

Leave of Absence

Friday, March 25, 1994

HOUSE OF REPRESENTATIVES

Monday, March 25, 1994

The House met at 1.37 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 of the House to the Member for Port of Spain South (Hon. Jean Pierre), the Member for Chaguanas (Miss Hulsie Bhaggan), the Member for St. Joseph (Hon. Augustus Ramrekersingh) and the Member for Oropouche (Mr. Trevor Sudama).

ORAL ANSWERS TO QUESTIONS

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

Justice of the Peace

- 55.** Could the hon. Attorney General and Minister of Legal Affairs state:
- (a) Whether in the past two years any person purported to carry out the functions of a Justice of the Peace and/or Commissioner of Affidavits, such person not having the legal authority so to do?
 - (b) If the answer is in the affirmative, could the Attorney General state in what circumstances this situation came to the notice of his office?
 - (c) For what period of time the functions of Justice of the Peace and/or Commissioner of Affidavits were exercised illegally?
 - (d) The status of those matters in which the above-mentioned person purported to act as a Justice of the Peace and/or Commissioner of Affidavits?
 - (e) Whether his office intends to take any action in the matter?

National Trust

57. Could the hon. Minister of Finance state:

- (a) Why the rules and regulations provided for in the First and Second Schedules of Act No. 11 of 1991 establishing the National Trust of Trinidad and Tobago have not yet been promulgated?
- (b) When are these rules and regulations expected to be put into effect to make the Trust a functional body?

Sahadave Boodram

65. Could the hon. Minister of Health state:

- (a) Whether an inquiry was conducted by the Ministry of Health into the death of Sahadave Boodram of Church Street, Diamond Village, who died at the San Fernando General Hospital on October 5, 1993?
- (b) If such an inquiry was conducted, could the report be laid before this House?
- (c) If such an inquiry was not conducted, could the Minister give the reasons why this investigation was not carried out?

Madam Speaker: The Member for Oropouche has asked that all questions standing in his name be deferred for a period of one week.

Questions, by leave, deferred.

Scotland Yard Report

61. **Mr. Ramesh Maharaj** (*Couva South*) asked the hon. Minister of National Security:

- (a) Could the Minister state whether the Scotland Yard Report that was laid by the Government in Parliament constitutes the entire report and/or recommendations of the Scotland Yard Police to the Government of Trinidad and Tobago?
- (b) If there was another report, could the Minister state the nature of that report?
- (c) If that report implicated certain police officers, could the Minister state if he passed the report or information to the Commissioner of Police

and/or Director of Public Prosecutions and/or the Police Commissioner and, if he did, could he give the dates he did so?

- (d) Could the Minister indicate whether his Government intends to debate in the Parliament the report of Scotland Yard Police which was laid in the House of Representatives?

The Minister of National Security (Sen. The Hon. Russell Huggins): Madam Speaker, although interim progress reports were submitted to the Minister of National Security, the Scotland Yard Report which was laid in Parliament constitutes the entirety of the final report and recommendations of the Scotland Yard Police to the Government of Trinidad and Tobago.

The final report referred to at (a) was the only report submitted by the team of officials from the New Scotland Yard. However, the Minister wishes to advise that the head of the Scotland Yard team submitted to him, under separate cover, notes of the evidence collected in the course of the investigations. These notes are being used as the basis for continued investigations. Any public disclosure at this time would only serve to prejudice these investigations.

The Minister wishes to advise also that whenever sufficient cogent evidence is compiled, the matter is then referred to the Director of Public Prosecutions for action in the case of a criminal offence, and to the Commissioner of Police, in the case of a disciplinary matter. In this regard, several criminal charges have already been laid.

The Minister of National Security wishes to advise that the Government considers that until more significant progress is made with follow-up investigations, it would not further the interest of national security to debate this matter in Parliament.

Mr. Maharaj: Would the hon. Minister state whether the evidence is being compiled by the police service under the direction of the Commissioner of Police or part of the police service under his direction?

Sen. The Hon. R. Huggins: The evidence which was compiled was such as was compiled by the Scotland Yard team of investigators.

Mr. Maharaj: The evidence which the Minister says is being compiled—which is an on-going process—is it being compiled under his direction to police officers or under direction from the Commissioner of Police?

Sen. The Hon. R. Huggins: The evidence is being compiled by the local team of investigators that were assigned at the time that the Scotland Yard team

was in Trinidad. They are, at this present time, continuing those investigations. The team was put together by the authority of the Commissioner of Police.

**Community Watch Groups
(Guidelines)**

62. Mr. Ramesh Lawrence Maharaj (*Couva South*) asked the Minister of National Security:

Can the Minister state:

- (a) Whether or not he made a public announcement on or about August 5, 1993, to the effect that guidelines for community watch groups were to be made available to the public?
- (b) Whether he is aware of letters dated August 5, 1993, September 8, 1993 and December 16, 1993, written to him by the Member for Couva South informing him of his alleged statements and requesting from him a copy of the guidelines?
- (c) Is the Minister aware that to date there has not been any response to these letters?
- (d) If the Minister is aware of these letters referred to above, can he inform this honourable House of the reasons, if any, for his not responding to the requests?
- (e) Can the Minister undertake to this honourable House that he will make public the guidelines issued for the operation of community watch groups and cause a copy to be sent to the Member for Couva South?

Mr. Maharaj: Madam Speaker, in relation to this question, I should announce that the hon. Minister of National Security, subsequent to the question being lodged, supplied me with a copy of the guidelines which had been requested. I suppose in the interest of the public, he may still want to announce what the guidelines are.

Sen. The Hon. R. Huggins: Madam Speaker, if I understand the Member for Couva South correctly, that he intends that I detail the guidelines, may I say to him that I do not have them here so I am not in a position to do so. The guidelines were in fact submitted to the hon. Member.

Mr. Maharaj: Madam Speaker, I am just mentioning it, if the Minister wants to put it into the record of Parliament in the public interest. I think the country

should know the guidelines for community watch groups. I have a copy I can lend him.

Madam Speaker: What is the wish of the Minister?

Sen. The Hon. R. Huggins: Madam Speaker, I am not hearing the Member clearly. The guidelines which were submitted to the hon. Member are also being distributed by the police to the various communities. As I said before, I do not have the details of the guidelines here. If it is the Member's wish that I answer the question in the form in which I have it, I can do so, but it will not detail the guidelines.

Madam Speaker: Are you satisfied with the answer given you by the hon. Minister?

Mr. Maharaj: Yes, Madam Speaker.

Madam Speaker: Well, we move on then.

1.45 p.m.

The following questions stood on the Order Paper:

Prime Minister's Trips

- 63.** (a) Could the Prime Minister state to this honourable House the cost to the public of Trinidad and Tobago of his recent trip to Cyprus, United Kingdom and the United States of America?
- (b) Could the Prime Minister give the names of the persons who formed part of the official party at each of the destinations and could he inform this honourable House of the expenses incurred by the Government of Trinidad and Tobago for having those persons as part of the trip? [*Mr. R. L. Maharaj*]

National Service Training Programme (Tutors and Trainees)

71. Would the Minister of Community Development, Culture and Women's Affairs state:

- (a) Whether the National Service Training Programme for caring of the elderly has begun?
- (b) Whether there was any public advertisement for the recruitment of tutors and trainees?

- (i) If the answer is in the affirmative, would the Minister state the dates and the medium used for such advertisements?
- (ii) If the answer is in the negative, would the Minister state what methods of recruitment were used?
- (c) The number of tutors, teachers assistants and trainees recruited from each region?
- (d) What were the criteria and method for selection?
- (e) The venues for conducting the programmes?
- (f) The remuneration of tutors, teaching assistants and trainees?
- (g) When would this programme come to an end? [*Mr. R. Palackdharrysingh*]

**Tableland Health Office
(Rebuilding of)**

81. Would the Minister of Health state:

Whether he is aware that the health office in Tableland needs rebuilding?

- (i) If the answer is in the affirmative, would the Minister state whether his ministry has any plans to construct a new health office in Tableland?
- (ii) If the answer to (i) is in the affirmative, would the Minister state when will construction begin? [*Mr. M. Haniff*]

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Madam Speaker, I seek leave to have these questions deferred for one week.

Questions, by leave, deferred.

**Dr. Chandu Lal
(Terms of Contract)**

69. Mr. Raymond Palackdharrysingh (*Caroni Central*) asked the Minister of National Security:

Would the Minister state:

- (a) Whether Dr. Chandu Lal is re-contracted as a Forensic Pathologist? If the answer is in the affirmative, would the Minister state the terms and conditions under which such contract was entered into?

- (b) Whether there are any differences in the terms and conditions of Dr. Chandu Lal's former contract and the present one?

The Minister of National Security (Sen. The Hon. Russell Huggins): Madam Speaker, Prof. Ramnath Chandu Lal was re-employed as Chief Forensic Pathologist, Forensic Science Centre, Ministry of National Security for a period of three years with effect from January 14, 1994, the date of his assumption of duty.

It is not the policy of the Government of Trinidad and Tobago to disclose publicly the terms and conditions of service of officers employed on contract in the Government service. However, copies of the documents outlining Prof. Chandu Lal's terms and conditions of service over the three-year period 1990—1994 and 1994—1997 will be made available to the Member for Caroni Central.

**SS Constellation
(Toxic Waste Disposal)**

70. Mr. Raymond Palackdharrysingh (Caroni Central) asked the Minister of Works and Transport and Minister of Local Government.

Would the Minister state:

- (a) Whether any toxic waste from the *SS Constellation* was disposed of in Trinidad during its visit in 1993? If the answer is in the affirmative, would the Minister indicate where the waste was disposed of, by whom and for what fee?
- (b) What were the chemical properties of this toxic waste?
- (c) Whether there is likely to be any harmful effect on the population by such disposal?
- (d) Whether it is now the policy and practice of the Government to dispose of foreign toxic waste in our country for a fee?

The Minister of Works and Transport and Minister in the Ministry of Local Government (Hon. Colm Imbert): Madam Speaker, the Minister of Works and Transport and Minister in the Ministry of Local Government wishes to advise that the US ship *SS Constellation* did not dispose of any toxic waste during its June, 1993 visit to Trinidad and Tobago.

Firm of Lobbyists

74. Mr. Krish Jurai (Nariva) asked the Minister of Trade and Industry.

With respect to the statement made by the Minister of Finance in his Budget Speech of 1993 that "The Government has recently appointed a reputable

Oral Answers to Questions
[MR. JURAI]

Friday, March 25, 1994

firm of lobbyists to represent its interest in the United States and to provide relevant commercial intelligence to assist our businessmen in penetrating markets abroad," would the Minister state:

- (a) What is the name of the said firm of lobbyists?
- (b) What new business arrangements have been made abroad to date for our businessmen?
- (c) How many local businesses have benefited to date from these arrangements?
- (d) How many new markets have been sourced for our products?
- (e) What is the cost involved to date in the provision of these services by the lobbyists?

The Minister of Finance and Minister of Tourism (Hon. Wendell Mottley): Madam Speaker, in the 1993 Budget Speech reference was made to Neill and Company, a United States firm contracted as lobbyists for the Government of Trinidad and Tobago for a period of one year commencing on September 2, 1992.

Neill and Company is a firm of economists, international affairs specialists and lawyers specializing in government relations. This company was chosen after carefully investigating and considering a pool of well qualified firms. Neill and Company has the experience of representing Governments of Egypt, Pakistan, Taiwan, Kenya, Morocco, Jordan, Jamaica, The Cameroons, Côte d'Ivoire, Guinea and Kuwait, in addition to representing several multinational companies needing assistance with United States Government agencies in order to obtain funds for projects in developing countries.

The agreement with Neill and Company provides, *inter alia*, that:

"...the Firm shall render advisory and strategic planning consulting services regarding government relations, related public affairs and media services to assist the Government, working with the Embassy of the Government in the United States, in enhancing the bilateral relationship between the United States and the Government in furthering trade and investment relationships and market access with the United States and, in general, providing such other appropriate assistance as will serve to achieve these purposes."

Given the foregoing terms of reference one should appreciate that it is not possible to specifically quantify the work done by Neill and Company. There is, however, no doubt that as lobbyists they have impacted very positively on:

- (1) new business arrangements abroad for our businessmen;
- (2) the number of local businesses that have benefited from these arrangements; and
- (3) the opening up of new markets for our products.

Probably, one needs to be reminded of the ever-changing and increasingly competitive world trade environment in which we have to function. Also, Washington DC is a complex political, legal and economic environment. Not only is it the capital of the world's most powerful country, but it is home to the multilateral development banks and the international financial institutions that provide us with significant financial resources and expertise for our development plans. It is also home to virtually all major United States companies which maintain offices in Washington to deal specifically with legislative issues in the United States Congress.

Many interests—both foreign governments and foreign companies—compete for the attention of the United States Government and United States businesses in order to further United States policies that will favourably affect their particular interests and agendas with the US. These foreign interests compete not only with each other, but also with extremely powerful domestic interests in the US. NAFTA is perhaps the most recent example of this competition that demonstrates the repercussions of US political and legislative decision making on the rest of the world.

I shall now give a summary account of the work of our lobbyists in the US. The firm persuaded the United States Overseas Private Investment Company to host a mission to Trinidad and Tobago. Our private sector benefited from this mission as it gave critical exposure of our business community to important United States interests. The list of United States companies that participated in that mission can be provided if needed. To follow up with that mission, the reverse mission which took about a dozen of our business people to Washington, was also organized by the firm. The Government is not involved in the specific deals of our private sector, but those who participated in that reverse mission have reported on the technical benefits they received and the useful contacts they made with the United States business community.

The firm provided contacts to Mount Hope Hospital. Several resort developers and consultants were identified to members of our private sector interested in tourism. The National Gas Company and the National Flour Mills were offered opportunities with specific US companies. Local businesses are benefiting from heightened foreign interest created for our country through the lobbyists.

One example of a specific benefit to a specific company is Iscott/Ispat, where Neill and Company, working in conjunction with Iscott's retained counsel and at the specific request of the Minister of Trade and Industry, played a major role in having Trinidad and Tobago removed as a defendant in the International Trade Commission's steel dumping investigation.

The firm did lobby Congress to support the Caribbean Parity Bill which would ensure that the CBI countries would have the same access to US markets that Mexico has under NAFTA. They also made sure that our Ambassador in Washington was able to testify before the Congressional Committees that were considering this legislation and worked with her in drafting testimony explaining the importance of parity to our business community.

They also secured eligibility for relief of Trinidad and Tobago's EXIM Bank debt through technical amendments which expanded the definition of debt relief to include the kind of debt owed by Trinidad and Tobago. Neill and Company were particularly instrumental in pushing Trinidad and Tobago's profile with the Multilateral Investment Fund and the IADB so that our country's private sector and non-governmental sector could obtain funds for specific projects. Three such projects have been approved and are simply awaiting final sign off from the board of the bank.

