

**HOUSE OF REPRESENTATIVES***Wednesday, June 30, 2004*

The House met at 1.30 p.m.

[MR. DEPUTY SPEAKER *in the Chair*]**PRAYERS****PAPERS LAID**

1. White Paper on the Reform of the Financial System of Trinidad and Tobago. [*The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley)*]
2. Annual Administration Report of the Betting Levy Board for the period July 01, 2002 to June 30, 2003. [*Hon. K. Valley*]
3. Seventy-first Report of the Salaries Review Commission of the Republic of Trinidad and Tobago. [*The Attorney General (Sen. The Hon. John Jeremie)*]

**Salaries Review Commission**

**The Attorney General (Sen. The Hon. John Jeremie):** This report speaks to the emoluments, and revised terms of service of officers falling under the purview of the Judicial and Legal Service Commission.

**PUBLIC ACCOUNTS COMMITTEE  
(FIRST REPORT)****Presentation**

**Mr. Gerald Yetming** (*St. Joseph*): Mr. Deputy Speaker, I wish to lay on the Table the First Report of the Public Accounts Committee of the Parliament of the Republic of Trinidad and Tobago, and it is my intention to seek to have the Report adopted at a later date.

**REFORM OF THE FINANCIAL SYSTEM OF TRINIDAD AND TOBAGO**

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Mr. Deputy Speaker, I am authorized by the Cabinet to make the following statement.

I am pleased to lay on the Table the White Paper on the Reform of the Financial System of Trinidad and Tobago. This is only one of the reform projects which are currently being undertaken by the Government.

In 2002, the Government identified the need for reform of the financial system, which is necessary in light of the development of the system in terms of

both the institutional mix and range of financial instruments, and the need to expand its potential growth.

Mr. Deputy Speaker, while our financial sector is stable and sound with increasing potential for further growth and development, there are limitations that need to be addressed and challenges overcome to prepare the sector for the achievement of developed nation status. This is an imperative since developed country status implies a well-developed and modern financial structure.

To this end, a committee was appointed by Cabinet to undertake a review of the financial sector of Trinidad and Tobago and to make recommendations for a more efficient, integrated and dynamic sector that allows for the rapid development of the domestic economy, paying specific attention to the following sectors: the Banking Sector, the Capital Market including the Trinidad and Tobago Securities and Exchange Commission and the Trinidad and Tobago Stock Exchange, the Insurance Industry, the Pension System, the Mutual Fund Industry, the Credit Union Sector, and the Venture Capital Incentive Programme.

Out of this activity, the Green Paper on the review of the financial sector was developed and subsequently laid in Parliament in this House in May 2003 as the first step in Government's policy towards the reform of the financial system. Based on the comments received on the Green Paper, Cabinet appointed a White Paper committee charged with the responsibility of reviewing and strengthening the Green Paper and converting it into a White Paper. Cabinet further agreed to the development of an implementation plan and schedule.

The committee met on 14 occasions over the period October 2003 to April 2004 and completed its task. This White Paper on the reform of the financial system in Trinidad and Tobago is the end product of that exercise and this is Government's policy on the financial sector.

The policy framework and vision outlined in the White Paper focuses on making Trinidad and Tobago the Pan Caribbean Financial Centre of the Association of Caribbean States (ACS) region. This Pan Caribbean Financial Centre would be globally competitive, highly responsive, market driven, well supervised and regulated, and private sector led.

It would consist of:

1. A well diversified range of multifaceted and flexible financial institutions which provide real time delivery of the entire spectrum of financial instruments and services and which are well integrated with the rest of world.
2. An efficient and effective payment system.

3. An adequate, reliable and timely information system that enables borrowers and investors to monitor and diagnose financial performance and hence allocate resources effectively.
4. A strong legal and prudential regulatory infrastructure that emphasizes financial soundness and stability and the application of rules and a code of conduct that is consistent with international best practice.
5. A modern information technology environment that enables delivery of cost effective services.
6. A well-educated skilled and flexible cadre of professionals with trading in finance, economics, business, accounting, law and information technology.

