

Leave of Absence

Wednesday, October 11, 2000

HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

The House met at 2.30 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, I wish to advise that I have received communication from three Members of the House: the Members for Ortoire/Mayaro, San Fernando West and Port of Spain North/St. Ann's West, who have sought leave of absence from sittings of the House. I have granted the leave of absence which they seek. In the case of the Member for Ortoire/Mayaro it is 28 days from September 14, 2000. In the case of the Member for San Fernando West it is from October 09—13, both days inclusive. Of course, in the case of the Member for Port of Spain North/St. Ann's West, it is until November 03, 2000.

ARRANGEMENT OF BUSINESS

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, the Government proposes to deal with Bills Nos.1 and 2, as mentioned on the last occasion. We will deal with Bill No.1 first.

Agreed to.

MISCELLANEOUS LAWS BILL

Order for second reading read.

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move,

That a Bill to amend certain provisions of the Summary Courts Act, the Summary Offences Act, the Offences against the Person Act and the Larceny Act to remove certain discriminatory religious references be read a second time.

Mr. Speaker, when Trinidad and Tobago got independence in 1962, the Independent Constitution required the state to take steps to ensure that all its laws and administrative actions were in conformity with the constitutional rights enshrined in sections 4 and 5. Two of the rights which were enshrined in sections 4 and 5, which were then sections 1 and 2 of the 1962 Constitution are: the right of the individual to equality before the law and the equality of treatment, and

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another set of rights involved the right to the freedom of conscience and religious beliefs and observances.

Again 1976, when the country became a republic, similar requirements were enshrined in the Constitution Act, of which the Constitution was a Schedule. These two rights are also now enshrined in the Republican Constitution: the right to equality of treatment before the law, and the other set of rights: the right to the freedom of conscience and religious beliefs and observances.

Trinidad and Tobago has on its statute books, certain laws which have not complied with the requirements of the Constitution. Attempts have been made from time to time to ensure that the spirit of the Constitution is kept. That is why governments, over the period of years, have tried to reform some of these laws.

Mr. Speaker, the laws which we are trying to reform today, are laws which impact tremendously on the right of worship of certain of the religions and, in particular, the Baptists and Orisas. What has happened over the years, from a historical perspective, is that the Shouter Baptists have been discriminated against. As we know, there has been an Ordinance known as The Shouter Baptists Ordinance. It is very significant that in 1917, the then Attorney General, addressing the legislature, came to the Parliament in order to get laws to prohibit persons from associating with the Shouter Baptists movement. I think I would like to put on record what the Attorney General said in 1917; when he introduced the Shouters Prohibition Ordinance. I quote:

“The next Bill for the consideration of the House is one of an altogether exceptional character. As, perhaps, the House will realize it is very far indeed from the desire of the Government to do anything which interferes with the liberty of the subject and the right of the individual to choose the way in which he should worship.

But, unfortunately, a condition of affairs has arisen in the Colony by reason of the practice of a sect or body calling itself the Shouters which has, so far as the Government sees, made it necessary to come to this House and submit proposals for interference in the practices of that body.

Apparently the Shouters have had a somewhat stormy history, from all I have been able to learn regarding them. They seem as if it did not arise there to have flourished exceedingly in St. Vincent and to have made themselves such an unmitigated nuisance that they had to be legislated out of existence. They then came to Trinidad, and continual complaints have been received by the Government for some time past, as to their practices.

Apparently the neighbourhood in which a Shouters' meeting takes place is made almost impossible for residential occupation. I understand there is or was one meeting place in Belmont, at which their meetings were conducted with such fervour that the shouting, singing and noise generally could be heard somewhere about the transfer station. It is not only the inconvenience caused by the noise which they make, that has given rise to this legislation, but also the fact that from the information that has been received, the practices which are indulged in are not such as should be tolerated in a well conducted community."

2.40 p.m.

Mr. Speaker, the Attorney General continued:

"I say that this legislation is exceptional in character, but it is submitted to this House that exceptional circumstances call for it."

Then he went on to describe the Bill he was introducing.

Mr. Speaker, the Shouters' Prohibition Act, Chap. 27 of 1917, is a three-page ordinance, eight sections. I would not read the whole ordinance, but it is important to see that a Shouter's meeting was described in section 2 of the ordinance. A Shouter's house was described. A Shouter's meeting means:

"A meeting or gathering of two or more persons whether indoors or the open air at which the customs and practices of the body known as 'Shouters' are indulged in."

Here it is that these people who were conducting their religious observances, their customs and practices were considered to be unlawful. A Shouter's house meant:

"Any house or building or room in any house or building, which is used for the purpose of holding Shouters' meetings or any house or building...in which they were gathered."

A "Manager" was described as the person who had control of the estate. Under section 3 it says:

"It shall be an offence against the ordinance for any person to hold or to take part in or to attend any Shouters' meeting or for any Shouters' meeting to be held in any part of the Colony indoors or in the open air at any time of the day or night."

Mr. Speaker, it was a criminal offence. If anybody was found guilty he or she was liable on summary conviction to a penalty not exceeding £50 in those days.

Although this ordinance was repealed in 1951, from 1917 throughout that period the laws of Trinidad and Tobago were drafted in such a way as to continue this discrimination against the Shouter Baptist and connected faiths, or faiths like the Shouter Baptist, which I understand is like the Orisa faith.

In 1918 the Summary Courts Act was passed, and in 1921 the Summary Offences Act was passed. In both pieces of legislation there are sections which discriminated against this faith. One of the main purposes of this Bill today is to take some of these laws that we could have found and put them together, and to remove these discriminatory practices, and to ensure that there would be equality of all religions in Trinidad and Tobago.

Therefore, from the Bill, and on the basis also of the amendments which have been circulated, one would see, for example, in the Summary Offences Act, Chap. 11:02, that section 2 deals with the definition of obeah, which would have covered in some way some of the observances which the Orisa and the Baptists perform, not as exactly defined in the Act, but which could have and which have, in the past, been regarded as against the law. We have decided to remove that section completely.

We have decided to amend section 43 so as to make it religious neutral. For example, by removing the word "obeah" from the Act and amending section 43, we have been able to get the intention of our Parliament now, and that is:

"Any person who, by any false means, intimidates or attempts to intimidate any person, obtains or endeavours to obtain any chattel, money or...from any other person, or pretends to discover any treasure of any lost or stolen goods, or the person who stole the same, or to inflict any disease, loss, damage, personal injury to or upon any other person, or to restore any other person to health, and any person who procures, counsels, induces, or persuades or endeavours to persuade any other person to commit any such offence, is liable to imprisonment for six months..."

In the amendment which we have circulated we have deleted "corporal punishment" and for a female prisoner to be in confinement and so forth.

What we have done is deleted the word “obeah”, but we have put in section 43 an amendment in deleting the words:

“by the practice of obeah or by any occult means or by any assumption of supernatural power or knowledge...”

This is to capture the offence by saying:

“Any person who uses any false means or intimidates or attempts to intimidate any person...”

So it is criminal conduct to use false means, but it should not be criminal conduct for persons to practise the observances of their religion. It is time that female prisoners do not have to be subjected to solitary confinement for such an offence, so we have deleted that.

Mr. Speaker, the same thing goes with respect to clause 44 of the Summary Offences Act. The present Act says:

“Where it is shown, upon the oath of a credible witness that there is a reasonable cause to suspect that any person is in possession of any article or thing used by him in the practice of obeah or witchcraft, any Justice may, by warrant under his hand, cause any place whatsoever belonging to or under the control of such person to be searched, either in the day or in the night, and, if any such article is found in any place so searched, cause it to be seized and brought before him or some other Justice, who shall cause it to be secured for the purpose of being produced in evidence in any case in which it may be required.”

What we have done is deleted the words:

“by him in the practice of obeah or witchcraft...”

We have said:

“Any article or thing used to commit an offence under section 43(1).”

Mrs. Robinson-Regis: The section that deals with the deletion of the part of section 43 that deals with females, I have not seen it in our amendment.

Hon. R. L. Maharaj: I am sorry, it was done today, but I will read it for you. The amendments should be circulated. It states:

“Insert immediately after line 17 of the Schedule—

Delete the words ‘and, subject to the Corporal Punishment Acts, may be sentenced to undergo corporal punishment; and, if a female, may, during such imprisonment, be kept in solitary confinement not exceeding three days at any one time and not exceeding one month in the whole, as such Magistrate shall direct.’”

We are deleting all of that.

Mrs. Robinson-Regis: But do you recognize that in section 43 itself it talks about the female being placed in solitary confinement? That is in addition to what is placed in the Schedule. The section itself talks about the female being placed in solitary confinement; so if you do an amendment you would also have to amend the section itself.

Hon. R. L. Maharaj: According to this, they are deleting subsection (2) also, parts of the section and the Schedule. The whole purpose of it is to delete all references to that, so it would not be part of the law that they can be subjected to that. Thank you, Member for Arouca South.

Mr. Speaker, I had reached clause 55. One of the things we are trying to get at, apart from the references to obeah and witchcraft, which we are deleting, in clause 55 and thereafter, the Spiritual Baptists, the Shouter Baptists, the Orisa faith and some other faiths, as part of their religious observances, there is a very integral part for the beating of drums, the blowing of horns, the use of noisy instruments and for dancing and procession.

What has happened is that these integral parts of the religious observances were regarded as criminal in the past. Under section 55(1) it states:

“The Minister may, by Order prohibit during periods specified respectively in the Order any of the following things in any street, highway, or public place:

- (a) the carrying of any lighted torch;
- (b) the beating of any drum, the blowing of any horn, or the use of any other noisy instruments;
- (c) any dance or procession; and
- (d) any assemblage or collection of persons armed with sticks or other weapons of offence and numbering ten or more.

Such Order may extend to the whole of Trinidad and Tobago or any part thereof.”

We are amending that so we will be deleting the references to the beating of any drum, the blowing of any horn or the use of any noisy instruments or any dance or procession. So the section would be amended to read:

“The Minister may, by Order, prohibit during periods specified respectively in the Order any of the following things in any street, highway, or public place:

- (a) the carrying of any lighted torch; and
- (b) the assemblage of any collection of persons armed with sticks or other weapons of offence and numbering ten or more.”

This amendment will remove from the statute books the outdated and irrelevant offences of beating drums, blowing horns and having noisy instruments and dancing in public places, and will retain the offences of carrying lighted torches without an order of the Minister and the assembling and collection of 10 or more persons armed with sticks or other weapons with the intention to commit an offence.

Section 55(2) of the Act is also consequentially amended. The same applies to section 56, in that, the words “dance” and “procession” have been deleted. In respect of section 60 there is a new section altogether. Under the existing section 60 it states:

“Any constable may, at any time of the day or night, with such assistants as he may take to his aid, enter such house, building, yard or place as mentioned in section 59 where he suspects any such persons as mentioned in the said section 59 to the number of 10 or more may be together, or may be playing or singing or dancing, or playing or gaming or betting, and to take into custody all such persons found therein to the number of ten or more, and to seize and carry away all drums, gongs, tambours, bangées, chac-chacs, or other musical instrument or instruments of gaming...”

What we have done is deleted that section and a new section 60A is inserted—no, we have not deleted that, we have inserted a new section 60A. We have said:

“Religious observances, customs or ceremonies 60A. The provisions of sections 58, 59 and 60 do not apply where the singing or dancing is done, or the drums, gongs, tambours, bangées, chac-chacs or other musical instruments are used, as part of a religious observance, ceremony or custom in any place of worship.”

It was my error, Mr. Speaker, we have not deleted that, but what we have said is that those sections would not apply to a religious procession, custom or any place of worship. We have, in effect, removed the discrimination which could have existed against the Baptist faith.

Mr. Speaker, section 63, however, is repealed. Section 63 has been used by the police to enforce the existing law in order to arrest persons committing these offences. *[Interruption]* I think if the hon. Opposition Chief Whip speaks to the members of the Baptist and Orisa faiths he will find out that even quite recently these sections were used against them.