Certain key persons who were actively involved in seeking Trinidad and Tobago's interest, moved from Neill and Company to Holland and Knight, which is a large full service law firm. It is the largest law firm in Florida and has over seventy lawyers in its Washington office. The Government determined that the primary work done at Neill and Company was developed and led by these individuals. Their keen understanding of our realities has made them extremely effective advocates for our country in the United States.

Their move has given us even greater and more sophisticated access to the United States business community, since their new firm has many important corporate clients with potential interests in Trinidad and Tobago. We have already benefited from this expertise in areas involving intellectual property protection, the bond issue, and in securing a significant series of MIGA missions for Trinidad

and Tobago. This latter effort should have very positive and concrete results for our business community.

Neill and Company was paid US \$300,000.00 for their services while Holland and Knight have been paid US \$200,000.00 to date.

Government continues to move away from direct participation in the productive sector. However, Government is strengthening its role in providing the appropriate framework to encourage and support our private sector to become efficient and aggressive enough to perform profitably in the complex and technical world trade environment. The expertise and experience of our lobbyists are critical in this regard.

1.55 p.m.

**Cocoa, Coffee and Citrus Plant
(Closure of)**

76. Mr. Krish Jurai (*Nariva*) asked the Minister of Agriculture, Land and Marine Resources:

Could the Minister state:

Whether he intends to close down the operations of the cocoa, coffee and citrus plant propagating stations of the Ministry of Agriculture? If the answer is in the affirmative, would the Minister state:

- (a) Whether he is aware of the grave consequences this will have on the cocoa, coffee and citrus industry of this country?
- (b) What steps is he going to take to alleviate the hardship to cocoa, coffee and citrus farmers in purchasing plants?
- (c) What guarantee will farmers have that they will be purchasing high quality plants from alternative sources bearing in mind that these are long-term crops?
- (d) Is the Government going to give any financial incentive to farmers to rehabilitate their cocoa, coffee and citrus plantations?
- (e) Will the Government continue its guarantee of subsidy to farmers on the purchase of cocoa and coffee?

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Madam Speaker, the Ministry of Agriculture, Land and Marine Resources has been reviewing its programmes, projects and

activities and assessing the relevance of the goods and services currently being offered to its clientele. Based on the review, the Ministry has decided to phase out certain commercial activities from its portfolio to allow for more effective utilization of its allocation, thereby encouraging greater productivity and diversification of the sector.

- (a) The Ministry of Agriculture, Land and Marine Resources will continue to produce planting material at selected stations.
- (b) The data on current production and distribution of plants indicate that of total production, approximately 60 per cent is taken up by farmers. This Ministry could therefore effectively reduce its production capacity without grave consequences to the cocoa, coffee and citrus industry.
- (c) The Ministry of Agriculture, Land and Marine Resources will put in place mechanisms for certifying the quality of plants produced by private entrepreneurs who may wish to supply planting material on a commercial scale.
- (d) The Ministry of Agriculture, Land and Marine Resources is in the process of reviewing the whole question of agricultural incentives. Consideration will be given to those which apply to these commodities.
- (e) Government will be guided by the information which would emanate from the review of the Agricultural Incentive Programme to determine the long-term future of all subsidies. In the short term, 1994/95, the price support programme for cocoa and coffee will remain.

Coffee Subsidy
(Delay in Payment)

77. Mr. Krish Jurai (Nariva) asked the Minister of Agriculture, Land and Marine Resources:

- (a) Would the Minister give reasons for the delay in the payment of coffee subsidy due to farmers for 1992?
- (b) Would the Minister state when the said subsidy will be paid to farmers who are in dire need of same?

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Madam Speaker, the delay in the payment of coffee subsidy due to farmers for 1992 was as a result of the non-availability of funds in the ministry's 1993 budgetary allocation for subsidies.

Funds have been made available in the 1994 allocation, and subsidy payments for the 1992/1993 crop to coffee farmers are expected to be made shortly upon releases from the Ministry of Finance.

Mr. Jurai: Supplemental question, Madam Speaker. Could the Minister state precisely when this payment would be made available?

Hon. K. Valley: The Minister of Agriculture, Land and Marine Resources is unable to do so, Madam Speaker.

Mr. Jurai: Could the Minister give us an indication of the date or the month?

Hon. K. Valley: The Minister of Agriculture, Land and Marine Resources is unable to do so, Madam Speaker.

Special Reserve Police (Gratitude)

The following question stood on the Order Paper in the name of Mr. A.N.R. Robinson (Tobago East):

79. Will the Minister of National Security state what is the position with respect to:

- (a) Payment of compassionate gratuities to retired members of the Special Reserve Police and to survivors of those who die in service?
- (b) Regulations to provide for conditions of service in respect of members of the Special Reserve Police?

Madam Speaker: The Member for Tobago East is not here.

Question, by leave, deferred.

Princes Town Police Station

80. Mr. Mohammed Haniff (*Princes Town*) asked the Minister of National Security:

Would the Minister state:

- (a) How long the Princes Town Police will be housed in the old post office building?
- (b) Whether there are any plans to construct a new police station in Princes Town?

If the answer to (b) is in the affirmative, would the Minister indicate which is the site and when construction will begin?

The Minister of National Security (Sen. The Hon. Russell Huggins): Madam Speaker, the Government has agreed to the construction of a Grade A police station at Princes Town on the site of the present station.

The Minister is advised that construction of the new station is expected to begin this year and should be completed early in 1995. In the interim, the Princes Town police will continue to be housed in the old Post Office building.

ADJOURNMENT (LEAVE REQUEST)

(Fishermen's Plight)

Mr. Chandresh Sharma (Fyzabad): Madam Speaker, earlier today I had a copy of this letter sent to your office. It reads as follows:

"Dear Madam Speaker,

In accordance with Standing Order 12(1) and 12(2), I seek the leave of the sitting of the House of Representatives today to move the adjournment of the House for the purpose of discussing a definite matter of urgent, public importance.

The matter involves the present terrifying situation of our fishermen and their families, particularly the fishermen of Cedros, Las Gallas, Erin, Oropouche, San Fernando and further south, and the repeated arrests of these fishermen lawfully going about their business of fishing and shrimping.

It is definite because our fishermen are being arrested on the high seas and imprisoned under horrible conditions on alleged acts of piracy, theft and physical assault by foreigners.

It is urgent because the fishing population, the men and their families live in fear of what will happen whenever they go out to sea. Indeed, they are frightened even to go at this present time.

Madam Speaker, at this present time there are fishermen, nationals of Trinidad and Tobago, imprisoned in Venezuela. This has been happening on a daily basis.

It is of public importance because the allegations concern us as an island nation with an international treaty with a neighbouring country which, our citizens allege, is flouting and breaking the terms of the treaty.

Madam Speaker, this matter certainly cannot wait for another sitting because it happened last year March/April, and it is a crisis at this present time and nationals of our country are seeking assistance.

Adjournment Motion (Leave Request)

Friday, March 25, 1994

It is in this regard that I seek your approval to have this matter debated today."

Madam Speaker: I am not satisfied that this is a matter that falls under Standing Order 12 of the House of Representatives.

T&TEC (DIVESTMENT)

The Minister of Energy and Energy Industries and Minister of Public Utilities (Sen. The Hon. Barry Barnes): Madam Speaker, on the authority of Cabinet I wish to make the following statement.

In February 1993, the Trinidad and Tobago Electricity Commission (T&TEC) brought to Government's attention its Generating Plan Report 1991—2010, which detailed the commission's best professional assessment of the required timely investment in new generating plant to meet Trinidad and Tobago's projected increase in electricity demand over the period. T&TEC further indicated that there would be the urgent requirement to have additional generating capacity installed by 1996 if an acceptable standard of reliability was to be maintained.

To meet this schedule, T&TEC would require funding of TT \$500—\$700 million in capital expenditure to provide additional generating capacity. T&TEC would not be able to raise these funds which would have to be provided by the Government or by loan financing supported by Government guarantees.

Further, to permit T&TEC to repay such loans would necessitate a significant increase in electricity tariff rates.

Given the stringent financial constraints under which the Government, and indeed the country, must operate, T&TEC's proposals for Government financing were unworkable, nor could Government willingly accept the prospect of significant increased levels in electricity tariff rates. Government was, therefore, obliged to require T&TEC to review their proposals and to develop a "Least Capital Cost Generating Plan".

On this basis, T&TEC subsequently proposed a programme requiring Government guarantees to support loan financing of approximately TT \$150 to \$200 million, to be repaid on the basis of annual increases in tariff rates to year 2010 with the prospect of some loss in plant reliability and availability, in spite of an accelerated rehabilitation programme at an additional estimated cost of TT \$80 to \$100 million.

2.05 p.m.

In these circumstances, the Government submitted T&TEC's proposals for review by the Standing Committee on Energy and an Energy Task Force

T&TEC (Divestment)
[HON. B. BARNES]

Friday, March 25, 1994

comprising representatives of T&TEC, the Standing Committee on Energy, and the Ministries of Public Utilities, and Finance, was appointed to determine the options available to Government to ensure T&TEC's ability to meet the country's projected electricity demand at an acceptable supportable cost to the country.

Cabinet accepted the recommendation of the Energy Task Force that private sector participation in T&TEC's electricity generation operations in Trinidad was an option that should be examined, and T&TEC was accordingly authorized to solicit interests from potential partners in a possible participation of up to 49 per cent in its Trinidad generating assets.

The Energy Task Force also received a formal submission from the Oilfields Workers' Trade Union (OWTU) entitled: "No to the Privatization of T&TEC" which detailed a proposed programme for the proper refurbishment of T&TEC's existing generating plant to eliminate the need for new generating units.

The OWTU's proposals were technically sound but made no attempt to quantify the cost of the proposed programme or to address the question of financing these costs. Accordingly, the OWTU's proposals were submitted for evaluation by Black and Veatch International of the United States of America, recognized experts in the field of power generation. Black and Veatch confirmed the technical merit of the OWTU's programme but estimated the cost of putting it into effect at US \$70.5 million.

Madam Speaker, in order to ensure that bid solicitation from prospective partners was carried out in a professional, objective and transparent manner, T&TEC retained the services of the International Finance Corporation (IFC), an arm of the World Bank, to serve as consultants in the preparation of an information memorandum in the evaluation of bids. T&TEC invited 52 firms to participate in a pre-qualification tender and 15 of these responded. All 15 firms met the pre-qualification criteria and were accordingly invited to tender for the 49 per cent participation in T&TEC's Trinidad Generating Assets. Six firms/joint venture alliances submitted proposals by the tender closing date of February 7, 1994. These were:-

- i) Duke Energy Corporation/Tenneco Gas (USA)
- ii) CMS Generation Co./NRG Energy Inc. (USA)
- iii) AES Americas Inc. (USA)
- iv) Enron Development Corporation (USA)

- v) Dominion Energy Inc. (USA)
- vi) Southern Electric International/Amoco Business Development Co. (USA).

Two other firms, British Gas of the United Kingdom and Electricidad de Caracas - Saica-Saica of Venezuela, responded to the tender invitation regretting their inability to submit proposals. All eight firms visited Trinidad to perform due diligence exercises prior to the submission of formal tenders.

The financial and technical criteria for the evaluation of these tenders were established by T&TEC in consultation with the IFC, and the evaluation of bids was carried out by T&TEC and the IFC using a computerized model prepared by Black and Veatch of the United States of America.

Bidders were required to submit proposals on the basis that the T&TEC's Trinidad generating operations would form a separate locally incorporated company in which the successful bidder would hold 49 per cent participation. T&TEC would remain responsible for the supply of fuel natural gas to this company, and T&TEC would be the sole purchaser of all bulk power generated by it. The major financial evaluation criteria were the purchase price offered for 49 per cent shareholding and the costs offered to T&TEC for electricity generation. Non-financial criteria recognized the importance of finding a financially strong, technically proficient and reliable partner to participate in the long-term development of the electricity generation sector of Trinidad and Tobago.

Accordingly, after the evaluation of bids received, two companies were short-listed and a T&TEC management team accompanied by three IFC advisers visited with these companies to perform a due diligence exercise prior to finalization of a recommendation to Government of the preferred investor.

T&TEC's summary report on the tender procedure and its recommendation of a preferred investor were reviewed and supported by the Standing Committee on Energy and was accepted by Cabinet at a special meeting on Tuesday, March 22, 1994.

Cabinet has further authorized that a team comprising representatives of T&TEC, IFC and the Divestment Secretariat (Ministry of Finance) meet to commence negotiations with the preferred investor to finalize the necessary agreements to bring into effect the joint venture ownership of T&TEC's Trinidad generating facilities in accordance with the accepted tender.

The preferred investor is a 75:25 joint venture alliance between Southern Electric International and Amoco Business Development Company who tendered

T&TEC (Divestment)
[HON. B. BARNES]

Friday, March 25, 1994

for a 49 per cent participation in T&TEC's Trinidad generating operations as follows:

- i) a cash payment on closing of US \$71.6 million;
- ii) commitments of US \$19.6 million for plant upgrades;
- iii) US \$14.9 million for plant maintenance; and
- iv) US \$1.4 million for the provision of working capital for the joint venture company;

a total bid of some TT \$625 million.

Amoco Business Development Company is a sister company of Amoco (Trinidad) Limited, which has been operating here since 1961, and is the country's major producer of oil and gas. Southern Electric International is a fully owned subsidiary of the Southern Company of Atlanta, Georgia, which operates some 36,000 mega watts of generating capacity (36 times T&TEC's generating capacity) with an asset base of US \$20 billion, annual revenues of US \$8 billion, serving a customer base in excess of 11 million people, and has on its payroll 29,000 employees.

I wish to assure this honourable House that the preferred investor has given the unqualified assurance that all 510 employees, including the management and professional staff, associated with the generation function of T&TEC will be maintained for at least two years, and that all existing pension and provident fund rights and benefit programmes will be preserved.

Moreover, the preferred investor has also given the following undertakings:

- i) to support the concept of an Employee Stock Ownership Programme (ESOP);
- ii) to implement an exchange programme whereby power station employees will be given the opportunity to become involved in staff exchange programmes with Southern Electric International's System employees. (This programme will be extended also to T&TEC's employees in areas outside the power station);
- iii) to afford personnel the opportunity for full-time positions within Southern Electric International System.

2.15 p.m.

The preferred investor has offered the following assurances:

- (i) no Government guarantees will be required;

T&TEC (Divestment)

Friday, March 25, 1994

- (ii) a lower cost of conversion of gas to electricity for T&TEC than would have been the case with either of the two T&TEC proposals or the proposal of the OWTU; and
- (iii) no special fiscal incentives will apply.

The preferred investor has also agreed that the structure of the board of the limited liability company would comprise nine persons. T&TEC would appoint four members and the preferred investor four members. The ninth member would be chairman of the board and would be appointed by T&TEC as the majority shareholder.

As hon. Members would appreciate, it will be necessary to amend the Trinidad and Tobago Electricity Commission Act in order to give effect to these arrangements.

Accordingly, Government proposes to bring appropriate amendments before this House within the next few weeks.

Upon finalization of all necessary arrangements between T&TEC and the preferred investor to establish the joint venture Trinidad Electricity Generation Company, Government proposes to lay before this House full documentation in respect of these arrangements.

