

*Leave of Absence**Friday, June 05, 1998***HOUSE OF REPRESENTATIVES***Friday, June 05, 1998*

The House met at 1.30 p.m.

**PRAYERS**[MR. SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

**Mr. Speaker:** Honourable Members, I wish to advise that I received communication from three Members of this honourable House who asked to be excused from today's sitting. They are excused, and they are the Members for Arima, Oropouche and Tunapuna.

**PAPER LAID**

Report of the Auditor General on the accounts and financial statements of the Basic Education Project for the year ended December 31, 1997 as required by Loan Contract No. 3956-TR between the Government of the Republic of Trinidad and Tobago and the International Bank for Reconstruction and Development. [*The Attorney General (Hon. Ramesh Lawrence Maharaj)*]

*Paper to be referred to the Public Accounts Committee.*

**ORAL ANSWER TO QUESTION****Construction of Houses**

**83. Mrs. Eulalie James** (*Laventille West*) asked the Hon. Minister of Housing and Settlements to state:

- (a) the number of houses built by his Ministry from January, 1996 to December, 1997; and
- (b) the location of such houses?

**The Minister of Housing and Settlements (Hon. John Humphrey):** Mr. Speaker, concerning the two questions raised, information that I actually have covers the years 1992—95 inclusive, and 1996 and 1997. So let me give this honourable House all of the information.

During the years 1992—95 the Project Execution Unit and the National Housing Authority constructed 271 housing units as follows:

*Oral Answer to Question*  
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| <b>YEARS</b> | <b>PEU</b> | <b>NHA</b> | <b>TOTAL</b> |
|--------------|------------|------------|--------------|
| 1992         | 0          | 0          | 0            |
| 1993         | 0          | 28         | 28           |
| 1994         | 0          | 0          | 0            |
| 1995         | 47         | 196        | 243          |
| <b>TOTAL</b> | 47         | 224        | 271          |

Now Mr. Speaker, locations, because this seems to be of concern. These units were constructed at Bath Street, Port of Spain; Cook Street, Port of Spain; Ramdial Mahabir Lands Phase 1, Laventille; Bon Air, Arouca; Strikers Village, Point Fortin.

The Sugar Industry Labour Welfare Committee is the other agency of the Ministry of Housing and Settlements. The Sugar Industry Labour Welfare Committee does not engage in housing construction. It provides serviced lots, loans for housing construction, as well as gives technical advice during the construction phase. In this regard, the Sugar Industry Labour Welfare Committee was responsible for the provision of loans for the construction of 74 houses in 1992; 69 houses in 1993; 62 houses in 1994 and 74 in 1995; giving a total of 279 houses over the period 1992—95 inclusive, which exceeded the Project Execution Unit and the National Housing Authority by a total of 8 units.

So, accordingly the Ministry of Housing and Settlements was responsible for facilitating the construction of 550 housing units over the period 1992—95 inclusive.

Concerning 1996 and 1997, the following are the facts. The total number of houses built by the agencies of the Ministry of Housing and Settlements, namely the Project Execution Unit, the Sugar Industry Labour Welfare Committee and the National Housing Authority from January, 1996—December, 1997 is 980. In the case of the Sugar Industrial Labour Welfare Committee, although it was not engaged directly in housing construction, again, it provided service lots, loans and was responsible for provision of loans for the construction of 64 houses in 1996 and 66 houses in 1997; which is about same as the performance under the previous regime.

The Project Execution Unit and the National Housing Authority accounted for most of the houses built as indicated in the following breakdown: Project

Execution Unit—number of houses built in 1996, 251; number built in 1997, 232. National Housing Authority, in 1996, 236; in 1997, 131. Total built in 1996, 487; and in 1997, 363.

Mr. Speaker, the location of these houses are Harmony Hall, Felicity, Perseverance, Chase Village/Dow Village, Couva North, Cedar Hill/Princes Town, Corinth, New Grant, Penal/Debe/La Romain, Ciperio Road/Barrackpore, Barrackpore/Moruga, Couva North Phase IV, Debe Phase II, Union Hall, La Paille, Ramdial Mahabir Phase II, Strikers Village, Bien Venue, Orange Field Road, Todds Road, Balmain, Mc Bean/Milton, Preysal/Waterloo, Claxton Bay, Tarouba/Reform, Bonne Aventure, Malabar Phase IV, Bon Air West, Calder Hall, Cook Street, Valencia and Charlieville.

**Mrs. E. James:** Mr. Speaker, I would like to find out how many of those houses were completed or well on the way when the UNC Government took power.

**Hon. J. Humphrey:** Mr. Speaker I answered the question. The houses that were enumerated were well completed within the time requested.

#### DEFINITE URGENT MATTER

#### Residents of La Brea (Plight of)

**Mr. Speaker:** Hon. Members, I wish to point out that I received communication with respect to the next item on the Order Paper: "Requests for Leave to Move the Adjournment of the House on Definite Matters of Urgent Public Importance" via fax. For the avoidance of doubt—the Member for San Fernando East is asking what is wrong with that?

**Mr. Manning:** I did no such thing.

**Mr. Speaker:** Hon. Members, I received communication with respect to item (i) on the Order Paper by fax just before midday. I wish to indicate, for the guidance of Members, that one winks at receiving notices by fax, but please, could we get the original before Members come to the House. I have not got the original in this case from the hon. Member for La Brea. I wish to indicate that in future, if the fax is not followed up with the original before the sitting of the House, it will be ignored. On this occasion, I call on the Member for La Brea to raise the matter.

**Mr. Hedwige Bereaux (La Brea):** Thank you for your guidance, Mr. Speaker.

Mr. Speaker, in accordance with the provisions of Standing Order 12(1) and (2), I hereby ask leave to move the adjournment of the House at its sitting today,

*Residents of La Brea*  
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Friday, June 5, 1998 in order to discuss a definite matter of urgent public importance: the plight of Three Hands and Point D'or, La Brea, in particular, and its travelling public in general, who have been forced to walk or drive through lagoons of mud as a result of burst water mains and a cratered road.

The matter is definite because it refers to a specific and identifiable failure of the Government to ensure that the Water and Sewerage Authority, for which the Ministry of Public Utilities is responsible, repairs the leaking water lines; and the Ministry of Works and Transport fills the craters along the roadway.

The matter is urgent because the burst mains, six within a distance of 100 feet, have resulted in the wastage of thousands of gallons of a scarce commodity, water. Additionally, persons living on the La Brea stretch are forced to take long detours to reach their homes or to wade knee deep in slush and mud.

The matter is of public importance because my constituents are required to pay road improvement tax, but instead they are experiencing a deterioration of the roads in the village of La Brea. This is contrary to the Constitution, as it constitutes a denial of the individual's rights to property. Moreover, since water is only sent to parts of La Brea once in every seven days, the wastage will mean that a number of my constituents will receive no water once the leaks persist.

**1.45 p.m.**

**Mr. Speaker:** Hon. Members, once more I wish to indicate that the office of the Speaker is available for the guidance of hon. Members with respect to the interpretation of the relevant Standing Order. I point out that the use of this Standing Order is for cases of emergencies which have just arisen and which cannot wait for notice to be given in the normal course of things under the Standing Orders for the matters to be discussed by the Parliament. There is a way in which such things could be discussed with three days' notice.

I wish to indicate that the matter raised by the Member does not qualify under the relevant Standing Order for it to be treated as a definite matter of urgent public importance. I repeat, the doors of the Speaker's office remain open for the guidance of any Member who may care to be guided.

#### **SUMMARY OFFENCES (AMDT.) BILL**

*Order for second reading read.*

**The Minister of National Security (Sen. Brig. The Hon. Joseph Theodore):** Mr. Speaker, I beg to move,

That a Bill entitled an Act to amend the Summary Offences Act, Chap. 11:02, to update the law dealing with the holding of public meetings and public marches and other related matters, be now read a second time.

Mr. Speaker, the Summary Offences (Amdt.) Bill proposes amendments to three sections of the Act. Section 109 currently prescribes that persons desiring to hold public meetings should notify the Commissioner of Police of such intentions at least 24 hours prior to the scheduled meeting. It is proposed to increase this minimum requirement to 48 hours.

In terms of offences, the Bill proposes to increase the penalties attached to any offence, contrary to section 109(7) and creates a new offence by way of a proposed section 118A, making it a summary offence for any person to hold an exempted public meeting for any other purpose. That is, a meeting as listed in the schedule which does not require the person to notify the Commissioner of Police under section 109.

Mr. Speaker, there is no intention to ban public meetings or marches. At present the legislation requires organizers of public meetings only to notify the Commissioner of Police of their intention to hold such a meeting. This requirement is clearly outlined in section 109(1). The requirement takes cognizance of the duty of the police to protect and serve, since wherever large groups or crowds congregate, there must be attendant security concerns.

Section 109(1) states:

“A person who desires to hold or call together any public meeting shall, at least twenty-four hours but no more than fourteen days before the day on which it is proposed to hold such meeting, notify the Commissioner of Police.”

Section 109 goes on to give certain specifics as to the information required by the Commissioner of Police.

“(2) Every notification under subsection (1) shall be in writing signed by the person or persons desiring to hold or call together the meeting and shall state—

- (a) the address of each of the persons desiring to hold or call together such meeting;
- (b) the purpose or purposes of the meeting;
- (c) the place at which the meeting is to be held and the approximate time at which it is to begin; and

- (d) the name of every speaker other than a citizen of Trinidad and Tobago or a resident who intends to address the meeting.”

Mr. Speaker, what is interesting here and still obtains, is contained in subsection (3) which states:

“If the Commissioner of Police, having regard to the time at which, the circumstances in which or the purpose for which any public meeting is to be held has reasonable ground for apprehending that the holding of such meeting may occasion a breach of the peace or public disorder, he may—

- (a) subject to subsection (4), in writing prohibit such meeting; or  
(b) give directions imposing upon the persons holding or calling together such meeting such conditions as appear to him necessary for the preservation of the peace and of public order,

and where the notification is incomplete or the Commissioner has reason to believe that any information supplied in pursuance of the requirements of this Part is false, the Commissioner may prohibit such meeting.”

In section 113(2), which is the other section that we are proposing to amend, dealing with the increase in time from 24 hours’ to 48 hours’ notice, the Commissioner of Police cannot in law, arbitrarily prohibit a public meeting or march. He must have reasonable ground for apprehending that the holding of such a meeting may occasion a breach of the peace or public disorder, or reasonable grounds for apprehending that the public march in respect of which the application is made, may occasion a breach of the peace or serious public disorder.

Mr. Speaker, the amendments to this Act do not in any way encroach on these conditions, but concentrate primarily on the length of time notice should be given and the penalties that will be increased under the law.

The Commissioner is also required, where he wishes to prohibit a meeting, to state in writing the reason for such prohibition and give notice of such prohibition.

Section 114(2) states:

“The Commissioner of Police shall as soon as practicable after receipt of the application notify the applicant of his decision; and where the application is refused he shall state in writing the reasons for such refusal and notice of such refusal may be served either on the applicant personally or by leaving it at any of the addresses stated in the application in accordance with subsection (2)(a) of section 113.”

Mr. Speaker, the situation that obtains today, is that carrying out these activities will be different within the 24-hour time-frame. What has developed over the years is that notices given for such marches or meetings, have generally been in excess of 48 hours. The general practice has been, according to police record, groups and individuals desirous of holding public meetings or marches, give notification on an average of 10 days before the meeting or march is due to take place. This has helped the police and the matter of the 24 hours was not an issue because the Police Commissioner, on receiving such an application, is required to take certain action.

The action taken by the police in response to notification of organized public meetings or marches based on correspondence from the Commissioner of Police, is that enquiries and recommendations are sought from the senior superintendent in charge of the division where applicants reside or the groups are based, to ascertain the validity of such applications. If one assumes that the area where the march is supposed to take place is in Southern Trinidad, this application which has to be submitted to the police administrative building on Sackville Street, has to be communicated to the police superintendent of that district. Upon receipt of the recommendation, the applicant is informed in writing of the decision of the Commissioner and such approval is sent to the division where the meeting is held. A two-fold activity has to take place here. The Commissioner must first enquire of the superintendent in charge of the division in question, about the validity of the application. That information is then passed back to the Commissioner's office. If approval is given, the Commissioner must then communicate with the person who has made the application.

We have found that there were some occasions when 24 hours was all that was allowed and it proved very inappropriate. The result of such a short time was that notification of the approval did not reach the organizers in time and there were occasions when if such a march or meeting was to take place on a Saturday or Sunday, nothing could happen and the organizers would then be faced with the problem of making contact with police headquarters to find out if the approval was given. I have experience of certain applications of that nature being approved, but not having reached the district in time for the superintendent to notify the organizers. That led to a lot of frustration and confusion on the part of the people who wished to hold the meeting.

On the other hand, as I said earlier, the practice has been that more than 48 hours is given in any case. I would like to give you a few examples. The Steel Workers Union of Trinidad and Tobago notified the Commissioner of Police of

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their intention to conduct a public march in the vicinity of the Ministry of Labour to protest the problems concerning the Caribbean ISPAT Employees' Pension Fund. The notification was dated September 23, 1997 and was received in the Commissioner's office on September 26, 1997. The notification was in respect of a proposal to march on October 7, 1997, from 10.00 a.m. to 12 noon. In this instance the notification was given 11 days prior to the march.

Mr. Martin Joseph, the General Secretary of the People's National Movement, notified the Commissioner of Police of the party's intention to hold a public meeting at 7.30 p.m. on February 02, 1998. The notification was dated January 28, 1998 and the meeting was held on the Western Main Road, St. James. Here we see an example of a notification which was given five days prior to the date of the meeting.

Again, Mr. Selwyn John, General Secretary of the National Trade Union Centre applied for permission of the Commissioner of Police for that body to conduct a public meeting in Port of Spain. That notification was received by the Commissioner's office from the National Trade Union Centre headquarters at 91 Abercromby Street on May 22, 1998, and permission was granted on June, 3, 1998. A 15-day period of notification was given by the applicant in this instance.

Mr. Speaker, these examples show that there is really no imposition or problem associated with the 48-hour time period, but rather, the need for a longer period to facilitate the applications being processed. As it stands, because the organizations and associations that hold meetings and wish to conduct public marches have all adopted the practice of giving ample notice—in this case I mean an average of 10 days—one cannot suggest that the Government is in any way trying to impose severe limitations or restrictions on these bodies.

### **2.00 p.m.**

One of the reasons that the Commissioner is able to process these applications is because ample time is given. When these applications come from different parts of the country, it is necessary for them to be sent to him because he has a certain course of action to take. Mr. Speaker, to make matters even worse, sometimes it may be necessary to obtain further information about the applicant in order to fully assess the potential for disruption of the normal day to day activity. Again, I wish to emphasize, the person making this application is not actually seeking permission but, in fact, notifying the Commissioner of the intention of the organization.

It is necessary when marches are held, that proper traffic regulations are put in place and adequate policemen are assigned for the duties. Arrangements have to be



made for the direction and regulation of traffic where marches are to proceed along public roads, so that legitimate business of non-participating citizens may proceed. Groups may also require protection from other groups which may also be involved in the same activity.

An adequate number of police officers must be deployed to deal with the expected numbers at any planned march or meeting. This is protection that is provided for the law-abiding citizen. Forty-eight hours notice does not seek in any way to restrict organizations from holding their meetings or marches as obtains today. The proposed legislation does not intend to change the status of the meetings, however, the penal sections of the Act are being strengthened in an effort to discourage abuse of this privilege.

There is the possibility that more than one group—depending on the activities that are prevailing at the time—may wish to hold a meeting, and the Police Commissioner must be given adequate time to deal with these applications and, if necessary, arrange for the meetings to be held at such areas so as not to interfere with one another. One must have regard to the proximity and nature of the meeting and the risk of violence erupting or other problems resulting from these two groups being in close proximity to each other.

It is the intention to allow the police to put their administrative measures in place when meetings or marches are being held because it is normal that these activities take place on working days and during working hours. One must be conscious that members of the public who drive cars or work in the area, must be allowed freedom of movement, and the marchers should be allowed to proceed but should not interfere with the activities of people going about their normal business.

All in all, it is very important to note, unlike what a number of publications have claimed—that 24 hours ought to be enough and there is no reason for 48 hours—I would outline, that the practice of giving notice limited to 24 hours, has not been the case in Trinidad and Tobago. It is obvious that the organizers or leaders of these groups have come to the conclusion that applications sent to the Commissioner need some time to be addressed. It is because of their co-operation that more problems have not occurred. We are trying to limit the time given for an application to the 24 hours that is provided for in the Act.