Mr. Speaker, section 63 says:

“Any owner or occupier of a house, building, yard, or other place who—

- (a) without licence under the hand of a First Division police officer, permits any persons to assemble and play or dance therein to any drum, gong, tambour, bangee, chac-chac, or other similar instrument of music, at any time between the hour of ten o'clock in the evening of one day, and the hour of six o'clock in the morning of the next day; or
- (b) permits any person to assemble and dance therein, the dance known as ‘bungo’ or any similar dance,

is liable to a fine of four hundred dollars; and any constable may, with such assistants as he may take to his aid, enter any house, building, yard, or place where any persons may be so assembled, and stop such dance or seize and carry away all such drums...and forfeit them.”

2.55 p.m.

Mr. Speaker, I do not know if the Opposition Chief Whip regards this to be humour, but it is not; as a matter of fact, it is a serious matter where these people's instruments have been taken by the police and forfeited. *[Interruption]*

Mr. Speaker: Order please, order!

Hon. R. L. Maharaj: The Opposition can say that this legislation is useless and the last time it happened was in 1860, they could say that. I am saying this is necessary and should have been done years ago.

Mr. Hinds: Mr. Speaker, we respect all of this and we treat it absolutely seriously and we are not gaming over it, but I would like to ask for the benefit of Members, what is a bangee?

Hon. R. L. Maharaj: Mr. Speaker, I am no expert, I did not come here to be an expert in music, I came to be an expert here in law. [*Desk thumping*] I think the Opposition knew we were debating this Bill and if that was very important for them to decide whether to support this legislation, they could have spoken to the people from the Baptist faith, and I am sure members of the Baptist faith who are in the audience will talk to him if he wants expert—

Mr. Hinds: But you are—

Hon. R. L. Maharaj: All I know is that it is a musical instrument, Mr. Speaker.

Mr. Hinds: I, too, but you are piloting it.

Hon. R. L. Maharaj: Mr. Speaker, clause 64 of the existing legislation is also being repealed and not being replaced. It says:

“(2) (a) No person shall, except during the public festival of Carnival, without licence under the hand of a police officer not below the rank of a corporal in charge of a Police Station beat any drum or play any noisy instrument in any street or public place, and any person who contravenes this subsection is liable to a fine of one hundred and fifty dollars.”

Mr. Speaker, this amendment will remove from the statute books, the offences of beating drums or playing noisy instruments without a licence outside of carnival.

In respect of clause 96, some of the other aspects of the Bill also make the legislation religious neutral where it refers only to the Christian faith or protection of a Minister of Religion, to ensure it refers to all places of worship and also to protect all officials of religion. Where, for example, you have in the legislation it was disturbing places of worship, and molesting ministers performing religious functions, the amendments have been made so it will not only relate to the Christian church, but all other religious bodies and would apply to all religious heads and officials.

May I say, Mr. Speaker, when the Inter-Religious Organization met recently with the Prime Minister, this is one of the matters they asked the Government to do because it was fully supported by the Christian churches. They were unanimous in the view that there should be the removal of discrimination or clauses, or expressions which give the impression that only the Christian church was being protected. This section where you could disturb places of worship and molest Ministers of Religion would now apply to all places of worship.

Mr. Speaker, the other clause in the Bill clause 96(a) is a new one, which deals with blasphemy. I do not know if it is known, but the offence of blasphemy is a common law offence and it has been regarded to protect only the Christian religion. Another point made by the Inter-Religious Organization, and very strongly by the Roman Catholic Church was that this should apply to all religions and not only the Christian religion. The Inter-Religious Organization requested that the plans to have this law become neutral should be expedited and we should come with it as quickly as possible.

We indicated to them that we are coming with other laws as a package, and blasphemy is now a common law offence. If I may quote from *Archbold's Criminal Pleading and Practice* paragraph 27(1) under Blasphemy and Blaspheous Libel it says:

“Blasphemy and blasphemous libel are indictable offences at common law. The most recent prosecution for blasphemy or blasphemous libel was in 1977:”

Mr. Speaker, what blasphemy is, and it is quoted in *Article 214 of Stephen's Digest of the Criminal Law*, 9th Ed., 1950 and I quote :

“Every publication is said to be blasphemous which contains any contemptuous, reviling, scurrilous or ludicrous matter relating to God, Jesus Christ, or the Bible, or the formularies of the Church of England as by law established. It is not blasphemous to speak or publish opinions hostile to the Christian religion, or to deny the existence of God, if the publication is couched in decent and temperate language. The test to be applied is as to the manner in which the doctrines are advocated and not as to the substance of the doctrines themselves. Everyone who publishes any blasphemous document is guilty of the (offence) of publishing a blasphemous libel. Everyone who speaks blasphemous words is guilty of the (offence) of blasphemy.

Mr. Speaker, what has happened in England in that diverse society is that there have been attempts by the courts to extend blasphemy to other religions apart from the Christian religion and the court said that was a matter for Parliament because in a case of *The Queen v Bow Street Magistrates' Court, ex parte Choudhury*, an attempt was made to extend the scope of the offences to cover attacks on the Islamic religion and it was held that the law was clear and it was not the function of the court to extend it. What we are doing in Parliament today, is being part of that historical decision to put blasphemy on a scale on which it will apply to all religions.

Mr. Speaker, I would like to put on record what Lord Scarman, a great judge, said when he was dealing with a case of blasphemous libel. I think Members would be interested in this, in that there was a case in 1979 where the appellants were the editor and publisher of a magazine called *Gay News*. The readership of which consisted mainly of homosexuals, though it was on sale to the general public at some book stalls. An issue published in June, 1976 contained a poem entitled *The Love that dares to speak its needs* accompanied by the drawing illustrating its subject matter. It purported to describe in explicit detail acts of sodomy with the body of Christ immediately after his death and ascribed to him during his lifetime some homosexual practices with the apostles and other men.

A private prosecution was instituted against the appellants by the respondent charging them with blasphemous libel. The particulars of the offence alleging that they had unlawfully and wickedly published, or caused to be published a blasphemous libel concerning the Christian religion; namely, an obscene poem and illustration vilifying Christ in his life and in his crucifixion.

The trial judge directed the jury that for the appellants to be convicted, it was sufficient if they took the view that the publication complained of vilifying Christ in his life and crucifixion and it was not necessary for the Crown to establish any further intention on the part of the appellant, beyond an intention to publish that which in the jury's view was blasphemous libel.

The Court of Appeal and the House of Lords dismissed the appeal, but it is important that even in England where there was this strong Christian sentiment, Lord Scarman, who is a very devout Christian, had this to say in the judgment and I read:

My Lords, I do not subscribe to the view the common law offence of blasphemous libel serves no useful purpose in the modern law. On the contrary, I think there is a case for legislation extending it to protect the religious belief and feelings of non-Christians.

That is exactly what we are doing today, because I think anyone who is committed to fairness would find it very unsatisfactory that you have it for one religion and you do not have it for another, on the basis that it is a respect to all religions to have each religion respected.

Mr. Speaker, what we are putting as a new section 96(a) is that notwithstanding any other law to the contrary, any person who brings into contempt or disbelief or who attacks, ridicules or vilifies another person's religion

in a manner that is likely to provoke a breach of the peace commits an offence and is liable on summary conviction to a fine of one thousand dollars.

Mr. Speaker, the other amendment deals with sacrilege. Section 26 of the Larceny Act says:

“Any person who—

- (a) breaks and enters any place of divine worship and commits any arrestable offence therein; or
- (b) breaks out of any place of divine worship, having committed any arrestable offence therein,

is guilty of sacrilege and liable to imprisonment for ten years.”

This has been held to apply only to the Christian churches, so we have amended the section to read:

“Any person who—

- (a) breaks and enters any place of worship and commits any arrestable offence therein; or
- (b) breaks out of any place of worship, having committed an arrestable offence therein,

is guilty of sacrilege and liable to imprisonment for ten years.”

Mr. Speaker, when the Shouter Baptists over the years had called on governments to amend the laws which restricted them from exercising certain rights in worship, they had called for the sections of the law which restrict them from playing drums and other musical instruments during ceremonies to be removed. In particular, Archbishop Murrain, President of the National Congress of Baptists Organization in Trinidad and Tobago; The Most Reverend Archbishop Springer of the Orisa faith and other Baptist leaders issued that call.

3.10 p.m.

They recall how the Shouter Baptists Prohibition Act of 1917 restricted them, and they called on Governments to lift these restrictions. We are very happy today that we have been able to do it. It has not been an easy exercise, because in order to do this, what we had is that the Law Commission worked with the Ministry of National Security and had extensive consultations with all of the religious groupings in the society. We also took into consideration what the state sector had

to say in that here were extensive discussions with the police in relation to the impact on removing some of these laws from the books.

At the end of the day we were able to get the consensus of all aspects of the state and to get the consensus of all of the religious bodies including the Inter-Religious Organization to have this done. It was thought that in any matter which affects religion, it should be a matter in which we should have had the widest possible consultation. This policy is all part and parcel of the programme, and the policy which this administration took, in not only giving a holiday for the Baptists, but also giving a day for the Orisa; giving an Orisa Marriage Act; and putting in place a situation in which Orisa officials would be able to conduct marriages. As a matter of fact, that is a situation in which it is the first time, I understand, in the Caribbean.

Mr. Speaker, we would recall that when the hon. Prime Minister spoke on the Orisa Marriage Bill on July 30, 1999, at 11.25 a.m. on that date, he said this—and I wish to put it on record. It says:

“I want to remind this House that in the 19th Century covert attempts to suppress this religion were made by enacting sections 59, 60, 64, 65 and 69 of what is now the Summary Offences Act...but I suppose they did not know about that Act.”

He was referring to the Opposition who was intervening at the time.

“These sections made it an offence to beat drums or to take part in any procession or assemblage or dance. In addition, a constable could, without warrant, enter any house or yard where he suspected persons praying, singing or dancing and seizing any instruments he found there. It was, indeed, a recipe for covert suppression and repression of a particular religious group.

Other discriminatory offences that are repugnant to the faith of the Orisas remain on the Summary Offences Act, particularly references to ‘obeah’ and, also, to the Offences Against the Person in Summary Courts Act, but I suppose my colleagues on the other side did not know about that.”

He was referring again to the Opposition, who, obviously, was heckling the Prime Minister at that time.

“They changed their mind only now that they have found out about it. Those offences remain on the statute books until this day, but I assure this House that it would not be for long. [*Desk thumping*] Not only is this

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Government committed to delivering on its promise to give the Orisas their own Marriage Act, but we are committed to putting them on an equal footing with other citizens.

In addition, in order to be consistent to try to erase the statute-based discrimination which exists, we will shortly be bringing the Miscellaneous Laws Bill, 1999 before this Parliament. [*Desk thumping*]

Mr. Speaker, I beg to move. [*Desk thumping*]

That was the end of the quote. Mr. Speaker, that was the hon. Prime Minister's promise to this House about a year ago in this House. One would see how much work was being put into it and we are very happy to be able to present this Bill to this honourable House.

It is very significant that in 1917, the then Attorney General got up for the legislature to take steps to restrict the Baptists in practising their religion and we are very happy today that we are part of this occasion. We are very privileged to be here in order to remove most, if not all, that we could have found of the laws which restrict them in practising their religion. I think every Parliamentarian today should feel very proud and privileged and feel that it is a great honour that this Parliament today is making this historic law which would end discrimination against the Baptists, the Orisas and other faiths who have been discriminated against for years.

Mr. Speaker, I thank you.

Question proposed.

Mrs. Camille Robinson-Regis (*Arouca South*): Mr. Speaker, the irony of this particular piece of legislation is that the mover of the Bill asked the question to this side of the House. We, on this side of the House, asked the question to the mover of the Bill. When last was someone arrested for beating drums? The irony is that the last occasion that someone was arrested for beating drums was the General Secretary of the Communications Workers Union who has been charged in the matter involving the Minister of Public Utilities. One of the charges against him is for beating drums. [*Desk thumping*]

This Government talks about being the first to do this, and the first to do that. Well, with this legislation they would be the last, on record, to arrest someone for beating drums. This legislation that is before us is a manifestation of a situation where those of us who know the law, or those of us who are involved in making the law know that the law is supposed to cure a certain ill that is taking place in

the society. I ask the question: What ill is this particular piece of legislation slated to solve? If it is that it is as we see it the cosmetics of saying that we told the Orisas that we would remove certain aspects of the criminalizing of their religion from the books, we have no problem with that. [*Desk thumping*] The fact of the matter is that for years no member of the Orisa religion or the Spiritual Baptists Religion has been arrested in relation to these kinds of offences. [*Desk thumping*]

3.20 p.m.