Madam Speaker, I thank you for your attention.

Mr. B. Panday: Madam Speaker, on a point of clarification. Having regard to the widespread public suspicion that surrounds this transaction, does the Government intend to have the documentation which the Member speaks about, fully debated in this Parliament and a public inquiry held into this and past transactions involving T&TEC? *(Pause)* I am not surprised if you do not answer. As a matter of fact you cannot answer!

Mr. Sobion: Totally wrong!

Mr. Haniff: Morris must be turning in his grave. *[Interruptions]*

Madam Speaker: Order, please.

ADMINISTRATION OF JUSTICE

[FIFTH DAY]

Order read for resuming adjourned debate on question [October 29, 1993]

Be it Resolved that:

This House express its dissatisfaction and concern about the state of the administration of justice:

Be it further resolved:

That it appoint a special select committee of this House to examine the state of the administration of justice in Trinidad and Tobago and for it to make recommendations for its improvement, such committee to report to this House within three months of its appointment. [*Mr. R. L. Maharaj*]

Question again proposed.

The Minister of Social Development (Dr. The Hon. Linda Baboolal): Madam Speaker, I take this opportunity to join this debate which has been in progress for some time; to support the arguments of my colleagues on this side that this Motion, as presented by the Member for Couva South, cannot be supported by this side.

Mr. Maharaj: I am not surprised.

Dr. The Hon. L. Baboolal: Madam Speaker, the Motion starts by stating—

“*Whereas* Trinidad and Tobago has accepted the Universal Declaration of Human Rights which was adopted and proclaimed by the United Nations General Assembly on December 10, 1984;

I want to say at this point, that we in Trinidad and Tobago cherish our human rights and the fact that we can boast, justifiably, of freedom of speech and freedom of worship.

Trinidad and Tobago, which is a very small country, has, I think, every religion represented in this country and every religion has freedom to worship as it wishes. Similarly, every race in this country has freedom to live, to work and to be part of this country. We have freedom of choice, something, which many people in other parts of the world do not enjoy. We have equality of opportunity in education, equality of opportunity in jobs; in training—

Mr. B. Panday: Tell the people of Laventille that.

Dr. The Hon. L. Baboolal: It is what we make of it. The motion continues:—

“*And Whereas* by the said Declaration, everyone in Trinidad and Tobago has the following rights, namely the right to legal personality, to life, liberty, and security of the person, the protection of the law...”

I just want to skip a few lines, and go down to—

"to give effect to human and fundamental rights, to protection in respect to privacy, family, home correspondence..."

And a little lower down, Madam Speaker—

"...to peaceful assembly and to social security and work and free standard of living in youth, sickness, disability and old age, to rights of motherhood and childhood, to education..."

As I just said we have here equality of education, the freedom to protect, Madam Speaker, as we see here every Friday evening around this House. We have the freedom to lead protests, to say things, to criticize one other—

Mr. B. Panday: To cause protests.

Dr. The Hon. L. Baboolal:—to speak on public platforms, free to say whatever we wish, confident that we would not be, dragged off to jail, or shot dead, as is so often done in other countries. We hear of all these atrocities that are happening in other countries, where thousands of children are being killed; where women are being raped by the thousand; where people are being made homeless; where war is prevalent; we in Trinidad and Tobago sit back and look at and listen to this in amazement, because we could never dream of anything like that happening in our country. Because we have tied very tightly to our hearts the whole concept of human rights.

To make sure, as a Government, that even the underprivileged, the vulnerable, those who are disadvantaged, enjoy their human rights, this Government is constantly looking for ways and means by which we can put things in place.

Mention is made here, of social security. This Government and the state of Trinidad and Tobago have in place a number of programmes which ensure that the old, the sickly, the disabled, are able to get some means of support to be able to provide themselves with the basic necessities. Old age pension is paid to people over 65 years of age, whose income does not cross \$5,000 annually. This Government is, pretty soon, going to be looking, hopefully, if the possibility arises—we have just finished a survey on poverty, and on the basis of that and other recommendations—we will be looking, most probably, at revising some of those—maybe the ceiling, if possible, later on.

The fact is that once we meet those criteria, any old person in this country over the age of 65 can be assured of a monthly welfare payment to supplement whatever income they may have as long as it is below \$5,000 a year. On top of that, we pay public assistance to many people who are in need of financial help—mothers with children who have been deserted by fathers and have no other form of support—

Mr. Haniff: Who have to pay \$100 a truck for water.

Dr. The Hon. L. Baboolal: Children who have no means of going to school, whose mothers are not able to buy—

Mr. Haniff: No WASA trucks. I am saying that the pensioners have to pay \$100 for a truck of water, out of that \$300.

Dr. The Hon. L. Baboolal: Madam Speaker, if the Member for Princes Town wants to speak, I will give way.

Madam Speaker: I think the Member for Princes Town is here long enough to know what to do if he wishes to speak. Please proceed.

2.25 p.m.

Dr. The Hon. L. Baboolal: Madam Speaker, similarly, public assistance as I was saying earlier on, is paid to mothers with children who have no means of support—the children are not able to go to school because they do not have books, clothes, etc. Once they apply to the Social Welfare Division and they meet the criteria, they are given a small allowance—admittedly small—but in many cases, a very welcome payment of public assistance.

Similarly, under the National Insurance Scheme which is a contributory pension, people are at least able, when they are ill, to stay at home until they feel better, because they know that they will be paid some kind of sickness benefit to which they and their employers have contributed, and they feel a bit more secure in the knowledge that even though they are sick and at home, they would still be able to get some sort of monetary help for their families during the period of their illness.

Maternity leave. Madam Speaker, do you know that in some parts of the world women do not enjoy the privilege of maternity leave? Women have to work right up to the day they have their babies and come out the next day or else they lose their jobs; and they certainly do not get money while they are at home looking after their babies. In Trinidad and Tobago, we have that benefit of three months' maternity leave, during which mothers receive a payment from the National Insurance Board.

Similarly, if a person who has been paying national insurance dies, his survivor also receives a payment from the National Insurance Board.

The disabled: Throughout the world, the disabled are people whom most countries and most individuals have refused to even accept as having rights, as

being entitled to enjoy equal educational opportunities, training and employment. This Government of Trinidad and Tobago considers the disabled to be a minority group whose rights must be upheld.

We have provided in this House with a Green Paper on disabilities which listed a number of suggestions, which have now been argued and looked at by the public. A workshop was set up and we received comments from a wide cross-section of the community. The ILO is now coming to the end of a seminar which has been held over the last week in this country, looking at equal rights for the disabled equal rights in education, training and employment. As soon as that document is finalized, we will be putting a plan into action.

Because although the disabled most probably comprise about eight to ten per cent of our population, they, too, have rights, and privileges. And, as this motion begins by saying, since we have accepted the Universal Declaration of Human Rights, we, as a Government, must ensure that every group, however small, however disadvantaged, enjoy those human rights.

Our disadvantaged youth. We hear a lot about our youth being involved in crime. We hear a lot about our youth being in danger, especially our young men, because of the ills of society. This is a universal picture—we are not just picking that up in Trinidad and Tobago—and people all over the world are beginning to get worried. In Trinidad and Tobago we have the same problem, and in this International Year of the Family, we have been looking at the problems of youth.

My ministry has commissioned the University of the West Indies to do two studies for the International Year of the Family. One is on the family in Trinidad and Tobago and the other one is on youth. We hope that from those surveys we would get some of the answers we are looking for to be able to deal with the problem of our youth in our country.

In the meantime, we are trying to provide facilities and support systems for youths who are in trouble. Just about two days ago the Prime Minister turned the sod to start construction of the new St. Michael's Home. The home was destroyed by fire approximately ten years ago and the children have been housed under the most deplorable conditions. These are children already coming from deprived homes; who are orphaned; who have been sent to this home because they are beyond parental control; but, they are placed in such bad physical conditions that it does nothing to improve their morale. We are starting on the first phase of construction.

When I visited the St. Michael's Home in 1992, I walked out of there in a state of shock and with a heavy heart, leaving behind those children, knowing that they

Administration of Justice
[DR. THE HON. L. BABOOLAL]

Friday, March 25, 1994

had to continue to live under those circumstances. I immediately went to my Prime Minister and the Cabinet, put forward the case as it was and, without hesitation, it was put on the front burner. We had to raise the funds. We have done so through the EEC and we are ready to start the first phase. As soon as that first phase is completed, we hope to be able to start the second phase.

In the meantime, we have done repairs to the St. Jude's Home for Girls, to the St. Dominic's Home, repairs to improve the physical conditions and to be able to make life easier for these young people. But then physical conditions are not all. We have been aware that many of the people who look after children have not been trained to do so. They mean well, many of them.

My ministry, through the National Family Services, has embarked on a training programme for all caregivers in children's homes. We have already trained about 60 per cent of these caregivers. It is an ongoing programme. Once all have been trained, we will start on the second phase. In this way we hope to be able to make caregivers more sensitive to the needs of these children who are being sent to the homes, more sensitive to the environment from which they came.

Some of these children have been abused physically; some have been abused sexually; some have never known what it is to have parents, etc., and we hope to be able to make the caregivers sensitive enough to recognize the deficiencies that these children have faced in their emotional and psychological life, and to be able, in some small way, to help them over this very bad period so that they may grow into more stable adults.

If we go back to look at our commitment to human rights, it is so glaring in our everyday life in the way we make sure that no matter who one is, whether one is a criminal, whether one is a convicted murderer, one has that right to go through every appeal, to every body, to try to avoid the hangman's noose. There is a typical case of that happening right now, where people on the death row are being given every opportunity—despite the heinousness the crimes committed—to exercise their human rights.

International Year of the Family 1994. Three months into the year—why was International Year of the Family considered to be important enough by the United Nations to be observed throughout the world? Because the family is the basic unit of society. The family is the first contact with the child. It is the first unit that is going to be responsible for the education and the socialization process of the child. But, in many places—Trinidad and Tobago as in other places—the family has problems.

The United Nations decided that we have to look once more at the rights of the family, at the responsibilities of the family. We have to examine once more how the family is coping under the scenario of change that is occurring all around us—changes in the environment, changes in technology, changes even within the very structure of the family.

2.35 p.m.

In Trinidad and Tobago, when I was growing up—and I am sure, when you were growing up, Madam Speaker, and many of the others here, we depended very strongly on the extended family. If the mother was not around, or the father, or there was illness, or death in the family, there were aunts, uncles and grandparents to pick up the pieces, to ensure that children did not suffer unnecessarily. All that, unfortunately, is not as widespread as we would like it to be. Many families go through a lot of stress. They are unable to cope with things like death and desertion, and they break up. They cannot deal with stress. They disintegrate.

Right now we are looking at the family structure in Trinidad and Tobago. We are examining it in the light of the directions laid down by the United Nations. We are trying to see what are some of the things we can put in place to ensure that the rights of the family and the rights of the child are respected and maintained. We are looking at parenting. We are looking at the lack of parenting, in very many cases, where so many young people and others, sometimes have children but are unable to parent them.

We are trying to see what are some of the support systems we can put in place to shore up the family when there is difficulty. We are looking at the laws as they pertain to the child and to the family, to see, maybe, if there are changes we can make, or amendments we can bring to this honourable House which can ensure that the child and members of the family continue to enjoy those rights and privileges as set out in the United Nations Convention on the Rights of the Child.

We are looking at human rights and the family. We in Trinidad and Tobago do not have to worry about fleeing our country because of war, or famine. If we leave this country, we leave it voluntarily. We are not being forced to do so. Yet in so many countries people have to flee: pick up whatever they can take with them and leave behind everything, whatever they and their families may have worked for. Families are separated. Children are taken one way and parents another, maybe never to meet again. So often the parents are killed and children are put into camps and orphanages. We in Trinidad and Tobago, by the grace of God do not have to fear that.

Administration of Justice
[DR. THE HON. L. BABOOLAL]

Friday, March 25, 1994

Let me just look briefly once more, as I was saying earlier on, at the right, for instance, to motherhood, the right to education. In some countries, if you have more than a certain number of children, you and even your children, stand the consequences. Your child can most probably be taken away from you, or even as a mother you can be charged for having so many children. We agree that population has to be controlled; we agree that families should be spaced, but we also agree on the right of the individual to decide what size the family should be, whether there should be children or not.

The rights of women: Gender issues are becoming more and more international. In Trinidad and Tobago, as women, we are still fighting rights and for more equality. There are still many areas in which we would like to see women better represented, given more opportunity; but on the whole, the rights of women are respected in this country, and women are given equal opportunity. That is the important thing: we have equal opportunity, and it is up to us, as women, how we take advantage of it. We have equal opportunity to have education; to jobs; housing; and families. It is up to us, as women, to ensure that we use those opportunities.

I have before me a list of about 16 human rights treaties to which Trinidad and Tobago is a party. Maybe my good Friend the Member for Couva South might be able to tell me whether there are more, but this is what I was able to come up with. There is the Convention on the Political Rights of Women, including—I would just read one or two of them: "United Nations Convention on the Elimination of all Forms of Discrimination against Women; International Convention on the Elimination of all Forms of Racial Discrimination; Convention on the Rights of the Child."

A report is currently being compiled in my ministry on some of the actions which are being taken since the ratification of the last named convention. We are looking at the "International Convention against Apartheid in Sport", which we know all about. And there are a few others. "American Convention on Human Rights; Convention on the Suppression of Traffic in Women and Children." In other words, our whole way of life, our whole system of government, our state, is centred around the uplift and the upholding of the rights of the individual.

The motion goes on to speak about "the establishment and maintenance of an efficient system of justice administered by competent"—I would not go into it; I am not a lawyer and I really do not intend to compete with my dear Friend the Member for Couva South on arguments on legal matters. I will leave it to his competence.

Madam Speaker, "preservation of democracy". We can boast in this country of democracy. A typical example today, when my Friend the Member for Couva South led a demonstration around this House of, what I think was supposed to be people who were squatting or something like that—

Mr. Maharaj: Right to shelter.

Dr. The Hon. L. Baboolal: Right to shelter, something which my dear Friend at the Ministry of Housing and Settlement has been looking at very closely. We in this Government believe that each individual has the right to shelter. We in this Government at all times will take action to ensure that the disadvantaged and the vulnerable get shelter. My colleague at the Ministry of Housing and Settlement has been working over the last two and a half years putting things in place, looking at the regularization of squatting, looking at getting housing units available for people in this country who have not—*[Noise]*

Madam Speaker: Persons in the public gallery, if you wish to sit and listen to the debate, you are free to do so, but, be silent while the Member is making her contribution.

Dr. The Hon. L. Baboolal: Thank you, Madam Speaker. I am sure that my colleague, the Minister of Housing and Settlement, when he has the opportunity, will give you some of the places which have already been regularized. My colleague the Member for Arima was just a few minutes ago telling me of an area in Arima which is looking so beautiful. We know that there are Bon Air, Bamboo, Bagatelle, Ram Mahabir Lands, Malick Phase 1, and we can go on. We cannot do it all at one time, but we are doing it and we are going to reach eventually to those who have not yet been done, because this Government is committed. It is a pity when people allow themselves to be exploited by politicians without really exercising their rights and waiting.

