents, to this country, to get up in this Parliament and make representation as I see fit and this is what I am doing. Not that I feel that it will have any effect on the grossly insensitive Government that we have in power.

Madam Speaker, the other issue I want to raise is that the more criteria you lay down again, the more you slow down the process; the more the process becomes a technical matter. The whole idea behind these processes is that you should do them speedily. But if you put an undue number of criteria to be taken into account, what happens is that the members of the rent review board feel that they do not have sufficient information on which to make a decision, so they tend to defer. They defer things until they feel they have more information and they keep on this procedure of deferral. I am saying that when we look at these criteria, the question is: could these criteria be narrowed down to the more significant ones, which the board will take into account in determining whether the application for a rent review could be either for an increase or a decrease should be allowed?

That is a point I wish to make on the basis of my own experience: how these boards or these institutions operate and the procedures involved and how the personnel in these institutions think and how they act. So that, if we are going to make laws and regulations, Madam Speaker, I am appealing to the Government, let us make laws and regulations which are implementable in the interest of the citizens of Trinidad and Tobago. It is a simple plea.

It is nice to come here and put down all sorts of regulations and pass all sorts of laws, and then you find that these things are not working out the way you intended them; they are not implemented in the spirit in which they have been passed; there are so many problems with respect to the personnel involved and the procedures you have laid down that it is not serving the interest of anybody, whether it is the landlord, or whether it is the tenant.

So, with those few remarks, Madam Speaker, I hope that the Government is a bit wiser this afternoon after my contribution and that they will take the appropriate advice and incorporate it into their thinking and consciousness for the improvement of the lives of all the people of Trinidad and Tobago. Thank you very much.

#### ADJOURNMENT

**The Minister of Local Government (Hon. Kenneth Valley):** Madam Speaker, I just want to remind Members that next Friday is Private Members' Day and as arranged with the Chief Whip on the last occasion, when the motion under consideration is finished, we will deal with motion No. 6 on the Order Paper. Thank you.

Madam Speaker, I beg to move that the House do now adjourn to Friday, May 22, at 1.30 p.m.

#### **Caparo RC School (Closure of)**

**Mr. Shamshuddin Mohammed (Caroni East):** Madam Speaker, I have given notice of my intention to raise at this sitting of the honourable House a matter on the motion for the adjournment in accordance with the provisions of Standing Order 11(2) and (3), the subject matter: The poor water supply in the Caparo area, resulting in, amongst other things, the closure for the past week of the Caparo RC School which has an enrolment of over 400 pupils. The date of that letter, Madam Speaker, is May 8.

Madam Speaker, the Caparo area perhaps is unfamiliar to some Members of this honourable House—well, my hon. friend from La Brea claims to have a close identification with the Caparo area, having resided in close proximity for several years. I know therefore my submissions here this afternoon will have abundant support from him.

In any case, Madam Speaker, the Caparo area is bounded on the north by Todd's Road, another very important area of the Caroni East constituency and,

indeed, Trinidad and Tobago. On the south, it is bounded by Flanagin Town; on the east by Mamoral and Mundo Nuevo. I know I am calling areas—my friend, the Leader of Government Business smiles and I believe that is indicative of the fact that he may never have been to either Mamoral or Mundo Nuevo.

**Mr. Valley:** Madam Speaker, I will let the hon. Member know that is my area.

**Mr. Mohammed:** I am glad, Madam Speaker, that I have gotten that admission from him, because I will also have his support.

On the west, is Arena/Freeport, so we are talking, in essence, of an area that is surrounded by these other very important districts in our country. The people of that area are basically involved in agriculture and a fair proportion of the working population is, in fact, employed by Caroni (1975) Limited. They are sugar workers and they have other fields of endeavour for Caroni (1975) Limited.