I repeat—the last person to be arrested for beating drums is the General Secretary of the Communications Workers Union and he is to stand trial. Yes, the law is on the books, but it is only under this particular regime—and I call them a regime in the negative sense, Mr. Speaker—that anybody is being charged and arrested for beating drums. [*Desk thumping*] That particular section in the legislation is section 63 of the Summary Offences Act.

As I talk about the Summary Offences legislation, I would like to go directly to the definition section which is to be deleted, according to this Bill before the House, where it talks about the definition of obeah. The definition says, and I will read it into the record:

“‘obeah’ signifies every pretended assumption of supernatural power or knowledge whatever for fraudulent or illicit purposes or for gain or for the injury of any person;”

Mr. Speaker, broadly speaking, one would say that the term “obeah” has negative connotations and, really, it comes from this definition that it is “pretended assumption of supernatural powers”. But if one speaks to persons who practise the Orisa tradition, they will tell you that the assumption of supernatural powers or knowledge is not a pretended assumption. [*Desk thumping*] In addition to that, the term “obeah”, which has a negative connotation, comes from the very seed, the obi seed, which is used in their process of divination in the worship—
[*Interruption*]

Mr. Hinds: Teach them, teach them.

Mrs. C. Robinson-Regis:—of that particular religion.

Mr. Hinds: Those infidels, teach them.

Mrs. C. Robinson-Regis: We on this side are suggesting that there will be, after this legislation, persons who falsely pretend to have supernatural powers. Indeed, we heard the President of FIFA saying that the reason the football team lost seven—nil was because Couva North was not present. I do not know if he

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pretends to them that he has supernatural powers, Mr. Speaker. [*Desk thumping*]
[*Laughter*]

On a more serious note, even though in section 43, according to the amendment that is being made, there will be a complete deletion of any reference to obeah or occult “by any assumption of supernatural power or knowledge”, and that will be encapsulated by the term “by any false means”, Mr. Speaker, the question that needs to be asked is: how will these false means, as it is stated, be properly proved in a court of law? We must be extremely careful regarding the type of legislation that we pass in this House in an attempt to justify what, as the mover of the Bill indicated, was a promise to get rid of all these kinds of connotations.

We on this side are saying that we agree that the negative connotation attached to the term “obeah” must be removed but we feel that perhaps another word should be used to define what, in fact, is signified by the definition that is placed here. [*Interruption*] Exactly—the pretension of supernatural powers is what is to be captured and we on this side feel that it must still be captured, Mr. Speaker. In order to ensure that no negative connotation still attaches to the Orisa religion, whose members are of the view and who are clear in their minds that there is that process of divination, there is that process of attaining supernatural powers or knowledge, that must not be left as a negative as it relates to their religion. [*Desk thumping*]

We on this side also have some concerns as they relate to the genuineness of this administration in relation to what they are doing today. Mr. Speaker, we understand that over the weekend it was reported that Nigerians who come into Trinidad and Tobago from henceforth will have to put up a bond of \$20,000. The norm, as it relates to anyone coming into another country, particularly another Commonwealth country, is that the person who is coming in on a visit or otherwise must show evidence of a return ticket. The reason I am raising this particular issue is because it is not only Nigerians who have had a problem with overstaying their time. We have had persons from other countries who have overstayed their time in Trinidad and Tobago. We are asking the question: why is such a burden being placed on citizens of Nigeria coming into Trinidad and Tobago? [*Desk thumping*]

I ask that question in the context of this particular piece of legislation because, Mr. Speaker, the entire Orisa faith has its origins in the country of Nigeria. [*Desk thumping*] Nigeria is a country that has particular historical links with the people

of Trinidad and Tobago and, indeed, with the entire African diaspora. The question must be asked: is there an attempt being made to break that historic link between Trinidad and Tobago and Nigeria? [*Desk thumping*] I must make the point that information coming to us on this side in relation to that particular decision indicates that no discussion was held with the Nigerian High Commission in relation to this decision being made. [*Desk thumping*] Mr. Speaker, we on this side are of the view that that is highly disrespectful to a sovereign nation and to a nation that has diplomatic and historical links with the people of Trinidad and Tobago.

As my colleague is reiterating, Orisa originated in Nigeria, the very country whose citizens are now being placed under a burden of having to put up a bond of \$20,000 before being allowed to come into this country. Nobody else—no other country, no other citizen—has to face that kind of situation when coming into Trinidad and Tobago. We must ask the question: is there any genuineness when we see this legislation coming to the Parliament? Why are Nigerian citizens being singled out? [*Desk thumping*]

Mr. Speaker, I would like to refer to section 60 of the legislation where the amendment that is before this House indicates:

“Insert after section 60 the following new section:

60A: The provisions of sections 58, 59 and 60 do not apply where the singing or dancing is done or the drums, gongs, tambours, bangees, shac-shacs or other musical instruments are used, as part of a religious observance, ceremony or custom in any place of worship.”

I find this new section particularly disturbing because the sections, which are said not to apply, read as follows and they more or less say the same things. I read section 58 which says:

“Any owner or occupier of any house, building, yard, or other place who knowingly permits or suffers any convicted offenders, persons convicted of riot or affray, common prostitutes, rogues and vagabonds, or incorrigible rogues to meet together and remain therein, and to play or sing or dance therein, or to play or bet therein at any game or pretended game of chance with any instrument of gaming or with any coin, card or token, is liable to the same fines and punishments as mentioned in section 57.”

Those fines and punishments are a fine of \$400 and/or imprisonment for up to six months.

Mr. Speaker, I read that section because it seems very strange to me that if this particular piece of legislation is dealing with religious observances generally, why is it that if prostitutes—I may be misinterpreting the section but just from a reading of it, why is it that if prostitutes, rogues, vagabonds and incorrigible rogues and convicted prisoners are holding—is it that if they are holding a religious observance they would not fall within the ambit of this particular section of the legislation?

I do not understand, why is it that a section which talks about prostitutes, rogues, incorrigibles and the like would be allowed to have a religious observance and not face the consequences of the law—these two sections are being allowed to stay within the legislation? Additionally, is it that if one is having a religious observance and there is gambling on the premises, it is all right? I really am not understanding the interpretation of these sections and I would be very grateful if the Attorney General, the Member for Couva South, could clear up these sections as they relate to the new section that is being placed in the legislation, Mr. Speaker.

I move now to section 63 which talks about musical instruments creating a noise and, in effect, disturbing the peace. Now, the question that I would like answered is: if this section is deleted in its entirety, which is what is suggested here, if somebody is disturbing the peace in the normal way where there is loud music being played and a neighbour is offended by the loud music, is there still the offence of disturbing the peace outside of religious worship? From my reading of this, it would appear as though that offence is excluded in its entirety because the entire section 63 which deals with that offence of disturbing the peace has been deleted.

3.35 p.m.

Mr. Speaker, section 96 of the legislation where it talks about changing the word “ministers”—as the Member for Couva South indicated, it has a Christian connotation—to “officials”, and in other areas changing the word “minister” to “any religious head”, I would like to know if there is an intended distinction? Is it that “officials” relate to a particular level of religious head? Or, is it really speaking of all areas where the term “ministers” is used should really just refer to “any religious head” or “any religious official”?

It is very confusing where in section 96 it is said that in the marginal note, the word “ministers” should be changed to “officials” but in the body of the section it is said that the word “minister” should be changed to “any religious head”. We on

this side would like to know if those words would be used interchangeably. We are suggesting that one term should be used.

Mr. Speaker, again, in section 96, the amendment says:

“Delete the words ‘place of divine worship’ wherever they occur and substitute, in each case, the words ‘place of worship’”.

Mr. Speaker, now the Member for Couva South says that the word “divine” should not be used, that the word is—for want of a better word—“offensive”. The definition of the word “divine” is—and with your permission I will quote:

“of God or a deity, Godlike, of or associated with religion or worship, of supreme excellence or worth, splendid, perfect, another term for God.”

Mr. Speaker, it seems to me that all religions have a God figure or a divine figure whom they worship. So we on this side see no clear difficulty with retaining the word “divine” as it relates to the term “place of worship” because as the Member for Couva South indicated, this is to deal with all types of religious discrimination, but the word “divine” is not specifically in relation to the Christian church, like the Catholic or Methodist, because “divine” is a word that relates to God and all religions refer to a God or a deity. We on this side are of the view that there is no necessity to remove the term “divine” unless the Government would also want to encompass “place of worship” as non-divine worship or devil worship. I am trusting that those places do not exist here. We are contending that the term “divine” need not be excluded.

Mr. Speaker, we on this side refer to the new section 96 A, which the Member for Couva South indicated was an attempt to deal with the common law of the offence of blasphemy. We have no difficulty with that except to say that the way this clause is structured, it seems to us on this side, that it is an attempt to reintroduce the clause 7 relating to religions that was taken out of the Equal Opportunity Bill. [*Desk thumping*] Just to make that extremely clear, I would like to read the new section 96A which says:

“Notwithstanding any other law to the contrary, any person who brings into contempt or disbelief or who attacks, ridicules or vilifies another person’s religion in a manner that is likely to provoke a breach of the peace commits an offence and is liable on summary conviction to a fine of one thousand dollars.”

Mr. Speaker, if you look at the original clause 7 of the Equal Opportunity Bill, indeed, where it talks about religion, it talks about inciting racial or religious hatred. It talks about offending, insulting, humiliating and intimidating. We on this side are of the view that that particular clause is really a back-door attempt, to reintroduce clause 7 of the Equal Opportunity Bill in relation to religion in this particular piece of legislation.

We are suggesting that if, in fact, it is such an attempt—and we are suggesting that it is—it should not be done. [*Desk thumping*] Mr. Speaker, in the other place, there was an undertaking given that in relation to religion the effect of clause 7 would no longer hold, and it cannot be that in this piece of legislation a similar type of clause is now being introduced to the statute books of Trinidad and Tobago. [*Desk thumping*] Again, in relation to the Equal Opportunity Bill, we see the deletion of the word “divine worship” and the argument raised in relation to that particular clause is repeated.

We on this side are clear in our view that there should never be any legislation which discriminates against anyone, any group, religious or otherwise. We are also clear in our view that as a society grows and develops there will be changes as it relates to various groups that exist in the society. We are also of the view that if a government is genuine in its treatment of its citizens, there is not the necessity for the particular government to keep repeating that it did this for the Baptists, Orisas, Christians, Hindus or Muslims.

Mr. Speaker, if we on this side were to continuously say that we gave a religious holiday to the Muslims—we gave the holiday of Eid. We gave a religious holiday to the Hindus. We on this side, the People’s National Movement, gave the religious holiday of Divali. [*Desk thumping*]

Mr. Narine: And Emancipation.

Mrs. C. Robinson-Regis: We do not see the necessity to hold people to ransom by continuously repeating that you gave them that so they should be beholden to the Government. We are of the view that in the circumstances where you govern a country, you govern for fairness and equity. [*Desk thumping*]

3.45 p.m.

Mr. Speaker, before I close, let me indicate the kind of premise from which we on this side operate in relation to religious observances, to education and the like. I would like to quote from the book, *Forged from the Love of Liberty*, where it was said that “the record in denominational schools was far from unblemished

and equality of opportunity in education could not be guaranteed without Government intervention.”

And strangely enough, it is so strange, Mr. Speaker, and I hate to be sidetracked, that this particular administration seeks to separate Dr. Eric Williams, the founder of the People's National Movement, from the People's National Movement. The history of Trinidad and Tobago will show that the People's National Movement is the party that really built this entire country. *[Desk thumping]*

No matter what they said, no matter what is done, Dr. Eric Williams can never be separated from the People's National Movement. *[Desk thumping]* They are one and the same. So, try as they might, they cannot change the history or the legacy of the People's National Movement. *[Desk thumping]*

Mr. Speaker, to this end, Dr. Williams singled out for emphasis, that section of the Education Bill of 1965 which stated:

“No person shall be refused admission to any public school on account of the religious persuasion, race, social status or language of such person or of his parents.”