At this point I want to congratulate the Minister of Housing and Settlement for the wonderful job he is doing to ensure that people in this country, of every race, class and creed, have the right to housing and to property.

2.45 p.m.

It is stated that the state of affairs has resulted in the machinery of justice being too costly and so forth. I ask the question: Who makes justice too costly? I ask that question; I do not know if my Friend the Member for Couva South would be able to respond. From my very limited knowledge, I would say it is very often the people who practise *[Interruption]* Doctors are banged all the time, so we have to bang lawyers a little.

Administration of Justice
[DR. THE HON. L. BABOOLAL]

Friday, March 25, 1994

This Government has set up Legal Aid which helps a considerable number of people deal with their legal matters at a very low cost. The one section of the community which has not been able to really get the kind of help they need, through Legal Aid, in fact, has been applicants under the Domestic Violence Act; and right now we are looking at amending that Act, so women who suffer from domestic violence and have to face the courts because of it, will be able to get help through Legal Aid and this Government. We feel strongly about this. As a woman in Cabinet together with my colleague the Minister of Culture and Women's Affairs, we are trying to get this completed as early as possible to bring it to the House.

I want to reiterate that this Government is doing everything possible to ensure that the human rights of each individual in this country are recognized and enjoyed by each individual regardless of his station in life, religion or race. We in this Government are trying to ensure that all citizens of this country enjoys equality to education and all other services and facilities that may be available.

I agree that there have been delays. My own Friend the Attorney General stood in this House and spoke of the measures he is putting in place to try to deal with the problems, of the people of this country as far as the legal system is concerned. He has put in place a number of things and is continuing to do so because as a Member of the Government he is as concerned, as the rest of the Government, to ensure that if you have a matter before the courts you should get justice as quickly as possible, no matter who you are.

I want to end as I started, by saying that I cannot support the motion as moved by the Member for Couva South, but I support the amendment as moved by the Attorney General, that we delete all the words after the fourth recital and substitute the following there for:

"And whereas there is need for periodic review of the administration of justice to ensure that the said standards are achieved and maintained;

And whereas the Government having appointed a team to make recommendations to alleviate the problems affecting the administration of justice, is now seeking to implement those recommendations:

Be it Resolved:

That this House express its support for the approach adopted by the Government in dealing with the problems relating to the administration of justice.

Thank you, Madam Speaker.

Mr. Ramesh Lawrence Maharaj (*Couva South*): Madam Speaker, I am not surprised that the PNM Government would not support any motion to effect justice, whether it be social, economic or legal, for the ordinary people of Trinidad and Tobago.

I am not surprised that the Government would come to this House with red herrings, but would not answer the plight—

Mr. B. Panday: Where is the king of red herrings?

Mr. R. L. Maharaj: It is an affront to the intelligence of the ordinary people of Trinidad and Tobago for the Member for Barataria/San Juan to talk about the rights of the family, when it is the policy of the Government to prevent poor people from making a living, whether it be the vendors, the public servants, or persons employed at T&TEC. The Government is involved in destroying the jobs of the people. How can the Government talk about the rights of a family when people do not have jobs? How can the Government talk about the rights of a family when people do not have shelter?

This PNM Government wants people to live in the sky, and it has the “brass face” to come to this House and read all about the Constitution of Trinidad and Tobago. Russia had a very good constitution! As a matter of fact, there was nothing wrong with the words in the Russian constitution; but it is not the paper, it is the commitment, the heart and the caring to implement the constitution; but that is lacking. Justice is not justice when one talks about it; justice is justice when it is delivered.

Since the Member for Barataria/San Juan has raised the issue of the squatter—although there is a motion later on—for the record of this House, let me say that I have a communication from the Trinidad and Tobago Land Tenants and Rate Payers’ Union, which has stated, quite clearly, that the squatters who were promised regularization in the PNM manifesto were fooled and betrayed.

Mr. B. Panday: Not only they, the whole of Laventille!

Mr. R. L. Maharaj: The contract which the PNM Government entered into with the people, in consideration of their vote, to implement certain polices, was broken. The PNM has not delivered that payment. It has defaulted. It has not even given a cheque that would bounce. The bank of justice for the squatters, as far as the PNM government is concerned, is bankrupt, but for certain Ministers, the bank of justice has money.

Mr. Sobion: Would the Member address Madam Speaker instead of the public gallery?

Mr. R. L. Maharaj: Madam Speaker, is the hon. Attorney General offended? Does he want to be the Speaker? Is there an attempt to restrain my movements? Do I have the human right to move?

Madam Speaker: I do not think it is possible to restrain the hon. Member. Please continue.

2.55 p.m.

Mr. R. L. Maharaj: I am glad you recognize my ability not to be restrained, Madam Speaker. In a letter addressed to me from Mr. Anthony Geofer, General Secretary of the Trinidad and Tobago Land Tenants and Ratepayers' Union—it is interesting to note after he itemized the problems of the squatters—and he itemized exactly what problems the squatters and the land tenants were facing—I will read part of the letter:

“In 1991, in preparation for the general election to the Parliament, the leaders of the representative organization was invited to the home of the political leader of the (PNM), Mr. Patrick Manning who requested advice on the approaches to representation of tenants and squatters arising out of the laws of the country. They attended and their request was inserted in the pages of the PNM's Manifesto...”

They attended and their request was inserted in the pages of the PNM's manifesto. He also said, from the figures, there has been no implementation by the Government:

From the figures there has been no implementation of the Government—

Madam Speaker: Would that letter not be more appropriate on the Motion on the Adjournment? You have a motion on the adjournment today.

Mr. R. L. Maharaj: Madam Speaker, the issue has been raised.

Madam Speaker: You could just mention it, and the letter itself you can read out on the Motion on the adjournment.

Mr. R. L. Maharaj: Madam Speaker, are you telling me that I cannot—
Madam Speaker: I am saying that you are anticipating your own Motion.

Mr. R. L. Maharaj: Yes. I would not like you to alter the style of my presentation. The hon. Member for Barataria/San Juan raised the issue and I would like to respond to it in this Motion.

Madam Speaker: All right.

Mr. R. L. Maharaj: At page 3 of this letter it is stated quite clearly from what the organization is saying that there has been no squatter who has been regularized on state lands since the Government got into office on the basis of the payment of \$0.25 per square foot and \$1.00 per year; that what is being asked for is a lot of money for infrastructure which the squatters cannot afford, and that was contrary to the promise of the Government in its manifesto.

When the hon. Member stated that squatters are being delivered justice and that it will come in time, squatters would not be able to afford that. That was a problem they had before the election and is a problem they are having now and it is one which the PNM promised to redress.

If I may, before I pass on to the other aspects of the Motion which I would like to deal with in response, I would say that the hon. Member for Barataria/San Juan is living in another world. She is not living in Trinidad and Tobago. She lives in a world in which she is talking about public assistance, social security, payments to pensioners, national insurance benefits and rights for the disabled. We live in Trinidad and Tobago and the people know that although there are provisions for these benefits they are very few; they do not meet the needs of the population, and in any event, the sums are too small to withstand the cost of everyday living. Therefore, they have become almost useless.

We also know that in the distribution and allotment of these resources there is much unfairness and one is not sure whether people who do not deserve them are getting them and those who really deserve them are not getting them. All that involves injustice. For the Minister to get up and say there is no problem because there is freedom of speech and freedom to associate, is not dealing with the problem raised in the Motion.

When I presented this Motion, I dealt to a great extent with the aspect of justice as far as "legal justice", if I may use that expression, is concerned. I am very concerned with the response the Government gave to such an important Motion dealing with the administration of justice and the system of justice in Trinidad and Tobago. It must be an act which will go down in the history of Trinidad and Tobago as the betrayal of the people of this country.

The Government has demonstrated that it recognizes that there are serious problems confronting the administration of justice. But what are they going to do about it? They are going to deal with a report called the *Gurley Report* which merely reviews existing reports, which do not deal with the fundamental problems affecting the administration of justice, the guidelines for the appointment of

Administration of Justice
[MR. MAHARAJ]

Friday, March 25, 1994

judges, the criteria for their elevation, the complaint machinery of judicial officers and the points which have been raised. The *Gurley Report* does not deal with those matters.

As a matter of fact, when one looks at the composition of the panel and its terms of reference one sees that it was very limited. The Government is relying upon a report to be the basis of a blueprint for justice when the terms of reference in that report are to analyze recommendations for improvement to the existing system of justice in civil and criminal areas and to advise on systems to reduce existing delays for immediate implementation.

All this committee did was to look at existing reports and talk about delay. It did not have a judge, an ex-judge, someone who was experienced at the criminal bar and prosecutors who were experienced. When one looks at the names of the members of this committee—with the greatest respect to them they did a very good job—can you really say as a Government that you are serious about the administration of justice when this is the committee you appoint?

We have here Mr. Dennis Gurley, Attorney-at-Law, member of the Council of the Law Association. *[Interruption]* I am saying Mr. Gurley is a solicitor who is attached to a corporate firm limited to a certain kind of work, and appears for a certain category of clients: Christie-Ann Morris-Alleyne, Registrar of the Supreme Court. She came out of the law school, got a job as a registrar.

There are Lloyd Skinner, Assistant Director of Public Prosecutions; a lawyer who is employed with the state and prosecuting in the DPP Department. Teasley Taitt, former Permanent Secretary/management expert; Wendell Kangaloo, Attorney-at-law, young and bright attorney, recently qualified, limited experience; Gilbert Peterson, fall in the same category; Mohan Gopee. That is a committee they appoint say that they are serious about the administration of justice. Not a judge, not an ex-judge, not a judge of appeal, no experienced practitioners. Could they deal with the administration of justice and the problems confronting the administration of justice?

Since this motion has been under debated, there have been two events which afford cogent evidence that the Government does not have a clue; it is coward and cannot deal with the problems confronting the administration of justice.

There is a comment made by the Court of Appeal in a matter—and I will refer to it—in which Justice Ibrahim stated that the judges are making so many errors in their summings-up that the cases are being recycled.

3.05 p.m.

I wonder if the hon. Attorney General recognizes how much it costs to have a judge in a court. Work out the judges' salaries and also those of the police and the staff. One is talking about millions of dollars. Cases are going on in the court and last for one month or two and sometimes the jury is entertained in hotels and taken for trips down the Islands—after all that money is spent, and the matter goes to the Court of Appeal, the matter is sent back. The Court of Appeal says that it is very concerned about that.

The other matter is the Privy Council judgment in the matter of Justice Crane. There have been expressions of opinion in the newspapers. Under our Constitution, an Attorney General is supposed to be impartial. Although he is a Member of the Government, he exercises *quasi* judicial function and he is the people's lawyer: he acts in the public interest. At times he may even have to tell his Government that he does not agree with them, and that if certain things are done, he would resign. That has happened in history. I do not want to quote Edwards on the role and functions of the Attorney General in the question of public life.

The highest court of the land has given a judgment in which the members of the public are querying where we go with respect to the administration of justice; there has not been a word from this Government. Distinguished people have written. I should like to refer to the *Sunday Express*, dated March, 16.

Mr. Sobion: For the information of the House and, particularly the Member for Couva South, a comment was made by me on behalf of the Government immediately after the decision was made.

Mr. R. L. Maharaj: The comment, as I understood it, was that because there was no finding of bias, by the Privy Council, that is the end of the matter. If that is the comment, I am not talking about those superficial comments. I am talking about matters which affect the core of the administration of justice.

When a judgment is given and analyzed, the question which arises is: Can the ordinary man and citizen in Trinidad and Tobago feel that justice is safe? In the *Sunday Express* dated March 6, 1994 there was an article by Mr. Reginald Dumas headlined: "Will Citizens dread their day in court?" He felt it was not just saying that because there was no finding of bias, but one has to look at the judgment and what it indicates, and what is going to be done about the service commission involved.

In the *Sunday Express* dated March 6, 1994, the editorial was headlined: "Doing what is honourable". I do not know if the hon. Attorney General read this

Administration of Justice
[MR. MAHARAJ]

Friday, March 25, 1994

article. The gist of it is that people must do the honourable thing. It is an obligation of the Government. Is it going to be swept under the carpet that a judge of the High Court had to file a constitutional motion and a judicial review in which he alleged that he, was denied justice by the commission?

That commission was responsible for appointing judges to deliver justice to the ordinary people, headed by the Chief Justice, who is the embodiment of justice in the land. Are we just going to pass leave?

People have been asking about the Crane affair. In this same newspaper, on page 23, there is an article headlined, "Restore respect for our justice system." I congratulate the Member for La Brea. Although he had some personal attacks to make in respect of the debate, there is one statement which he had the courage to make, and which, I think, in history would go down: that was that he was embarrassed to say that the justice system has collapsed in Trinidad and Tobago. He said that as a matter of record.

There is recognition that the justice system has collapsed. There are statements by the Attorney General that he knows—I want to use his words that there has been the erosion of the fabric of our society. It is on a downward spiral. It poses a threat to our democratic institutions. Are we impotent to deal with the problem? Do we recognize that we have a commitment to deal with the problem? Are we just going to say that because there was no finding of bias—

I should have thought that the Cabinet of this country would have met and the Attorney General would have produced a letter to this House, to the Judicial and Legal Service Commission asking for the resignation of every member of the Commission, because with that judgment there could be no basis for a continuation of that commission, and no confidence in the administration of justice in Trinidad and Tobago. But that was not to be.

There is a situation in which the justice system is suffering from a growing crisis of confidence in the eyes of the public, which it was created to serve. The present loss of faith and confidence in our system must be painful and agonizing. The structure of our system and the systems themselves has become antiquated and unable to perform today's functions. Some of the men who are responsible for administering the system have failed in their duties. The Government has remained silent and impotent to act on the matter.

It was the thrust of my Motion and contribution that the justice system, unless it is administered with confidence and efficiency, would not be able to deliver justice to the people of Trinidad and Tobago. The justice system has always stood

between civility and lawlessness. It has worked because people had faith that if they were legally wronged they could turn to the justice system in order to get justice or feel that they have justice. When they lose that faith, they would then start to think about settling their differences outside the law.

The problems which confront the justice system in our country are deep seated. What is needed is radical change. There is no need to look at this matter in a cosmetic or superficial way. There is need for structural reform of the system. Unless the Government—

Mr. Mottley: What!

Mr. B. Panday: Structural adjustment.

Mr. R. L. Maharaj: Structural reform of the system. What they are concerned with is structural adjustment of the policy in order to deny social and economic—

Mr. B. Panday: It is not the same thing.

Mr. R. L. Maharaj: It must be looked at seriously.

When the Attorney General said that what we are looking at is the *Gurley Report* and for example, a public relations officer would be appointed in order to prepare a charter for the court system, as there is in England—that indicates the superficial way in which we are looking at this. If the justice system does not deliver justice to the people, what is the sense of having a book for people to read about it? It is like having a constitution with many rights and there is no implementation and no commitment.

3.15 p.m.