We have found that the public in Trinidad and Tobago has become more forthright and anxious to make their views heard and to voice their objections. It seems as though what we have to facilitate is the increase in the number of notifications of public meetings and marches around the country. With this

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increase, again, the Commissioner of Police has to make provisions beforehand to cater for this eventuality. The intention is to facilitate the applicants so that they may proceed with their meetings or marches without hindrance or without having to change the date or venue, which would upset their plans. Any well-laid plans could easily stand inspection and be notified at an adequate time.

Tied to this is the new section 118A. Whereas we are dealing with people who are straightforward and who are prepared to notify the Commissioner of the purpose of the meeting and provide the information required, this new section seeks to prevent people who are unreasonable, from taking advantage of this provision and holding meetings for purposes other than those listed. It is totally unrealistic and unlawful for someone to suggest to the Police Commissioner that he is having a meeting dealing with "X" only to change the subject of the meeting and hold it for some other purpose. That, in its simplest form, is a degree of deception. Rather than allow people to mislead the police, cause them to go to the wrong place or cause people to be misled, it is felt that it is a better idea to discourage such likely activity to make sure that the meetings of which we are notified are, in fact, the meetings that will be held. This is purely a matter of being straightforward, and furnishing the Commissioner with the required information so he could put the security forces in place to ensure that when the meeting is held, it is done so without interference or obstruction, and the people holding the meeting the people attending, are able to do so without any fear of interference from any other group.

Thus, basically, the purpose here is to allow the planning and notification of meetings to be held, and take into account the fact that the average time for notification contained in the police records is approximately 10 days. I certainly do not support the view that increasing the notice time to 48 hours is in anyway designed to prohibit the holding of meetings. Some people have said that the Commissioner should be able to process an application in 24 hours; but why restrict it to this time, when it is likely that more applications could be serviced and march and meetings would be held in parts of Trinidad and Tobago, other than Port of Spain? Why not facilitate the holdings of such meetings? This is really the intention of the Bill, to give people the opportunity to meet, express their views and march within the law.

I would deal with one piece of information dealing with meetings of this nature, which I received from the Commissioner. The estimated number of requests received over a monthly period is 10; the length of notice generally given by groups or persons desirous of conducting public meetings is up to five days; for

marches, from 10 to 15 days; and the number of offences detected under section 109 of the Act has been nil. What makes me feel confident that this time increase would create no real problem, is that, the people have opted to grant longer notice. It is really a matter of bringing the law in line with what is taking place to make sure that some unscrupulous person does not deliberately use this 24-hour period to apply for permission to hold a meeting—for example, at this time on a Friday afternoon—and create more problems than good, if the response does not reach by the afternoon before the meeting was scheduled to have taken place next day. Therefore, it is purely a facilitating arrangement, to allow the same people who are right now giving five to ten days' notice.

The applicants could now insist—with the increased period of notice—that they get a response and that their applications are processed. Whereas with the 24 hours' notice there have been problems, where the superintendent of police at the station could claim that he did not get a reply from the Commissioner and create more problems than are necessary.

Mr. Speaker, I am looking forward to the support of hon. Members for this Bill. There is nothing in this amendment designed in anyway to put pressure on anybody, restrict anything or to deny the citizens of this country their constitutional rights to be heard, to have meetings and to conduct marches.

Mr. Speaker, I beg to move.

*Question proposed.*

**Mr. Fitzgerald Hinds** (*Laventille East/Morvant*): Mr. Speaker, I thank you and the Members of this honourable Chamber for the opportunity, on behalf of the people of Laventille East/Morvant and my proud party, to make a contribution on this rather important debate.

Before I make my contribution, on behalf of my party, all the people of my constituency and, indeed, the people of the nation, I compliment, commend and say how proud we are of the achievement of Miss Wendy Fitzwilliam as she brought home the proud title of Miss Universe. [*Desk thumping*]

I now make my comments on the Summary Offences (Amdt.) Bill to update the law dealing with the holding of public meetings, public marches and other related matters. As the Minister presented this Bill he put forward what he hoped will convince us as sound rationale for the amendments that he and his

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Government proposed. I listened rather carefully to each and every one of his submissions. I listened with an open spirit and mind hoping to find something to be in harmony with him.

**2.15 p.m.**

Sadly, at the end of his rather short contribution, I find absolutely nothing on which we must share common ground. Even as we caucused on this Bill and took the position that we took, a position that will become clear as the Members of this side make our contributions. Having come to the Chamber today we are, as usual, open-hearted and open-minded. We were prepared to hear exactly what the Government had to say. I find—and I am sure my team agrees—all of his arguments are rather unconvincing, unpersuasive, to say the least.

The Minister said that the purport of these amendments is not to ban public marches and meetings; that is clear. No one is saying to ban them. But there are, to put it colloquially, more ways of killing the cat than by skinning it. I think that is the statement we used to make. [*Interruption*] There are more ways than one to skin a cat. At any rate, Mr. Speaker, this must be one of the ways that this Government is attempting to interfere with the freedoms and the liberties that the people of Trinidad and Tobago have come to know since the birth of this nation in 1962; and the liberties and freedoms to which we have grown accustomed and which the People's National Movement will forever defend on behalf of the people of Trinidad and Tobago.

Mr. Speaker, the Minister, in his opening remarks said that this really is not about banning but it is merely increasing the time-frame for notifying the Commissioner of Police in respect of the matters related hereto. I am surprised that it is not the Member for Couva South who piloted this Bill. Of course he is the brainchild behind these repressive approaches, in my honest view, and the sinister manoeuvres of this UNC Government; he and the Member for Couva North. But whenever they decide to take you very, very deeply they send faces up front. Sometimes they send the face of the hon. Minister of National Security. When it pleases them they send the face of the Member for Tobago East and when it pleases them, more, they send the face of the Member for Arima. Of course, that disturbs the nation no end. Mr. Speaker, the man with the two faces is the Member for Couva South; when they are ready to show both sides, he stays in the background. But we have decided and we always will remove the mask that hides that UNC Government and expose it for all to see.

Mr. Speaker, the Minister says that this is a Bill to facilitate the arrangement in respect of marches and meetings. This is nothing short of a trick and a con job because he argued, very weakly and unconvincingly, that most of the applications that come to the Commissioner of Police for his notification and, in some cases as I will demonstrate later, his approval, come beyond the time allocated by the present law. That is to say, the present law allocates a period of a minimum of 24 hours before the date and time of the meeting and he argues that most of the applications or notifications come some five or four days before; that might be true. All that demonstrates is that in general, persons who are planning these meetings have an opportunity to think about them, make arrangements and, therefore, advise the Commissioner well in advance. What the Minister does not tell us is another reality; a human, organizational or political reality. That is to say that there are times when an organization wishes to respond very promptly, urgently and swiftly to a matter that has come to the national fore and 24 hours may have been enough. But 48 hours would take it outside of the period available to them for a swift response and, therefore, there would be problems. He never mentioned that.

If, as Minister of National Security, he is in receipt of information from the Commissioner of Police who deals with these matters all of the time and he sought the opinions and information from the Commissioner of Police, he must have been told. I speak from experience because, fortunately, I was a proud member of that institution and more fortunately I sat in the very section that approved these applications through the late 1970s and early 1980s when I was a police officer. I know as a fact, and the Commissioner must know as a fact—and if we know the Minister of National Security at least ought to know—that there are times when people want to have a meeting to deal with some issue, some crisis as they might see it, and they are breaking their necks to meet the deadline of 24 hours, and sometimes are turned down for the very reason. Let him deny that. I would not be surprised if he denied that because this Government has come to be known for distancing itself from the truth. I can identify Members one by one but the nation knows them sufficiently well. It is typically UNC.

Mr. Speaker, I submit that this is the very essence of this Bill. It is a particular design, without banning the holding of meetings and marches, which this Government, bad as it is, would not be brave enough to venture “at this time” and I want to put the words “at this time” in inverted commas, blocked letters and underlined when you consider the direction which this Government has been taking; when you discover the boldness of this Government, its disrespect for

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people's liberty and freedom and the Constitution of this country. In fact, the Constitution of this country not only has written words, in black and white, there are, as we know, conventions and practices; there is political ethic and an ethic is the act or the deed of accepting or complying with the unenforcible—but this Government, as long as it is not written in black and white, consoles itself by saying if the Constitution does not say “no” then it can do it; morality or not, convention or not. We have seen quite a few examples of this. It is for this reason that we cannot support this legislation. It is for this reason that I must say at this time this Government is not brave enough to venture an out and out banning but this Government has it within its bosom to do that. It has demonstrated it and the nation must be aware.

Mr. Speaker, take for example an organization like the People's National Movement, my proud party. This organization is well-known to every man, woman and child in Trinidad and Tobago. There are Members from the other side who came begging and pleading with us for a balisier tie and when they did not get it they went elsewhere; there are those—and there are two of them who I need not identify, the nation knows them well—who came, we accepted them, they got their balisier ties and then they “turncoat” for a few dollars and ran shamelessly to the other side. Mr. Speaker, the People's National Movement is well-known to everyone in this country, across the Caribbean and perhaps across the world. The Minister argued, as part of his weak justification, that one of the reasons that they need to extend the time from 24 to 48 hours, is to make the legislation meet with public expectation because most people apply five days in advance, therefore, they are bringing a Bill to reflect what the people really want; it is a kind of democratic demonstration in real terms. I wish we could analyze all the legislation they have brought here to show how consistent they are with people's dictates, demands or democratic expression; few, in fact, none.

Mr. Speaker, he argued that the Commissioner would need more time to check out—to use his words—“the *bona fides* of the particular organization”. Can you imagine the Commissioner wanting one or two seconds much less 48 hours to determine the *bone fides* of the PNM? What folly. It is an insult even to think of it. Should the Minister, when that application comes, send the Special Branch or the investigators who are responsible to No. 1 Tranquillity Street to see if Balisier House is still there and see whether our proud PNM logo stands tall as it stands on my beautiful PNM tie? That is nonsense, to say the least.

Again, we have demonstrated the febleness, frivolity, unthinking and mindlessness of this Government as it comes to this important Chamber attempting

to convince Members that this legislation is necessary. We recognize it for what it is: a plot to interfere with the democratic freedoms and expression as enshrined in the Constitution of Trinidad and Tobago. [*Desk thumping*] So feeble they are, it is a weak, half naked plot. It is weak and feeble.

Mr. Speaker, section 109 of the existing legislation is what the Minister sought to amend here today. Of course, I know from my own experience and the Minister alluded to some of it, when the Commissioner of Police receives the notification in respect of a meeting—the Minister was not subtle enough, though he was chained up and coached by the Members for Couva South and North, no doubt, as they hid behind him, to do this very dastardly work upon the people of Trinidad and Tobago.

**Mr. Speaker:** Hon. Members, there is a Standing Order that one must not ascribe improper motives to Members. I have been listening very carefully to the development of the arguments and I wish to advise that it is going too far. One can make ones point without ascribing improper motives to individuals. I ask you to take note of that.

**Mr. F. Hinds:** I am guided Mr. Speaker,.

**Mr. Humphrey:** And, therefore, I have nothing more to say.

**Mr. F. Hinds:** Mr. Speaker, I will come to the Member for St. Augustine shortly—take time.

When the Commissioner of Police receives the notification as it applies—I was making the point that perhaps legal subtlety escaped the Member for Couva South and if it did not then he did not communicate it sufficiently to the Hon. Minister. In respect of public meetings notification is required, in respect of public marches approval or permission is required. That is already in the legislation and it is quite clear. But, of course, that legal subtlety must have escaped the Minister and, of course, I know he will take note.

### **2.30 p.m.**

But once the notification or the application for approval reaches the Commissioner, he then has to send it to the senior superintendent in charge of the division where the meeting or the march is to be held. The senior superintendent, having gotten it, will inform the Second Division Officer, more often than not, an inspector in the station that governs the area in which the meeting or march is to be held and the inspector in the station, if he can, will arrange the strength—that is

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to say, the number of police officers and the rank of the particular officers, depending on the expectation of the size of the meeting and the nature of it—to police, to use an appropriate term, the particular meeting or march.

That, indeed, takes some time, but from my own experience, this does not necessarily require 48 hours. Of course, the Special Branch, as a security section, will have to be informed so that it can plan and do what it has to do, to report to the Commissioner and the Minister.

The other thing this legislation is about doing is increasing the fine for the person or persons who are culpable of breaching this legislation, the Summary Offences Act, from \$2,000 to \$10,000 and the sentence of imprisonment, if imposed, is open to the Magistrate and moves from 12 months to two years.

I remember well March 18, 1975 and I am sure the Member for St. Augustine; the Member for Couva North; the Member for Couva South; the Member for Oropouche will never forget it, including some who have gone to the hereafter. That was the so-called “Bloody Tuesday”. That incident arose when a number of trade union leaders led by the Member for Couva North—who has now abandoned the trade unions; who has brought pain to their very spirits; who has left them dejected and disgruntled—was at the forefront of that march in March 1975. [Interruption] It was on January 1, 1976 that I went into the Police Service. So that the group of police officers, the recruits at the time—

**Mr. Panday:** Are you one of the “fellas” who beat me up?

**Mr. F. Hinds:** The Prime Minister is asking if I was one of the “fellas” who beat him on that occasion. Indeed, I was not. I just said I joined the Police Service in 1976, but God knows, I wonder how I would have felt if I was there. Because it was a deserving—to use his word—beating, indeed.

Because, Mr. Speaker, as I recall it—I was not there—but I recall it well and I was reminded of it by my father—may his soul rest in peace—because he followed the incident very closely from his armchair at home. He told me that at the forefront of that march were the Members whose names I have just called and those who have gone to the great beyond. It has to do with their claiming that they had notified the Commissioner of Police. They did not understand and the Member for Couva North is a lawyer; the Member for Couva South was right there in the background. In those days, he was carrying around papers and trying to get his foot in.



**Dr. Rowley:** He was in the PNM.

**Mr. F. Hinds:** He was in the PNM at that time, in the youth league, trying to corrupt and to interfere with the heart and soul of the PNM.

**Mr. Panday:** Like everybody leaving!

**Mr. F. Hinds:** It was not long after, of course, he was ejected. Yes.

Mr. Speaker, there they were; they had told the Commissioner of Police about the march; they had notified the Commissioner of Police; not realizing that what was necessary was not a notification, but an application for approval.

**Dr. Rowley:** They knew, but they were being defiant!

**Mr. F. Hinds:** I am being told that they knew, but they were defiant, and now the Member for Couva North is asking why he got beaten. “Bootoo”—not baton, you know—ever more!

Mr. Speaker, I could see them now on the television, arm in arm. You would not believe it was the same Member for Couva North. Now he keeps three, 10 and 17 arms’ lengths away from the very trade unions. I have some words here from the President-General of the Oilfield Workers’ Trade Union which I shall quote very shortly. In those days, he was amongst them—already silver at that time, sly as a fox—singing, ‘We shall overcome’.

**Mr. Valley:** He has overcome!

**Mr. F. Hinds:** I am told that they took the great and indomitable Mr. Butler—

**Mr. Sinanan:** Tubal Uriah ‘Buzz’ Butler.

**Mr. F. Hinds:** Tubal Uriah ‘Buzz’ Butler.

**Mr. Panday:** You do not know the name!

**Mr. F. Hinds:** They took that great soul out of his ailing bed at the time and brought him to the platform, so that he could declare the meeting and the march going and open. He stumbled out of his bed and they brought him and exposed him to tear gas and “bootoo” and you know what, we have a long-standing memory of that in the police service.

In those days, the Commissioner of Police was Mr. Tony May. Tubal Uriah ‘Buzz’ Butler, in his great oratory, because he knew they had defied the Commissioner, Mr. May and that they had no permission. The Members for Couva North and St. Augustine knew as well. But, Mr. Butler in his great oratory, that

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morning asked the people who had gathered on the Coffee or wherever they were coming from, "Let me ask you this, ladies and gentlemen! Which comes first? March or May?" And the crowd said, "March!" And he said, "Let us go!" And they went. He was saying that the month of March came before the month of May, therefore, Mr. May could say what he wanted, "Leh we go!"

**Mr. Panday:** You try that! It is not that you "may" get lock up, but you "shall"!

**Mr. F. Hinds:** As they did that, the police superintendent who is now deceased—I think his name was Superintendent Wilson—called the troops together and lined up the police helmets, baskets and blue tip sticks and he waited. Of course, by the time the crowds got closer, the Member for Couva North receded into the background.