Madam Speaker, this Caparo area has its problems, like any other area in the country: problems of unemployment, problems in most cases on non-existent telephone service. But one of the serious problems confronting the people of Caparo—we will call it the polar antithesis of the situation. In the rainy season, Madam Speaker, you have flooding to the extent that people, not only of the Caparo area, become marooned for days to get to their homes, access and egress become a virtual impossibility. But the people of the surrounding areas to which I have referred as boundaries, many of them also find themselves in that difficulty of not being able to commute when the rains fall heavily or when there is the flooding, until the dry season, it is at the opposite end. There is little or no water in Caparo for all the residents in Caparo.

I understand there is some turncock mechanism, but I ask the Minister concerned to investigate that turncock and valve system not only in Caparo, but in various parts of Central Trinidad, which is a contributory factor to the poor water supply system that we have. We have heard all sorts of things: who is responsible for turning on the water and not turning on the water.

### **5.35 p.m.**

Madam Speaker, located in that area is Caparo RC School. That school has over 400 students who come from all over Central Trinidad, especially the areas which I have enunciated here. There is no water supply system to the school; in fact, no pipelines are run there that can give a continuous supply of water. What is

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operating in the Caparo RC School is a truck-borne water supply system. It is now two weeks since the school has been closed. I have a chain of events here put together by the Parent/Teachers' Association with regard to this situation. Madam Speaker, I will just quote from this document.

"Following . . ."

as if this is a drama in theatre, or as if we are unfolding some story of the events that have led to this situation.

I must point out, Madam Speaker, that the bevy of beautiful ladies you see in the public gallery came from Caparo. I must say that perhaps your elevated position, Madam Speaker, has been a source of inspiration for them to leave their kitchens and homes to come here in Parliament today. I congratulate these ladies and the menfolk who have accompanied them to this august Chamber. I continue:

"Tuesday April 28, 1992	Emergency meeting of parents. Unanimous decision to keep students at home.
Wednesday April 29, 1992	No water. School dismissed at 12.00 noon.
Thursday April 30, 1992	Meeting of parents. Letter sent to principal informing him of the protest.
Friday May 01, 1992	Meeting of parents. Situation remains the same. Decision to send letters to relevant authorities.
Monday May 04, 1992	Boycott continues. Village Council informed.
Tuesday May 05, 1992	Boycott continues. Visit by Member of Parliament for Caroni Central; visit by Councillor, Mr. Charles Persad."

We know that the omnipresent Member for Caroni Central is my good friend, Mr. Palackdharrysingh. He was there at the first bit of information coming to hand.

"Wednesday May 06, 1992	Meeting of parents. Full mobilization of villagers.
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Meeting of parents. Address by Members of Parliament for Caroni East, Caroni Central, Councillor, Chairman of Parents/Teachers' Association, Chairman of Village Council.

All these organizations pledge full support. Parents decide to continue the protest action."

Madam Speaker, that protest action has continued to this day and these parents and teachers, brothers and sisters, who are here have come to the Parliament today, hoping that they will get an unqualified assurance from the hon. Minister that the water supply to that school will continue unabated; in other words, that since this motion has been filed some action would have been taken here or there. What they want is an assurance that there will be a continuation of the water supply. It is quite likely, having regard to the meetings, communication with WASA and the communication which I have had with the Minister, that we might get some action for a day or two but then we will fall back in the same situation.

Madam Speaker, the consequence of a closure of school is a devastating one, especially to the young children of that school. In the first place, when the principal is forced to close the school, which has to go until three o'clock, he has to shut it down at 11.00 o'clock, what is the situation with the children for the rest of the day? Many of those children are taken to the schools by their parents who go about their business and do not return until 2.30 p.m. or 3.00 p.m. So that these children are left to wander about the place, probably to become victims of the untoward characters that we have in our society, exposing them to an element of indiscipline by being by themselves. Without supervision of an elder, a teacher, a parent, a brother, a sister, they can fall into that syndrome. So that, in fact, where the school has that basic responsibility to bring up the children, to take charge and custody of them while the parents are not with them, you find that if there is a deficiency there we would have a problem with those children.