We do not need a book for public relations. If I may borrow the words of a young Trinidad and Tobago lawyer who was on television the other night: "That is the 'Hall of Justice Syndrome.'" The "Hall of Justice Syndrome" is that there is a problem with the administration of justice. The PNM fooled people: "Build a hall of justice, and you will get justice." In Rome, in ancient days, there were the biggest buildings with the most lavish facilities; there was no question of the majesty of the buildings, but the question was: Were they delivering justice to the people?

I want to deal with the Motion and answer some of the responses, in particular the response of the Attorney General. The Motion states that there were certain aims of the administration of justice. It recites that the system has failed, the

Administration of Justice
[MR. MAHARAJ]

Friday, March 25, 1994

results of that failure, and asked the House to express its dissatisfaction and appoint a committee to examine the system and make recommendation for its improvements within three months. The Motion was filed some time in June, 1992 and we are now in 1994. One can see the speed with which these matters operate. Be that as it may, we have one Private Member's day per month.

Madam Speaker, you will recall that in my contribution I mentioned that since 1956, in Trinidad and Tobago there was no in-depth study of the entire administration of justice in this country. The one before that was in 1892. We had said that having regard to the admission by Government that there was a downward spiral with respect to the administration of justice, which was threatening to erode the democracy of our country, the Government decided that they had to deal with this in a holistic manner.

If we do not have efficient courts to deal with matters, no matter how many buildings there are, no matter how many notetakers, no matter what is done, we would not be able to deal with the problem of justice. If this system continues and more judges are appointed who do not meet certain criteria—which would assure the community that they can deal with matters which come before them—we would just be spinning top in mud, in that we would be recycling cases and promoting more injustice to the population.

It is in that context that we had begged and beseeched them; we said that we were prepared to kneel at their feet for the people of Trinidad and Tobago, because the power that they have is the power of the people. We were begging them to do something about the crisis in the country, but what was their response? Their response was, "No."

We anticipated that the Government would have said: "Yes, we will provide more judges; we will provide more technology." We said that there was a more fundamental problem. We even quoted, and we noticed that the Attorney General kept far away. When you look at his contribution, he did not deal with that aspect at all. He stayed far from it, as if that was of no importance. As a matter of fact, in my contribution I even referred to judges, lawyers, newspapers, which had made comments about the problems. He stayed away from it making it look as though the only way the problem could be solved is by putting more people to work and improving the technology, building nice buildings and putting a few more judges there.

I quoted to him from the United Nations Convention dealing with the legal profession and it states quite clearly, that there was an obligation on countries to

ensure that persons who were selected for judicial office should be persons of integrity, ability, appropriate training, qualifications, practice and competence to safeguard the rights of the people. All that we were asking was for the Government to tell us what guidelines existed, if any, by which judges were appointed; and if there were none whether they had any plans to put guidelines in place. What was the answer?

The answer was that because this is an independent service commission, they did not want to interfere. Let us get this clear once and for all. That excuse can be used by this Government as often as possible but that is not a logical excuse.

The Judicial and Legal Service Commission, as an independent commission, is responsible for the appointment of judges, and if the commission is not performing its functions properly, there are means available to the Government, both political and legal, to compel them to do their duty. There is this Parliament in which legislation can be introduced. For the Government to say: "Leave it to the Commission" is in effect trying to excuse itself. It is just as guilty as any commission which has made those errors. In moving the Motion I cited instances of distinguished judges who from time to time left the judiciary in protest at the actions of the commission—Mr. Aubrey Fraser, Mr. Dennis Malone, Mr. Telford Georges. I cited instances where members of the Judicial and Legal Service Commission had resigned in disgust at what was happening on the commission—Sir Hugh Wooding, Mr. Algernon Wharton and the latest, Mr. Tajmool Hosein. I have had no response. Are we just to allow this to be swept under the carpet?

I cited statements made by Mr. Karl Hudson-Phillips; a statement made by a former Chief Justice, Mr. Kelsick; articles in the *Express*, supporting what I have been saying and that is now bolstered by the judgment of Justice Ibrahim and the decision of the Privy Council in the Crane case.

The other side can remember, Justice Deyalsingh as a judge talked about the recruitment process for the Judiciary being looked at. He said that the position now is that there is an emaciated Judiciary. He said that there were real doubts as to whether the Judiciary could effectively fulfil the role designed for it under the Constitution. He said that it raises serious questions as to the competence of the Judiciary and he called for definite criteria for the appointment and elevation of members of the Judiciary.

He said that if these matters are disregarded, they would plunge the Judiciary deeper into the abyss of mediocrity from which it will nigh be impossible to emerge in the foreseeable future, and expressed real fears of the Judiciary

Administration of Justice
[MR. MAHARAJ]

Friday, March 25, 1994

fulfilling its role, constitutional or otherwise, over the whole landscape of the law in Trinidad and Tobago.

Is the answer to that a *Gurley Report*? Is the answer to that the provision of technology, a public relations book for the administration of justice? Is that not the "Hall of Justice Syndrome" again?

3.25 p.m.

One of the predecessors in a PNM Government informed the population that there was a problem in the administration of justice, and he presented a White Paper on law reform. But those promises about the administration of justice instead of getting better, have got worse. With respect to the White Paper on Law Reform and the reason why it is important, I want the country to absorb, that sometimes when things happen in the society, they happen probably because of the reactions to inaction about the administration of justice. I quote from the White Paper on Law Reform.

"An expeditious and efficient administration of justice is cardinal to social and economic peace. If the differences of people cannot be resolved and disposed of in the courts of the land with justice and within a reasonable time, people will soon take the law into their own hands.

If businessmen must wait years to have their disputed transaction resolved, they will sooner or later take their businesses to other lands, or if they cannot, will find extra forensic modes of adjudication, itself an expression of no confidence in the administration of justice. There have, in recent times, been pronouncements, from the Bench and elsewhere of the backlogs and delays in the courts of the country. These and other related problems would be tackled with resolution."

Is that not the same thing we are hearing now? The same thing we are hearing: Talk! talk! talk! Just as in the manifesto: Talk! talk! talk! Fool people! That is all, talk.

What was the answer of the Attorney General? I must say that I was disappointed that in his response, apart from him questioning my motive in bringing this Motion and saying that it was a scurrilous attack on the Judiciary and the Judicial and Legal Service Commission, when he and the country saw that there was a basis for making it, he said that the comments were speculative, were based upon personal opinion and had no relation to the facts. He said that the Motion provided the Member with an opportunity, because he was clothed with immunity, to make that statement.

If the Attorney General is interested in finding out, the fight against what is happening in the administration of justice did not begin in 1991. As a matter of fact, outside on the platform, where I could have prosecuted for criminal libel or contempt of court; what I said in this House, I said outside, and I say it all the time.

Hon. Member: Nobody listens!

Mr. R. L. Maharaj: That is correct! The Government have not taken it on, they are not prepared to take it on, and they are making it a laughing stock, because they are laughing with the rights of people. They are not prepared to take it on because they have the power, they have the vote. Do not take it on: I invite you to laugh at it!

Madam Speaker, it must be remembered that Lord Atkin in the famous case of *Amard v. the Attorney General* said that Justice is not a cloistered virtue. She must be allowed to suffer the scrutiny and even outspoken comments of ordinary men.

It is the right of every man, in Parliament or outside it, in the press or over the air, to make comments, even outspoken comments on matters affecting the administration of justice. Lord Denning, in the case of *the Queen v. Metropolitan Police* said:

"It is the inalienable right of everyone to comment freely upon matters of public importance."

When members of the public and Members of Parliament make statements which criticize the administration of justice, a government which is committed to the principles of delivering justice would welcome that, would congratulate, would compliment, would encourage those comments. It would not come and try to attack Members personally. It should not use this House for personal attacks. I do not intend to make personal attacks against the hon. Attorney General. The hon. Attorney General, on such an important Motion, questioned my motives, which is a serious matter.

What again was the response? The response of the Attorney General was that they cannot agree to a parliamentary committee to monitor the administration of justice, because if one agrees to such a thing, the concept is that one would be interfering with the administration of justice. He said that he did speak about a permanent commission, but when he did so he did not have in mind anything about a committee of parliamentarians being involved.

Administration of Justice
[MR. MAHARAJ]

Friday, March 25, 1994

He did speak about how they do things in England, and there is a book about what is happening about justice. He said it would be a serious precedent to have such a thing; that is to say, a parliamentary committee either being involved in some way, to seeing what kind of appointments are made or in monitoring the administration of justice.

In the United Kingdom, under the select committee system the office which is responsible for the appointment of judges is monitored by a parliamentary committee to make it accountable to the people and to Parliament. That is a country in which one cannot become a judge unless one has distinguished himself at the bar.

When one looks at the law reports, one sees the names of judges there as doing cases, articulating cases, formulating cases and advocating cases. People who are able to assess facts; able to weigh and consider principles of law; who are able to give judgments quickly; who are able to prevent irrelevant matters going on in court and wasting the court's time; who will be able to sum-up matters so that there would not be elementary points of law necessitating retrials. That is the kind of system the hon. Attorney General is quoting from. No watered-down brandy person could be made a judge in England; one would have to be real brandy.

I refer to the committee system of the House of Commons. In a book issued by the House of Commons in March 1993 at page 8, one would see that the following departments are monitored, are scrutinized by the Home Affairs Committee of Parliament, the Lord Chancellor's Department, the Attorney General's Office, the Treasury Solicitor's Department, the Crown Prosecution Office, and the Serious Fraud Office.

One feels that if we were serious about justice in this country, where we have all these things being said, and where we would actually see what is happening and have an account to the population, we would not only have the Judicial and Legal Service Commission monitored, we would have also the Attorney General's office monitored; we would have the Director of Public Prosecutions office monitored. We will then be able to know whether prosecutions are put against certain people for political reasons. We would know whether white-collar crime is stifled because people with political consideration are involved in them. We would know whether people in public office, who commit an offence, would be prosecuted. A committee would be able to monitor all that.

Last week in the *Sunday Times* March 13, 1994, there was an item about a contract between a British company and the Malaysian Government with respect

to the privatization of electricity in that country, and because of the system they have, they were able to unearth that the Malaysian Government was corrupt. The Prime Minister of the country was corrupt.

When a Government does not want monitoring, one understands why. At the international level and at the Caribbean level they talk about transparency in the administration of public affairs. For example, "Proposal For A Charter Of Civil Society," which my Friend the hon. Member for San Fernando East would be familiar with. At page 11 it says:

"We believe, however, that we can go no further in elevating some of these matters to the level of principles and precepts ... give a clear commitment. Such matters as a free press, a fair and open democratic process, the effective functioning of the parliamentary system...."

How can the parliamentary system function effectively if it cannot monitor governmental activities to make them accountable to the people? So in one breath they are talking about that but they are not prepared to implement it.

3.35 p.m.

It goes on and talks about greater accountability and transparency in government.

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

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

Question put and agreed to.

Mr. R. L. Maharaj: Madam Speaker, I am indebted to the hon. Members of this House for permitting me to speak for the allotted time.

If there was a serious commitment to serve the public interest and to improve the administration of justice, there would have been action by this Government; and this Motion provided a good opportunity for the Government to have shown its commitment to dealing with this problem by making the Judicial and Legal Service Commission accountable to Parliament.

Let us try to understand this, because as customary with that side, they are trying to give the impression that if there is such a committee it would interfere in the exercise of the functions of a judge. That is furthest from the truth. As a matter of fact, the committee system in monitoring agencies which appoint judges exist,

Administration of Justice
[MR. MAHARAJ]

Friday, March 25, 1994

not only in England, but also in the United States of America, and Israel. I quoted from what Justice Georges said, that he was of the view that if you have politicians on a commission that would provide the basis for commissions acting properly, because they would know that they have to account to the people.

And what does the Judicial and Legal Service Commission do? They merely appoint judges, they elevate them. They do not interfere with the case—at least they are not supposed to—they do not have to tell a judge how to decide and what to decide. The Judicial and Legal Service Commission is responsible for the operation/management of the Judiciary. The judges, when they are appointed, in fact, deal with the adjudicating process in that system; so that the Judicial and Legal Service Commission is not involved in the adjudicating process. So that if there are Members of Parliament on the Commission, those Members would be able to know what is happening, and would be able to come out and report to the population.

If it is that the Government does not want a Judicial and Legal Service Commission in which there are politicians, well then have a judicial and legal service commission which would be accountable to a committee of Parliament where the commission can be called.

For example, let us say that tomorrow Judge 'X' is appointed, and he is a person who, by no stretch of the imagination, by the legal profession or the members of the public, should ever be a judge, when that judge is appointed the taxpayers of this country have to pay for that person to function as a judge until he reaches age 65. Under the present law, instead of appointing new persons they are taking the retired judges and appointing them for two periods; and those retired judges are getting two incomes. Some people cannot get one, but they are getting two—they are getting a pension and they are getting the salary and facilities of a judge. That is the injustice of what is happening in this country. But let me get back to the point.

Judge 'X' is appointed. Under the present system and what the Attorney General has said, the taxpayers cannot do anything about it; the Parliament cannot do anything about it; the Government cannot do anything about it—and it is not prepared to do anything about it either because that is the Judicial and Legal Service Commission.

That is a convenient attitude. When the police reform proposals came up, the Government was prepared to make the Police Service Commission, which is an independent commission, accountable to Parliament. It was prepared to do that. If

it is that the Government is prepared to do that, why does it not want to make the Judicial and Legal Service Commission accountable to Parliament? Madam Speaker, do you know why? Because in order to pass the Police Reform Bill it had to get that. It is not prepared to be reasonable and act in the public interest when it does not have to get that. It can do without it. But since the Government wanted to control the police service and try to effect more control over the processes of the police service, it was prepared to give some accountability. We do not know the nature and extent of that accountability, but give some accountability.

Madam Speaker, it has been shown that governments—

Mr. Valley: Look at Madam Speaker.

Mr. R. L. Maharaj: Madam Speaker, I wish to assure you that it is not that I do not want to look at you; I always like looking at you, but I also like to look to the people of Trinidad and Tobago and to the public.

Mr. Valley: "Gallerying."

Mr. B. Panday: He must address the Speaker, not look at her. That is the ruling.

Madam Speaker: It is the Member's style of presentation. Let us not find fault with the Member's style of presentation.

Mr. R. Maharaj: Madam Speaker, I know for the next two years with this Government I will be subjected to so much abuse—I was subjected before when the PNM was in power—

Madam Speaker: You will get my protection from abuse, so continue.

Mr. R. L. Maharaj: Thank you, Madam Speaker. They are prepared to allow the Police Service Commission to be accountable, but not the Judicial and Legal Service Commission, which has only to appoint. The Government says that by doing that it would interfere with justice, as a matter of fact, when one looks at studies on the Judiciary, one sees that governments where weak and sycophantic judges can be appointed, because they cannot deal genuinely and competently with matters, consider themselves as owing a favour to the state; therefore, if this Government was serious about having a strong and fearless Judiciary from which it could be said that the people can get justice, there would be no question of cases being recycled, and such government would want to have such a system.