**Dr. Rowley:** He fled! It was the young moon!

**Mr. F. Hinds:** He fled the scene as usual, turned coat and ran. The Member for St. Augustine probably just does not know better. He remained in front and they continued; then tear gas was fired and sticks started to rain upon them and they cried injustice as they marched for bread, peace and justice, but they were breaking the law. They were always, in that particular case, as often otherwise, law breakers and they were dealt with according to law.

**Mr. Assam:** You know, that is not even good comic relief!

**Mr. F. Hinds:** Mr. Speaker, I am told that when the young policemen finally caught up with the Member for Couva North about two blocks away and Senior Superintendent Wilson was close to him, he begged Senior Superintendent Wilson, "Please, you lock me up! Do not let them little fellas take me here today at all! The ones with no number!" He begged the superintendent to take him in arms like a baby and he did. [*Laughter*]

**Mr. Speaker:** You know, these anecdotes and stories are all very amusing, but surely, let us please deal with the issue. With the greatest deference, apart from the stories, please, could we deal with the issues.

**Mr. F. Hinds:** Thank you kindly, Mr. Speaker. Just for the record.

The argument is, and I suspect supported by the police, that 24 hours is inadequate. As I indicated earlier, there is another perspective. Political parties, the trade union movement, trade union organizations, from time to time would find it necessary to respond swiftly to matters and this movement from 24 to 48 hours,

renders that quick political response, especially with a government as the one that is in office at the moment, to be obliterated.

Not only political parties and trade unions, but there are community groups and groups which represent the interest of communities. When they seek to assert themselves, as they should in a democracy, within the bounds of the law, as a group of Unemployment Relief Programme folk of the San Juan/Laventille Regional Corporation did recently, they are called thugs by the PNM—sorry, the Prime Minister.

**Mr. Maharaj:** Yes, the PNM.

**Mr. F. Hinds:** No, we would never do that. They are called thugs and there are many of them who have worked and have not received their moneys and they are hurt, just as the Oilfield Workers' Trade Union is hurt.

In the spirit of seriousness, let me read a communication that I read, because we represent all interests.

**Hon. Member:** Seamen and Waterfront Workers' Trade Union.

**Mr. F. Hinds:** Yes, Seamen and Waterfront Workers' Trade Union is one; Oilfield Workers' Trade Union is another.

This is a release from the General Council of that trade union, dated November 29, 1997 when this Bill was first brought to the public's attention. While I want to say that I cannot agree and do not agree with everything that they do and say, when I do agree with something that they do and say, I am bold enough to say so.

**Mr. Panday:** I get worried.

**Mr. F. Hinds:** Do you hear? The Member for Couva North is saying he is worried if I ever agree with anything the Oilfield Workers' Trade Union has to say, but I know truth and recognize it when I see it.

The release, in part, says that the Union:

"...expresses its total and absolute disagreement with the proposal by the Basdeo Panday government to make the provisions of the Summary Offences Act more draconian. Indeed, it has long been the view that this piece of repressive, colonial legislation ought to have been repealed many years ago, for it strikes at the right of freedom and expression."

That is one element of this release that I disagree with and I say so boldly, because freedom, as we all know, in jurisprudence and in reality, can never be absolute.

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I cannot have freedom to do what I want at the expense of my neighbours; at the expense of the community; at the expense of the country; and at the expense of other states in the world. That is understandable. So that one is not dealing with freedom in absolute terms, or even in abstract terms. I disagree with that particular view, but, Mr. Speaker, you could hear in that line the pain that organization, which was very close to the Members on that side, is now expressing. It is taking it, as it would say later on, in light of a general background. It says in closing that:

“The OWTU calls on the government to withdraw this piece of legislation, cease its attacks on the freedom of expression and get on with the business of good governance, one measure of which would be the speedy passage of progressive labour legislation...”

And it tapers off.

What we are hearing in this communication is pain, dissatisfaction and disappointment. Indeed, the President-General of that union—I heard it broadcast yesterday—accused this Government of hypocrisy, deceit, filibustering, and what have you.

Mr. Speaker, do you know why the pain, anger and anguish are so great? Because it was a mere two and a half years ago when they were saying sweet things to each other; when the PNM was the focus of their derisive attention and, in an effort to find themselves where they sit now, they were prepared to talk with and to speak with everything and everybody. In fact, the words have now gone into the psyche of this nation. “We are prepared to sleep with the devil.”

**Dr. Rowley:** By any means necessary!

**Mr. F. Hinds:** Yes, as one of my colleagues properly put in, “by any means necessary”. There they are, having achieved it, by fooling, tricking and conning their way into office; making promises they knew well in advance they could never keep; making the Tobago House of Assembly unhappy and dissatisfied after a number of empty promises; and the poor Member for Tobago West gets the blame.

**Miss Nicholson:** Leave me out of your discourse! Let me deal with the Tobago House of Assembly!

**Mr. F. Hinds:** Making unions and public servants angry and sad, such that one union activist told me, “This Government is like a drug dealer. Looks pretty; nice car; plenty gold teeth; plenty gold rings; pretty, conspicuous consumption, but nobody will ever trust, love or respect it.”

**2.45 p.m.**

They can build roads, schools, construct highways and do what they want with money, but money is not all. Respect, confidence and trust are absent. That is the reason one hears such pain.

Mr. Speaker, we are talking about public meetings. The leader of a trade union has felt the sting in the tail of the UNC Government and this is why he talks about deceit, treachery and hypocrisy. Those are words that we understand well about that Government, therefore, on that point I agree and can adopt those words as my own.

What is even more painful, Mr. Speaker, is that this Government has Members in its bosom who lead such unions that would want to hold public meetings in this country and would have to abide by this amended legislation: Sen. Selwyn John, hon. Minister Wade Mark and the Member for Couva North. Now the people to whom those nice things were spoken when they were on their way to government saw them turn coat and run away; disregarding them and treating them with contumely, hence the pain. I do not know what would happen to hon. Minister Wade Mark who does not have a constituency. He has lost a chunk of his portfolio and is left half naked and bare. He, too, would quickly understand the sting in the UNC's tail, to use a colloquialism.

Mr. Speaker, we of the People's National Movement cannot support this legislation. While I have just expressed the views of one trade union—and I am told this is the view of the others—we cannot support this legislation because we see it as a thinly disguised plot to interfere with freedom of expression in this country. We do not clearly accept the argument advanced by the Minister because these amendments reduce or remove the right to a quick and spontaneous political response to a political or other development.

There are persons or circumstances that are exempted from the need to notify the commissioner or to apply for permission for a march, as it were. Those are listed in the Schedule of the existing legislation. For example, in the Schedule under the rubric, "Meetings Exempted From Part II says:

"1. Religious services or meetings held under the authority of the head of any religious denomination or any other person duly authorised by him for the purpose or of the Salvation Army."

Two questions immediately come to mind for consideration.

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Firstly, there are organizations in countries and, perhaps, indeed, in Trinidad and Tobago, that might come under the name of a religious organization when, really, their purport is overtly political. That is an area which would trouble any commissioner who has to give approval or is in receipt of notification of a meeting or a march. Of course, during the time of our governance, we were able, with our cumulative wisdom and political acumen, to address those issues smoothly, but this cumbersome Government that is unskilled in the art of management has been running into trouble with group after group, time after time as it fumbles its way along. That is its problem because the people who it may affect were also co-opted by it—its friends—so they would have to deal with that as the months and years go by until this Government leaves office in the year 2000.

Secondly, Mr. Speaker, the other question that immediately comes to mind is that there are organisations that purport to be—yes, but I shall give no further examples. Let me leave that one.

Mr. Speaker, when it comes to the administration of this legislation, the police service is the unit to implement it. We cannot debate this legislation without taking into account the circumstances that exist in the Trinidad and Tobago Police Service. If they are going to be called upon to provide strength to cover political meetings and marches, then the individual members of the police service, who are expected to carry out those duties, must be given due consideration otherwise we would yet again be passing legislation without consideration of the persons who must implement it, as this Government always does.

Mr. Speaker, morale in the Trinidad and Tobago Police Service is low. I read reports recently where the Prime Minister claimed that morale has been heightened because the Government boasts of renting 100 vehicles from Platinum Motors, another friend of the Government. It rented 100 Jeep Cherokees on a lease/management contract. The Minister came here about one year ago and said that they had “obtained”—did not say “bought” or “rented” he said “obtained”. Read into that what you will, but we investigated it and we realized that they did not buy one jeep. They rented them from Platinum Motors, one of the financiers of the UNC. Those vehicles are on a lease/management agreement. The Minister stood here and said that at the end of this lease/management agreement the Government would be buying these vehicles from Platinum Motors for \$1 each.

**Sen. Brig. Theodore:** Mr. Speaker, on a point of clarification. The vehicles I referred to were the 71 4-wheel drive and the 29 cars that were leased in 1996. They are not the same, but they are 100 of one and 100 of the other.

**Mr. F. Hinds:** Mr. Speaker, according to my old grandmother, “same lac-a-lac” no different.

Mr. Speaker, those 100 vehicles will be purchased from Platinum Motors at the end of the agreement for \$1 each. The Minister said so. By that time, of course, Trinidad and Tobago would have already been duped because the cost of the vehicles and presenting them to the police service would have far outweighed the returns to the Government for the use of those vehicles. That is the point.

While the Prime Minister is telling this country that morale in the police service is high, people are watching these deals and correctly reading all sorts of things into them. I am told by someone who is in the know that when the vehicles go for service—

**Mr. Speaker:** Excuse me, is the Member not really going too far off the Bill to amend the Summary Offences Act? I ask, please.

**Mr. F. Hinds:** Mr. Speaker, I am obliged. I was merely trying to establish to the Government in this debate, within the terms of our Standing Orders, that the police service who must drive to the scene of meetings and transport men to police the meetings must be able to do it.

**Mr. Speaker:** If it is necessary for me to rule, I do rule that what you are saying is not relevant. The angle at which you are going is not really relevant to the argument under debate.

**2.55 p.m.**

Mr. Speaker, in my preparation for this debate, I spoke to Members of the Police Service. I was merely trying to say that people’s morale` is not half as high as the Government wants to believe. This Bill is a thinly, disguised way of interfering, as I have submitted before, with the democratic enshrined rights in this Constitution: freedom of expression and freedom of association and so forth. I feel that I wanted to quite frankly deal with those who must present this matter but if the Speaker insist that this is not appropriate—

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

*Motion made,* That the hon. Member’s speaking time be extended by 30 minutes. [*Dr. K. Rowley*]

**Mr. F. Hinds:** The Minister, in his opening address said, that people in this country have become more forthright. I think he meant that people are more prone to expressing themselves. Mr. Speaker, I beg to disagree.

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People are now afraid to express themselves in this country. Journalists are afraid to express themselves in this country. Journalists understand full well that a few months ago an attack was made on the *Trinidad Guardian* which sent shimmers through the print media. Recently there was the Julian Rogers fiasco which sent tremors through the print media. Now, we are seeing problems in the very newshouse from which Mr. Rogers came because of contact with this Government. Every time this Government gets into contact with the media, it is adverse. The Prime Minister is addressing the nation, and as Prime Minister he spends 15 minutes of his time brutalizing the media, attacking them. I disagree with the hon. Minister. People have become afraid to express themselves. If one speaks against this Government, people are afraid jobs will be lost.

There is a young woman whose name I cannot recall at the moment, who walked with Julian Rogers and was kicked out of her job. In all the Government ministries people are afraid to express themselves; permanent secretaries and the like. This Government is threatening the freedoms of the people of this country. [*Desk thumping*] If the Minister believes that people are more inclined to speak out, he is very wrong. In fact, our jurisprudence tells us that as representatives of the people in the 36 constituencies across Trinidad and Tobago, we come here and express their thoughts as their representatives.

One of the early writers on jurisprudence said, had there not been a Parliament—of course, he was speaking to England around 1689 when they were arguing for the parliament chamber rather than be ruled by the king, for a new system of Government—people would have been fighting with each other out on the streets. As insignificant as this Government thinks and treats it, this Parliament is an important vent to people's expression and if people are circumscribed here and if people are circumscribed outside where the public can have marches and hold meetings to express their views; if people in their workplaces, public and private sector workers are afraid to express their views contrary to what the Minister thinks, then they will give vent to them in other ways that are unpalatable and adverse to the democracy that we have sought to establish and maintained over the years. So, this is a matter of public concern.

Mr. Speaker, I have time and time again said these things to the Government. It is "stiff-necked," to use Bob Marley's words, it does not look left or right. It goes through with a pitbull laser beam focus, and it does what it wants to do any way. They tell you, "it is we time now, we in charge, we felt that when the PNM was in Government the PNM did what it wanted to do". Not, realizing that it always



acted in the better interest of all Trinidad and Tobago. Today, this Government is running roughshod over this country doing what it wants and we see this Bill in that particular context, and it is for that reason that we cannot support it.

Mr. Speaker, I wish to thank you.

**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, I am grateful for the opportunity to join this debate to support the Bill, “an Act to amend the Summary Offences Act, Chap. 11.02, to update the law dealing with the holding of public meetings and public marches and other related matters.”

Having heard the response of the Opposition through the hon. Member for Laventille East/Morvant, it is quite clear that the Opposition is prepared to misrepresent what this Bill is about. It is prepared to insult journalists, to think that journalists can so easily be intimidated. He is prepared to insult public servants; he thinks that public servants; permanent secretaries, do not have the capacity to stand up and voice their own opinion; he is prepared to insult the people of Trinidad and Tobago by thinking that the people of Trinidad and Tobago are sycophantic and subservient.

Mr. Speaker, he is trying to cover up the fact that the Opposition has failed the country. The Opposition is unable to mobilize people, it is unable to articulate views and unable to understand issues which are before the Parliament and are prepared to come and talk matters which do not really touch the heart of the issues in this debate. For example, this Bill has nothing to do with whether the OWTU or NATUC supports the UNC administration. This Bill has nothing to do with the Tobago House of Assembly, none whatsoever. This Bill has nothing to do with March 18, 1975. As a matter of fact, if it has to do that, then it can say that this Bill would prevent incidents like March 18, 1975 but, it has nothing to do with the history, what happened, who marched. This Bill has nothing to do with angry public servants when the Member said public servants are angry.

**3.05 p.m.**

It has nothing to do with money. There is no problem and one cannot trust, love or respect the Government. If the Opposition is making a statement that this Bill affects the freedom of expression as guaranteed in the Constitution of Trinidad and Tobago and would interfere with the fundamental rights and freedoms, it is their duty to show how it would do so.

I would try to demonstrate as clearly as I can that this Bill has no such effect. It would be an act of mercy for anyone to think that this Bill can do that. The way in

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which that can be put in its perspective is to start by saying that in 1972, it was a PNM administration that decided to amend the Summary Offences Act to deal with public meetings and marches, to update the law in order to try to have a regulated society to prevent breaches of the peace and riot, and also to ensure that the police would know in advance about meetings, and take steps to prevent breaches of the peace, but yet permit meetings and marches.

In Part II of that amendment, when meetings had to be decided upon by Parliament, as advocated by a PNM administration, “meeting” meant any assembly or gathering of persons called together or held for the purpose of the transaction of matters of public interest, or for the discussion of such matters, or for the purpose of the expression of views on such matters. One sees the amendment with which we are dealing and recognizes that there must be public meetings at which people would express their views on public matters. It did not say express their views to agree with a government on public matters, but express their views freely on public matters.

“Public march” means any march or procession in a public place comprising pedestrians, vehicles and others and there are certain exceptions, in order to preserve the peace and prevent riot in order to promote an orderly society.

Under the 1972 legislation, in respect of both marches and public meetings, a 24-hour notice had to be given to the police. In other words, under the existing law at least 24 hours before the day on which the meeting or march is held, an application has to be made in the case of a march, or a notification in the case of a public meeting, to the Commissioner of Police.

This Bill attempts to change 24 hours notice to 48 hours notice. The Opposition is saying that because it attempts to change 24 hours notice to 48 hours notice, that is a breach of the freedom of expression and an attempt by the Government to interfere with the fundamental rights and liberties of the subject. It is a trick and a Bill which the Opposition would not support. The Opposition said that it is a plot.

It is significant to note that as we look around the Caribbean, we see Caricom countries have similar legislation in which long before we decided to have 48 hours’ notice, they have had it. For the record, Barbados Public Order Act, 1970 Part II section 3 provides that no person may organize, hold or call any meeting in any public place unless a permit has been issued in respect thereof, by or on behalf of the Commissioner of Police.