Here was an affirmation of faith and a frank recognition of the role education and religion could play in integrating the nation and advancing the well-being of its citizenry. Mr. Speaker, I repeat that we on this side have no difficulty with repealing any laws that may appear to be discriminatory, but we are clearly of the view that it must be done with a clear and genuine purpose in mind. Not for political reasons.

We on this side support the legislation because, as we said at the very outset, how long has it been since someone was arrested for religious observances? How long has it been since someone was arrested for beating a drum in a religious observance? We on this side are saying that yes, anything that discriminates against any citizens of Trinidad and Tobago must be dealt with, but there must be equity and fairness in all dealings.

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

Mr. Hinds: Well put.

The Minister of Education (Hon. Kamla Persad-Bissessar): Mr. Speaker, I join this debate in response to some of the comments made by the hon. Member for Arouca South and definitely to add my full support behind this Bill. I do so

contrary to the words of the hon. Member who seems to think not in terms of what it is that we do when we bring our support to this Bill. I want to make it very clear that it is out of a very clear and genuine purpose that I give support to this Bill, as do all other Members on this side.

Mr. Speaker, the hon. Member may recall in 1994, when it was based on representations made by the Shouter Baptist faith, representations have been made by Sen. Rev. Barbara Gray-Burke and all the others of the faith. [*Member leaves*] I would be very happy if she hears this, Mr. Speaker, because she was a member of the committee dealing with the granting of a holiday to the Shouter Baptists and that committee recommended no holiday for the Shouter Baptists.

It was Sen. Barbara Gray-Burke, Sen. Mejias, and all the others of us who were in the Senate at the time. I am saying that when she talks about clear and genuine purpose today, it is a clear reflection of the hypocrisy that is demonstrated on that side and by those Members.

When they had the chance, there was no election then. They say everything that we do is done politically. I do not think that any one of us who sits in this Parliament can say that we are not politicians. We cannot say that what we do is not political. They make it out as though “political” is a bad word, but that is why we are here. We are here by the will of the people, voted in on political parties to come and represent the people! If we want to do what is requested by the people of this country and that is political, then I say we must continue to be political in every regard, to carry out the wishes of the people who elected us here.

So it is, Mr. Speaker, way before 1994, the Member asked what law is this law, what ill is this going to cure? What are we going to cure in the society? What is the ill that this is stated to solve? Then she makes it into a joke, ridiculing the matter, takes it down to the lowest level like it is a big joke, when this is such a serious matter to so many persons in this country.

If they were in touch with the communities, with the Baptist community, with the Orisa community, they should have heard the cries of these people pleading for these things to be removed from the law. These members were here as recent as in 1994 when Sen. Barbara Gray-Burke made the appeal and Sen. Mejias made the appeal on behalf of the Orisas. They were here and they heard that these persons were always asking. Not only did we want the holiday in recognition of our faith, the Shouter Baptists, but to remove from the statute books, all these aspects that were discriminating against us. I am saying that it is a kind of

hypocrisy to say that this administration, in bringing this law, is not doing it out of genuine purpose and genuine concern.

Mr. Speaker, if you would recall, we came very clearly. Prime Minister Panday, then in opposition, had given his clear support to the Shouter Baptist holiday. The PNM never supported it. It was never supported, in spite of all the Shouter Baptists coming forward and asking for it. So, when they went out of office, it took this Government, under Prime Minister Panday, to give this Baptist holiday to the Shouter Baptist faith. That was the first thing, so do not say that we are just coming before election politically to do this.

We came secondly in this Parliament, when I was then Minister of Legal Affairs, with the Orisa Marriage Law, because the Orisas, as other persons in this country, had ministers of religion but they were denied the opportunity that others had for their ministers of their religion to marry members of their own faith. With every other religion, one could apply to be a marriage officer under the law, but not the Orisas.

It was this administration, again, that took up the cry, and I am telling you when I went to the Ministry of Legal Affairs, I saw the files. The files had been sitting there for years! They were sitting in the office of the Attorney General, Ministry of Legal Affairs. We took up those files, met with the various groups of the Orisa faith and we had several consultations right here in the Parliament to give the Orisa faith something that every other faith had, which was to be able to have their own ministers of religion be marriage officers to marry people of their own faith.

Imagine then what a humiliation it was for those of their own religion when they could stand in the church and preach to those in their church and bond with them, but then had to go to someone else to be a marriage officer to sign their marriage certificates. They could not be married by their own ministers of religion.

So it is as well when the member says what ills are secure. Listen, it is on the statute books but nobody got locked up under that law. The law was not enforced. The Member was laughing and said, "When last was it used, 1864?" Mr. Speaker, it is that kind of thinking. If they say it is not being enforced, they will tell you that is not the case, but there have been others which we will bring to you. Apart from that fact, even if it is that it was not enforced, the very fact that these laws remained on the statute books and the very fact that the Orisa ministers of religion could not marry their own members, is a way of psychologically

depressing and keeping people down. Whilst it remains on the statute books and those of us who are law abiding, whilst it is part of the law, it is a legal restriction against the things that are part of one's faith and part of one's religion.

When the Member made a joke out of this and said “ nobody get lock up” what does that mean? Why then keep it on the statute books if it is not being enforced? Even if we take the argument being put forward, in my respectful view, it is totally illogical, the line of reasoning that has been put forward.

I am saying firstly that just having it on the statute books is a psychological restriction and depression of people. Secondly, the fact that it is there on the statute books, they are saying that this is something wrong; do not do it. It reminds me, when the Member said that people pretend to have supernatural powers, superstitious powers, that after this legislation, if we passed this Bill, there would be more people pretending to have superstitious powers.

Mr. Hinds: She never said that!

Hon. K. Persad-Bissessar: After this legislation—and the *Hansard* will bear us out—persons will pretend to have superstitious powers. It is recorded, and those of us in the Chamber would have heard it. What this reminds me of is when we placed students in the secondary schools after the Common Entrance, when a principal went before a television camera and said, “Now that you have placed all the children in secondary schools, I hope you are building more jails to put the children, because those children did not deserve to be in schools”. That is the same kind of attitude when they say, after this legislation, persons will pretend to have superstitious powers.

Mr. Hinds: She never said that.

Hon. K. Persad-Bissessar: It is the same kind of attitude that the Member for Arouca North had, but he learned his lesson. When I stood at the function in Maloney and I admitted that as a child I was baptized as a Baptist, it was the Member for Arouca North who talked about “spirit lash”. When the members of the faith made it very clear, it was they who had the evil in their mind. They were the ones who saw it. When they come and talk about pretending to have superstitious powers, it is their interpretation. It is what they interpret and what they have in their minds.

Mr. Speaker, I want to commend Archbishop Barbara Gray-Burke and all the others. Over the years they have cried for this and begged for this and no one on that side, in all the years they were there, who had genuine purpose—they did not

have political purpose. They had genuine purpose in what they were doing. I want to ask them. They want to talk to me about Dr. Eric Williams and quote him? I acknowledge he was the founder of the PNM and father of the nation. I acknowledge that and respect him and pay tribute to him, but do not talk to me about that. Talk to me about 1991 to 1995, which was when they were in office.

4.00 p.m.

Dr. Eric Williams, God rest his soul, and I thank him for the great things he has done, but he is no longer there with you.

Mr. Hinds: He is.

Hon. K. Persad-Bissessar: Those persons whom you spoke about of that time are not sitting on those Benches. This is what you call the new PNM, so tell us about 1991—1995. What did you do? You said you gave a holiday for Divali and a holiday for Eid. Why did you not give the Shouter Baptists their holiday? Why did you not give the Orisas their marriage law? Why did you not remove all these discriminatory pieces of legislation out of the statute books? Then, you want to quote Dr. Eric Williams as the person, founder of your party.

In 1991—1995, when you had the chance, you did nothing whatsoever with that chance. No land was given to them. No school was given to them. No marriage law; no holiday; no recognition whatsoever and then you say, "Well, this law is on the books but nobody is using it. Nobody is getting locked up." So, leave it just like that. Do you know what that means? The Member is reminding me. Once it is on the books, any time that you are practising your faith, a policeman can come from anywhere, any time and you can get locked up. How can you then, in firmness and in graciousness, really totally practise in the confidence and the comfort that other religions enjoy. Nobody goes into any of the others and says, "You cannot light a candle here." You light candles and do certain things. You cannot light a deya, for those who are Hindus. But, no. For the Baptists and for the Orisas, you cannot use the instruments that are part of your faith and part of your religion.

Dr. Griffith: Right now, two Baptist people want to build their churches in Malabar.

Hon. K. Persad-Bissessar: The Member is reminding me. Right now, and I read it in the newspaper, where in Malabar, in the constituency of Arouca South, the Baptists want to build their church and the protest that is taking place there.

PNM councillors in that area are leading that onslaught for the Baptists not to have their church. It is the same thing that happened with respect to the schools.

Mr. Narine: The URP built your brother's church, so you have no problem.

Hon. K. Persad-Bissessar: They talked about schools, equality of opportunity and so forth. It took this Government, apart from that one Lakshmi Girls' Hindu College, to give other secondary schools to the Hindu faith; it took this Government to give other schools to the Muslim faith and it took this Government to give schools to the Baptist faith. The *status quo* should have been maintained. Those who were there must remain there and we said, "No." That is what is causing the problem, the resistance to change and the resistance to including all members of all faiths in our society. That is what they cannot deal with.

They come today to tell us what ill is this to cure. What is this to solve? In my view, that is an insult to Eugenia Springer, to Bishop Randu, to Archbishop Barbara Gray-Burke, to Sen. Mejias and all those people of that faith to say, "Leave it there. Of what use is this? What will it cure?"

Mr. Speaker, I remember Eugenia Springer especially and I remember Pearl Eintou Springer. She is the lady I am remembering. She has written reams of letters. She has done research and studies on those matters time after time over time. Nobody there paid any attention. Do you know why, Mr. Speaker? Leave it; nobody "ain't" getting locked up. Leave it as it stood. Leave it exactly as it was.

The Member for Laventille East Morvant, Mr. Hinds, coming back to the same point again that people will pretend to have superstitious powers. The Member made points about obeah. Mr. Speaker, you will recall in this House when the Member for Laventille East/Morvant, again, with that kind of contempt that they treat everyone else except themselves, when he said the Prime Minister went to Sai Baba for obeah. Do you recall when he said that in this House? Went to Sai Baba for obeah. The contempt in which they hold other people's religion, once it is not their own, forget it.

Mr. Sudama: When he said he went to Sai Baba or Ali Baba.

Hon. K. Persad-Bissessar: It is contempt and ridicule. It is the same kind of contempt and ridicule of the Shouter Baptist faith and of the Orisa faith. It is the same kind of contempt. Total disrespect--

Mr. Speaker: Order please.

Hon. K. Persad-Bissessar:--when he said the Prime Minister went to Sai Baba for obeah.

Mr. Sudama: Or Ali Baba.

Hon. K. Persad-Bissessar: That is what other religions mean to him. No respect to any other faith and that is why the Attorney General has included in this legislation the extension of the definition of "blasphemy" and of the law of "blasphemy".

We are not saying on this side that blasphemy against the Christian religion can remain. What we have said, clearly, is that the law was only for those who practise the Christian religion. But, what about other faiths? That is why we have widened that definition to say that all religions must be given that equality of opportunity, that equality and fairness of justice, which is what we are about.

When I say clear and genuine purpose, that is the purpose. I believe this Government has demonstrated between 1995—2000, contrary to the 1991—1995 period, a thrust and a line that has been running through every single thing that we have done which is to give equal access and equality. Clearly, a government of inclusion.

Those who have come to this Government, at every point in time, this Government has listened to the voices of the people. So it was that we listened to the voices of the Baptists and the voices of the Orisas for this legislation. We have listened to the voices of the children and the parents of this country. When we talk about equality of opportunity, as Minister of Education, I state very clearly, when you recall—someone pointed out that to me last night—things happen so fast and so much has happened that we tend to forget.