Administration of Justice
[MR. MAHARAJ]

Friday, March 25, 1994

We have had in this debate a very unfortunate reaction, and it came from a few Members, including my dear Friend the hon. Member for La Brea about constitutional motions, and rights. I am not going to attack anybody this afternoon.

3.45 p.m.

It must be remembered that in 1962 this country achieved independence, and in 1976 the constitutional motion was devised as a new remedy, and as a condition precedent to independence and republicanism, in that anyone who felt aggrieved that the state was violating his/her rights—whether it be the Judiciary, the Executive or Parliament, that he/she can go to the High Court which would give redress. If it were not for constitutional motions, many people would not get what was due to them according to law.

If we want to create a situation in which we would not have a society based on the rule of law, let us say so. However, if you recognize that the constitutional motion is a machinery given by the Constitution to give redress in order that the organ of government would function within its limited powers—whether it be the right to a lawyer, unreasonable search, that one is convicted and is suffering from cruel and unusual treatment, whatever it is, let the court decide.

If you want to change the law, let us change it! But if you recognize that constitutional motions could give redress, why try to undermine them? If it were not for constitutional motions, the houses of the people of Guayamare would have been broken down.

In Sumir Bansrazath's case, when everything else failed, an order from the court—public law remedy—prevented the then Government from breaking down the houses. It went to the Court of Appeal and the Court of Appeal allowed the order to continue. It is one of the landmark decisions in constitutional law.

TICFA—the court declared that Act unconstitutional to prevent the property of cane farmers being taken away from them. Hundreds of people in this country who are ill-treated by the police and other arms of the state have filed constitutional motions—some are settled; some are agitated; some are decided; some are lost. The fact is that constitutional motions provide a resort to law. If you find that they are being abused and you do not want to have them, then come to the Parliament and let us abolish them. Let the people decide! Do not, as a Parliament, try to undermine, criticize and condemn, in any way or not resort to law, because if we do that and we send a signal to the population that we, as a

Parliament, are saying, directly or indirectly, do not resort to law, then they would resort to other things.

Mr. Bereaux: Madam Speaker, would the Member give way? I am really sorry to have to interrupt the Member, but he would recall that my comment on the constitutional motion was not in that way; it was moreso with respect to after all the remedies of the law had been gone through. We were dealing with that particularly in respect of those persons who were convicted and had gone right through all the remedies.

Mr. R. L. Maharaj: Madam Speaker, if he felt that way he should have taken it to his party and tried to get a constitutional amendment. Under the Constitution of Trinidad and Tobago it prohibits the state from having cruel and unusual treatment. My Friend talked about being a distinguished lawyer who knows about law and so forth. I have looked in the law books to see what case he has done.

Mr. Bereaux: Several!

Mr. R. L. Maharaj: Be that as it may, the fact of the matter is that if there is a constitutional motion which even after a man is convicted—and the Constitution provides for that—As a matter of fact my Friend the hon. Member for Ortoire/Mayaro in his capacity as a lawyer in private practice contributed to one of those cases in which that principle has been established—Andy Thomas and Kirkland Paul. The man has exhausted all his rights of appeal and quite properly—

Hon. Member: Well, he is on the other side now.

Mr. R. L. Maharaj: He stands for the independence and fearlessness of the bar. He took up the cause. But we do not change our views or attitudes. When we, either as lawyers or as parliamentarians, Members of the Government or Opposition, send a message and we tell people to be discouraged in filing motions, discouraged in going to court, and that if they go to court there are Ministers of Government enticing the population to attack the lawyers—and that Minister is still in the Cabinet of Trinidad and Tobago; family or no family, he is still there.

Mr. B. Panday: Powerless, it is true, but he is still there.

Mr. R. L. Maharaj: Madam Speaker, the other point I want to respond to has to do with my very good Friend the Member for Toco/Manzanilla.

Hon. Member: Careful, you know!

Mr. R. L. Maharaj: His contribution seems to be that of a man battling. He knows what I am saying is right. He believes in what I am saying but he cannot come out and say so. So, what does he do? In certain parts, he said it in such guarded ways and then he decided to talk about the Industrial Court and the justice that workers are getting there. If the workers are getting justice in the Industrial Court with the Industrial Relations Act, then how is it we could be talking about people not having justice? Because workers are getting justice. The Industrial Court provides all these remedies, and so forth. That is the same kind of talk we heard this afternoon.

Let me tell the hon. Member for Toco/Manzanilla that what we are talking about today—and we talked about it in this motion—are the problems which confront the administration of justice and seriously affect workers in this country in their adjudication of matters in the Industrial Court; and even the judges of the Industrial Court complain.

There are some matters—and I must disclose my interest—in which I appeared as a lawyer for workers who could not get their judgments from the Industrial Court for years—some 10 years, some 12 years, some 17 years—had to file constitutional motions in order to get awards for damages.

Action No. 894 of 1992—Roston Ramessar: He waited for several years before he resorted to filing a constitutional motion. A worker being dismissed, matter heard at the Industrial Court; over 10/12 years passed and he had to go by constitutional motion to get redress.

Mr. B. Panday: Who did the case in the Industrial Court?

Mr. R. L. Maharaj: I do not know. He got a judgment on November 12, 1993 in the constitutional court in respect of a matter which was in the Industrial Court since 1970. Because of the constitutional motion he got an award for damages and was compensated.

Action No. 2048 of 1994—Ramnarine Joesingh: Similar position. As a matter of fact, Madam Speaker, in your capacity as a Master you assessed his damages on July 30, 1991.

Anthony Perreira in 1989 had to file a constitutional motion. For seventeen years he could not get a judgment in the Industrial Court. A worker who was dismissed and could not get a job because of his dismissal. We are talking about the right of a family. He has a family, he has children—right to education—but he had to wait that time and then resort to a constitutional motion to get an award for damages.

Action No. 1225 of 1992—Victor Singh: Again, he had to resort to a constitutional motion; over 10 years he had to wait for a judgment. Action No. 364 of 1994—Ralph Jonathan.

One sees that the administration of justice must be looked at holistically. If my Friend was getting up to defend the Government's stand on this matter, he ought to know that if the infrastructure of the administration of justice is not improved, if people who have to administer justice are not the right people, whatever the Member said, whatever the Attorney General said, whatever anybody says about building more courts and so forth, would be of no use. The machinery of justice would, in effect be—I do not know whether it has become already—useless—for the enforcement of rights and the delivery of justice. That is where we have reached, and the quicker we recognize that, the better for the country.

3.55 p.m.

Madam Speaker, you would recall that I promised that I would refer you to the judgment in which the Court of Appeal—Justice of Appeal, Ibrahim—talked about the problems which the court was experiencing with these summings-up. The matter is *Jairam v. Persad*, Criminal Appeal Nos. 35 and 36 of 1988 delivered on 15th December, 1993. At page 5 of the Judgment, it says—

"Before we conclude this matter, however, we wish to make one observation. In recent times we have seen a number of summings-up by some trial judges taking a familiar pattern, (as in this case here): the trial judge in the first part deals with the general and special principles of law that are applicable and relevant but thereafter he proceeds tediously to read to the jury the entire body of evidence that was recorded in the case. In our opinion, that is not a summing-up of the case.

That procedure tends to tire the jury; it gives them no assistance whatever in resolving the issues in the case. Without attempting to lay down any rigid formula or format we consider that a summing-up should contain *inter alia*, the direction in law both general and special in the first part and a summary of the facts of the case for the prosecution ..."

And it goes on.

So, Madam Speaker, if judges who are appointed to administer criminal justice—and Madam Speaker, I know that you will know what I am talking about, because you practised at both the civil bar and the criminal bar, you defended, and you prosecuted. If a judge is appointed and it reaches a stage where the Court of

Administration of Justice
[MR. MAHARAJ]

Friday, March 25, 1994

Appeal is saying that in respect of a summing-up the judge is merely reading the evidence, this is a serious matter. Is the Attorney General closing his eyes to that, saying that he is going to rely on the *Gurley Report*, and that report is going to solve the problem?

The problem that we are talking about, unless we want to bury this in the sand, is that we must have the courage to accept that this fact exists, and we are going to deal with it. Judges themselves have complained about the machinery. They are seeing that they are being discriminated against by the Judicial and Legal Service Commission.

Under the heading in the *Trinidad Guardian* of May 10, 1987, "Five judges attack CJ—Complaints to President, Ombudsman," etc. The five judges—I would not call their names—expressed concern that promotion to the three existing vacancies in the Court of Appeal may not be made on the basis of seniority. In the article they were complaining about the possible injustice of promotion not being on the basis of merit.

If it is that judges are complaining; if it is that expressions of opinions have come from judges, from members of the public, the press—the Privy Council, the highest court, has acknowledged it; the Court of Appeal has acknowledged it—does this not provide a strong and cogent basis for the Government to say: Let us look at the administration of justice; let us have a study of it; let us have an input? Because if there is a committee of Parliament, they can get the public—all sections of the community.

Is the Indictable Offences Bill more important for a select committee than this? Is the Companies Bill more important than the administration of justice? Is the Police Reform Bill, which has failed because of the need for a special majority, more important than having a committee of Parliament to look at the whole question of the administration of justice? Does Mr. Reginald Dumas have an axe to grind? Does he want to use Parliament, to use his position in the newspaper because he has a personal axe to grind? Does Mr. Kelsick, the former Chief Justice, have an axe to grind? Does Mr. Deyalsingh have an axe to grind? Do the five judges have an axe to grind? Does the *Express* have an axe to grind?

Mr. Mohammed: Ramesh! [*Interruption*]

Mr. R. L. Maharaj: Madam Speaker, it is unfortunate in this House that what has happened in this House, and, perhaps, the quicker it is stopped, the better in the national interest.

Mr. B. Panday: The quicker you use the axe, I think, the better!

Mr. R. L. Maharaj: What happens when serious matters are raised here is that, unfortunately, the other side sees it as its duty to bury the issues by trying to make personal attacks and divert public attention from the main issues in the matter.

Mr. Mohammed: Quite true.

Mr. R. L. Maharaj: Madam Speaker, that is not the function of Government. If one reads the Declaration of Independence of the United States, one sees that when people feel oppressed and that avenues for justice are being blocked, and authority do not want to deal with it, what happens is that there is a total breakdown of confidence in the system and the people resort to lawlessness to change the system.

Therefore, I would hope that since the Government says it is committed, let the Government deal with this matter in a serious manner. I would ask them to withdraw their amendment even at this stage. Because they cannot be satisfied with what they are doing, or with the *Gurley Report*. Let us subject the administration of justice to public scrutiny. She is not a cloistered virtue.

Madam Speaker, thank you very much.

The Attorney General and Minister of Legal Affairs (Hon. Keith Sobion): Madam Speaker, the Justinean theory of justice is stated in quite simple terms. "It is the perpetual wish to give to every man his due." It is a matter of reason; it is a question of logic. It is not a matter for emotion or question to be politicized.

I spoke in this debate on October 25, 1993, at which time, I questioned the motives of the Member for Couva South in bringing this Motion. When I did so, Madam Speaker, I did not intend to attack him personally. In fact, I am very conscious of my own welfare and, therefore, would not seek, ever, to attack the Member for Couva South personally. But I did question the motive behind the Motion.

Mr. B. Panday: That is why you attack me!

Hon. K. Sobion: And I have listened to the Member for Couva South today, as he spoke and I have not heard—on such an important Motion as the Member for Couva South has proclaimed this to be—one constructive solution for solving the problem of delays in the administration of justice, except to criticize the Judiciary; to criticize the method of appointment; to cast aspersions on the Judiciary, which are totally baseless—

Mr. Maharaj: You have no shame, you know!

Hon. K. Sobion: —without any kind of justification whatsoever.

Mr. Maharaj: You should resign!

Hon. K. Sobion: And that is why, I question the motives of the Member for Couva South.

Mr. Maharaj: Seeing I am only a distinguished barrister!

4.05 p.m.

Hon. K. Sobion: Well, you have no chance, my dear fellow. You have no chance.

Under the guise of this Motion, which seeks to state all kinds of nice sounding phrases, what the Member for Couva South has sought to do is to maintain a blistering attack on the Judiciary, and he can do it quite properly. There is provision under the Standing Orders whereby he can move a Motion to deal with the Judiciary, but he does not do that. Instead, he comes under the guise of this Motion, to criticize the Judiciary, without any means of support whatever.

Mr. Maharaj: You want their support!

Hon. K. Sobion: He was driven into a corner and therefore, he had to try to delegitimize the *Gurley Report*. He went through the list of persons who compiled that report. There was not one word of criticism except that some of the people did not have experience. That was the only criticism he could make of the entire team of personnel that was selected and who presented this report. There was not one word of criticism of anything that is contained in the report, not one word. What we heard was a scurrilous attack on the Judiciary that was totally baseless.

He read part of the report. He referred to the members of the team. He did not read beyond the second page because the team appears on the second page. But if one starts from the second page of the report, it says that:

"The second stage of its deliberations involved the Team meeting with several concerned persons and bodies—"

And I underlined the words "concerned persons and bodies." You see, he was critical of the fact that there was not a retired judge, sitting judge, or a Queen's Counsel on the team, but the team which produced this report met with:

"—concerned persons and bodies including:—"

- 1 The Honourable Mr. Justice Clinton Bernard, T.C. Chief Justice of Trinidad and Tobago and Chairman of the Rules Committee together with the Honourable Mr. Justice Hamel-Smith, J.A. and the Honourable Mr. Justice Razack;
2. His Worship Mr. Melville Baird, Chief Magistrate of Trinidad and Tobago;"

Now a judge of the High Court.

- "3. Former Justice of Appeal, Mr. Justice Gaya Persaud, Chairman of the Law Commission;
4. Mr. Kenneth Lalla, Attorney-at-law, Chairman of the Public Service Commission;
5. Mr. Jules Bernard, Commissioner of Police, together with his Deputy Commissioners, Assistant Commissioners and other Heads of Departments in the Police Service; and
6. Mr. Allan Alexander, S.C., President of the Law Association of Trinidad and Tobago together with Mr. Michael de la Bastide, Q.C. and members of the Sub-Committee of the Law Association concerned with the matters of Delays in the Administration of Justice."

There is no seven. The Member for Couva South apparently was not a concerned individual.

Mr. Maharaj: A useless committee!

Hon. K. Sobion: It fortifies the point that it is easy to stand here in Parliament, under the protection of Parliament, and "gallery" oneself. When it comes for time to do constructive hard work, as this team did, without remuneration—

Mr. Maharaj: What hard work?

Hon. K. Sobion: —as this team did, and has moved the system of justice forward.

Mr. Maharaj: System of justice, what? Forward?

Hon. K. Sobion: That is what we mean by commitment—

Mr. Maharaj: You are not strong enough to be an attorney general! Talk! Talk!

Hon. K. Sobion: —and that is what we mean by patriotism. Not underground patriotism—

Mr. Maharaj: You are not strong enough to be Attorney General!

Hon. K. Sobion: —serious patriotism. That is what is involved.

Madam Speaker, apparently the Member for Couva South is getting very uncomfortable.