Section 4(1) provides that any person who desires to hold a meeting in a public place shall at least two days before the day on which it is proposed to hold such a meeting, apply to the Commissioner of Police or to a member of the Police Force for a permit.

Is there a plot to take away the fundamental rights of the people of Barbados? This has been in existence for years. Can anybody seriously say the passage of this legislation in Barbados undermines the constitutional rights of association of the people of Barbados?

In respect of marches, let us listen to what the law of Barbados says. Section 9 provides that a permit is required for public marches. Section 10(1) provides that a person who wishes to organize a public march shall at least three days before the day on which such a public march takes place, apply to the Commissioner of Police for a permit.

**Dr. Rowley:** Could he identify the document from which he is reading?

**Hon. R. L. Maharaj:** The Public Order Act, Chap. 168, sections 9 and 10.

They have not read or prepared anything; they come here unprepared; they put some points on a piece of paper and come to run an Opposition party. That is how they expect to represent people. They have not looked around, but they make accusations that the Government of Trinidad and Tobago is affecting the fundamental rights of the people. Such irresponsible behaviour!

Section 10 of the Public Order Act of Barbados says that at least three days before, an application has to be made for permission to march. In this country we had 24 hours. We are asking for an amendment of 48 hours or two days. Barbados has three days. Caricom has taken a decision even when the PNM was there, that we must all try to harmonize our laws to bring them in conformity with each other. Here we are promoting the spirit of Caricom and they are saying that we are interfering with the rights and freedom of the individuals.

Let us look at the Public Order Act of Jamaica, 1957. Part II provides for marches and processions. By section 4, it is unlawful for a public march to take place at night.

Section 6 provides that it is unlawful for a public march to take place in daylight unless a permit has been issued in respect thereof.

Section 7 provides for applications to be made for permits to organize a public march at least three days before the intended march.

**3.15 p.m.**

Has Jamaica, since 1957, hijacked the constitutional rights of the people of Jamaica? Has it entered into a plot to take away their rights because it has put a requirement of three days to get permission for a march? Has the Jamaican government perpetrated a trick on the people of Jamaica? No!

When the PNM administrations were in power, I never heard them say that the laws which exist in Caricom are unconstitutional and that countries should not have these laws. As a matter of fact, it was the PNM administration which said that in order to regulate the society one had to impose these restrictions.

These laws are not difficult to get. Any law student who is doing his LL.B. externally, for the first year can go to the library and get the Public Order Act of Barbados, Jamaica, Guyana and other countries. I cannot believe that the hon. Member for Laventille East/Morvant did not have access to these laws. He could have gotten them, but he did not want to. He knew if he had read them, he would not have been able to say what he did.

**Mr. Hinds:** Will the hon. Member indicate what is the position in Romania, the Soviet Union, Albania and China? Does he understand that laws are not laws in abstract and that they relate to given societies and what is happening in those particular societies?

**Hon. R. L. Maharaj:** Mr. Speaker, if I knew the Member was going to ask a non-question, I would not have given way. Having regard to the contribution he made, I should have known better. I am at fault in allowing myself to give way. No sensible person can respond to those questions. Romania! Who is talking about Romania? We are talking about Trinidad and Tobago, Barbados, Jamaica and Guyana.

Let me read for him what the Public Order Act of Guyana says, since he could not find the time to go to the law library or send his clerk to get a copy of these pages. [*Interruption*]

**Mr. Speaker:** Order, please!

**Hon. R. L. Maharaj:** Mr. Speaker, section 3(1) requires any person who desires to hold a meeting in a public place to notify the appropriate officer of police of his intention to hold the said meeting not less than 48 hours and no more than one month previous to the time at which he desires to hold such a meeting.

If the Opposition is correct, then the Guyanese government for years has been perpetrating a trick on the people with respect to public order and marches. They have a plot to destroy the rights of the people of Guyana as far as freedom of expression is concerned. The Guyana Act has been in existence since 1955. According to the PNM, since 1955 the Guyana government has been perpetrating a trick on the people because it has a law which says that two days' notice is needed to have a march.

Since 1957, the government of Jamaica, according to the PNM, has been perpetrating tricks on the people of Jamaica, undermining their fundamental rights. The Barbados law was passed in 1993, so according to them, the government of Barbados has been undermining the fundamental rights of the people of Barbados and is performing trickery on them. That merely has to be stated to be rejected. It is an apology of a contribution. It is an apology for the Member to come here to debate those points. However, that is not the end of the matter.

Anyone can quote law. As a matter of fact, with the technology we have now, one can have a robot, put in the information and the robot would quote the law. It is not quoting the law; it is marshalling the principles of the law and understanding them. It is applying the principles.

When the Member for Laventille East/Morvant said that he agreed that no fundamental right is absolute, I shook my head because I felt that he was enlightened for the first time this afternoon. I felt that he had really hit the nail on the head, but what did he do? He did not understand it. He got it right—no fundamental right is absolute. That is correct! The right enshrined in the Constitution—freedom of expression—is not an absolute right. It is a right subject to exception. It is a right, in order to have society in an orderly manner, one has to regulate from time to time. Therefore, one has the law of libel, slander and the law with respect to public meetings. Even in the United Kingdom, which countries like Trinidad and Tobago emulate for its jurisprudence and law, for the transplant of some of its principles of law, they have regulations.

I would like to read slowly so that, once and for all, we will understand, even as lay people, what our Constitution means so that we can apply it. Section 4 of the Constitution states:

- “(a) the right of the individual to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law;”

The Constitution does not say that one cannot take away property, or the right to liberty. It says that one can only take it away if one practises due process of law. If someone is to be charged and tried for an offence, it must be done in accordance with due process of law. One cannot take away a man's liberty except in accordance with due process of law. When it says that the fundamental right is not absolute, it recognizes that one can take away the right to life; one can take away the right to liberty; one can take away the right to security, but one can only take it away in accordance with due process of law.

There is a famous case in Trinidad and Tobago of *Collymore vs the Attorney General of Trinidad and Tobago*, which was decided in 1967, by a very powerful Court of Appeal. It is reported at page 5, *West Indian Reports, Volume 12*. The Chief Justice at the time, Sir Hugh Wooding, had the following to say about fundamental rights, and I do not think that anyone can put it in such clear terms as Chief Justice Sir Hugh Wooding did.

**3.25 p.m.**

Mr. Speaker, as a matter of fact, when this matter went before the Judicial Committee of the Privy Council, their lordships had no alternative in their judgment but to pay tribute to the way this was expressed, and to affirm the decision of the Court of Appeal.

May I, with your leave, read what Sir Hugh Wooding said on page 15, paragraph 5.

“In my judgment, then, freedom of association means no more than freedom to enter into consensual arrangements to promote the common-interest objects of the associating group. The objects may be any of many. They may be religious or social, political or philosophical, economic or professional, educational or cultural, sporting or charitable. But the freedom to associate confers neither right nor licence for a course of conduct or for the commission of acts which in the view of Parliament are inimical to the peace, order and good government of the country. In like manner, their constitutionally-guaranteed existence notwithstanding, freedom of movement is no licence for trespass, freedom of conscience no licence for sedition, freedom of expression no licence for obscenity, freedom of assembly no licence for riot and freedom of the press no licence for libel.”

Mr. Speaker, freedom of assembly is no licence for riot, and it is recognized that the state in its right to protect the public's interest to promote peace, order and good government must from time to time regulate freedom of assembly.

The Constitution of Trinidad and Tobago guarantees the freedom of movement. If the freedom of movement is an absolute right and it cannot be regulated, then it means that drivers of motor vehicles could pass in any road they want, or go down a “No Entry” road, in the exercise of their freedom of movement. One can say he has a right and the freedom to move therefore, he cannot be prevented from passing on any road. It would be utter chaos, and in order to promote peace, order and good government, Parliament is given the power to pass laws.

Mr. Speaker, section 53 of the Constitution of Trinidad and Tobago, which gives the power to Parliament to pass laws specifically states:

“Parliament may make laws for the peace, order and good government of Trinidad and Tobago,....”

What Sir Hugh Wooding said in this landmark case, was that we have fundamental rights and freedom, yes, they are entrenched and if anyone violates them whether it be the state, or any arm of the state, whether it be the judiciary, the executive or legislative arm, the courts can grant redress to compensate the individual. There is that right. It is also recognized that these rights are not absolute and, therefore, in order to prevent riot and to promote peace, order and good government, Parliament and the Government owe a duty to initiate and pass laws so that society would be properly regulated.

I can go on and on, on this topic. As a matter of fact, there is a very old case—the facts are not too important in that particular case—which amounted to a contravention of a fundamental right, but one looks at cases in order to get the *ratio decidendi* of the case, and in order to get the pit and the substance of the judgment. As far back as 1967—and I am sorry the Member for Laventille East/Morvant is not here—in a case of *Olivier and hon. Buttigieg* appeal cases at page 115, the Privy Council had to determine whether laws could be passed which would interfere with fundamental rights, or whether government could issue orders which can interfere with fundamental rights and the *ratio decidendi* of the cases is to the effect that as long as what is being done is reasonable in the public’s interest, one cannot say it violates a fundamental right and pages 138 and 139 of this judgment say that the appellants were undoubtedly entitled to issue reasonable orders to regulate the conduct of government’s employees during their working hours.

Mr. Speaker, can it really be said that in light of what the hon. Minister of National Security has stated, and in the light of what other countries have had to do in the region, some as far back as the 1950s, that putting a requirement of 48

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hours notice in respect of these matters is such that one can seriously say that it is irrational, unreasonable, and cannot be in the public's interest? I am not surprised that the Opposition would say, "yes". As a matter of fact, the Opposition can vote against the Bill, they can even take us to court and when they go to court, and orders for costs are made, they would write letters to beg because they would not want to pay the costs. They do not understand it, and even when one tries to explain it to them, they do not want to understand it.

The present law under section 109(7) is the penalty clause which makes it a summary offence to *inter alia*, hold a public meeting without notifying the Commissioner of Police, and the penalty is a fine of two thousand dollars and to imprisonment for 12 months. The magistrate can either impose a fine, or he can impose a fine and a term of imprisonment not exceeding 12 months.

[MR. DEPUTY SPEAKER *in the Chair*]

Mr. Deputy Speaker, it is not unusual when a Parliament is amending legislation which has been passed years before—in this case it is dealing with a penalty which was inserted 26 years ago. There is an obligation on the Parliament and the Government if one is amending the law to also look at the penalty provision and determine whether peace, order and good government requires the Parliament to increase it.

Mr. Deputy Speaker, 26 years ago the fine was \$2,000 and it has been increased to \$10,000 and imprisonment for two years. I think this Opposition might go down in the *Guinness Book of Records* as the weakest Opposition the Commonwealth has ever had. They come here and would not propose an amendment, file an amendment, nor quote anything that is relevant to the matter, but sit and say "no, no, no." Robots could do that. [*Interruption*].

**Mr. Deputy Speaker:** Order!

**Hon. R. L. Maharaj:** Mr. Deputy Speaker, look at them, I feel sorry for them. Look how pathetic they are. The Member for Laventille East/Morvant had the brass-face—when it was the PNM which instructed certain sections of the police to beat up people in 1975, to brutalize persons and use the power of force—to come here today to boast about it. The PNM is talking about breach of fundamental rights and they, in history, had harassed people, persecuted people, and manufactured evidence against people. If anybody talked about corruption they wanted to lock them up. The Member for Diego Martin West would not say why he allowed Dole Chadee to occupy all the state lands without moving him. [*Interruption*]



**Mr. Deputy Speaker:** Order, order!

**Hon. R. L. Maharaj:** They get annoyed. They had all the resources available and they tried their best to harass the Opposition and they could not do it. They allowed Dole Chadee to occupy state land under the Ministry of Agriculture, Land and Marine Resources and they talk about fundamental rights. *[Interruption]*. In a few months they would know whose client he is.

**Mr. Deputy Speaker:** Order, order, order!

**Hon. R. L. Maharaj:** Mr. Deputy Speaker, you see how they operate? They make all sorts of allegations. I want them to know that false allegations would not prevent me from exposing PNM's corruption. *[Interruption]*

**Mr. Deputy Speaker:** Order, order, order!

**Hon. R. L. Maharaj:** Mr. Deputy Speaker, look how pathetic this Opposition has become. I could now understand why Dr. Vincent Lasse could not remain there. If we have anything to regulate we have to regulate the PNM. *[Interruption]*. Mr. Deputy Speaker, like he does not want Dole Chadee to be executed?

**3.40 p.m.**

*[Crosstalk]*

**Mr. Deputy Speaker:** Let us get back on track.

**Hon. R. L. Maharaj:** Mr. Deputy Speaker, I forgive them, for that is all they could talk about.

As I am saying, the penalty must, therefore, be considered in terms of the time which has elapsed from the time that the original fines were put in the Bill. As I said, it is now \$10,000 and imprisonment for two years. When one considers the period of time which has elapsed and in relation to what measures this Parliament has passed with regard to penalty, which has been increased over the years, this is not unreasonable.

It will be very easy for anyone to get up here and say that this is excessive. If such a submission has to be made, then one would expect the Opposition to be able to show facts, not just to get up and say it is excessive, show how other penalties were increased, the ratio, the offence, and to show whether it is excessive. So here we have them saying that it is affecting fundamental rights, they produce no facts, they produce no basis, they show no logic; as a matter of fact, the authorities are against them. They are also saying that the penalty is excessive.

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They have not produced anything! Merely got up and said it is excessive. So, we would not be able to respond unless we have something to respond to, because it is a bare statement.

What does the Bill do again? Under section 118 of the Act, it allows the Minister, in the interest of public safety or public order, subject to the negative resolution of the House of Representatives, to prohibit the holder of any public marches or meetings in certain circumstances, except the classes of meetings set out in the Schedule for a period not exceeding one month. The amendment to clause 5 of the Bill seeks to insert a new section 118 by providing that it is a summary offence for a person to hold an exempted public meeting, not for the stated purpose, but for any other purpose. An exempted public meeting, as listed in the Schedule, is one which does not require the person to notify the Commissioner of Police under section 109 and these include religious, educational, cultural or *bona fide* sports meetings. The purpose of this clause is to ensure that if the meeting is being held and it is one which is exempted—let us say, as religious, educational, cultural or *bona fide* sports meeting—that it would not be used for any other purpose. There could be no rational argument for any Parliament to take steps to ensure that the spirit and the intent of legislation is carried out. Therefore, if the measure which is before the House is to promote the intent and spirit of the legislation, it is, therefore, legislation which should be supported.

When one looks at the contribution of the hon. Member for Laventille East/Morvant, he said that he is making his contribution on behalf of a proud party. How could he really say that? How could a party be proud to allow that kind of statement to be made in a debate like this? He, as the first speaker in a debate like this, has got up and made these allegations, but has not been able to support them. As a matter of fact, he recognized in his contribution that he saw nothing in the Bill in which he could share a common ground with the Government. Well, that is very significant; it exposes the Opposition. He is saying that in a Bill which attempts to prevent riot, to regulate a society in order to promote order and good governance, he found nothing to share in common. As a matter of fact, the Opposition is saying that they find nothing to share in common with the Governments of Barbados, Guyana and Jamaica in similar legislation.

**Mr. Deputy Speaker:** The speaking time of the hon. Member has expired.  
*Motion made,* That the hon. Member's speaking time be extended by 30 minutes.  
[Hon. G. Singh]

*Question put and agreed to.*

**Hon. R. L. Maharaj:** Mr. Deputy Speaker, what I am going to do, is go through the contribution made by the hon. Member for Laventille East/Morvant and demonstrate how the contribution of the Opposition lacked any substance, direction, vision, content and policy.

[MR. SPEAKER *in the Chair*]

Mr. Speaker, I was saying that according to what he said, he found nothing in the Bill in which the Opposition could share a common ground. So what he is saying is that when the Barbados Government passed legislation with a similar policy in 1993, he does not share that common ground. He is also saying that when the Government of Jamaica—since 1957—passed similar legislation and has had that legislation operating from that time, in order to prevent riot and promote an orderly society, he and his party do not share a common ground. The same thing applies to Guyana.

The other thing he said, however, is that he recognizes that the law does not ban public meetings and marches. Although he recognizes that, he said it takes away fundamental rights and freedoms. The hon. Member for Laventille East/Morvant is arguing against himself, and the PNM is arguing against its own argument! They are recognizing that the law does not ban public meetings and marches, he also recognizes that there is no absolute freedom, but yet he says that the law affects human and fundamental rights. He is totally confused, contradictory and does not have any basis! He mentioned that they had a caucus on this matter and that is what they agreed for him to come and say. This is not where the hon. Member for Laventille East/Morvant got up and spoke on his own, this is the view of the alternative Government of Trinidad and Tobago. Those people there, the PNM, are aiming to be the Government of Trinidad and Tobago!