While the centre would be private sector led and market driven, the role of the Government in creating this centre would remain pivotal. Government will be a facilitator; it would also be an innovator and developer if there is the need. As facilitator, the Government would ensure that the necessary infrastructure and sporting institutional arrangements are in place within the shortest time frame possible.

Mr. Deputy Speaker, it is known that the Government has acted in the past as an innovator and developer in the financial market and as I said, we would do so in the future when there is the need. For example, Mr. Deputy Speaker, the creation of institutions such as the Unit Trust Corporation and the Home Mortgage Bank required government's input. There were gaps to be filled in the financial sector and the Government rose to the occasion and filled them with the creation of those institutions. Government would continue to participate in the market when social needs are not being met, or when there are clear market imperfections or significant market risks that the private sector is unable to handle.

Moreover, Government would put in place a number of supporting infrastructural arrangements thereby ensuring that the vision of the Pan Caribbean Financial Centre becomes a reality. These include:

1. Implementation of the relevant aspects of the Basle committee requirements on effective banking supervision and regulation and a new Basle Capital Accord.
2. Adoption of the relevant Bank of International Settlements Core Principles.
3. Adoption of the relevant aspects of the International Financial Reporting Standards.
4. Development of the Regulatory and Supervisory Infrastructure.

5. Establishment of a Single Regulatory Authority with an Interim Regulatory Council.
6. Modernization of the Legislative Framework.
7. A competitive Taxation Regime.
8. Competition Policy.
9. Development of Modern Information Technology Architecture.
10. Establishment of a Financial Services Ombudsman.
11. Establishment of a Small Claims Court.
12. Establishment of a Regional Credit-Rating Agency.
13. Establishment of an Automated Credit Bureau.
14. Establishment of a National Payments System.
15. Development of Information Vendors.
16. Establishment of an Insurance Fund.
17. Establishment of a Motor Insurance Bureau.
18. Development of the required Human Resources.

To support the institutional arrangements, we propose to upgrade and modernize the legal framework over the next 12 months by bringing to this honourable House legislation with respect to the:

1. Financial Institutions Act, 1993.
2. Securities and Industries Act, 1995 and its by-laws and associated legislation.
3. Insurance Act.
4. Co-operative Societies Act.
5. Mutual fund industry
6. Pension fund industry.

We have already brought to Parliament legislation with respect to the Venture Capital Regime.

Our implementation schedule projects a completion date of December 2006. To ensure achievement of this schedule we have established an implementation committee to manage the process.

Mr. Deputy Speaker, in undertaking this assignment, we have had extensive consultation with the key stakeholders in the industry. All have given their full support to the White Paper. I therefore commend this policy initiative to this honourable House.

Thank you.

### CONSTITUTION (AMDT.) BILL

[SECOND DAY]

*Order read for resuming adjourned debate on question* [June 29, 2004]:

That the Bill be now read a second time.

*Question again proposed.*

**Mr. Basdeo Panday** (*Couva North*): Mr. Deputy Speaker, let me at the outset say I will keep referring to you as Mr. Speaker, because it is more convenient, and because that is what ought to have been. [*Desk thumping*]

Mr. Deputy Speaker, it is a pity that these three Bills, which can have such far-reaching effect upon the people, are being dealt with in such a cavalier manner and sometimes even as if they were trivial.

I have listened to the hon. Prime Minister and I want to tell him that these Bills are not about a contest between the Prime Minister and the Leader of the Opposition. [*Desk thumping*] These Bills are not about the Crowne Plaza Accord; that has long gone.

Mr. Deputy Speaker, it is said that those who allow the chains of the past to so chain them to the present can never move into the future. These Bills are not about the Member for Oropouche, whether he is running towards or away from some talk show host. It is not about that; that is treating it as trivial.