Not only that, we are concerned about what is happening at St. Ann's at the present time. We are concerned about the siege of cholera that exists in the community. We are concerned about the whole aspect of health-care among our population. We are concerned about the situation that exists in our hospitals and other institutions. The bottom line of all of that is the availability of this very

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potent and important commodity of life, water. Without that, everything could be in shambles.

My friend, the Member for Caroni Central, has been working assiduously. We have problems in those areas such as Caparo, Fletcher Road, Todd's Road, Mamoral, Mundo Nuevo, Las Lomas Nos. 1 and 2 and Chin Chin. These areas are experiencing very serious problems as a consequence of a lack of water. I think that the time is propitious when the Minister should launch some sort of investigation into the water supply system in, not only those affected areas but the whole of central Trinidad. Something is fundamentally wrong—many complaints are coming in.

Madam Speaker, you will be surprised to know that on the first visit which we made upon receipt of information of the protest at the Caparo RC School, we saw all those ladies with their placards protesting, and within five minutes the rain began to fall and it has not stopped falling up to this present time. I construe that as the presence of the Member for Caroni East, joining with the Member for Caroni Central and bringing some bountiful blessings invoked from the Almighty for the benefit of those people of Caparo and surrounding areas.

My friend, the Member for Caroni Central, and I would like to propose to the hon. Minister that he take the necessary steps to ensure that the truck-borne water supply system will continue unabated so that the principal would not have to dismiss the school. That is the assurance that these people would like to get, because they want to send their children back to school from Monday. The denial of that fundamental aspect of their life, education, is most important. They are interested and they want their children to go to school.

Secondly—and I think, the hon. Minister already knows because we have spoken—there are a couple of large main lines in the Caparo area which are not being used. Since this motion was filed, since we, on this side, did many things—if you look at the Order Paper, whether it is crime, whether it is drugs, whether it is the administration of justice—I feel that this side is giving the hint to the Government to run the country because we are now hearing these pronouncements, and we are happy for that development; just as I will be happy to hear that water is coming or the line is going to be fixed. This will be a good development.

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If the hon. Minister could give that assurance, we can assure him and the country—and I saw the Member for St. Joseph taking in the scenario when the Member for Oropouche was putting the plight of the people of Bamboo Settlement No. 3, and I construed that to mean paramount interest on his part to see that the wishes of the people are adequately met and they get justice in the situation. In this issue, the Minister of Education ought properly to have genuine interest, as well, with regard to the school system. We have other schools suffering the same thing. Las Lomas RC School, Todd's Road RC School, and other schools are being shut down because of a lack of water.

I would ask my friend, the Minister, to give some assurance to the people of Caparo, who are here, that an investigation will be conducted into this valve and turncock system and the whole base of the water supply system to Central, Trinidad.

Madam Speaker, I thank you, and hon. Members, for your kind indulgence.

**5.45 p.m.**

**The Minister of Public Utilities (Hon. Morris Marshall):** Madam Speaker, before I got into politics, I was a teacher for about 19 years, so I think I am even more concerned than the hon. Member for Caroni East when a school has to be closed.

**Mr. Mohammed:** I wish to dispute that. If he says we have an equal concern I would appreciate that.

**Hon. M. Marshall:** We have an equal concern, Madam Speaker, so I am not happy at all, and I am certain that I speak on behalf of the hon. Member for St. Joseph, the Minister of Education, that he too will be extremely concerned when a school has to be closed. I want, through you Madam Speaker, to express to the parents and, indeed, the teachers our regret about that. I was informed about this matter by Sen. Ojah-Maharaj.

**Mr. Mohammed:** May I put things in perspective. It was I who brought Sen. Ojah-Maharaj up-to-date on the problem of Caparo. It came from the Member for Caroni East. Thank you for giving way.