Mr. Maharaj: No! No! You are being intoxicated with power.

Hon. K. Sobion: Madam Speaker, when I spoke on October 25, I also moved an amendment to this Motion. But before I deal with the amendment, I just want to make a few comments based on some of the statements made today by the Member for Couva South.

Mr. Maharaj: If it is not important, do not answer it.

Hon. K. Sobion: He has told me to answer the important things, therefore, I will speak about one matter that he raised. He made a comparison—

Mr. Maharaj: I wonder if the hon. Attorney General will tell this country what he is doing about the watered-down brandy judges, and what plans he has to prevent them from being appointed.

Hon. K. Sobion: Madam Speaker, the ranting continues.

Mr. Maharaj: He does not want to answer it!

Hon. K. Sobion: A comparison was made between the Government's approach to the Police Service Commission and the suggested approach to the Judicial and Legal Service Commission. To explain the position, we had sought to provide a mechanism for reporting to Parliament of the Police Service Commission. To make a comparison of the Police Service Commission and the Judicial and Legal Service Commission is to compare apples with oranges. That is what it is.

There is a fundamental difference between a body which is performing an executive function and a body which is performing a judicial function, and whilst we, as the Government—the Cabinet—are responsible to the Parliament and we come here to answer questions raised by Members on the other side—that is the control that the Parliament has over the executive function. There is no such control over the Judiciary.

So to compare what one does with the Police Service Commission and to suggest that the same methodology be adopted with the Judicial and Legal Service

Commission is to miss the point completely. And I know that the Member for Couva South will not directly miss the point. The fact is that the two things cannot be compared and that this Government appreciates the need for looking at service commissions, but they have to be looked at in their peculiar context.

I did move an amendment to the Motion, the effect of which was to delete three premises upon which the Motion was based. I would read those three premises:

"And whereas such a state of affairs has resulted *inter alia*, in the machinery of justice being wholly disorganized, too costly to be within the reach of ordinary people suffering delays which are oppressive and the machinery is becoming a totally useless utility for the enforcement of human and fundamental rights;

And whereas the system of justice in Trinidad and Tobago has failed to attain the said standards;

And whereas members of the public are in effect being denied access to justice:"

Those are the three paragraphs which I sought to delete.

I have no problems with persons filing constitutional motions. I have no problems at all. As a matter of fact, throughout last night and into this morning, I was involved in a matter involving a constitutional motion. We have a situation in this country where persons—and it belies what is said in those three paragraphs which I have read—even condemned prisoners on death row, no matter how ghastly the crime they may have committed, and as exemplified by a particular matter which started after 6.00 o'clock yesterday evening, have access to the court system at first instance, at the Court of Appeal level and up to 3.00 o'clock this morning, even having access to the Privy Council.

That is the system that we have in Trinidad and Tobago. In a matter of less than nine hours, a matter could move from a judge at first instance, two hearings at the Appeal Court level and at the Privy Council level.

4.15 p.m.

I do not know whether these are people who find that the system is too costly to be within their reach; I do not know whether these are members of the public who are, in effect, being denied access to justice. What I do know and what it tells me is that when it becomes necessary, persons who are officers of the court are

Administration of Justice
[HON. K. SOBION]

Friday, March 25, 1994

quite prepared and quite able to make all kinds of sacrifices in order to ensure that justice is done in this country. That is what it tells me.

I do not know that justice is too costly. If it is too costly, the question was quite properly raised by the Member for Baratavia/San Juan: Why is it too costly? I do not know. Perhaps the Member for Couva South is better informed than I am on that question. But the fact of the matter is—*[Interruption]* Madam Speaker, I am not jealous of the Member for Couva South. He proclaims himself to be successful and prosperous. That is his affair. I started by referring to the Justinian theory of justice, and I am motivated, and my whole life has been guided by that theory, that justice is the perpetual wish to give to every man his due. That is my philosophy of life.

I am not distracted by counterfeit Motions which start in one direction and end up doing something else. I must apologize; I am not saying that the Member for Couva South is counterfeit. I am merely saying that his Motion is counterfeit. But then again, I do not know that one can produce a counterfeit motion without oneself being a—*[Interruption]*

The Member for Couva South criticized the fact that the *Gurley Report* dealt with buildings and equipment and systems. I want to assure the Member for Couva South and, indeed, this honourable House, that setting in place the basic foundations is what is required right now for dealing with the problems of the Judiciary and their system of justice. It is dealing with the fundamentals. Just for one reference; when I spoke last, I mentioned that we were establishing a case management system, and I said it is a computerized system, the implementation of which has already started in the Hall of Justice where one is going to be able to track from day to day, once a matter is filed.

And certainly, if such a system were in place many years ago, files would not have been lost in the Supreme Court. Files would not just disappear. You would have had a computerized system of tracking matters which was going to enable one to store the information on files, on diskettes, etc., and one was going to be able to maintain a proper record of all matters, once they were filed in the court. But that is just one example. We have moved into the system of computer-aided transcription which is going to deal with the long-suffering problem of judges having to take evidence in long-hand; of having to ask witnesses to repeat what they have said. All of these matters, as much as the Member for Couva South tries to trivialize them, are basic things, fundamental things, necessary to ensure that we have a system of justice which is not only speedy, but which is also efficient,

and lambasting judges in a forum where one cannot be attacked, will get us really nowhere.

I believe—and I do not want the Member for Couva South to feel that I am trying to be protective of any body of persons; like him, I share a wide interest with the population at large. But there is a proper way of doing things. If one is dissatisfied with the way the judges are appointed, there is a way to deal with that. Our Constitution provides for a Judicial and Legal Service Commission. There is a system in place. If one is dissatisfied with the system, then as Members of Parliament, altogether, let us sit and try to find a way of looking at the problem and dealing with it. But to stand here and to impliedly suggest to the population that something is wrong out there with our judges, is what I have an issue with. The innuendo that sycophantic judges are being appointed—

Mr. Maharaj: I think he owes a duty. Can he tell this country whether he thinks something is not wrong with the administration of justice and with the judicial system, and with the kind of appointments that are being made?

Hon. K. Sobion: Madam Speaker, I said so in March 1992. I stood in this House and said that there is a problem with the administration of justice and that steps should be taken to correct it. And we did exactly that. But you see, what is confused in the mind of the Member for Couva South is that he has tunnel vision. All he sees are judges. Some judge may have done him something, I do not know, but he focuses on the administration of justice as being judges. That is not the administration of justice.

The administration of justice starts with the clerks at the magistracy; it starts with every piece of paper that has to be filed; it has to deal with storage of evidence; it has to do with the safe-keeping of files. The administration of justice starts from that ground level. The Member for Couva South sees "judges". That is what he sees. But there is a way to deal with such problems.

I should have thought that this debate would have contributed towards the work that the Government is doing to deal with the system of justice. Regrettably, there has been no serious contribution by way of recommendation to deal with the problem. Like the Member for Couva South, I recognize that the system of justice is really the key fabric which binds the society together and, therefore, it is very important for one to support the system, for one to find constructive means of dealing with the solutions to the problem, rather than seeking to tear it down.

Administration of Justice
[HON. K. SOBION]

Friday, March 25, 1994

I outlined the steps that are being taken. When I go through the implementation plan, which deals with personnel, with legislation, with rules, I recognize that we are running ahead of the plan. We are moving in a constructive fashion to deal with the problem of delays.

I want to recommend to this honourable House the amendment which was moved in my name, because it is the only meaningful thing that has come out of this entire debate. Other than criticisms of judges, we have heard criticisms of persons who have devoted their time and energies to producing a significant report. I mentioned on the last occasion that when I met with other Attorneys-General of the Caribbean, they all were impressed with the work that was done in dealing with the system in Trinidad and Tobago.

4.25 p.m.

The Motion as amended says:

And whereas there is need for periodic review of the administration of justice to ensure that the said standards are achieved and maintained;

And whereas the Government, having appointed a team to make recommendations to alleviate the problems affecting the administration of justice, is now seeking to implement those recommendations:

Be it resolved:

That this House express its support for the approach adopted by the Government in dealing with the problems relating to the administration of justice.

I want to make an appeal because this matter is so important—and I want to impress upon the Members on the other side that they should support this amendment because I feel they all may not share the views of the Member for Couva South. In fact, earlier this week, in another place, a colleague of my Friends opposite, Sen. Capildeo, stood and reaffirmed—

Mr. B. Panday: On a point of order, Madam Speaker—

Hon. K. Sobion: Madam Speaker, I thought I would have been able to say it very quickly, but the Member for Couva North got up.

The point I am making is that this matter is critical to the society as a whole and ought not to be treated lightly. I, therefore, commend the amendment to the Motion to this House, I beg to move.

Thank you, Madam Speaker.

Madam Speaker: Hon. Members, I shall put the amendment first.

Question, on amendment, put and agreed to.

Question on original motion, as amended, put and agreed to.

Resolved:

That this House express its support for the approach adopted by the Government in dealing with the problems relating to the administration of justice.

4.30 p.m.: *Sitting suspended.*

5.05 p.m.: *Sitting resumed.*

ADJOURNMENT

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Madam Speaker, I beg to move that this House do now adjourn to Monday, March 28, 1994 at 1.30 p.m.

Squatter Regularization

Mr. Ramesh Lawrence Maharaj: Madam Speaker, the Motion, notice of which was given, was on the need for Government to take immediate action to provide relief to and justice for squatters and/or spontaneous settlers (a) on state lands so that the occupiers may have an option to purchase or rent the land at reasonable prices, and have access to a supply of water and electricity, (b) on privately owned lands by enacting appropriate legislation to provide relief to them so that they may be able to get the same benefits as in (a) just mentioned.

The cumulative effect of both (a) and (b) is really asking the Government to provide shelter to persons who occupy state and private lands as squatters and who have been occupying these lands for some time, so that their right to shelter, their right to family, the right of the children to be protected; and for the Government to show its commitment to these matters by implementing its promises in its election manifesto.

What happened with respect to persons who were squatters was that before the NAR administration got into office there was an Act 20 of 1986. That Act was known as the Regularization of Tenure (State Lands) Act. That Act made provision to give relief to persons who were occupying state lands as at December 2, 1977. They would have been given a statutory tenancy with an option for 30 years, but the matters were dealt with on an individual application basis in which there was supposed to be a grand tribunal set up to deal with each application.

Squatter Regularization
[MR. MAHARAJ]

Friday, March 25, 1994

When the NAR administration took office, for some reason or the other, the Act was not implemented. There was a situation where the functioning of the Act, if I may use that expression, was taken over by the Ministry of Housing and the National Housing Authority, and there was an attempt to provide some relief to the Ministry of Housing—which was wrong. What you then had was protest from the Trinidad and Tobago Land Tenants and Rate Payers' Union; the position was not resolved and occupiers of state lands still had difficulties.

I am not too sure that any relief was given under the NAR administration in that applications were filed but there was no adjudication of the applications. Every individual applicant had to file an application and when that was determined there was then the question of advertisements, infrastructure and matters like that.

The squatting population had increased tremendously from the 1970s and by 1991 you had a squatting population of about 50,000 people. The political parties obviously realized that the squatting population was an important one, especially at election time. The PNM in its manifesto declared that if it got into office it would do certain things about it.

The Land Tenants and Ratepayers' Union met with the Prime Minister before the election of 1991. I should have mentioned that my colleague the Member for Oropouche in the Parliament of the NAR administration, took up the plight of the squatters. The Member for San Fernando East was then in Opposition and he joined with the Member for Oropouche in that struggle. As a matter of fact, the Member for Oropouche filed a Motion: Be it resolved that the Government take immediate steps to implement the provisions of the Regularization of Tenure (State Lands) Act 1986.

The Motion was defeated because the Government had the majority. And the Member for San Fernando East really strongly criticized that administration for not treating squatters with equity, and to their right to security and shelter. The political leader of the People's National Movement in 1991, Mr. Manning, who is now the Prime Minister, requested the advice of the Land Tenant's Association—and I have a letter to that effect—and received a delegation of the tenants and squatters in order for him and his party to hear their views bringing relief to these occupiers of land.

If I may read for the records a letter dated March 24, 1994 signed by Mr. Geofer, of the Trinidad and Tobago Land Tenants' Association, who stated the facts—because I do not want to be accused of not bringing the facts as stated.

He said at page three of this letter:

“Mr. Patrick Manning requested advice on the approach to representation of tenants and squatters arising out of the foregoing and the advice given was that the laws of the country should be adhered to particularly by the Government of the country and he Patrick Manning readily agreed that as a first step Act 20 of 1986 will be committed to by a PNM Government and that was inserted in the manifesto of the PNM for the 1991 general election.”

Mr. Geofer stated that the PNM won the election by a majority and Mr. Manning became the Prime Minister (we all know that). The question as to what happened: Mr. Geofer stated that after two years and three months passed there has been no application, implementation or operation of Act No. 20 of 1986, and he is saying that the pledge and commitment as stated in the manifesto was not adhered to. He said the call for the establishment of a tribunal—Madam Speaker, you would remember I said under Act 20 of 1986 you had to have a land tribunal. The call for the establishment of the tribunal was rejected.

“To date not a single squatter is regularized in accordance with sections 24 and 25 of the Act in reference, but instead the policy of regularization observed by the last Government which was *ultra vires* Act 20 of 1986 that is under the Ministry of Housing, is slavishly adhered to as applications and forms attached to a mark—are being sent to Maturita Triangle, Arima, Bamboo Settlement, Valsayn, Blitz Village, Pleasantville, Embacadere, San Fernando.

5.15 p.m.

With respect to what was on the forms, I have the forms here. He said that it showed there was no mention of the cost for infrastructural work, and that the selling price of the land was as high as \$2.80 per sq. ft. The prices which were mentioned in the Act are not being adhered to. This is the information I have. He has attached the forms. If my Friend wants, he can have a copy.

Then he spoke about the Electricity Commission, drawing attention to a letter dated, August 2, 1988 from the Ministry of Housing and Settlement in which they are refusing squatters connection to the electricity system. He said this was reported to the Government. The present state of the machinery, insofar as squatters are concerned, is that previously the set-up was that an occupier filled out a statutory declaration and it was sent to the Water and Sewerage Authority or the Trinidad and Tobago Electricity Commission and connection was given.

Squatter Regularization
[MR. MAHARAJ]

Friday, March 25, 1994

What is happening now is that in the case of persons who are occupying lands which are not owned by them, the Trinidad and Tobago Electricity Commission is not consenting to giving them connection unless the owner of the land signs the form. In the case of some of the land, if they are developers or state-owned companies, unless they pay a certain amount of money without even knowing what is the real purchase price—For example, at Caroni Limited the people do not know what is the exact price, but they are told that if they pay a deposit of \$5,000, they can get electricity connection. Some of these people do not even have \$500.

The fact of the matter is that electricity and water are essentials of life. Imagine the difficulties these people have! They would have to get a battery to see television. They cannot enjoy the facilities of a refrigerator; they would have to get a battery to do so, and the cost of living is already so high. The Government which “cares” and committed itself to these matters sits there and as far as it is concerned, it can smile about it.