When the Common Entrance results came out, not this year, but last year and the year before and the year before and the year before, and you went into a school and saw the children after they received their results on the pieces of paper, there were so many children who would be crying in sorrow and in fear because they had no place, but this year when you went into the schools and the children were crying, all of them were crying tears of joy because every one of them had a place to go.

I was making the point yesterday that based on that kind of equality and inclusion that everyone must be given a chance, if it is there are 30,000 children in eight educational districts, out of four of our educational districts, which is 15,000 children, who wrote the Common Entrance Examination, we have got

statistics I am told by Dr. Marcano, that only 90 children in those four educational districts took up the option to go back into the primary school. When they were saying, "Leave them. They have another chance to go to the primary school. They could go back in the primary school. You do not have to place all of them. They do not deserve to be placed." In four educational districts, the parents of only 90 children took the option to keep the children in the primary school. Why? Because the parents wanted the secondary school places that had been provided by this Government. All the others took up that opportunity to place their children within the school system.

The Member is getting ready to speak so I will ask him to tell us: What did you do between 1991—1995? What did you do for the children of this country? What did you do for the Baptists and for the Orisas? I have said before in this Parliament, not a single secondary school was built between 1991—1995. Not one. We built the 12 and we are turning the sod on another 12 in the next month. The Prime Minister has been invited to come to turn the sod for the next batch of 12 secondary schools. Not a secondary school in 1991—1995.

In terms of legislation, look at the record of legislation brought by the hon. Attorney General. What did you do in 1991—1995? It is the same four to five year period. What did you do? Do not speak about before that.

Talk to us about water. What did you do about water? Under the South Water Project, what did you do?

Mr. Valley: You told us.

Mr. Hinds: Pipes!

Hon. K. Persad-Bissessar: I will talk about faucets today and taps and so forth. What did you do between 1991—1995?

Dr. Griffith: Lock up the Speaker of the House!

Hon. K. Persad-Bissessar: Remember electricity, Mr. Speaker. I recall in that period the electricity cutting off almost every day. We had to buy candles, batteries and so on. Electricity was cut off. What did you do about that? When it was cut off, they were taking hours and days to come to repair it. Now, you do not even get electricity cutting off and if it does, within a short space of time they come to have it repaired. What did you do about that situation between 1991—1995? What did you do about the health in terms of the ambulance service? What did you do between 1991—1995?

What did you do in 1991—1995 with respect to community health centres? There are 22 health centres throughout this country being built and refurbished. In 1991—1995, what did you do? When you talk about clear and genuine purpose, not political purpose. Their idea of clear and genuine purpose is to do nothing at all, to get nothing done whatsoever.

I give my full support to this legislation and I reiterate that what this Government has been doing is clearly a policy of inclusion, of giving everyone in the society a chance, regardless of your colour, regardless of your class, regardless of your creed, regardless of your race and regardless of your socio-economic bracket. It does not matter. Regardless of your geographical location, whether you are North, South, East or West, everyone in this land must have an equal chance and must have the same kind of treatment meted out to them by the law and by agencies of the state.

I heard the hon. Prime Minister yesterday, when we were opening the Matura High School, saying that the greatest gift that a government can give to the children of a nation is education. I want them to tell us what they did between 1991—1995? The greatest gift that a parent can give to a child is education. You cannot give them a house or a car. The greatest gift that you can give to them is an education because with that education, they can get and acquire anything else, but if you fail with that, then that child cannot grow and become a productive citizen. That is the greatest gift that you can give to them.

Today, I am saying that if we cannot respect the religion of all members of our society, if we cannot have respect for all these in our society, whether you are Baptist, Shouter Baptist or Orisa—whatever faith you may be—then we are in a sad way if that is a joke to Members on the other side, when we say let us bring this law to remove discriminatory practices.

With those words, Mr. Speaker, I give my full support to this Bill. I thank you.

Mr. Fitzgerald Hinds (*Laventille East/Morvant*): Mr. Speaker, I listened to the Member for Siparia and I am exasperated and I feel very sad, because we are dealing with legislation that, while it touches on religious matters, in my view, it is clearly a political issue for the Government.

We have been making the point and she has been trying to misrepresent us and I want to reiterate and make it quite clear, we believe—and not merely in words—that this is a multi-racial, multi-cultural and multi-religious society and every single religious group deserves its rightful place in this land that is Trinidad

Miscellaneous Laws Bill
[MR. HINDS]

Wednesday, October 11, 2000

and Tobago. The laws that she is making reference to and to which the Attorney General made reference, some of them existed long before the PNM came into existence.

[MR. DEPUTY SPEAKER *in the Chair*]

The Member is trying to give the impression that the PNM took a different position and enforced these laws against the people whom they claim to be liberating today. I tell the Member I grew up in an area; I grew up very close to a Shango *palais* and every year when the celebrations came around, I was present along with the adults and I have never seen nor ever heard anyone interfere, with any police raid, and lock up anyone. That is a point we have been making.

4.15 p.m.

The simple point is this: the Member is saying that it would have a psychological effect by removing it from the law books now, and it makes people feel better; of course, it might. But in real terms, the Member cannot show me one single Shango Palais that was ever interrupted or service disturbed, since 1956, or more so, since 1962 under any PNM, or in fact any government.

This is why we contend—we are not taking the Orisa faith as a joke. We understand the importance of it. The Member for Arouca South made the important point that, today you discriminate against Mother Africa, in the sense of Nigeria, by imposing a \$20,000 bond on any Nigerian wanting to enter Trinidad and Tobago, and by saying that any Nigerian wanting to enter here must come with a two-way ticket; in other words you must get back out. We know as a fact that there are English, Australians, Guyanese and American citizens who have come here, remained illegally and have overstayed their time. To single out Nigeria; the land that gave us the Orisa tradition—while at the same time as the Government, through the Ministry of National Security, discriminate against the country that gave us the Orisa faith—is hypocrisy of the highest order. The Government would not fool anybody.

The Member for Arouca North made the point, and I make it again: the Government said that it gave the Spiritual Baptists a holiday, that is fine, it is not a problem. At that time there was a debate in the country about the number of holidays we had. Any responsible government had to consider that. I am not saying to refuse it, but to consider the plethora of holidays we had. Of course, some kind of change had to be made—as the Government took away Whit Monday to replace it with another holiday. The Government also replaced

Republic Day. When we moved to republicanism in 1976, from a mere independent state to a republic state, the Government removed that in order to replace it with another holiday. The issue was the number of holidays.

The Member pointed out—I have to remind her that the holidays of Eid and Divali came under PNM governments, but we do not find it necessary to shout and sing it every minute of the day. We do not do that. That is why we say the Government's conduct is clearly political. In a matter that touches on religion, it amazes me that the Member for Siparia could speak so many untruths—no respect, and coming to play politics.

It would not surprise me if the Prime Minister puts on a Dashiki or Agbada and claims to have emancipated Africans too. But African people are not foolish, they know their history, we know our history. Whatever the Government does, should be done as a responsible government. The PNM has tried to bring all the races and religions together. This is why we never accentuated on these matters.

I want to make a point on what the Government has not recognized; since 1995 when the UNC Government came to power, all the Afro-centric based organizations, groups and religions found it—this is an observation, I make no comment on whether it is good or bad, right or wrong; it is a sociological observation. All groups: whether it was rasta, Orisa, Spiritual Baptists, or the Emancipation Support Committee, all Afro-centric based organizations came to the fore and asserted themselves since 1995. I do not know why. We are looking on to understand it in a sociological sense. *[Interruption]* You say it is good, and I think so. I was not passing judgment on it; it is just an observation. It may also be because they thought it necessary to assert themselves, I do not know. However, we are looking on.

Mr. Maharaj: They were afraid of you. They now have a sympathetic government.

Mr. F. Hinds: Recently the Member for Siparia demeaned herself with obscenities and talked about pipes—*[Interruption]*

Mrs. Persad-Bissessar: Mr. Deputy Speaker, on a—*[Interruption]*

Mr. F. Hinds: I am on my legs and I am not giving way.

Mrs. Persad-Bissessar: No, no!

Mr. Deputy Speaker: I am on my legs. Member for Siparia is it a point of order?

Mrs. Persad-Bissessar: Yes, it is a point of order. The Member is—

Mr. Deputy Speaker: What point of order is it?

Mrs. Persad-Bissessar: The Member is—

Mr. Deputy Speaker: What is the point of order?

Mrs. Persad-Bissessar: It is 35—

Mr. Maharaj: 36(5)

Mrs. Persad-Bissessar: Obscenity is a crime in this country. To impute that I have committed a crime, which I have not done, is against the Standing Orders.

Mr. Deputy Speaker: Standing Order 36(4) states:

“It shall be out of order to use offensive insulting language about Members of either Chamber of the Legislature.”

Please, Member for Laventille East/Morvant, if you want to mention anything, try to stay away from any offensive language.

Mr. F. Hinds: There is an offence known as obscene language and the Government knows it very well. The Member for Couva North knows that very well.

In fact, Mr. Deputy Speaker, I saw a most ironical and upsetting piece of news two days ago: a member of the public was charged by the police for using obscene language at the Prime Minister. Of course, the police should take action. I feel the Prime Minister should arrange to provide him with legal aid and assistance. The Prime Minister should assist him and make personal representations that he not be convicted. That in itself, a conviction, would be an offence and a crime. The Prime Minister knows that very well.

I was not saying the Member used obscene language, I was saying that her conduct and her words could be described as obscene and indecent.

Mr. Deputy Speaker: Member for Laventille East/Morvant, just one second. Let me deal with this now. I do not think anybody is reading Standing Order 36(10), let me read it for you all. People tend to stay on 36(4) and 36(5). Standing Order 36(10) states:

“The conduct of the Governor, Members of the Senate or the House of Representatives, or of Judges or other persons engaged in the administration of justice shall not be raised except upon a substantive motion moved for the

purpose; and in any amendment, question to a Minister, or debate on a motion dealing with any other subject any reference to the conduct of any such person as aforesaid shall be out of order.”

Do not mention the conduct, of the Governor, if we have one; Members of the Senate, or the House of Representatives, or Judges or other persons engaged in the administration of justice. I did not make these Standing Orders—*[Interruption]* Member for St. Ann’s East, please give me a chance—they have been here since 1961. We could always change the Standing Orders now, or after the next election. While we are here, the conduct of Members should not be raised unless you have a substantive motion, otherwise it is out of order. Is that okay, Member for Laventille East/Morvant?

Mr. F. Hinds: Mr. Deputy Speaker, I accept what you have said. I was saying that rather than rectifying the conduct of which you made reference, the matter was compounded.

The Member for Siparia comes here today—I challenge her, any member of the public, or Member of this House—to look at the *Hansard* when I made the comments about Sai Baba. The Member had the temerity to stand here and say that I said that the Prime Minister went to see Sai Baba for obeah. I do not know what he went for, maybe he did, but I never said that! I never used the word “obeah” in my discussion at all. It is not true. The Member was talking on a religious matter; she should repent. She should bow down before God and repent. That is why her tongue is getting her into trouble every minute of the day. The little red rag is getting her into trouble. Something is wrong with her mind.

I understand that at the meeting of which I spoke, champagne and alcohol was flowing aplenty.

Mr. Griffith: Dog eat “yuh” supper yes.

Mr. F. Hinds: Understand that! I never said that, what I said was that the Member for Couva North went to India and came back here and told the nation that he went to see Sai Baba. Then I said: “He could not have seen Sai Baba, the religious man, he must have seen Ali Baba who taught him to manage himself and 40 thieves.” That is what I said. That is on the record. The Prime Minister took what I said and went to a couple by-election meetings and told the people that I disrespected their religion, another twisted and forked-tongue UNC Couva North technique.

4.25 p.m.

I received two death threats in letters which I still have. I still have them. The Prime Minister of this country caused that by going out there and telling an untruth about the Member. I did not go to the police because I am a man of immense faith and I believe in my God. I have walked in the way of God “from the day I know myself” and I am not afraid. I am not afraid, especially when I come upon slanderers and soothsayers. I am not afraid of people who are possessed by whatever.