This Bill is not about using the misfortune of a little infant to ingratiate oneself. The Prime Minister having said that, it begs the question: Did he also hug the brothers and sisters, the husbands or wives of the 600 people who have been murdered since he came into office? Because that is what it is, over 130 only for this year. This Bill is not about that. It is not about how much taxpayers' money is being spent on propaganda. It does not matter whether it is \$1.3 million, \$2 million or \$5 million. That is a scandal all on its own. [*Desk thumping*]

These Bills are not about where the proposals came from. The fact remains that they are now here before the House and we must debate them. These Bills are not about Hitler and Goebbels even though the Prime Minister's reference to the

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German dictator may well have been Freudian, but Mr. Speaker, it is instructive that as soon as the Prime Minister finished his contribution he left the Chamber even while the hon. Member for St. Joseph was replying. I do not know if that was discourtesy.

These Bills are also not about de Tocqueville and Montesquieu. As a matter of fact, de Tocqueville was a French aristocrat who went to the United States in 1831, that is 173 years ago, and he wrote a book which I believe must have been the one referred to called *Democracy in America*.

Mr. Deputy Speaker, that book deals with religion, the press, money, class structure, racism—maybe that is why he referred to it—the role of the government, the judicial system and so on and there were issues that related to the United States of America for 173 years ago.

I do not know if what attracted the Member was the fact that on December 03, 1851 Alexis de Tocqueville was imprisoned for his opposition to the coup of Louis Napoleon who had seized control of the government in a coup d'état.

Mr. Deputy Speaker, this Bill is not about Montesquieu, and truly it has been said that a little learning can be a very dangerous thing. Baron de Montesquieu was born in 1689 famous for his book *Spirit of the Laws* and I do not know if the Member read what he had to say about man-made laws, but this is not the time to educate him.

When we spoke of checks and balances he did not understand. These are not about cheques that one receives from Nipdec and these are not balances that are written off whether paid or unpaid. [*Desk thumping*] If he did not understand I would have told him.

Mr. Deputy Speaker, these Bills are about whether this nation shall become a police state. That is what these Bills are about. These Bills are about whether those perceived to be against the Government will survive or be annihilated by an oppressive Government. These Bills are about whether there will be a knock on your door in the middle of the night, as it was in the case of the dictator you referred to, Hitler in Germany. I told you it was a Freudian slip when the Member referred to him.

These Bills in fact, provide a timely opportunity to examine our Constitution and change some of the provisions that have outlived their usefulness. This Constitution is 42 years old and I would say that despite the fact that in 1976 there was the Republican Constitution, which merely changed the form leaving the substance untouched. So if one compared the two, you will see that this Constitution is 42 years old.

Mr. Deputy Speaker, I believe we have a wonderful opportunity in this Parliament at this time and we must not miss it. The public debate on these Bills forced upon the Government by the Opposition has raised public consciousness to an unprecedented level and we must not miss this opportunity to foster further public debate with the view of ushering the measures of meaningful constitutional reform that would take care of those measures that have outlived their usefulness.

We have an opportunity to decide where this nation goes from here whether we go backwards as a nation under siege or whether we go forward with the objectives of producing the progressive and happy society that our people so long for. It is against this background and with these objectives in mind that I joined this debate.

The Constitution (Amdt.) Bill basically seeks to replace the Police Service Commission with the Police Management Authority. If the Police Management Authority is to be appointed in the same manner as the Police Service Commission, then the first question to be asked is how will it improve the management of the police service?

Our first concern is that the effective provisions of section 122 are virtually to put the Prime Minister, and by extension the Cabinet, the Government, and the ruling party in control of the police service and if that happens it would mean a police state.

We have a duty to this country, a duty to the innocent people, to prevent the PNM from converting Trinidad and Tobago into a police state. I say this because it flows from the manner of appointment of the Authority. Section 122(1) which is really clause 8 of the Bill says:

“The Constitution is amended—

- (a) by deleting the heading ‘Police Service Commission’ appearing before section 122...”