**Mr. Valley:** Our natural habitat. "Don't you know"? That is like Brian Lara making a hundred.

**Hon. R. L. Maharaj:** I really forgot that the Member for Diego Martin Central was an expert in meeting, because he is a man who has the ability to call a meeting, resign and then withdraw his resignation. [*Laughter*]

Mr. Speaker, what does he say again? He says that this Bill has shown that the hon. Prime Minister was being hypocritical in that his Government was putting a measure like this when he himself, and the hon. Member for St. Augustine, and other Members of the Government were all involved in this Bloody Tuesday March. He made the comment and, therefore I would want to respond. That Bloody Tuesday

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March was a march in which it was recognized—not only by the national community of Trinidad and Tobago, and not only by the regional community, but by the international community—that it was a case of clear abuse and misuse of power by the then Government using the coercive machinery of certain sections of the police. It was an abuse of the PNM administration of the time. What happened is that workers wanted to march for peace, bread and justice. What the then government did—as admitted by the hon. Member for Laventille East/Morvant—in substance, the executive arm got the notice for the march on time, but in spite of that, the Government of the day instructed the unlawful actions.

I would have thought that today the hon. Member for Laventille East/Morvant would have, on behalf of the PNM, apologized to the hon. Prime Minister, the hon. Minister of Housing and Settlements and to all workers who were injured, brutalized in that march, but instead of that he asserted the authority of the PNM then to abuse workers, to use the coercive machinery to trample upon the rights of workers. Mr. Speaker, only today workers were marching in Woodford Square. No one was trampled upon, no one was beaten, this Government has not beaten any workers, they have not instructed the police to do any such thing. I would have thought that is what the PNM would have talked about today. The PNM would have apologized to the people of Trinidad and Tobago; but they would not apologize. They would not apologize when they do wrong, they would perpetuate the wrong!

**Mrs. Robinson-Regis:** You could talk about that?

**Hon. R. L. Maharaj:** As a matter of fact, from his contribution it seemed as though he was saying that the beating was deserved. He said that! So here it is, a grave injustice to the rights of people, a great trickery upon the rights of the people which occurred in 1975, a serious interference by the then Government with the freedoms and liberties of the rights of workers; and today the PNM gets up and says that this administration is trying to affect the rights of people, when the naked truth before the Parliament is that this has nothing to do with that. It is not only that, but the hon. Member for Laventille East/Morvant has placed on record that this present PNM would do likewise if similar situations arise.

**3.55 p.m.**

Mr. Speaker, what again did the hon. Member for Laventille East/Morvant say? The Member said “there is a sting in the UNC tail”.

**Dr. Rowley:** UNC does not have a tail; it is an iguana. [*Laughter*]

**Hon. R. L. Maharaj:** Mr. Speaker, on this side of the House, there is a political party with a leader. There is no fight on this side. On that side of the House, the Members who are talking do not know who is their leader. As a matter of fact all of them are fighting to be the leader.

**Mr. Valley:** Who is your leader?

**Mr. Speaker:** Order! Order please!

**Hon. R. L. Maharaj:** Mr. Speaker, then the Member went on to say that he cannot support this Bill and talked about enforcement. Again, a law student would know who would administer a law like this. Yes, in any law that affects the criminal process and there is a breach, the police would get involved. There are safeguards; there is the Director of Public Prosecutions. Who determines whether the law is infringed or not? It is the courts, not the Government. When this law is passed and there is a breach of this proposed law, it is not the Government who is going to determine whether somebody has broken the law; not the Minister of Housing and Settlements; not the Attorney General. It is the courts, unless they are saying that there is political interference in the court. If they want to say that, let them say that.

Mr. Speaker, we know that Trinidad and Tobago is committed to an independent judiciary, an independent magistracy and the rule of law is in place. So therefore, in what way can it be said that rights which are guaranteed in the Constitution would be trampled upon? As a matter of fact, the PNM knows that if any one of their fundamental rights is violated, there are many avenues to get redress. As a matter of fact—

**Dr. Rowley:** Come to you. Come to you.

**Mr. Speaker:** Order please! Order please!

**Hon. R. L. Maharaj:** Mr. Speaker, the Opposition can take it from me; I am telling them what is correct. The Constitution provides that if any Member of the Opposition or any of their supporters believe that their rights are infringed under any law, they can file a constitutional motion under section 14 of the Constitution.

**Mr. Valley:** [*Inaudible*]

**Hon. R. L. Maharaj:** I do not respond to him, Mr. Speaker.

**Mr. Speaker:** Hon. Members, we know that there is always this cut and thrust of debate. There is an opportunity for every single Member to speak. While I am

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Speaker in this House I will never try to muzzle anybody and prevent Members from having their say. I appeal to hon. Members to hold their fire until they have an opportunity to speak. It does come over at times, to the dispassionate observer, that when there is heckling or harassment of a Member who is on his legs making a point, it is perhaps because he is making a very valid point which cannot be answered and, therefore, he is being shouted down. I am not saying that this is necessarily the case, but I ask you please, to prevent some people from getting this idea and hold your fire until such time as you have your 45 minutes and, perhaps, an extra 30 minutes. Please continue.

**Hon. R. L. Maharaj:** Mr. Speaker, I am sure you would give me injury time for the interruption. As I was saying, the Opposition has tried to give the impression that if this Bill is passed, the rights of people would be taken away—I have dealt with what they have already said. They talked about enforcement, but the law reports are filled with attempts made to ventilate the rights of people, and all sorts of points were argued before the court. There are precedents and the law has been settled in some areas. The Constitution and jurisprudence of Trinidad and Tobago provide that people who believe that any part of the state, in the administration of this law, has affected their rights of association or assembly, they can go to the court.

Mr. Speaker, under section 14 of the Constitution of Trinidad and Tobago, it says:

“For the removal of doubts it is hereby declared that if any person alleges that any of the provisions of this Chapter has been, is being, or is likely to be contravened ...may apply to the High Court for redress...”

Mr. Speaker, as I said, the Opposition knows about this because the Leader of the Opposition felt that his fundamental right was infringed by the Parliament and filed a constitutional motion. So it is not that the Opposition does not know that the Constitution provides a machinery for the courts to determine whether fundamental rights are infringed or not. The law of Trinidad and Tobago does not provide for people to file frivolous and vexatious claims and then for the Government to pay the cost for that person.

**Dr. Rowley:** You should know.

**Hon. R. L. Maharaj:** When people file frivolous and vexatious cases, they have to pay the cost. That has been the practice all the years. Democracy is not affected when the Constitution gives the right for people to file constitutional motions and they lose.

Mr. Speaker, then there was the other point made by the hon. Member for Laventille East/Morvant, that this Government is dressed up like a drug lord, looks like a drug lord, looks nice with all the gold and so forth, but there is no trust, love or respect for the Government. On what basis did the Member say that? He advanced no reason.

**Dr. Rowley:** Because your party is the Government; that is the basis.

**Mrs. Robinson-Regis:** [*Inaudible*] That is a sign.

**Hon. R. L. Maharaj:** Mr. Speaker, they do not like my face; they do not like my suit as well. I believe some of them overlike me. [*Laughter*]

**Mrs. C. Robinson-Regis:** The man we love to hate.

**Hon. R. L. Maharaj:** Do you want a suit like this?

**Mrs. C. Robinson-Regis:** No.

**Hon. R. L. Maharaj:** Mr. Speaker, trust, love or respect for Government. I do not think it can really be seriously argued by anyone, that this Government has not shown that it can be trusted, it is loved and respected. As a matter of fact, the only people in Trinidad and Tobago who do not trust the Government is the Opposition. When they call a public meeting to discuss the issue, 50 and 25 people attend. When the Government calls a public meeting, there are thousands of people. [*Desk thumping*] Some of the Opposition Members in Parliament love us but they cannot get up there and say it openly as yet.

Mr. Speaker, this Government is not dressed up like a drug lord. As a matter of fact, this Government is after the drug lord.

**Opposition Members:** You are the drug lord.

**Hon. R. L. Maharaj:** Mr. Speaker, this Government is after the drug lord and that is why the Government took back its lands that were occupied by a person in Tabaquite and implemented the confiscation laws against property. The PNM was in government, passed the money laundering laws and set up no mechanism to implement it. That is why they are offended about the implementation of the drug laws. As a matter of fact, the time may come to say who are some of the people who gave contributions to the PNM.

**Mr. Valley:** Including \$3 million to you.

**Hon. R. L. Maharaj:** Mr. Speaker, this administration has nothing to worry about. It could deal with *mauvais langue* and allegations. When the Opposition

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gets up, I would like them to say what they did in order to implement the money laundering laws in Trinidad and Tobago. I want them to say why they did not remove Dole Chadee from the land at Tabaquite, since they say this Government is dressed up like a drug lord. I want them to say why nobody in Trinidad and Tobago was prosecuted for a money laundering offence. I want them to say why some people who were connected to PNM had so many businesses and so much moneys, and nothing was done in order to trace those moneys. I want them to say why the United States, Canada, Europe, Britain have recognized and have made public statements that this is the administration in Trinidad and Tobago which has shown commitment to implement the drug laws.

Mr. Speaker, this Government is committed to upholding human and fundamental rights, the rights of the victims of crime. This administration has taken steps which we know the Opposition would not support.

**4.10 p.m.**

We are prepared to implement these measures and we have the know-how and the means to implement them. We know that the Opposition does not want this Administration to implement the death penalty. Therefore, when the Opposition says that this Bill is to take away people's rights, to undermine the Constitution of Trinidad and Tobago, and, in effect, a trick to take away the rights of people, those statements cannot be trusted, because they have not demonstrated in any way that the rights of the people of Trinidad and Tobago would be jeopardized by these measures.

Thank you.

**Mr. Hedwige Bereaux** (*La Brea*): Mr. Speaker, I wish to join the debate on this Bill. Speaking right after the hon. Attorney General who talked about various things that he had been doing, and, in particular, having regard to his reputation at the Bar, I was a bit surprised—but we will get to that in due course. I refer to the statement which he made before as to the "trusted love and respect" this country has for his Government. I take a very short time off to read from an article in *the Independent*, Friday, June 5, 'Cry the beloved country'. It is a statement made by Vernon Ramesar commenting on this Government:

"I cry for my country whose leadership has become so obsessed with the question of race that it controls their every thought,...

I do worry about where my country is heading when back door politicians are placed in charge of sensitive Ministries, where perceived capitalistic wheeler



dealers control the very riches of this nation; when people are made Ministers of Government, and Members of Cabinet having won their seats while representing the Opposition. We need to worry about the principles of a Government that welcomes this sort of devious opportunism. We need to worry about our country being in the hands of political speculators who carry more power than the representatives of the people.

Democracy is under threat. No? One only has to look at the types of legislation that were proposed, and is still being pushed; legislation designed to deprive me of my right to speak, write, or congregate with others as I choose, to arrive at this conclusion. That 'Bull in the China Shop', our AG, by his actions pertaining to Human Rights Conventions to which we were signatories tells me that we are under threat." [*Desk thumping*]

I had the opportunity to teach in the same school with the man who wrote this, Vernon Ramesar. We were on the same staff at the Couva Government Secondary School. I have known him a long time. I know that he was one of the foundation members of the UNC, but he wrote this today, and I do not know why. I quoted it for what it is worth.

The hon. Attorney General said that all the Bill was trying to do was move the notice from 24 to 48 hours. He has sought to bring the examples of CARICOM countries: Jamaica, Barbados and Guyana, which have had three days or 48 hours and so forth. All that says is the police were given more time to entertain a request or not.

This is a country in which the preamble to the Constitution states:

"Whereas the People of Trinidad and Tobago

- (a) have affirmed that the Nation of Trinidad and Tobago is founded upon principles that acknowledge the supremacy of God, faith in fundamental human rights and freedoms,..."

The fundamentals rights and freedoms that we have enshrined in our Constitution are freedom of speech, freedom of association, freedom to have joint political parties and hold political views. Any abridgment of those rights or any attempt to curtail those rights, whether it is only to give notice as to a meeting, is to some extent, an abridgment of those rights. I agree that there is no absolute right, but when you have a country and a constitution that enshrines these rights and in the preamble we deal with these principles, a government must lean towards, as far as

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possible, not having to abridge any of those rights. That is why the time required to give notice of a public meeting was 24 hours.

If it is that CARICOM wants to harmonize its laws, we as a nation whose Constitution and preamble deal with the fundamental rights and freedoms, should seek to cause the CARICOM countries to harmonize them in favour of a freer and more democratic society, rather than follow them into a regressive situation. This is the very situation which the learned Attorney General and this Government adopted in respect of the human rights conventions, whereby we have the ignominy as a country of actually rejecting, denouncing a convention.

I move quickly to deal with an important situation. In the Parent Act it says that we are talking about meetings.

"meeting' means any assembly or gathering of persons called together or held for the purpose of the transaction of matters of public interest or for the discussion of such matters or for the purpose of the expression of views on such matters;"

"public meeting' means any meeting held in any public place except meetings referred to in the Schedule;

'public place' means any highway, street, public park or garden, any beach and any public bridge, road...any open or enclosed space..."

There are some exceptions where you can hold certain meetings. There are exemptions in the Schedule which say that one does not have, in respect of those particular meetings, to seek any permission or to inform the Commissioner of Police. It says:

- "1. Religious services or meetings held under the authority of the head of any religious denomination or any other person duly authorised...
2. Educational classes and recreation in schools..."

I am dealing particularly with religious services. We say that those are the meetings with which we do not have to deal, but what does this Bill seek to do? It states:

"118A. A person who purports to hold a meeting for any of the purposes listed in the Schedule and who in fact holds such a meeting for purposes other than those listed in the Schedule commits an offence and is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for two years."

I am not even thinking of the cost, fine or imprisonment, I am pointing out—and we know—that religious preachers must and tend to comment on matters other than religion because we are a nation that believes in God however we care to call him or her.

Since we have affirmed that the nation of Trinidad and Tobago is founded upon principles that acknowledge the supremacy of God, then a nation without a soul is a heathen one. However you care to call God, by whatever name, we believe in that, and the religious speakers tend to comment on various aspects of other things in life in Trinidad and Tobago. We will find religious speakers commenting on the behaviour of the state with respect to gambling, abortion, fraudulent activities, drugs and a number of matters. We say a "public meeting" is one which the public is allowed to attend. It is not a closed meeting where only a certain number of persons come in.

If you get to one of those church meetings and the preacher, Imam, Pundit, Catholic or Anglican priest starts to talk about things other than purely religious matters, are we not opening a Pandora's box and opening these very persons to be prosecuted under this Act? I understand very well what the learned Attorney General is doing. He really does not want to do that, he is aiming at his friend Abu Bakr. If that is what he wants to do now that friends have fallen out, and he wants to pass a law to deal with him, be fair and straightforward with us in this Parliament and say, "This Abu Bakr getting out of hand, ah want to get rid of him!" That is the honest way to do it. But do not come to this Parliament and open a wide loop and talk about persons who purport to hold exempt meetings. Because if you hold a meeting claiming that it is exempt, and are found to have spoken about other things in that meeting, then you are liable to a fine. A fine of \$10,000 and two years imprisonment. Come straight with the country.

I have been to Pastor Cuffie's church and heard him speak. He speaks on everything, and justifiably so sometimes. Our own Sen. the Rev. Teelucksingh always talks about drugs and the harm it does and so forth. All these things have nothing to do with church, preaching and God praying.

**Hon. Nicholson:** "Who say dat?"

**Mr. H. Bereaux:** You just shut up and let me keep speaking!

**4.25 p.m.**

**Mr. Speaker:** If the hon. Member would talk to me it would be unnecessary to use intemperate language to another Member by telling the Member to shut up. If only you will talk to me, please.

**Mr. H. Breaux:** Mr. Speaker, what I was saying when I heard the statement which the Member for Tobago West made—I thank her for making the statement because I will now explain. I am saying that one goes to a church and hears the pastor talking about drugs and what drugs are doing to the community and he complains about the drug lords and a number of persons. That, *per se*, is not religious but it is important to the country and he must be free to make those statements. He must be free and not worry about whether or not the meeting which he is holding—because they say public place may be enclosed. It may be in his church yard or anywhere else, it can be enclosed and it is an exempt meeting. I am saying that when he speaks of those things which are strictly not along the narrow religious lines, that he must be free and not worry about it.