Mr. Deputy Speaker, you see the Bill we are talking about here today? I consider it a very important and serious one. [*Desk thumping*] Because as I was indicating before I dealt with the Member for Siparia, I go to every Spiritual Baptist church to which I am invited. I have family and many friends and up to Sunday last, I was in one. The Sunday before also. I respect the religion. I understand its importance. We all do.

What is upsetting to me is the way this Government is trying to play politics with an important matter. They should desist from that. We will not tolerate it. When we talk about religious head, under section 96, my knowledge, limited as it might be of the Spiritual Baptist faith—in one church there may be a mother, a leader, a bishop or an archbishop.

There may be different people holding responsible or higher positions in the church, so when they say “any religious head”, who is it in the context of the Spiritual Baptist? We would not know. Maybe there is need for some clarity on that. It may not easily fit into the Baptist religion, the Spiritual Baptist tradition. We need, probably, the advice of Senator Burke who is with us and whose name was mentioned several times here today—maybe we could try to clarify that for the benefit of all.

The Member for Siparia spoke about the Senator and she introduced the Archbishop’s name in this debate. Mr. Deputy Speaker, the Member for Arouca South made mention of the insertion after section 96:

“Notwithstanding any other law to the contrary, any person who brings into contempt or disbelief or who attacks, ridicules or vilifies another person’s religion in a manner that is likely to provoke a breach of the peace commits an offence and is liable on summary conviction to a fine of one thousand dollars.”

That is basically fine, but the troubling aspect of it is, and we have argued, that it seems to bring in elements that were rejected in clause 7. I want the Members to take note of this. This question of ridicule and vilify and all of this. How is that to be interpreted? Is that not another attempt to get back through the back door of clause 7 that the Government had climbed down off of when everybody told them no, that they could not go ahead? It is only when they found themselves in a tight spot in the Senate, they had to back off a little. Now they are coming with it again. We do not want that. We want religious freedom for all.

I want to just clear the record. Again, the Member for Siparia, in her usual untruthful way—her tongue is getting her into serious trouble—said that the Member for Arouca South said that when people get into the spirit in their tradition, whether it is Orisa, the Spiritual Baptist or whatever, they are pretending. The *Hansard* record is there. I was following the Member. The Member never said that was a pretence. What she said was that some people think that it is a pretence, when in fact, if one speaks to the people in the Spiritual Baptist faith and speaks to those in the Orisa Baptist faith, they will tell one that it has nothing to do with pretence. It is genuine activity, if I can say that.

To come here after and to say that the Member said it is a pretence is simply not the truth. It is another example of the wildness of the tongue of the Member for Siparia in the last few weeks, but whom the gods wish to destroy, they first send—

Mr. Deputy Speaker: Hon. Members, the sitting is suspended until 5.00 p.m. for tea.

4.30 p.m.: *Sitting suspended.*

5.02 p.m.: *Sitting resumed.*

Mr. F. Hinds: Mr. Speaker, I have already made my contribution in large part to the substantive elements of this Bill, but in keeping with the tradition of this honourable House, a tradition which we strictly observe for the most part, and a tradition with which the Speaker is most familiar, having seen it up front from the land from which we imported it, the Member for Siparia who spoke just before me went outside of the ambit of the terms of reference and made certain suggestions that it behoves me, in keeping with that tradition, to address, and of course, with your leave, Mr. Speaker.

Mr. Speaker, the Member touched on the name of the hon. Dr. Eric Eustace Williams and she said that he is not here with us and that we claim his greatness,

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but we must forget about him—she implied that—and we must concentrate on what we did between 1991 and 1995. Mr. Speaker, that would be like trying to begin Africa’s history in the Caribbean. Africa has a long and great history; in fact, as we all know, it is the cradle of civilization—history, anthropological and historical studies demonstrate that. It is from there that man was established upon this earth.

So to say that you want to look at PNM from 1991 is the most ridiculous comment or suggestion we have heard, and we could understand why it is coming from that side because what they want to do, is to compare 1991—1995 to 1995—2000. Of course, even on that test they would be palpably wrong and failing, but this thing about old and new PNM of which she spoke does not exist. It exists for them, they would like to see that, but it is one PNM. We have been here in the 1950s; 1960s; 1970s; 1980s; 1990s and we are going into 2000, 45 years in existence; PNM, PNM, PNM, proud party, strong philosophy. Names, faces, and dates may change, but the strong, solid foundation and principles remain the same.

Mr. Speaker, it was the Member for Naparima—who told this Member for Laventille East/Morvant he sat in a PNM Cabinet between 1991—1995—in a quiet conversation and I hope he does not take offence, it is a good thing, he was not telling a lie. He told me that the 1991—1995 PNM government was a clean government. And he used the word “clean”, not in a literal sense, but in the context of corruption, and I am proud about that.

The Member for Siparia spoke a little about schools. *[Interruption]* You will continue to have to supplicate yourself before the Member for Couva North. Yes, you will have to supplicate yourself and be supple in the spine to continue to beg and apologize. The Member for Fyzabad is taunting me, before I call for the Speaker’s protection.

The Member took the debate into the realm of schools and she untruthfully said that we have been saying—I am the spokesperson on this side and other people have spoken on the matter of education—that children whom they said they placed in secondary schools, did not deserve a place. Who here said that? Nobody said that. All we were saying is that before you rush children you have to be sure that they are ready and able to absorb secondary education. We pointed out the hypocrisy and the fact that the model school is not a secondary school, it is a remedial arrangement for children who need it and the Minister told us that the Form 1s Special in the secondary school centres, as they call them, are also

housing so-called model school children. She said it in the Senate, it is on the *Hansard* and, therefore, we were able to understand that the Form Is Special and the model schools are not secondary schools proper and if they are not secondary schools proper and you put thousands of children in them, how can you on the other hand claim that you have achieved universal secondary education? They are trying to fool people.

Also, in replying to the Minister of Education in her absence, she talked about that and the fact that we pushed 10,000 children on the wayside on the dung heap, and I have time and time again told the Minister that she must get her statistics correct. They want to use education as a flagship. No. Six percent of the nation's children were, on a regular basis, deemed to have some learning difficulty and she said that 90 children accepted the repeat facility, but when you tell people that their children are going—because they began by saying all the children passed. So when you tell people all the children passed, who would want their child to remain in the primary school? Because now the child will be seen as one of the few who failed, when the question ought not to be pass or fail, the question ought to be readiness, and the issue was always places.

Again, I just took the opportunity to correct the record and I would like the Government to speak the truth on these matters because education is serious business, it is not a joke and so too is the legislation before us. We recognize that the Orisa tradition is an important one; a great sociological, religious and spiritual gift that some of us enjoyed coming from Mother Africa and we accept that, we love it. I enjoy “mih” Shango drums, I enjoy “mih” Orisa drums, I enjoy all the things in the Spiritual Baptist Church and we respect that and would like to see, not just with words, but in every wise, all religions in this country enjoy the same level of respect and acceptability.

Mr. Speaker, before I conclude, I want to place on the record a horrible experience that this Government perpetrated upon a member of one of those religious faiths. The member heads an organization called Care and Respect for Youth (C.R.Y) situated in my constituency. The individual who heads that organization is a mother to those children, some of them are children of parents who are Spiritual Baptists and perhaps even Orisas. The manager of that institution Care and Respect for Youth on September 1, 2000 wrote a letter to the

hon. Prime Minister—and the Member for Chaguanas should take note. She began by saying:

“Our only cause is to put forward our case to you hoping that some assistance can be found for the children at Care and Respect for Youth.

For the past six (6) years we have been conversing with the Ministry of Social Development in an attempt to find some assistance of any kind for the children at Care and Respect for Youth.

To this date over three hundred children have benefited from C.R.Y some of who have been with us since birth. We not only cater for youth and street children but for children who have been rescued from their present circumstances by the courts.”

In other words, the courts send children to that institution for safe keeping in certain circumstances. The letter goes on:

“Communication with the Ministry of Social Development have broken down to such a point that ‘we’ feel victimized. We have been through five floods and other natural disasters and have solicit the Ministry but our efforts were not successful. We have provided them with every possible documents asked for that is from the yearly accounts to our yearly budgets but to this date we are still awaiting.

We ask for your intervention in this matter.”

This was a letter from C.R.Y to the Prime Minister of this country dated September 1, 2000 and to my shock and horror, the Prime Minister’s reply, Ref No F 1316 dated October 3, 2000 addressed to the Chief Executive Officer of Care and Respect for Youth reads as follows:

“Dear Madam

I refer to your letter dated September 4, 2000 addressed to the Honourable Prime Minister in connection with your request for funding.

I am directed by the Prime Minister to forward your letter to Mr. Monro Browne, candidate for Laventille.”

Can you imagine that, Mr. Speaker? A Government that says it cares about Orisas and Spiritual Baptists whose children are in that institution. The Prime Minister sent a letter telling the persons pleading for help to take their concerns, not to me, not to the ministry, but to the candidate, the person who has been

selected as the candidate, not even for Laventille East/Morvant in my constituency where this institution is housed, but the candidate for Laventille. So he does not even know the difference. There is no candidate for Laventille, there is Laventille East/Morvant and Laventille West.

Why should this lady take her complaint to a candidate who is on the hustings now trying to win two votes in Laventille? This too is obscene. *[Desk thumping]* Then they come here looking for political mileage for his candidate in Laventille West and pretend how much they care.

Mr. Speaker, Government has been brought to its lowest low since 1995 and if there was any doubt about that, this is testimony to that fact and every man, woman and child for the next few weeks will learn about the Government's conduct as it pretends to care, whether for Orisa or Spiritual Baptist. That Government is the worst thing that has happened to Trinidad and Tobago and we will vote them out. *[Desk thumping]*

Thank you.

5.15 p.m.

Mr. Colm Imbert (*Diego Martin East*): Mr. Speaker, obviously, the Government is of the view that it is necessary to have a mid-week session of Parliament to deal with this legislation. We have heard the other Members on this side indicate that many of these things, while on the statute books, have not really been acted upon or dealt with for a long time. There is very little record, if any at all, of persons being charged for the offences mentioned here. But, Mr. Speaker, my Christian principles are creating some difficulty. *[Interruption]*

Mr. Sudama: What?

Mr. C. Imbert: My Christian principles—you did not hear—are creating some difficulty with some of the things that the Government is seeking to do here today. Really, I would like the Attorney General to explain the rationale. For example, in the amendment to Section 43, where the words “by the practise of ‘obeah’ or by any occult means, or by any assumption of supernatural power or knowledge” are to be deleted and substituted with the words “by any false means.” What is the meaning of the word “false” in the context of this amendment? Who is to determine what is false and what is true? I find it a very, very, ambiguous amendment, and I would like the Attorney General to address his mind to it.

I have had a look at the definition of ‘obeah’ in the Summary Courts Legislation in Chap. 4:20. When we look at the definition of ‘obeah’ there—I think there are some words that may help us. The definition of ‘obeah’ contains words that talk about “fraudulent” and “illicit” means. I really have a problem with the word “false.” From a Christian perspective what may be false to me, would not be false to somebody else. And *vice versa*, from any of the other religions in Trinidad and Tobago, what may be false to them would not be false to me. I really have a problem with a Bill that deals with religion, with a word like “false” and I would really like the Attorney General to explain to me what “false” means in this context. How is one going to determine the meaning of the word “false.”

In addition, I see a definition “religious head,” what does that really mean? What is a religious head? Is that a religious leader? Is that a priest? Is it a person who is at the head of a religious grouping? I am not certain what this means. Does it mean the Archbishop? Does it mean a Bishop? Does it mean a Minister? Does it mean a Pundit? Does it mean an Imam? Exactly what does this mean? I would like the Attorney General to address his mind to that as well.

In addition, in Section 44, I notice there is the intention to delete the word “witchcraft.” If one goes into the dictionary, and one looks at the ordinary definition of “witchcraft” which stems from witch. Let us see what a witch is. “A person who practises or professes to practise magic or sorcery, or is believed to have dealings with the devil.” This is why I am saying that I am having some difficulty with this legislation. From my Christian background, I am totally against any dealings with the devil. If we have legislation which makes it an offence to practise worship of the devil or something like that, and one is now taking that out of legislation, I have a little problem. I will resist making comparisons with the Member for Couva North’s promise that he would sleep with the devil and so on. I would not delve into that, but I really have a problem. Is this an attempt to neutralize the form of words used to define religions in Trinidad and Tobago? Is it to make it totally neutral and to make it not offensive to anybody at all? Is that the intention? I would like the Attorney General to tell me that.