**Hon. M. Marshall:** Madam Speaker, I am simply making the point that—

**Madam Speaker:** I think the Member is referring to who brought it to his attention.

**Mr. Mohammed:** Madam Speaker, that has a political aspect—it is really for the purpose of the record.

**Hon. M. Marshall:** Madam Speaker, I was not aware of the problem. I found out about it, I think, last week Wednesday when Sen. Ojah-Maharaj brought it to my attention. I am just simply stating the facts. Or it could have been Thursday, because the very next day the hon. Member for Caroni East did raise the matter with me, and I told him I was already aware of it. I immediately called in WASA on the matter. There was some effort to increase the truck-borne water supply, but my understanding is that the Principal was adamant that what was required was a regular supply.

Let me just give you a background, Madam Speaker. The Caparo area receives its water supply from Carlsen Field Well No 5. That particular well supplies approximately 4,000 cubic metres daily. It is not sufficient and we realize that. As a result of that, efforts are being made to put a new water treatment plant in place. Work is being done on that and we expect that by July of this year it will be completed and will bring an additional 1,590 cubic metres of water into the system and that will, more or less, address the problem. So that, in fact, the problem is being worked on at this time. This is my understanding.

The Caparo RC School receives both a truck-borne supply and a supply through the system, but it is hooked up to a 4-inch main and that is what is, in fact, the problem at this time. As a result of that we are now hooking them up to an 8-inch system. I have been assured that by Monday this will be finalized and that will increase the supply.

So we are dealing with the immediate problem at the school. We are extremely unhappy that the school has to be closed. We are also addressing the more critical problem in the entire Caparo area and hope that by July this will be completed and we will be able to address the problem there, Madam Speaker.

As I am on my feet on this particular matter, I met today with a delegation from Couva North and Couva South, again, on the same question of water. While we are hearing quite a number of complaints—and I myself have been extremely hard on WASA because of their weaknesses—I want to make the point, and I made the very same point today when I spoke to the delegation from central Trinidad, that the voices of those persons and communities where there are shortages, we are hearing those voices and quite rightly so. There is a problem in Caparo, there is a problem in central Trinidad, in Point Fortin, in La Brea, wherever. People have a right to express their views so that they can be drawn to our attention that we need to deal with that. But let us understand that WASA produces about 700,000 cubic metres of water on a daily basis. It is important to

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provide this information because you must hear the other side. Those communities and citizens who are, in fact, receiving a 24-hour supply, full supply and everything is all right, you are not hearing their voices at all. I am just putting the other side of the coin, Madam Speaker.

**Mr. Sudama:** Who are those citizens? Where do they live?

**Mr. Marshall:** In fact, the reality is that 45 per cent of the population receives a 24-hour supply. There is, in fact, 10 per cent of the population which receives 18 hours of supply of water; 17 per cent receives a 12-hour supply and 19 per cent of the population receives about 1—10 and there are, in fact, about 7—8 per cent of the national community that is not receiving a supply. As I said time and time again, Madam Speaker, we know that there are problems. Those communities that are without water have a right to express their views; they have a right to express their annoyance about it, and we are seeking to address those problems. But I thought it was necessary, in the context of all that is being said at this time about WASA that, at least, we put the other side of the story.

We are aiming and working towards having full supply so that all our citizens can, in fact, be the recipients of a 24-hour supply of water. There is where we are going. As I have said before, it will take some time, but that is where we are going and as we get the complaints, regardless of where it is—whether it is in Caparo, Central Trinidad, Diego Martin, Point Fortin—the response of the Ministry and this Minister at this time, Madam Speaker, is to move as expeditiously as possible in the context of whatever financial resources are available to treat with those concerns.

**Mr. Mohammed:** Would they open on Monday?

**Hon. M. Marshall:** Madam Speaker, returning to the particular matter, just making two or three points to re-emphasize them. Immediately I found out about it, we took steps to deal with it. It is my hope that the workers will complete the exercise so that they will be hooked up to the 8-inch line that so that the school can be re-opened early next week.

I thank you very much, Madam Speaker, for giving me this opportunity.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 5.53 p.m.*