Some of the squatters from Laventille came to us. We have had squatters from all over the country. I think it must be a sense of shame for this Government, after two years, has allowed this situation to remain in such chaos.

With respect to privately owned land, one has the Land Tenants Security of Tenure Act which protects only persons who are occupying land as at 1981. In 1981, persons who had a house on the land got a statutory lease for 30 years, with an option for 30 more years. So in effect, they got a 60-year lease with a certain regulated rental. The occupier of that land would have been able to purchase it, if he wanted, at half the market value. In 1981, that Act protected persons who were occupying house and land, as at 1981. In Act No. 20 of 1986, only up to 1977 and they had to make an individual application.

The PNM Manifesto stated that it would have reviewed the existing legislation to update its application. In 1991, the squatting legislation, if I may use that expression, was basically the Security of Land Tenure Act and Act No. 20 of 1986 with the amendment. When the Government said that it was going to update its application, it must mean update the operation of the Act. Its application, No. 20 of 1986, was only up to 1977; the Act of 1981 was only up to 1981. So that the legislation had to be updated to widen the net to cover persons who were occupying both state and private lands as at whatever date the legislation was passed. [*Interruption*]

If the Government wants to say otherwise—we have cuttings of what was said on the platform—it can say it. That is not only the interpretation as put; that is

what it says in quite clear language. If the Government said that is not what it meant, let it say so. That is why this legislation was put. Page 30 of the manifesto states:

"Review of existing squatter legislation to update its application and to streamline procedures for provision of title to property."

It also states:

"The provision of technical and legal assistance to squatter communities wishing to negotiate the regularisation of their settlement on private lands."

Mr. Valley: Read it again!

Mr. R. L. Maharaj: There are two issues. One is the updating of the legislation to widen the net. The second one is the provision of technical and legal assistance to squatter communities on private lands. We are talking about two different things. The other side has a way of trying to avoid the impact on their manifesto. It is the same with everything. Be honest!

Here it is, the first issue is the updating of its application; the second, the streamlining procedures for title to property, and the third is in respect of private lands, the provision of technical and legal assistance to squatter communities wishing to negotiate in respect thereof. What has happened is that in the case of people who have private lands with squatters on them, the Government gave a commitment to provide legal and technical assistance so that they would not have to pay for the infrastructure, or they would be subsidized in some way.

As a matter of fact on the election platform many promises were made. That is not the end of the matter. Page 30 states:

"The PNM stands committed—

The provisions of Act No. 20 of 1986 which provide for security of tenure for squatters, for transfer of title at 25 cents per square foot and an annual lease rental of \$1.00.

Regularisation of existing squatter settlements through proper demarcation of lot boundaries and upgrading of basic infrastructure."

The Government undertook to upgrade the basic infrastructure.

"Specifically, water supply and electrical power will be authorised for squatter settlements approved for regularisation."

Squatter Regularization
[MR. MAHARAJ]

Friday, March 25, 1994

What did the Government promise? The Government promised that if it got into power, no longer would there be these individual applications. It would be regularized on a settlement basis, and those which are regularized, would have water, electricity and upgrading of the basic infrastructure. What is upgrading of basic infrastructure? Is it not roads? Who must pay for that?

Mr. Valley: Tell me!

Mr. R. L. Maharaj: In the order that I stated, it first dealt with squatting legislation on all land; application to streamline procedure for title to all land whether it is state or private. Then it decided that in respect of private land it would assist. With respect to state land, it would assist with the infrastructure.

What has happened is that we have had no updating of the legislation. As a matter of fact we have had a committee appointed and it said that the views of the Government should be implemented. I think it was in July, 1992—I am subject to correction on the date—this committee reported that there should be implementation of the Government's proposals. I would hope that the Government's proposals would be proposals contained in the manifesto. I must confess that I did not have time to read the whole report. [*Interruption*] If you think I have to read all the reports to come with a Motion here, you are making a mistake.

5.25 p.m.

We have had a PNM Government in office for just over two years. What we are talking about will take about one day. All that is needed, if the PNM Government is serious, is not to appoint any committee. That was a waste of time! When one looks at that report one sees that it is a waste of time, energy and paper. They said that they had a blueprint. They did not say when they got into office they would appoint a committee. They said when they got into office, they would do this. Do they need a committee report to update legislation? The Government is lucky that the people did not take the report, tear it up and burn it in Woodford Square. The time has probably come for them to go into Woodford Square and burn the manifesto; burn all those reports, because they are just wasting time making them.

What is the Government's commitment? Could it tell this House when it is going to introduce legislation to implement what it states, that is to say, to widen the net in respect of the squatting legislation, both in respect of state lands and private lands? Would it tell this House whether it intends to charge persons who are occupying state lands, moneys for infrastructure, that is to say, would they

have to pay more than the 25 cents per square foot and more than the \$1.00 per year? Would they have to pay money, and, if so, what kind of money would they have to pay? If it is that they have to pay, let the people know what they have to pay, and if they do not have the money, whether the Government through its Government-owned bank would be able to give them assistance in the form of a loan.

We have a situation which cries out for an answer, and I would appreciate one. The unfortunate thing happening to some of these spontaneous settlers is that with respect to state-owned companies which own land, there seems to be a policy to use force to terrorize people to get them off the land. It comes down again to the Government standing idly by and allowing the law to be broken where poor people are concerned.

Several squatters who have occupied lands and who have houses on the lands have been not only terrorized by officers of one of the companies owned by the state, but their homes have been broken down—and they have been on the lands for several years. It is law in this country—and my colleague the Member for St. Augustine has done quite a lot to place this law on record.

In the case of Prakash Singh vs the Attorney General, No. 2443 of 1982, there was a squatter on state lands for several years. The army and police broke down his house, and the court ruled that if people were in possession and occupying state lands and the Government knew they were there and no court order was taken to move them, or to get them out as soon as they occupied the land, then it has acquiesced in their possession and occupation of the land, and it is a criminal and indictable offence under the Statute of Forceable Entry for a police officer, an officer of the company, or anybody, to use force to remove them from the land. The only way they can be moved is to get an order of the court.

This Government talks about a Government of laws, which has an Attorney General who is supposed to protect the public interest, yet there are situations reported in the newspapers every day; matters have been brought to the attention of the Government, but no steps have been taken to protect these squatters from being terrorized by owners. The Government could, in those matters, protect the public interest even by going to court through the Attorney General to prevent persons from breaking down these people's homes.

All they need to do—and my colleague the Member for St. Augustine has told me during the teabreak it is quite a simple matter—and he is an expert in this—to pass legislation stating that all persons occupying lands, either state or private

Squatter Regularization
[MR. MAHARAJ]

Friday, March 25, 1994

lands, would be entitled to a statutory tenancy in relation to those lands, and for Government to acquire the private lands on which there are these settlements for public purposes. There are many of these private settlements owned by people. The Government acquires land for all kinds of things, but instead of protecting the people and providing land, it is divesting the land and wealth of Trinidad and Tobago: it is privatizing.

If the policy of this Government is that it cares, I want it to tell this House how it cares: if it has allowed over two years to go and it has not given any social justice to these people by coming to this Parliament with legislation to try to implement this policy. The Government comes here with anything to protect the big businessman and rush it through Parliament.

Madam Speaker, thank you very much.

The Minister of Housing and Settlement (Dr. The Hon. Vincent Lasse):
Madam Speaker, I sincerely thank the Member for Couva South for his Motion on the Adjournment of the House which, *inter alia*, refers to the need for Government to take necessary action to provide relief and justice to squatters and/or spontaneous settlers.

A Motion like this gives the Government the opportunity to inform Members of this House and the country of the many initiatives being taken by Government to address, in an orderly and timely fashion, the whole question of squatting in Trinidad and Tobago. Government is firmly committed to the deregularization of squatters on state lands and, of course, the whole process is being implemented.

It is made quite clear from the manifesto that this Government is really a caring one, and based on what was said by the Member for Couva South when he chose in his typical legal style, to omit certain relevant parts of the manifesto, which do not suit him I think I should quote the entire section on squatter regularization in order that Members may get a true picture of the situation. I quote from page 30 of the PNM 1991 Manifesto, which states that:

"The PNM stands committed to

- The provisions of Act No. 20 of 1986 which provide for security of tenure for squatters, for transfer of title at 25 cents per square foot and an annual lease rental of \$1.00 ..."

5.35 p.m.

"Regularisation of existing squatter settlements through proper demarcation of lot boundaries and upgrading of basic infrastructure.

Specifically, water supply and electric power will be authorized for squatter settlements approved for regularisation.

The provision of technical and legal assistance to squatter communities wishing to negotiate the regularisation of their settlement on private lands.

Review of existing squatter legislation to update its application and to streamline procedures for provision of title to property."

The interpretation here is very clear. When the Government spoke about the transfer of title at 25 cents per square foot and an annual lease rental of \$1.00 we were speaking clearly of the raw land, that is under Act No. 20 of 1986.

I would go further in order to illustrate the Government's commitment to the regularization of squatters. As early as January, 1992, one month after assuming office, with the concurrence of Cabinet a committee was appointed to look into the question of the regularization of squatters. Of course this was done within the policy framework of Act No. of 1986 as modified, and also to make recommendations. The committee reported in April, 1992, and the report was referred to a task force which was subsequently established. Coming out of that report of the committee one basic recommendation was that the approach to the squatter problem would now shift from an individual basis to a community basis. Instead of regularizing squatters one by one, we had to move to a community basis, and this was very clear.

When Act No. 20 of 1986 was put into place there were some 8,000 squatting families. Between 1987 and 1991, the squatting community grew to some 50,000 households. When multiplied by five we are talking about 250,000 persons.

Hon. Member: That is their fault. They told them to walk in and take possession of the houses.

Dr. The Hon. V. Lasse: Because of the growth of the squatting community between those years it was necessary to amend Act No. 20 of 1986 to deal with the situation.

Squatter regularization is continuing on two fronts. On one front we have squatter regularization taking place under the IDB-assisted component of the National Settlements Programme and on the other, we have squatter regularization taking place under the National Housing Authority. I must explain here how squatter regularization is taking place under the IDB assisted programme.

Squatter Regularization
[DR. THE HON. V. LASSE]

Friday, March 25, 1994

Prior to an area being selected to be regularized under the IDB segment, a house to house survey is done to determine whether the persons would wish to enter the programme. In this case a participant who wished to enter this programme would deposit \$1,000. Of course, the same principle of 25 cents per square foot and \$1.00 lease per year would apply. However, the cost of the infrastructure would be amortized for 30 years over the life of the lease.

Further, we have approximately 2,500 squatter families on ten sites under this programme. These are as follows:

Bamboo Settlement No. 3	330 lots
Maturita Triangle	301 "
Both areas have been substantially completed.	
New City Valencia	94 lots (being developed)
Zone 8, Arima	186 " " "
Warden Road, Point Fortin	750 lots (development to commence April, 1994)
Malick	650 lots
Blitz Village, Pleasantville	220 "
Bagatelle, Diego Martin	160 "
Sogrin Trace, Laventille	101 "

Mr. Maharaj: Could the hon. Minister indicate to us, if there are different prices, what is the average price the squatter would have to pay for this infrastructure?

Dr. The Hon. V. Lasse: As I said earlier, Madam Speaker, under the IDB-assisted segment a survey was done in each area that is under this programme. The persons entering the programme would make a deposit of \$1,000, and this was done both at Maturita Triangle and Bamboo Settlement. The actual cost of the infrastructure cannot be determined until the actual work is completed. In any event, as I mentioned before, the infrastructural cost can be amortized over a period of 30 years; therefore, I cannot provide the exact figure at this point.

Mr. Maharaj: Are you saying that the Government is disposing of lands in favour of these people without their knowing at the time they are getting it, what is the full price they will ultimately have to pay?

Mr. S. Panday: If that is the case, it is against the law.

Dr. The Hon. V. Lasse: A survey was done, as I mentioned, and persons who wished to enter the programme were made fully aware of what the situation would have been. I have given the situation as it applies to the IDB-assisted programme. I now wish to address the situation under the National Housing Authority.

5.45 p.m.

Under the NHA action is being taken in the following areas—and here I think it is appropriate for me to give the exact status of development of each lot, in order that I can allay the fears of the Member for Couva South and, of course, give the type of information of which I believe the national community should be aware.

Under the Squatter Regularization Programme under NHA, for example:

- River Estate, Diego Martin—800 lots to be developed. The projected cost is \$4.7 million. Achievements to date—preliminary engineering and layout plans have already been completed and the plan submitted for approval.
- Milne Hume Estate—330 lots; cadastral surveys in progress; leases are being prepared for tenants at Phase I.
- Alexis Street, Morvant—170 lots; engineering designs for Phase I completed; upgrading of infrastructure in progress.
- Dam Road, Point Fortin—170 lots; final engineering designs completed and submitted for approval.
- Madras Settlement—22 lots; community mobilization is being carried out.

Dundonald Hill, Port of Spain—800 lots; cadastral survey for Phase I is being carried out.

I can go on to give each instance to show—

Mr. Maharaj: Madam Speaker, I wonder if the hon. Minister would give way. At that stage when the Government decides to regularize those plots, what price would the tenants be expected to pay for the infrastructure? How much would it cost them, whether it would cost them in 1992 or for 30 years or whatever? Is he going to tell them or would it be left in abeyance?

Dr. The Hon. V. Lasse: Madam Speaker, I have answered that question on three occasions already. I said that the basic principle is that squatters would be regularized—the raw land at 25 cents per square foot and a dollar lease for 30 years renewable. The infrastructure cost cannot be determined until the work is completed.

Mr. Humphrey: What if the people want to put in their own infrastructure? Why not regularize the people one time?

Dr. The Hon. V. Lasse: Madam Speaker, I am not now speaking about the IDB segment; I am speaking about regularization under the NHA, whereby persons are being involved [*Interruption*] Madam Speaker, I crave your protection, please.

Madam Speaker: Please, Gentlemen!

Mr. Maharaj: Sorry, Madam Speaker.

Dr. The Hon. V. Lasse: Madam Speaker, in this House, whenever someone is trying to give facts there tends to be grumbling and mumbling so that the facts would not be made known. I am giving those facts.

I wish to further comment on what is being carried out under the NHA. Also, having given the facts as to where we are going, I want to make the point because in the debate on another Motion, the Member for Couva South mentioned that squatters were in the House today. I have been looking around for those squatters—because I go out to the field—and if we are dealing with 50,000 households, and we have two hired maxi-taxis of squatters here, then I do not know what type of representation that is.

However, having said this, and since it seems clear to me that the Members on the other side may have gotten enough information, I simply wish to conclude. Before doing so, may I say that Act No. 20 of 1986 is being amended in order that we may move to the implementation stage. The Act will be amended in such a way that we would adopt a community approach. All I can hope at this stage, based on the anxiety of the Members on the other side, is that when this legislation is brought here we could depend on their wisdom to have it passed immediately so that we could proceed with the regularization process.

I thank you very much, Madam Speaker.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 5.52 p.m.