Before I come back to these words, I want to go into the meaning of several words. I have a very great difficulty with Section 27, Part B because this makes it an offence.

Mr. Speaker: It is the second time for the afternoon that I have heard the sound of a cellular phone in this Chamber. Hon. Members, know that that is not

on and a reasonable assumption would be that it is done and calculated to provoke. Whoever is the owner or holder of that cellular I ask them please to take it outside.

Mr. Colm Imbert: Mr. Speaker, returning to Clause 27, Section (b) says:

“27. Any person who—

- (b) strikes or threatens any violence to, or upon any civil process, or under the pretence of executing any civil process, arrests any religious head who is engaged in, or to the knowledge of the offender is about to engage in, or is going to perform, or is returning from the performance of any rites or duties mentioned in this section,...

That is very, very broad. How does one define the time period or the environment in which someone is going to engage in a religious ceremony? Even more difficult, how does one define the time period or environment when someone is returning from the religious activity? This could be 24 hours a day. I mean you could have an unscrupulous person trying to resist arrest, or whatever, by saying that he is going to perform religious ceremonies for the entire day. So that perhaps the Attorney General could look at that. I figure this is too wide.

I see nothing wrong with sanctions being imposed on persons who want to interfere with religious heads who are involved in religious services and who are actually in the process of doing it. I have a difficulty with amending the law to allow the definition to go to as wide as “about to engage in”; “going to perform;” “returning from the performance” and so on. I think this is really allowing too much leeway.

Let us come back. As I said the Collins Dictionary definition of “witch” is someone who deals with the devil. The definition of “superstition” is irrational belief usually founded on ignorance or fear, characterized by obsessive reverence for omens and charms.

5.25 p.m.

Then, if we go to the definition of occult, it says occult is:

“...characteristic of mystical or supernatural phenomena or influences...”

Then if we go to the definition of magic, Mr. Speaker, one sees again the word, “supernatural”, and so forth, and we have laws in this country, as far as I can see,

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that are opposed to devil worship. I would hate to be involved in anything in this Parliament where we are weakening the laws that deal with devil worship in this country. I cannot subscribe to any legislation that is going to promote and support the worship of the devil in this country. I am not going to support any such legislation.

My intervention in this debate has been very brief. I would like the Attorney General to assure me and to explain to me how this legislation will not encourage persons to get involved in the worship of the devil, Mr. Speaker. That is my opposition, based on my Christian principles. I have some misgivings here. I have difficulties with some of the words here and I would like the Attorney General to deal with the issues that I have raised and I want to re-raise and to repeat. If we are going to be passing legislation that will allow devil worship, I am not supporting it. I thank you, Mr. Speaker. [*Desk thumping*]

Mr. Jarrette Narine (*Arouca North*): [*Desk thumping*] Mr. Speaker, it is a privilege for me to stand this afternoon and to make a contribution on the Miscellaneous Laws Bill. At the outset I must say, apart from some of the concerns of my colleagues, that I am here to support this Bill in the main. When that time comes we will deal with those clauses—[*Interruption*]

Mr. Speaker: We are not on the Miscellaneous Laws, you know. We are on the Summary Courts Act, the Summary Offences Act, the Offences Against the Person—[*Interruption*]

Hon. Members: No, no.

Mr. J. Narine: No, no.

Mr. Speaker: Okay, okay, fine. I am sorry.

Mr. J. Narine: Thank you very much, Mr. Speaker. First I would like to respond to the Member for Siparia in that, in her contribution this afternoon, she mentioned an incident that took place in Rio Claro in a by-election up there. I think it is well recorded in the newspapers of Trinidad and Tobago that at that time I did not talk about spirit lash. It was a response from the crowd at that meeting. At first I felt that I should not say anything or be apologetic, but after a couple of days I realized that, based on my speaking at that meeting, the build-up probably meant that the response coming from the crowd was that of “spirit lash”. I did not say anything like spirit lash, so that the rest is history, Mr. Speaker.

This Bill today is being debated in the Sixth Session of Parliament. The Member for Couva South who presented the Bill, and the Member for Siparia

who spoke on this Bill, were speaking to one section of the community in Trinidad and Tobago—that is the Spiritual Baptists and the Orisa faith—on matters that concern obeah, the beating of drums, the practice of obeah and the blowing of horns and other noisy instruments in public. I am assured by the goodly Senator present in the House today that the bangeé is a noisy instrument that is used in spiritual exercises. The description given to me is one that rolls like this, and it is also used not only in spiritual functions but otherwise as a musical instrument. So that both Members who spoke on the other side, Mr. Speaker, were trying to convince a section of the community that this Bill was for them.

This Bill goes a long way because we in Trinidad and Tobago know the culture of Trinidad and Tobago and it is not about the Spiritual Baptists, it is not about the Orisa, it is not about the Shango Baptists or the Shouter Baptists, it is about the other religions too. We have had instances in Trinidad and Tobago—and V.S. Naipaul wrote a book on a certain Pundit in Trinidad, which talked about a cult that he was carrying on, and these are individuals. I am not blaming any religion because while we may have the Orisa faith from Nigeria and that part of Africa, coming here and practising—does the Member want to ask a question?

Mr. Ramsaran: Mr. Speaker, I want to be sure that he said “pundit carrying on a cult”—did the Member say that?

Mr. J. Narine: The book was based on that. Probably he was not listening, as usual, because one of his colleagues said last night that some obeah man was not at the football so we got seven-nil. You understand! Probably an obeah man should have been in Arima when we won the election seven-nil in Arima too.

Mr. Speaker, there are in all religions people who—I am speaking about the people who, according to this Bill here, deal with witchcraft and all that—are the smart men. I grew up on King Street in Arima and I have the privilege to have been born between the Hindu faith and the Muslim faith. My grandparents were both Pundits and Imam on either side and having had the privilege to grow up in Arima, I grew up in an area where I attended the Catholic church, the Anglican church, Kingdom Hall, and I went to the Shango Baptist ceremonies. Any religious functions that they had in the area, I attended.

As a young man, I remembered that at the back of the Catholic cemetery in Arima a gentleman there in the early 1950s was charged for practising obeah. He went to the court in Arima and the matter was dropped because the definition for obeah did not cause the magistrate to be convinced that he was practising obeah.

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What they brought were a pot with some candles and some other utensils that were normally used in a home at that time. Today in the newspaper they clearly said, Mr. Speaker, that we were in the Sixth Session and that the politics was going to play in the House of Parliament here, and they came here trying to play the politics with a couple of religions. But everyone here knows, including yourself, Mr. Speaker, that there are instances in Trinidad and Tobago and names that we can call in Parliament—although I am not for that this afternoon, but I will draw some references—and there were famous people in Trinidad and Tobago.

As I said, a book was written on one of them that stated that that person used to do supernatural things. As a matter of fact, there is also a psychic who has convinced Trinidad and Tobago that Ato Boldon would have won gold. It turned to bronze. I felt that we should have won gold, at least, in the Olympics, but I did not have to foresee that. I waited until the race was over and I was happy for him but disappointed that he did not bring back home gold.

Mr. Speaker, a matter was raised by the Member for Arouca South, and it is about an article in the *Sunday Express*, October 8, dealing with charging a \$20,000 bond to visiting Nigerians to Trinidad and Tobago. Apart from what she has said, we know for a fact that in the slave trade the Indians came here as indentured labourers and we were able to practise our religion and our music. We brought along our music, our language and everything else. Today there are a number of persons in Trinidad who speak Hindi because it was passed on from generation to generation.

The African people were deprived of this and persons from Trinidad and Tobago had to travel and spend years in Africa learning the religion, the various languages of the Igbo tribe and the other tribes in Africa. Do not talk about the Orisa faith and all of that. I am the Member of Parliament for Arouca North and you would know, Mr. Speaker, that in Arouca North we have had a rich history surrounding the canboulay riots. Around Forde Street there is still an area that is allocated for that massacre site and another site on George Street, and Arouca North also boasts about the African slave cemetery along the Lopinot Road in Arouca.

I was fortunate to be a local government representative the first time the Ooni of Ife came to Trinidad. We wanted to put that landmark there before anything could have taken place, so we had him place a plaque identifying the African slave cemetery. The Member of Parliament at that time indicated to the Orisa faith

that they would allocate one lot of land for that area. I became Member of Parliament in 1991 and I felt that this was unfair and I took the Emancipation and Freedom Days Committee to the now Member for Point Fortin. I am sure that he can remember quite rightly, because at that time he was the Minister in charge of Housing and Settlements.

That area, Bon Air West, was now being developed to put those 900 lots across there. We had said that houses should not be built on that African slave cemetery site. We did not know how much land it encompassed, but we were saying, and I was leading the delegation to the Minister, that at least 10 acres of land should be allocated for that area for schools and for a community centre to accommodate the Orisa. We were given the assurance at that time. I understand today that only three lots are now available, but that is something that we may have to take up at another time.

Mr. Speaker, the culture, the music and the language from Nigeria have been transferred to Trinidad and Tobago by visits of Nigerians coming to Trinidad and Tobago and Trinidadians living in Nigeria. Trinidadians are married to Nigerians and Nigerians, in turn, met Trinidadians in London and got married to them. Recently I met a family in London—the wife is Nigerian, Trinidadian husband—and they are living quite nicely, but they are all concerned about this. This is a matter to which the Government needs to put an end at this present time. Although it is in the laws of Trinidad and Tobago, I do not think that we should discriminate, one country against the other. When they stop the Nigerians from coming here they are actually suppressing the culture, the music and the transfer of religion from Nigeria to Trinidad, and I am very much concerned about that.

Mr. Speaker, we have heard from the Member for Arouca South that obeah derived from the obi seed. The obi seed did come from Africa. It was planted in the countries of the Caribbean and it eventually came to Trinidad. We know it as cola nut and it is a stimulant. So that, when one had that obi seed in one's mouth, one had extra energy.

5.40 p.m.

Mr. Speaker, I came from a village that went to Best Village for a number of years and, as a matter of fact, on three occasions we won one special category at Best Village. The first year Samaroo Village went to Best Village we won best drumming. I have seen that drums are a spiritual thing, and one had to be very quiet before one starts to play those drums. There was the smoking of the drums and certain prayers were said before one starts to play the drums.

Mr. Speaker, one night, before we went to the savannah for the finals, my goodly neighbour, a lady, was very far from the drums and she had never danced before but she was in the choir. The lady started dancing and she danced for five hours. So there is something in drums that carry the psychic and it is not only African drums. The tassa is one of the most popular drums in Trinidad and Tobago today.

Mr. Speaker, long ago, there used to be night weddings, so you had weddings from six o' clock in the evening to six o'clock the next morning, and one had to travel with these drums from miles away. The last night wedding I went to was in Caroni where the "Dharmachan" daughter got married down somewhere in Avocat—I cannot remember where it was because I was very young at that time. The person got married to a pundit's son. Today, we do not have many night weddings again—although, I know that some people traditionally do it.

Mr. Speaker, with respect to the freedom of worship, this matter that we are dealing here with, very rare you will find persons being charged for these matters. Why I spoke about Best Village it is not only at Best Village we played the drums. After Best Village we would take our drums to various institutions around Christmas time treating the children. We played the drums with African dancers and so on. We did this as a matter of culture in order to carry some joy to the young people of the orphanages; the Blind Welfare Institute; the Lady Hochoy Home and so on. We are quite aware of the significance of the drums.

Mr. Speaker, to say that the People's National Movement did nothing between 1991 to 1995 is not so. We had a committee set up and I remember the former Member for St. Joseph was the chairman of that committee. There was some difficulty with saying whether the holiday should be "Indian Arrival Day" or "Arrival Day". That committee went all over Trinidad and Tobago looking for consensus. There were a number of persons who thought that it should not be "Arrival Day" for one particular set of people in Trinidad and Tobago and it should be "Arrival Day" for everybody, because everybody arrived here.