**Mr. Partap:** You have not read the Bill.

**Mr. H. Breaux:** The Member for Nariva is telling me I have not read the Bill but I have read it clearly and I know that it may be in his mind and the minds of the vast majority of the Members on the other side that such a meeting is exempt.

I am satisfied that the hon. Attorney General, clever lawyer that he is, knew very well and knows very well what he intends to happen with this. I can remember on that day when the present Government wasted time to appear to put the whole country on alert when they wanted to fence off the Muslimeen. The hon. Minister of National Security spoke about statements made by the acting leader of the Jamaat while he was praying in the Mosque. Those statements in respect of this would have been a purportedly exempt meeting that they did not require permission for and it would have dealt with matters which are not exempt. In that circumstance—not that I support the statements that were made, I do not know if they were made and when I see the Jamaat and the UNC Government having a confrontation I say when friends fall out I am not getting into that; far be it from me. But I am saying that those are the kinds of statements and situations which they are trying to deal with in this Bill. I am saying, Mr. Speaker, that the Government—you see this 24 hours and 48 hours is a smoke-screen. What they really want to do is to fix a Bill in such a way that they will be able to deal with their erstwhile comrade-in-arms.

**Mr. Speaker:** Hon. Members, the sitting is suspended for half an hour.

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

**5.00 p.m.:** *Sitting resumed.*

**Mr. H. Bereaux:** Mr. Speaker, when we took the break, I was dealing with the amendment in respect of section 118A of the Bill which says:

“A person who purports to hold a meeting for any of the purposes listed in the Schedule and who in fact holds such a meeting for purposes other than those listed in the Schedule commits an offence and is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for two years.”

I had indicated, particularly in respect of meetings held by religious organizations, having regard to the definition of “public meeting” which means a meeting to be held in a public place, or a gathering to be held in a public place; the definition of a public place dealt with an enclosed space.

We were talking about the propensity of ministers of religion and other persons to speak on matters not strictly religious and I am seriously concerned, having regard to the reputation of this Government gained as a result of perceived attempts to muzzle the media, with what can happen in a situation where, as the hon. Minister of National Security pointed out, there seems to be—I do not agree with him—a desire of people to speak out more at this time. As the perception of the society being under attack continues, more and more ministers of religion and persons involved with religion tend to speak about secular matters as they think they would affect the souls of their congregation.

As I pointed out, also, on the question of gambling; the question of the quickie marriages that we had in Tobago; drugs and so on; all these things are likely to be brought up in a religious meeting and it can be clearly said that those are not subjects religious; they are not of the matters which are exempt and, therefore, there is a situation where such persons could be subject to that fine.

What I have noticed is a phenomenon starting, of a number of people attacking Government in these religious fora and I am fearful that although I believe that the measure is designed to deal with a particular religious leader, I think that as time goes on, as the Government, in my view becomes more unpopular, more religious leaders are likely to take certain views and I could very well see this measure being utilized for that purpose.

As a result of that, notwithstanding what the hon. Attorney General had to say—I am not talking about two years and \$10,000 at all; I am not dealing with the money; I am dealing with the effect that such an amendment would have on the ability of the population to deal with matters political in a manner suited to a proper democratic society.

You see, Mr. Speaker, we have another problem here. This particular provision of this Act came into being in 1972. The Republican Constitution of Trinidad and Tobago came into being in 1976 and, although it is quite clear that the provision in respect of the 24 hours which is now being translated into 48 hours, does, to my mind, restrict the ability of the citizen, or the person resident in Trinidad and Tobago to attend public meetings, the fundamental rights under the Constitution include:

“(g) freedom of movement;”

That involves a march.

“(h) freedom of conscience and religious belief...

(i) freedom of thought and expression;

(j) freedom of association...

(k) freedom of the press.”

The present law is that before you can hold a public meeting, the police must be given notice and that notice was 24 hours; the notice is now being increased to 48 hours. Before you can hold a march, you have got to seek permission and approval from the Commissioner of Police. The minimum notice required was 24 hours; it is now 48 hours.

If an urgent matter comes up—as you know, Mr. Speaker, definite matters of urgent public importance seem to be something that comes to me all the time. I do not usually attract them, but they seem attracted to me. Only today, I was called at 6.00 o’clock this morning to present myself in La Brea where some of my constituents were involved in blocking the road; they had a major problem; they called on me and I had to speak to them—urgent, definite, Mr. Speaker—and I spoke to them for quite a while. They were assembled in a place and I was speaking to them on a matter that was neither religious nor about sports, but it had to do with their well-being.

I could well see if a person as myself who is involved in politics and being placed in such a position, and although I was concerned about them, I was not one of the persons who had to walk through the mire to get to my home and you could just imagine that if a situation like that arose where they wanted to hold a serious meeting and they had to wait for 48 hours, and when that time would have passed, maybe the situation would have cooled down and persons would not have been interested in speaking about it. So, there is a certain amount of urgency.

So, notwithstanding what we are saying, the rights of the citizen to assemble, to speak freely and to hold public meetings, are going to be constrained in some limited way by the need to apply for permission, or to give earlier notification.

One has to look at that against the provisions of the Constitution which say that when any right of this nature is to be abrogated or abridged that the Bill to provide for that must follow a certain procedure; it must be passed by a certain majority of this honourable House.

I know the learned Attorney General and the lawyers on the other side will tell me this is a matter of procedure only and, therefore, it does not abridge any right. But if it takes you even one hour more to exercise a right that you had and even if you are prevented from exercising that right by any iota of constraint, I am saying that in itself is an abrogation of this right and this Bill, as it is presently drafted, needs a special majority.

I know that the learned Attorney General, although he has spoken already, given Standing Orders, may want to speak again on this Bill, and will say, "Take us to court. Whenever the Attorney General is caught in a situation, that seems to be where he goes and he is prone to talk about due process of law. I feel constrained to take him up on this, because they say a lawyer who knows no jurisprudence is tantamount to—when comparing with the building trade—a carpenter and not an architect.

I just want to point out to him, that the importance of a law is that it is morally accepted. It is possible if a law is not morally correct to have justice according to law and not have moral justice. We have seen that history is replete with laws that were passed and passed properly and persons who were convicted and convicted according to law, yet they did not receive moral justice, Mr. Speaker.

More importantly, when any government seeks to bring and to deal with matters of this kind, it is a question of the singer and not the song. We have got to look at the reputation of this Government and the way it has behaved in respect of the fundamental human rights in this country.

Mr. Speaker, as much as I am opposed to this Government, I am really absolutely surprised at the behaviour of the learned Attorney General. I knew him as a man who did a number of human rights cases and, whereas I did not always support the certain positions which he took legally, I yet had to respect him for taking them.

**5.15 p.m.**

I refer to constitutional motions alleging that it was unconstitutional to prolong the trial of an individual in that the trial must be within a reasonable time: *Randolph Richardson vs the Attorney General*; *Kitson Branche vs the Attorney General* were constitutional motions to declare delay in executing applicants tantamount to cruel and unusual treatment. Also, constitutional motion before the High Court and the Privy Council to declare the Unemployment Act of Trinidad and Tobago as being unconstitutional. You can go on Mr. Speaker, *Kirkland Paul and Andy Thomas vs the Attorney General*.

**Dr. Rowley:** Who?

**Mr. H. Breaux:** *Kirkland Paul vs the Attorney General*.

Mr. Speaker, against a reputation like that, there is a situation where Trinidad and Tobago has now reached a stage where it has actually withdrawn from the important United Nations International Convention on Civil and Political Rights and one is talking about withdrawing from the Inter American Commission on Human Rights; and in the wake of that, is the behaviour. One has a government, headed by a man who was allegedly against the 1972 Act which was more generous in terms of its allowing persons to apply to hold marches and to give notice of meetings, that very government has come here seeking to increase the time. He must not be allowed to escape by saying that freedom is not absolute. We know that freedom is not absolute, but when one is dealing with fundamental human rights there is a necessity for a government to err on the side of permitting the exercise of such human rights.

Even the governments of Jamaica, Barbados and Guyana—*[Interruption]* I am not speaking about that—which are notorious for their breaches of human rights, believe that you need to give a longer notice for meetings in the context of their own political and economic situation. We in Trinidad and Tobago have not had a situation like that, therefore, we do not need to have it. *[Desk thumping]* The learned Attorney General gave a dissertation on the reasons why the Government denounced the human rights provisions in the treaties that was in stark contrast—*[Interruption]* I may not have been able to do that. I would not have done it. I am more intellectually honest than the learned Attorney General. *[Desk thumping]* I would not have done it because I do not believe in it. I am satisfied that the learned Attorney General was not the author of that anyhow.

Mr. Speaker, as I was saying, if something like that had to be done, one would expect that we in Trinidad and Tobago, having regard to our Constitution and the



principles as enshrined in our Constitution, would have sought to have the governments of Barbados, Jamaica and Guyana harmonize their laws with our more liberal interpretation of the principles involved. *[Desk thumping]*

This Government, I and many of us suspect, is only trying to get in the thin edge of the wedge. It is said that if water keeps falling on iron it would rot it eventually. They are eroding the human rights principles by degrees. When they signalled they were going to remove the Privy Council as the final court of appeal, certain persons in the legal fraternity got up in arms about it and they have partially shelved it now until we get a Caribbean Court of Appeal. I strongly believe that what we are looking at here are really only step by step machinations of a government prone to and bent on removing the fundamental rights and freedoms of the people of Trinidad and Tobago.

The hon. Attorney General keeps talking about Dole Chadee. It was a PNM government that arrested Dole Chadee; it was a PNM government that protected Clint Huggins and even arranged a sting operation to arrest the persons who tried to kill him, but unfortunately—*[Interruption]* You spoke about it. If you did not, I would not deal with it. Unfortunately, Mr. Speaker, Clint Huggins was killed under a UNC government. *[Interruption]* I am not aware, but if you are aware I would like you to tell the hon. Minister of National Security who killed him. I do not know. I do not keep company with such people.

Mr. Speaker, I just want to wind up my very short contribution by saying that this Bill, from all appearances, because it deals with an abridgement of certain fundamental human rights, notwithstanding that it may be in a procedural way, should be passed by a special majority of this honourable House.

Thank you, Mr. Speaker.

**5.25 p.m.**

**Mr. Jarette Narine** (*Arouca North*): Mr. Speaker, I rise to support my colleagues in that we are against these measures which are placed in this Bill to amend the Summary Offences Act, Chap. 11:02, to update the law dealing with the holding of public meetings and public marches and other related matters.

These matters were so eloquently expressed by the Members for Laventille East/Morvant and La Brea, that the real reason for these measures is placed in clause 5, 118A of the Bill.

Mr. Speaker, you would realize that there are two Members of this House now sitting on the Government Benches, the Member for Couva North and the Member

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for St. Augustine, who have made statements in their political career about oppressive legislation and so forth, which was placed by the PNM government and subsequently by some legislation by the NAR government between 1987—1991. It is significant to note that those Members are not present today. The Member for Laventille East/Morvant opened that can of worms very early in the debate. Although the Member for Couva South tried very much to defend their actions before and the Member for La Brea dealt with some of them. Today is a sad day for the trade union movement and the working masses of Trinidad and Tobago.

This Bill, as was said, is a simple Bill. I say that it is very important in that last week it was No. 10 on the Order Paper, and all of a sudden it reaches No. 1 on the Order Paper this week. I say it is very urgent because of certain things which are taking place in Trinidad and Tobago today that were unprecedented two and a half years ago. Today, this Bill attacks the working masses freedom to express themselves and it contravenes all that the Members of Parliament on that side had to say; they were involved in the labour movement and in politics for a long period of time and had made a number of statements which I will come to in my contribution.

As a matter of fact, the labour movement thought when the UNC came into Government, that some of these enactments of law that are oppressive, as far as the trade union is concerned, would have either been removed from the statute books or that they would have been upgraded to suit the present situation in the country. They are appalled today that a Bill like this has come to the Parliament about which both the Member for Couva North and the Member for St. Augustine spoke at the time it was being introduced, and that there is an increase in penalties from \$2,000.00 or 12 months to \$10,000 or two years in prison. The period of time mentioned in this Bill for permission to have a public meeting is also a matter that has been severely dealt with on this side and I would say a couple things on that matter.

As a matter of fact, on many occasions as a labour leader—myself having come from the trade union movement and being an officer of the National Union of Government and Federated Workers up to 1991, I considered the Member for Couva North as a colleague of mine in the trade union movement all that time. The Labour Congress had spoken aloud on many measures that the Government placed at that time and although I was a member of the People's National Movement, as a member of the labour movement, I too, was against some of these laws that I thought were oppressive.

I demonstrated with the labour movement. I was not a Member of the Cabinet but, I was in Government and a member of the Public Sector Committee which dealt with many matters during that period of time. I cannot talk for myself but I thought that the committee worked well during the period 1991—1995.

Today, in the book *Crisis* edited by Mr. Owen Baptiste: ‘More Than 40 Pages Of *Pictures* in it of Bloody Tuesday March’ which was mentioned here today. I just want to quote certain passages of this book so we may have an idea why this matter was raised here today. It is very relevant to the issue being discussed today. I quote from page 194:

“Basdeo Panday: the new Messiah

Friday, April 25, 1975. San Fernando.

It is an interview conducted under most unlikely circumstances. Mr. Panday is met as he proceeds from the lower court, where he is a defendant with 36 other men in the ‘march without a permit’ case,...

One would understand if he has a change of heart today, at that time he was politically inclined and pressurized the government every Monday morning to keep a strike in the Sugar Workers Trade Union, or to encourage a strike at the Oil field Workers Trade Union. Today, if it is that he is the Prime Minister of Trinidad and Tobago then he should be man enough to join the debate and say at the time when PNM legislated for these measures for the trade union movement why he thought about it in that way and now he has a change of heart. As a matter of fact, the ISA and the IRA were brought into effect because of an upsurge; every week there were demonstrations. They stopped the sugar cane workers at every turn. Every Monday morning they wanted something else. One would remember this year that the sugar workers came for half day and marched in Port of Spain and matters were settled within two days, but the UWI workers were out there for three months. One wonders what happened.

There is a situation where these instances which have been quoted in this book that if at that time—and they did have the freedom to say how they felt, but if he has a change of heart he should come and face us. Why leave us in abeyance? When I was a member of the trade union I supported labour congress and I supported NATUC. He supported the same thing that I believed in, but today, he is changing the laws to bring more oppressive legislation to the people of Trinidad and Tobago.

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Mr. Speaker, about that 'Bloody Tuesday,' I think much has been said about that and March 18, 1975. The people in Trinidad and Tobago really feel they are being betrayed by the oppressive legislation that is being brought here today.

**5.35 p.m.**

As a matter of fact, the right to express oneself is what they are speaking about. The marching which we are speaking about is spontaneous marching. Certain things would happen and people would need to react immediately, not only with the trade union movement, but also in other places and aspects of life in Trinidad and Tobago. For instance, take the Julian Rogers' issue. He was taking his last walk down the Brian Lara Promenade, in Port of Spain.

**Mr. Assam:** Was he dying?

**Mr. J. Narine:** No. You killed him before that.

It happened that people followed and it ended up with a massive crowd walking through Port of Spain. Would they say that now they have brought this legislation, people would have to wait two days to do that? These things happen. I would draw other examples.

There was an instance at Maracas Beach where persons had drowned because there were some problems with the lifeguards. The following morning there was a demonstration at the Twin Towers. Why? It was very urgent that this should happen. Now, people would have to wait for two days. Just recently, the Minister of Works and Transport went to open a road in Charlieville. The Member for Chaguanas was present. I saw it on Panorama when I came in that night. The people were saying that they did not want that road there. They wanted a link between Charlieville to the other side of the highway. What happened? *[Interruption]* If he wants to ask a question, I would give way.

**Mr. Speaker:** Let us understand how things are done. If a Member is on his legs and he wants to give way to another Member who gets up, he may take his seat and give way. If a Member is on his legs and he sits with nobody else standing, that is an indication that he has ended his contribution, for whatever reason. Please let us use the correct procedures. I suspect that you did not intend to stop speaking, so I would allow you to continue. In the future, if you want to give way, sit and let the person who is on his legs ask the question. If somebody is sitting and there is some cross talk between you, if you want protection, appeal to me and I would give it to you. Please continue.