Mr. Speaker, some people did not have the date of their arrival—it was fortunate that my fore-parents had theirs, my great, great, grandparents—so that they knew of a date. It should have been "Arrival Day". So to say that we did not do anything is not telling the truth in this Parliament. I feel that at that time we had started it and we went all over Trinidad and Tobago and got the consensus of the people. After 1995 what took place is what we are dealing with here today.

Mr. Speaker, I remember that there was a Baptist person who bought from my mother's shop. My mother had a little shop on King Street and that person was one of our best customers. This lady had a son who was charged for murder. Her son was under the influence of alcohol one night and it was claimed at that time that her son stabbed someone and he was charged for murder and he was set free. There was a week of celebrations on King Street in Arima and every night all of us went to the celebration—whether they had to slaughter any animals for sacrifice or anything like that—all religions do it. So we attended those functions apart from the gentleman who I told you about on that very street who was charged and brought before the court.

Mr. Speaker, there was a famous pundit down at Cocorite Road in Arima—as I am on this point now, I am saying here today that this goes beyond religion and it goes for everyone—and I had a fortunate experience attending school with this person's son. The pundit from Cocorite Street in Arima—his son told me something that I will never forget. He told me there was a certain gentleman who used to drink every Friday and will go home and get on very bad. His wife went to this famous pundit who was deemed to be a seerman, obeah man and all of that. The man realized—because he was a very smart person and intelligence is what caused him to solve the problem—that “it takes two to tango”. The pundit gave her a bottle of water and told her on a Friday evening, when her husband comes home intoxicated to take a mouthful of water and do not swallow it and wait until he falls asleep and then spit it out.

Mr. Speaker, so after the first Friday there was no reaction when he came home and got on. His wife said nothing because her mouth was filled with water and after three weeks he stopped drinking because he started thinking it over during the week that something else was wrong and he had to stop drinking because his wife probably has some other activity going on. So it was just that he was very intelligent. This is what the Member for Diego Martin East mentioned in his presentation. There are smart persons outside there who fraudulently take people's money and say it is spiritual and they can do something to help. Do you understand! When you pray to God and ask for something, that is spiritual.

Mr. Speaker, even the Member of Parliament for Arima—I am sorry he is not here—one of his financiers who has a large supermarket in Arima—I grew up on that very street as I told you. There are persons there who said there is a snake upstairs and some people saw it in the supermarket at one time, and they “poojee” the snake, they adore the snake.

Mr. Maharaj: They “poojaa” the snake.

Mr. J. Narine: They “poojee” the snake, not “poojaa” the snake. [*Laughter*] So we know that when you go to a priest and he give you a “tabiche”—we know it as “tabiche” but other Christian religions know it as a “guard”—

Mr. Valley: Like the yellow band on their hands.

Mr. J. Narine: Yes. I mean there is a psychic that is famous among Members on the other side. They go to her in Mt. Lambert and their wives also go and tell her what are their husband’s problems and when the husbands go she tells them what is going on and they are amazed. [*Desk thumping*] I understand some of them bought rings for \$5,000 in front. So to come here and mention the Baptist or the Orisa is just playing politics with the people of Trinidad and Tobago.

Mr. Speaker, this is election time and I am certain that the Government will not gain a single vote by coming here to do what it tried to do here today. [*Desk thumping*] Even with the “flambeaux”—when one talks about lights and so on—the “flambeaux” are an integral part of our culture in Trinidad and Tobago. “Flambeaux” are not for one religion. It is a means of getting light. When I was a young man, I used to spend vacation in Cumuto and there were “flambeaux” in Cumuto, and whether you were an Indian, African or Chinese, everyone used a “flambeaux”.

Mr. Speaker, for Emancipation celebrations in Arouca this year, you must have seen thousands of “flambeaux” across the streets.

Mr. F. Hinds: Thousands! Thousands!

Mr. J. Narine: Mr. Speaker, let me say something about the Emancipation celebrations. Mrs. Marilyn Gordon was, at that time, the Minister of Culture and there was this thought that came up that Columbus did not discover Trinidad and Tobago—there were people living here before—and Discovery Day should be changed. Some persons thought that the Cedula of Populations should be named after that very day that we used to call Discovery Day.

5.50 p.m.

I was around as a local government representative at the time and when the research was done, we decided no, we were not going to go for cedula of population and Mr. Lancelot Lane, who was alive at that time, and who spent a number of years in Africa, came back home and we started that march from Five Rivers Junction the year before the holiday was declared Emancipation Day.

We, the People's National Movement, went about our business in a very calm and constructive way. We did not wait for elections to come here and say you must move obeah from a book to suit somebody's religion to try to get a couple votes. They would not get any votes from Arouca North, neither Arouca South, even in Couva North or Couva South, because that is not in keeping. They have seen through the falseness of this Government.

Mr. Speaker, blasphemy was taken off the laws here. We know that Mr. Salman Rushdie is still hiding because he wrote a book on Islam and the Muslims felt it was blasphemous against the Islamic religion. They said that he will have to die and it is about 10 years now he is hiding all over the world. If someone should blaspheme against the Islamic faith and that should happen to him, I feel that the laws for blasphemy are well written into the Christian books, the Holy Bible and so forth, and we all know what is blasphemy. We have certain privileges in Parliament. We do not blaspheme but we say certain things that sometimes get contentious.

Mr. Speaker, when they talk about obeah, Trinidad and Tobago has a culture that dealt with that over the years. We had no problems. The only problems we have in applying to get a licence to beat drums, or anything like that, is that if one is carrying a tassa group for a wedding or anything, one needs to get permission for the tassa group to ride on the back of a vehicle to beat the drums. It must be well secured.

If one is going to have celebrations in a built-up area, there may be neighbours who will object, so one must apply, and when that objection is heard, then one gets that licence. I feel that we did not have a problem, and while I support removal of these opaque laws—laws that are hundreds of years old—from the statute books, because of the area that I represent, I would like to support this Bill and to thank you very much for giving me this opportunity this afternoon.

I thank you. [*Desk thumping*]

The Attorney General and Minister of Legal Affairs (Hon. R. L. Maharaj): Mr. Speaker, when politicians want to support a measure, they have different ways of saying it, and when they want to oppose a measure, they also have different ways of saying it. I sat here this afternoon and I really do not know whether the Opposition supports this measure or not. I am getting the impression that they are against the measure.

Mr. Valley: Yes.

Hon. R. L. Maharaj: If they are against the measure, I understand why they would be against it; because I quoted from 1917. In 1917, the Government of the day, in the colonial set-up, thought that the Baptists made themselves such an unmitigated nuisance that they had to be legislated out of existence. They said that the practices in which they indulged should not be tolerated by a well-conducted community. It seems as though the prejudices which existed against the Baptists in 1917 still exist today in many forms. *[Laughter]*

Mr. Speaker, it does not take anyone who has gone to university to know that if, as the world has developed and religions have developed, in 1917 the whole society here was dominated by a certain established Christian church, therefore every other religion was regarded as heathen in those days. The world has changed. In 1917, when the Shouter Baptist Ordinance was passed, a few years later they passed all these laws and it was not until 1951 that the Shouter Baptist law was repealed. When the Summary Courts Act was passed and the Summary Offences Ordinance was passed, these laws were there as part and parcel of the package to discriminate against non-Christians in that context, and everything was regarded as obeah, occult, heathen and so forth.

Mr. Speaker, what we have to understand is that when the hon. Member for Diego Martin East talks about devil worship, as a matter of fact, it was the belief in 1917 that when Shouter Baptists went and they rang the bell and talked and they preached in the way they preached, they were worshipping the devil. That was what was thought.

Mr. Imbert: Nonsense! Were you there?

Hon. R. L. Maharaj: That is the whole philosophy of this. It is thought also that when the Orisa faith conducts their religious observances, that is worshipping the devil because there are animals, birds and all sorts of things. When the colonial government put in the law—it had been asked who will determine what is obeah and who will determine what is false—obeah signifies every pretended assumption of supernatural power, it means to say that if we keep this thing “supernatural power”, every priest who gets up to talk, could be guilty of obeah. Every pundit who gets up to talk could be guilty of obeah, every Swami, every Imam.

When a crusader comes from abroad and says he is going to heal the sick, he is pretending to have supernatural power, then? What has happened is that we have grown as a diverse country, but we have not learned to recognize that we must accommodate other people's religious beliefs and observances. This Bill is

not about all these things about devil worship. This is about: are we prepared to leave on the statute books laws which, on the face of it, are discriminatory to other religions? That is what it is about.

I do not believe that the other side, especially the Member for Arouca North, does not know that up to today, people in the Orisa faith have to get permission from the police for them to conduct worship when they have the ringing of a bell. Up to today they have to do it. There are people sitting in the public gallery today who have to do that, and how could we come here today and say this is merely to remove something that is not important?

They say that we are gallerying and that it is election and so forth, when the records would show that over the last four years, there have been discussions and attempts to block; there has been conciliation and accommodation from other religions. We met with the Inter-Religious Organization. It is part of a journey in which it has come to an end where we have to make a clean break of what was there as discriminatory.

I would have thought that the Opposition would get up today and say, "Listen, this is long overdue. We regret we could not have done it. We apologize to the Baptists and the Orisa. We apologize to all who suffer". *[Desk thumping]* "But notwithstanding the fact, it is not too late. We are glad it is being done." *[Interruption]* Mr. Speaker, instead of that, what we have, if there is politicking, not on this side. There is politicking on that side. If there is gallerying, it is not on this side. It is on that side.

Mr. Imbert: You are a devil worshipper!

Mr. Speaker: Order please.

Hon. R. L. Maharaj: Mr. Speaker, this Government is a Government which has shown that it does listen. It considers, and I am prepared to take what the Opposition has said, consider it and come back, and we will do the committee stage and I will complete my address. *[Interruption]* *[Desk thumping]* *[Laughter]*

Mr. Speaker: Order please.

Hon. R. L. Maharaj: Mr. Speaker, what I want to say, however, is that I have spent some time reading about religion and I am sure the Members of the Opposition have read. There is an article in the Guardian of April 5, 2000: "Obeah giving life to our breath". When one reads that article, one would see that

what has happened over the years was that everything was considered obeah. They associated African religion with obeah. *[Interruption]*

I would have thought that the hon. Member for Laventille East/Morvant would have been the first person to get up here and support this. As a matter of fact, these laws which are on the books are also discriminatory against the Rastafarian faith. They are discriminating against them, and I would have thought that he would come here and say, "Listen, this has been discriminatory against me and my people, my predecessors, and I would want to ensure that this is removed. I would not have been talking about what he had been talking if I were him. I would have been so happy to get this out of the way.

Mr. Speaker, I wonder whether the hon. Member for Laventille East/Morvant really talks to the people of Laventille. I wonder if he talks to them? I do not know. They talk to me. *[Laughter]*

I heard a lot here about land, and so forth. In 1994, somebody from the Orisa faith was arrested, under these laws. The Opposition brought a motion to have the laws changed and the lady who brought that motion in the Senate is sitting in this Parliament today. Mr. Speaker, the government of the day objected to the laws being repealed. They objected. I think the Opposition owes an apology to the Spiritual Baptists, the Orisa and all those faiths. I would hope on the next day that one of the Members of the Opposition would get up and I would give way for him or her to make a formal apology to the Baptists, the Orisa faith and the Rastafarian faith for holding back these reforms for so long.

Mr. Speaker, I would not complete my contribution today. I would ask that I defer the further part of my contribution and the committee stage for the next day.

ADJOURNMENT

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, may I take the opportunity of moving the adjournment of the House at this stage? I beg to move that this House do now stand adjourned to Friday, October 13, 2000 at 1.30 p.m. On that day we will complete this matter and we had promised also today to do the Offences Against the Person Bill, the Categorization of Murder, and we will do the committee stage of the Integrity Bills. If we do not finish Friday, we will come Monday.

Mr. Speaker: Am I to understand that you are saying you are adjourning to black Friday?

Adjournment

Wednesday, October 11, 2000

Hon. R. L. Maharaj: I did not know it was black Friday, Mr. Speaker, but I am of the belief that no matter if it is black, with you in the Chair, there will always be light.

Mr. Speaker: Thank you.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 6.06 p.m.