**Mr. J. Narine:** Thank you, Mr. Speaker. The Member for Chaguanas raised his hand and I thought that he wanted to—

**Mr. Speaker:** The procedure here is when one wants to catch the eye, one stands and remains standing.

**Mr. J. Narine:** Mr. Speaker, the road was built for one private contractor. I would not call the name here. Under the NAR administration, they wanted that road built, but it was not. Under a PNM administration, it was dangerous to put the road on that part of the highway. What happened? When the Minister of Works and Transport, Hon. Sadiq Baksh and the Member of Parliament for Chaguanas went last week, they met a demonstration. The people did not want it. They did not know they were coming that day. As a matter of fact, they said that it is a waste of time going to the Member for Chaguanas. I am quoting from what I saw on the television. It meant that they must have known before that there would have been an opening and they had planned to do that. I doubt that they had applied to march against the Minister of Works and Transport and the Member of Parliament. It is a normal thing. *[Interruption]* The television cameras would not lie. They would like to believe that. Why were the people interviewed on the television? They had placards. Why did they say on television that it was a waste of time speaking to the Member of Parliament? Because there was nobody.

If people would have to ask permission 48 hours in advance, then what happened in Blanchisseuse a few weeks ago would not happen. There was an accident in which a few persons died. The following day workers from the Ministry of Works and Transport erected a fence within five hours. This they should have done before. Road slippage does not happen over a long period. Anytime a road can slip. I would talk about Lopinot Road in the near future. The following day after the accident occurred, a rail was placed. The day after that the people heard that the Minister and the Member of Parliament were coming. It was spontaneous. The people started to give vent to their feelings.

As a matter of fact, the Member of Parliament for that area had to be hustled away very soon after reaching there. *[Interruption]* If TTT did not bring it on Panorama and I did not see it, then I would have said it is not true as they are saying. I saw it.

**Mr. Assam:** Have you ever heard about camera tricks?

**Mr. Speaker:** Order please.

**Mr. J. Narine:** Mr. Speaker, I would submit to the Member for St. Joseph and say it was camera tricks. It is not camera tricks that the people of Blanchisseuse are calling the Member of Parliament, "manicou". That is a fact! These things are happening.

The Member for Caroni East knows that when there is a demonstration for water, people do not apply two days in advance for that. The people would wait for one day and if there is no water, they hope that the next day there would be water, and hope a third day, and suddenly, they end up without water for one week. One morning they would get up at the height of not only frustration, but they would feel that water would never come in the taps. They would get outside with their pots, pans, towels, toothbrushes and soap to demonstrate. They did not demonstrate for the Minister. They wanted somebody to know that they were in a difficult situation. Water is important. That is spontaneous. People would have to wait for two days, then it would be of no effect. That is how our people view this legislation. The Government is being oppressive with this.

Many demonstrations have taken place on a Friday afternoon where there is a sitting in Parliament, down at the Twin Towers and even on Saturdays. Persons who worked in the Unemployment Relief Programme last year who were termed ghost gangs, I am submitting that all of them were not ghost workers. On Tuesday night at a meeting in Tunapuna, one person said that he worked with a gang that worked throughout that period last year, and they were not paid. He was appealing on the radio programme to get paid for what he did. I am not saying that there were no ghost gangs. That was created by their Minister of Works and Transport. I did not have ghost gangs in my time up to 1995.

**5.45 p.m.**

We had a better system than there is now. That is why they overspent last year. That is why the people who have worked are asking for their money. These people are feeling left out at this time because the statement coming from the Government is that all worked on ghost gangs. There may have been ghost workers, but there were persons who worked.

**ADJOURNMENT**

**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, I beg to move that this House do now adjourn to Friday, June 12, 1998 at 1.30 p.m.

On that date, apart from this Bill, we will do the Motion dealing with water improvement on the Point Lisas Industrial Estate and item No. 11 on the Order Paper,

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the Co-habitation Bill. They will be done in the following order: No. 11, the Cohabitation Bill; the motion on water improvement in the Point Lisas Industrial Estate and thirdly, the continuation of this debate.

**Mr. Speaker:** Hon. Members, before I put the question on the motion for the adjournment, I wish to advise that leave has been given to two Members to raise Motions on the adjournment. The first is the Member for Port of Spain South, who wants to raise the question of the need to effect general repairs to National Housing Authority buildings at Mango Rose, St. Joseph Road and Foster Quevedo Circular Road.

### **National Housing Authority Buildings (General Repairs)**

**Mr. Eric Williams** (*Port of Spain South*): Mr. Speaker, for some time now the residents of the National Housing Authority buildings at Mango Rose, which is at Piccadilly Street, Jackson Place, St. Joseph Road and Foster Quevedo Circular Road have been complaining to me of certain defects on those buildings. I have had occasion to write to the hon. Minister of Housing and Settlements on at least one occasion, as have the City Councillors of those areas, to ask the hon. Minister to provide some relief of those general problems.

Those buildings have been there for some time now, probably in excess of 30 years. What existed before was a type of habitation which in this nation is known as the barrack yard. In the late 1950s and early 1960s, the then Premier and Prime Minister, my name sake, who was also a Member of Parliament for that constituency, in touring that area and, indeed, in touring the entire nation, sought to provide relief to many of the citizens across the nation. In fact, the then government began a process of building public housing.

Now those were laudable efforts. In fact, it was not uncommon in any country of the world to have the government proceed to build public housing. However, over the years, as is normal with anything on this earth, natural attrition and deterioration take place. Nothing is perfect; nothing is permanent. So, in the normal scheme of things, these buildings require repairs. These repairs are rather urgent.

The hon. Minister of Housing and Settlements has indicated that he has no intention of repairing any of the NHA buildings in East Port of Spain. We have discussed this before in this honourable House. In fact, he has indicated that he would like simply to raze all of them and build a utopian city in the eastern area of

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Port of Spain. While these objectives on the Minister's part are quite imaginative, the fact is that human beings live in those buildings at this time.

I have had occasion to meet with several of my constituents and have discovered that the budget provided by the NHA for repairs in the area called Port of Spain Central is woefully inadequate. It has come to my attention that that statutory body provides to the order of \$18,000 per month for the general maintenance and repair of buildings at Belmont, Teshea Terrace, Duncan Street, Nelson Street, George Street, Independence Square, Mango Rose, Charford Courts, Bath Street and, of course, Foster Quevedo Circular and Old St. Joseph Roads.

What do we have? We have a Minister who says, from time to time, that people do not pay their rent or, the rent is too low. Mr. Speaker, that is not the fault of the residents. The residents came there under certain conditions. He said that there is not enough money generated by these means, but the majority of folks do pay their rents. I have had occasion to meet with several of them. In one case, that person was assured that funds were passed to effect the repairs. In another case, there is as yet an unanswered letter from a simple person who is trying to pursue an honest living.

There was a gentleman who lived in the Mango Rose area, whom I have had to assist. He had a particular medical problem. In fact, he was a patient of my good friend, the Member for Barataria/San Juan. He, upon his discharge from the Mount Hope Medical Hospital, went back home to his apartment and on the very first day, when the rain fell, in his period of recuperation, found himself hustling from a bed to a sofa, both of which were being drenched with water from his leaking roof.

I should say that with his particular type of operation, there were certain post-operative matters which were to follow. However, he was in jeopardy based on the environment in which he lived. I wrote the Minister pointing out that problem.

There is a point in case. One of my constituents from the Mango Rose area wrote a letter to the Ministry of Housing and Settlements and this is the response:

“Dear Madam,

With reference to your letter dated November 9, 1997, requesting repairs to a leaking roof, and further to ours of November 25, 1997, we have been advised by the National Housing Authority (NHA) that upon investigation of your complaint on January 20, 1997, the leaks identified were expected to be repaired on receipt of funds in February 1998.



May I suggest that you follow up on the progress of your matter directly with the NHA.”

This presents a travesty on two points. First, my constituent was promised that the leaks to the building in which she lives would have been repaired in February of this year. That has not occurred. Secondly, the Ministry of Housing and Settlements, which has overall purview of housing matters in this nation is asking a citizen to follow up his matter with the NHA when in fact it is a class action matter and an abdication of the role and the responsibility of the Minister of Housing and Settlements.

Mr. Speaker, I have here a letter from another constituent, which was received at the Ministry of Housing and Settlements by Registration No. 3498, Estate Constable Bartholomew on December 19, 1997. The author of this letter is a humble elderly lady who is a pensioner. She, by the way, pays her rent annually and in advance. She outlined a number of defects to her property. To date this grand lady tells me that she has not had the courtesy of a reply from the hon. Minister or, indeed, from the Ministry. This situation is intolerable.

**5.55 p.m.**

There is another situation with an elderly 94 year old gentleman who lives on the 8th floor in one of the buildings at Mango Rose. He has no toilet tank for years, his roof leaks and there are holes in the ceiling and the back of his toilet floods when rain falls. He has been back and forth from the head office to Charford for years and he has given up. He has just decided to live in his misery.

Mr. Speaker, the situation is indeed intolerable. All that is required, particularly in the case of the leaking roof, is to apply some sealant to the roof which would stop the leaks. Another approach possibly, is to put a galvanize roof above, because it is a flat concrete slab, so if a galvanize roof were to be constructed above it with a guttering on the side, the water can run down, and it would help the situation. Simple solutions. It reminds me of the saying that, "for want of a nail the shoe was lost, and for want of a shoe, the horse was lost." Because of the age of the building, we are also faced with a situation where the manufacturer of the window frames has gone out of business. There are several individuals who have no windows at all and who put plastic to keep the elements out.

There is a situation where there are cracks in some of the buildings, and some of the elevators are beyond repair. In fact, an elderly gentlemen in the St. Joseph Road area, who had to go downstairs to get water—because the pumps were not

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working—went to collect water and on his way back sat down to take a rest and expired on the staircase. He suffered a heart attack. It was very unfortunate, and all I am saying is, regardless of who is currently in charge of things, we are faced with a situation of an ageing plant, the buildings have been there for some time, they served a very useful purpose in that they served to provide for the amelioration of that situation known as the barrack yard. All that is required now, is some general repairs, an injection of capital to do normal, simple maintenance repairs.

Mr. Speaker, my constituents and I have been writing to the hon. Minister and we have not had any response from him, and we would like to know when he would see to the repairs of the building in which his tenants and my constituents reside.

Thank you.

**The Minister of Public Utilities (Hon. Ganga Singh):** Mr. Speaker, I wish to compliment the hon. Member for Port of Spain South for having raised this matter because, clearly, he is demonstrating the concern of the tenants of the National Housing Authority's buildings at Mango Rose, St. Joseph Road and Foster Quevedo Circular Road.

It is clear from his understanding and appreciation of the problems that they are old buildings and there was a history of lack of maintenance of these buildings, and what has happened now is that the lack of maintenance over the years is now reflecting in the poor conditions of the buildings. In other words, the chickens are coming home to roost.

Mr. Speaker, the public sector is an inappropriate vehicle for the maintenance of buildings of this nature. The necessary rapid response which is required in order to fix leaks, roofs, and toilet tanks, because of the way the bureaucracy is structured, there is not that kind of response. One could understand that the NHA, with its responsibility for all these buildings, old plants, to echo the sentiments of the Member for Port of Spain South, in order to find the capital injection to repair these old buildings, one finds that with the small rent being paid, there is the inability to raise the capital required to deal with these problems. Clearly, there is need for a rethink of how one deals with the continued maintenance of these apartments. Absolutely, there is need for a creative solution, and one can empathize and sympathize with the tenants of these NHA buildings in Mango Rose, St. Joseph Road and Foster Quevedo Circular Road. The way it was structured,

these tenants had no real stake in the maintenance of these buildings because they did not have in a sense, an interest beyond the lease. What is clearly needed, is a different approach, but we must sympathize with these people and as the Government, find a solution to these problems. *[Interruption]* You had 34 years to fix it and we have now inherited the problems. *[Interruption]*

**Mr. Speaker:** Order, please.

**Hon. G. Singh:** There is need for us to investigate it. The Member said they had written the hon. Minister of Housing and Settlements, and I am certain, being the man he is—committed to providing a decent shelter for all in this country, and universal in his approach—would indeed engage in the matter and within a short time, having completed his investigations, there will be relief to the tenants of the National Housing Authority buildings at Mango Rose, St. Joseph Road and Foster Quevedo Circular Road.

Thank you.

#### **Police Post—Piccadilly Greens**

**Mr. Eric Williams** (*Port of Spain South*): Mr. Speaker, again I thank you and Members of this honourable House for being able to raise a matter which I have drawn to the attention of the hon. Minister of National Security on a previous occasion and which has gone unattended for various reasons; some of which have to do with budgetary, manpower, overall planning and so forth, but for whatever reasonable issues as I understand them, continues to provide a source of concern for my constituents particularly those in the eastern part of Port of Spain.

On November 5, 1996, I wrote the hon. Minister of National Security requesting that a police post be placed on Piccadilly Street in the area known as the Piccadilly Greens. At that time, I reminded the Minister that there once was a post at that location, and the reason is that there is a particularly high incidence of crimes in that area, as indeed in many cities in which there is an area known as an inner city.

Mr. Speaker, as many of us would know in the area of east Port of Spain, there are many economically challenged citizens, however, they are a very proud people, a very strong people who have the hopes and aspirations which one would associate with any good citizen of this or any other nation. I noted with interest, the plans of the Government to provide relief of the crime situation, indeed this Government campaigned on a platform of crime eradication and one would suggest that we have a Government which is on record as caring about reducing

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the level of crime and that, as with every government, is a laudable thing. Of course, it is how it is done is the problem.

Notwithstanding that, I notice with interest the report from the Central Statistical Office (CSO) on the crime statistics for 1996—they have not yet published the statistics for 1997—however, there were 18,093 serious crimes reported to the police in the various divisions across the nation.

Mr. Speaker, the crimes which were detected across all the divisions were 5,025 or 27.77 per cent of all serious crimes reported, in 1996. In 1995, the percentage was 27.15 per cent, so one notices a similarity in the overall statistics which would suggest something about the efficiency with which the crime situation was detected. One could only hope that as we advance technologically, that the detection rate would improve. The fact of the matter is that the division with the highest number of crimes in 1996, is the Port of Spain division and the number of serious crimes is 3,523; and the number detected was 727 or just about 20.6 per cent of the crimes. It was below the national average.

**6.10 p.m.**

Mr. Speaker, of the crimes in Port of Spain in 1995, when one compares the number of serious crimes as a function of per thousand citizens, there were 30 crimes per 1,000 persons. In 1996, there were, indeed, 38 crimes per 1,000 persons. That is a significant number, when one considers that there are in excess of 92,000 citizens in Port of Spain. That, in fact, reflected a 26.2 per cent increase in crime in East Port of Spain. When one then looks at the breakdown of the different police stations in Port of Spain, one notices that the one station which stood out above the rest was the Besson Street Station, to which were reported 1,419 or 40.27 per cent of all serious crimes in 1996. This station, Besson Street, sits in the eastern area of Port of Spain. In fact, I understand that station is scheduled for either renovation or to be rebuilt, because the physical plant right now is a bit aged.

I have also visited the Central Police Station which reported 1,081 crimes. When this station was built it was one of the crown jewels in the police service, today it is at the other end of the spectrum, and it requires urgent repairs. In fact, I salute the officers who continue to serve at the Central Police Station for their bravery, because I had trouble walking across the floor. In fact, I understand it was scheduled for repairs by the URP, but then there was a change in philosophy of what the URP ought to be used for and it has remained in a state of disrepair. I ask that the Government pay some attention to the Central Police Station.

Back to the eastern part of Port of Spain. In the Mango Rose area, we have recently had a situation where a young man was held up—and indeed, there were several people who were held up—in broad daylight, in wide view of the general populace. Residents of that area called the Besson Street Police Station. They tell me that they gave the address where the alleged offence was taking place. Piccadilly Street is a one way street below the Prince Street area. One has to come around Duncan Street then find one's way to Mango Rose. What one finds is that the response time is not often of the best when responding to crimes in the eastern part of Port of Spain. In this case, I am advised that it was almost non-existent, despite protestations otherwise. In fact, the mother of the young man who was held up is present today as a stranger in the public gallery to hear this matter. I believe her; she is my constituent.

[MR. DEPUTY SPEAKER *in the Chair*]

Indeed, what we find is that the Mango Rose area provides a convenient point for anybody who wishes to pursue any form of nefarious activity in East Port of Spain. One has easy access to go up the hill into the Laventille area, one can also get into the East Dry River. In fact, the hon. Minister of National Security grew up just a stone's throw away from that area. He knows when the area was barrack yards. Theodore's Funeral Home, there is direct link; he is the son. He could have been one of my constituents. I have had occasion to observe certain activities in that area which convince me that a police post is probably better suited in the court yard of the Mango Rose area, because it is a central position. In fact, one could incorporate the community to assist in sustaining that police post in that area. It is sorely needed.

One night I stopped by a gentleman popularly known as Mansie, he is the bake and shark man right on the corner of Duke and Piccadilly Streets. For no reason at all, I stopped by Mansie that night, on an instinct. As I was leaving—I was not even really hungry—I said, "Boy, God bless you, yes. Take good care of yourself." Only to read and to find out a short while after that some young bandits approached him, but he had the presence of mind then to say, "Look the police across there", and they ran off; but in running off, they ended up shooting a taxi driver right around one of the buildings, just as he was getting out of his vehicle on his way home. So, I have learnt as a result of that, that as a Member of Parliament, if I have to tell a constituent, "God bless you and take care of yourself", maybe that is what may have saved the fella. I do not know! The other gentleman, well I did not meet him, and obviously I cannot now, I lost a constituent in a situation of

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crime in Mango Rose, and I could have also lost another one recently. The numbers speak for themselves. There is a problem in the inner city, as indeed, in inner cities, in many places.

[MR. SPEAKER *in the Chair*]

Mr. Speaker, I understand that there is a ratio that is used for police stations per capita, or per number of people or per area, and that formula has been applied in the case of east Port of Spain, but clearly it has its deficiencies in that particular community. So I ask that the hon. Minister please give some consideration to placing a police post in the eastern area of Port of Spain and, in particular, in the Mango Rose area.

I do not know if it is an attempt at attrition to erode my voter base; I would hope not. Because in the language of the vernacular, the hon. Minister comes from that "hood". It is the descendants of his fellows, his contemporaries, who are under threat. So we can only ask for some sympathy or empathy and make a slight adjustment in vision to place a police post in the court yard of the Mango Rose area as a means of providing amelioration from the criminal element and to ensure, or at least, to add some level of security to my constituents.

I thank you, Mr. Speaker. [*Desk thumping*]

**The Minister of National Security (Sen. Brig. The Hon. Joseph Theodore):** Mr. Speaker, I thank the Member for Port of Spain South for raising the issue. In 1996 he did write about placing a police post on the greens on Piccadilly Street. The police looked at the matter. I believe the hon. Member did mention that police posts and stations are placed in various parts of Trinidad and Tobago dependent on the population. At that time, it was felt that the area was sufficiently well serviced by the Besson Street Police Station, which is about less than half a mile away. With regard to the point that was made today, I understand the traffic situation, because one is going the other way to Besson Street.

What we have looked at is that the number of police posts that were opened—I will give you an idea—they were at Valencia, Patna Village, Longdenville, Cap-de-Ville and St. Barb's. When the PNM decided to put a police post in St. Barb's, I am sure they gave due consideration to the crime situation and the service it would provide for Port of Spain East. Although the reports are that since the post was opened in St. Barb's, it was well received and there appears to be a decline in the crime rate, the point raised by the Member is that Mango Rose seems to provide an escape route which is more than simply stopping the criminal element.

The point we are looking at—and this is where I may need some assistance from the hon. Member—is that we find that a proliferation of police posts has created quite a drain on the human resources of the police service. Because at every police post, the smallest one takes up about 21 people. We have to provide transportation, radios and so forth. We are working on the premise that larger police stations may be better geared to service certain areas. This is being done now by the Commissioner of Police. We are readdressing where police stations are; not only on a population basis, but where most crimes are reported or committed. Again, Besson Street—I believe the Member for Laventille East/Morvant would know—was Pacific, which was like a war zone and there are plans to rebuild the Besson Street Police Station. Because we are thinking along the lines of larger stations, it would be a larger station. So the matter of the police post is something that we will have to address with particular reference to the specific problems that the hon. Member brought out and I am very glad.

**Hon. Member:** What about patrols?

**Sen. Brig. The Hon. J. Theodore:** The patrols, yes, but people are complaining that once the vehicles go past and the patrol goes, there is a risk, but patrols are there. In fact, at Besson Street 999 vehicles are stationed, and the Operation LEAP does have people working out of the Besson Street Station. Again, the criminal element does not walk around with their eyes shut, I am sure they are quite aware of what is taking place. If a police post is opened they will know and they will find other places to pass.

One of the problems, which is a societal one, is that dealing with crime is not the sole province of the police. What we want to do is to prevent crime. I fully appreciate the point being made by the hon. Member, that he is interested in his constituents and wants to see the crime level go down. So does this Government. In fact, we are determined to make sure that our residents feel safe and secure in their communities.

To deal with this situation, based on the reports we have, there is no need at this time to build another police post in East Port of Spain. I am saying this for what it is worth; that the Besson Street Station and the St. Barb's Police Post provide adequate service to the area. However, the crime in the area is being monitored. The point I want to make to the hon. Member, based on his very heart-rending appeal and concern, a concern which I also share for residents of this country, is that they should not be at risk. I am definitely prepared to entertain his recommendations. I would visit the area with him, for as he knows it is not too far

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away from where I grew up. I think he may need to fine-tune his recommendation, but we will need to go there to see what needs to be done. Mango Rose is a narrow area and there are residences, I do not know how they would react to a police post on their front door. Maybe together we can come to some solution which would be in the best interest of our citizens. So I thank the hon. Member for raising the issue and I want to let him know that the matter will be dealt with in the best possible manner in which national security is accustomed.

Thank you.

**6.25 p.m.**

### **Common Entrance/CXC Examination (Security)**

**Mr. Fitzgerald Hinds** (*Laventille East/Morvant*): Thank you kindly, Mr. Speaker. Like my friend from Port of Spain South, I too have raised the matter with the Minister of Education in respect of the security of the Common Entrance Examination and the Caribbean Examination Council (CXC). Rather than security, more properly, it was a question of the deterioration of security in respect of those exams.

Integrity of examination is of paramount importance. If there is no integrity surrounding any examination then persons who obtain certificates or qualifications by way of those examinations would find tremendous difficulty to obtain employment and even of feeling a sense of pride and status about their achievement.

It is well known that in some countries of the world one can go and purchase documents which demonstrate falsely that a certain level of academic attainment was reached. When an institution promulgates that sort of thing, their integrity and qualification are weakened and cheapened. If the integrity of the Common Entrance Examination of Trinidad and Tobago and the CXC find themselves being looked upon in a similar manner, the same result would be forthcoming. Of course, this is not a question of buying the certificates, as happens in some parts of the world, but when security was as loose as it appeared to be over the last two years, then this is a matter of serious concern.

Historically, teachers who taught, for example, Spanish and other languages, where there is a practical and oral examination, traditionally, with that knowledge in mind and before the examination date, would prompt their students. One suspects that this is a rather human thing, but the integrity of the teachers, the administrators at the school and the Ministry must be observed. That is to say,



while they may direct the students in a general way, even giving hints perhaps, one would never stoop to the low of actually exposing the document to a student. One does not expect that would be done.

Mr. Speaker, let us go back to last year, at a college in east Trinidad, Hillview College—it was well known to the national community—where there was a report of a leak in respect of examination papers. The Minister of Education in his wisdom or rather, in my honest view, he called on the Fraud Squad to investigate. I had concerns about that and I said so at that time. I felt that it was not the appropriate body. Pardon me, there was a question of a leak when the Minister was reported in the newspaper to have gone to Barbados to personally pick up papers and bring them to Trinidad, something never done before in the history of governments in this country, because we understood well, that justice must not only be done but must appear to be done. That, against the background of the other acts of failing integrity on the part of the Government, caused people to be rather concerned.

I remember the Minister of Education calling the Fraud Squad to conduct an investigation, and I had said that it was not perhaps the appropriate body. The Fraud Squad investigates crimes of fraud which any lawyer understands, basically has to do with tricks and misrepresentation; where someone doing or saying something operates on the mind of the person who is deceived, and that mental operation causes the person being deceived to part with his goods or his property. That is the nature generally of the kinds of inquiry that the Fraud Squad conducts. I did not feel that it was the best unit to conduct an investigation of this nature. They would have had to rely on the information garnered from the administrators in the Ministry of Education, the school, in particular, and perhaps the students who may have reportedly been involved. The Minister finally said that no evidence of the allegations—fraud I could call it—was detected. That did not surprise us, and the nation went away like a wounded tiger, knowing that something was wrong and that the job was not properly done.

Well, time heals all wounds and time passed by. One thought that would have been the end of it; at least it would have given the then new Minister an opportunity to put his house in order and secure the integrity of the exams. Lo and behold, this year in the Spanish oral examination there was another major leak—if we can call it that—I understand that these papers went all over that school and other schools. The Minister announced two weeks ago that the matter was being investigated and we would hear about it in a short time. I understand it is again

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being investigated by the Fraud Squad. He has not learned. The question of an investigation is an *ex post facto* arrangement, that is to say, it comes after the fact. One needs to put systems in place before the fact so that prevention would truly be better than cure. In this case prevention would surely be better than an attempt to cure; which, of course, using the Fraud Squad to go into, really is.

The national community—and I want to know from the Minister today, what he has done to prevent a future occurrence of this nonsense—since he must accept that all examinations are only as good as the security that surrounds them—if we are to protect the good name of the examination bodies, the examination, and the thousands of citizens of this country, young and old, who would write these examinations, particularly CXC, and would want to present their certificates to employers at home, regionally and internationally. When a student goes abroad to pursue higher education an enquiry is obviously made into the kind of basic qualifications he would have had at the level of General Certificate Examination (GCE) and CXC. We do not want a situation where an administrator of a university in London, Quebec, Bonn or Paris says to a young Trinidadian who spent time and hours, especially some who worked particularly hard, "We have no respect for that document in your hand because you are known in Trinidad and Tobago, like some banana republic, to be dishonest people who see examination papers before." I want him to make that very clear. If he has not done anything he must be bold enough to say so.

We have often offered our wisdom and understanding of government, particularly in the education function, which was led recently, up to the last moments of PNM governance, by a very outstanding Minister of Education. We want to be able to give the Government, for the sake of the students, the country and the integrity of those examinations, the benefit of our wisdom—of course, outside those of that fleeting concept of national unity—but we would want to share with them.

Every time we have these leaks and he jumps up and tells the nation that the Fraud Squad would investigate, it brings no comfort and the situation is obviously worsening. I would like to hear what the Minister and his Government have to say on this important question.

Thank you.

**Minister of Education (Dr. The Hon. Adesh Nanan):** Mr. Speaker, the mover of this Motion, the Member for Laventille East/Morvant, by his

contribution, demonstrates quite clearly that he is totally unaware and confused with the arrangements for these examinations. [*Interruption*]

**Mr. Speaker:** Order please! Hon. Members, several questions were posed in statements made by the Member for Laventille East/Morvant, and an opportunity now arises for the Minister to respond. Please, do him the courtesy of allowing him to be heard.

**Hon. A. Nanan:** Mr. Speaker, the arrangements that are in place for the Common Entrance and CXC examinations have been tried, tested and found to be acceptable, not only by this administration but theirs as well. [*Desk thumping*] I wish to add that similar arrangements are in place in other countries which are part of the CXC. Our Government is committed to transparency and full disclosure, unlike those opposite who were once on this side. We believe that it is the people's right to know, fairness to everyone.

We introduced the Constitution (Amdt.) Bill to allow the setting up of joint select committees to investigate and report on the powers of service commissions and other public bodies; to give effect to the principles of accountability, transparency, openness and access to information held by public bodies generally, or the Freedom of Information Bill. Today I am giving the information surrounding the Common Entrance and CXC examinations that have remained under a cloud of secrecy for far too long. I now read into the record the security arrangements for these examinations in Trinidad and Tobago.

The examinations section in the Ministry of Education enters a process of administration of the Common Entrance Examination at the stage where two officers of that section travel to Barbados and spend approximately five working days to package the Common Entrance test material in collaboration with the Caribbean Examination Council. The packaging ensures that each centre receives the required number of test booklets which bear the registration numbers of candidates writing at that centre. On completion of this exercise the two officers accompany the packaged test booklets from Barbados to Piarco Airport. At that point, clearance of the shipment and delivery to the Supervisor of Examinations are expedited because previous arrangements are made with the Comptroller of Customs and Airports Authority. The Supervisor of Examinations together with other officials from the examination section, assisted by the Commissioner of Police, are on hand to receive the materials. In addition, ministry vehicles with drivers are on site to transport the material directly from Piarco Airport to the head office in Port of Spain, accompanied by police escorts.

**6.40 p.m.**

I would like to read that again, Mr. Speaker. In addition, Ministry vehicles with drivers are on site to transport the material directly from Piarco Airport to the Ministry of Education's head office, Port of Spain accompanied by police escort. The packaged material is then placed in a secured vault under police supervision until the test material is dispatched to the various centres on common entrance day. At no time are the contents of the test papers seen by officers of the examination section.

Mr. Speaker, with respect to the Caribbean Examinations Council Secondary School Certificate Examinations, the examination papers are shipped by the Caribbean Examinations Council to the Supervisor of Examinations in packages which are sealed and labelled for each centre. These shipments are cleared by a customs broker. On receipt of these shipments the examination section ensures that all the contents described by the airway bill and packing list given by the Caribbean Examinations Council are accounted for and are sealed. The examination section then enters into the exercise of sorting these sealed packages for distribution to the various centres on the dates scheduled for each examination paper. At no time are the contents of these examinations seen by officers of the examination section.

In the case of practical examinations, advanced instructions are sent under confidential cover to the Supervisor of Examinations who is required to liaise with the relevant curriculum officers to arrange for the conduct of these examinations. The relevant curriculum officer for each subject recommends teams of teachers and specific materials and chemicals which must be procured and also how much of these instructions are to be released to the principals of the schools. On each occasion the principal is advised that the instructions are confidential and must not be divulged to candidates but must be given to the relevant teacher so that the required preparations could be made.

Mr. Speaker, while there have been rumours of alleged leakage of the Common Entrance Examination, in fact, Members will recall the investigation of the Fraud Squad in the 1996 Common Entrance Examination and the conclusion that the allegations were unfounded. Decisive action, Mr. Speaker. Clearly, the confidentiality of the practical examinations of the CXC depends to a large extent on the integrity of the principal and relevant teachers. There has been no report of leakage with respect to any written examination paper over the last two years. Over the last two years the integrity of the Common Entrance and the CXC

Examinations has been carefully monitored and maintained by the examination section and there is no evidence of deterioration of security.

This year there has been a report of alleged leakage in the CXC Spanish (Oral) Examinations. There was a preliminary investigation by the Ministry of Education and now the Fraud Squad has been called in. In the meantime CXC has decided that all candidates entered for Spanish must be re-examined in the oral examinations.  
[Interruption]

**Mr. Speaker:** Hon. Members, I appeal to you to conform with the Standing Orders. It is not a question and answer period. The Member for Laventille East/Morvant had an opportunity of raising issues, which he did and every other Member had an opportunity of filing a question, just as he did. It is quite wrong for Members to be trying to conduct the business of this House in the manner in which they are trying to do now. Please allow the Minister to answer. If you are not satisfied with it, there are several things you can do.

**Hon. Dr. A. Nanan:** Mr. Speaker, I want to quote from page 158 of this book, *Examination Systems in Small States*, produced by the Commonwealth Secretariat:

“If recognition of certification was perhaps the foremost concern when the CXC was founded, the security and integrity of examinations were not far behind. In these small societies, it is difficult for anything to remain a secret for long, and there was an understandable fear that CXC’s papers would suffer from leakage. In the event, the number of security breaches has been small, though in the absence of comparable data from other examining boards the media and the public have tended to exaggerate their occurrence.

The measures taken to ensure the security and integrity of the Council's examinations include requirement that:

- at the time of service, chief examiners must not be classroom teachers;
- examination papers are printed by security printers overseas;
- the examinations are administered in each territory through a local Registrar who, except in Jamaica, is a civil servant in the Ministry or Department of Education. In Jamaica, the examinations are administered by an overseas examination office, which carries out a similar function for the London and Cambridge examining boards.”

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Papers are marked at centres to which markers are brought.

Mr. Speaker, I have given, for the first time, the arrangements for the security of Common Entrance and CXC. I welcome any suggestions that the hon. Member from Laventille East/Morvant may have and I can assure him that I will take it on board for discussion.

Thank you, Mr. Speaker. [*Desk thumping*]

[*Interruption*]

**Mr. Speaker:** There are no supplementals. I am tempted to say to the Member for Laventille East/Morvant that as a Member of the Standing Orders Committee I know that he knows better.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 6.50 p.m.*