I think I ought to mention at this stage that when my colleagues and I met with the Prime Minister and the past Attorney General, what purported to be amendments are not before the House and because they are not before the House they cannot be debated. When they are laid—as I understand the rules—we may start the debate all over again.

The heading of those amendments said they would be put in at the committee stage. That is to insult this House. That is to put before the House at committee stage amendments to these Bills which cannot be debated and where you tell

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Members they either accept them or throw them away. Maybe I should not refer to them at all. I ran into that difficulty when I read the first clause because it purports to delete “and substituting the heading ‘Police Management Authority’” and so on, but I will leave that alone.

Section 122(1) says:

“There shall be a Police Management Authority which shall consist of a Chairman and five other members with experience in the disciplines of law, finance or management.”

Just look how it says that they shall be appointed.

“(3) The members of the Authority shall be appointed by the President on the advice of the Prime Minister and Leader of the Opposition, and in the event that such advice is not forthcoming within such time as the President may deem reasonable, the President shall exercise his own deliberate judgement and appoint the members of the Authority in conformity with subsection (1).”

Even with the amendments proposed I can tell you that it makes no difference because the effect of this piece of legislation enables the Prime Minister and the Cabinet to control and determine the persons to be appointed by the Authority and I will tell you how it can be done. It is not farfetched, it is quite easy.

First, all the Prime Minister has to do is disagree with anything the Leader of the Opposition says. That is all he has to do. I am not saying this Prime Minister you know, I am arguing about the Bill. It could be any Prime Minister, even one coming after him—Dr. Rowley, oh sorry—any Prime Minister.

I am saying all the Prime Minister has to do is disagree with the Opposition and, therefore, no advice is forthcoming to the President and all the Prime Minister has to do is tell the President that such advice is not forthcoming and the President says he would give a reasonable time to let me have them—about a week or so, or whatever it is—and if I do not get anything from you, I shall appoint them myself. Or if the amendment they are talking about comes into being, he will now appoint them after consultation with the Prime Minister and the Leader of the Opposition.

**Mr. Manning:** How would you advise us to make the appointment?

**2.00 p.m.**

**Mr. B. Panday:** My friend is in a hurry. I can well imagine why.

The trick is that the President is not an independent person. Again, I am not talking about personalities here; I am talking about the office, about the law. The



President is not an “independent person” not because of anything of the person of the President, any feeling of the President, it is because of the way he or she is appointed. The President is appointed by the Electoral College and we know that the Electoral College consists of the Parliament which is made up of both Houses. Then the composition of the Electoral College is such that the Government would have a majority. So that anybody the Government, the Prime Minister, the Cabinet, wants as President, he will be President. He is a creature of the government in power. [*Crosstalk*]

That inspires me and invigorates me because I know it is having an effect. [*Crosstalk*]

**Mr. Ramnath:** “Shut up and listen nuh!” You should know better! It is better you get up and speak!

**Mr. Deputy Speaker:** Hon. Members, this is why—

**Mr. Ramnath:** You are an arrogant fool!

**Mr. Deputy Speaker:** Hon. Member for Couva South, I am on my feet. Hon. Members, this is what I am trying to avoid. When you obstruct a Member from speaking, we then get the reaction on both sides. So, would you please allow the Member for Couva North to continue? I know your skill, Member for Diego Martin Central; I know you are going to be able to reply.

**Mr. Valley:** Mr. Deputy Speaker, I want to apologize, it is simply that—

**Hon. Members:** No, no, you cannot make a statement!

**Mr. B. Panday:** Thank you, Mr. Deputy Speaker. The point I was making is that the President—I am not talking about persons here; I am saying because of the way he is appointed, he is a creature of the Government and if he is a creature of the Government, he cannot be truly independent. And if the President is not independent, how can he or she appoint an independent body? It follows logically that he cannot.

So that the appointment of the Police Management Authority cannot, by definition, be an independent body, but a body that can be influenced even if the President is appointing on the advice of the Prime Minister and the Leader of the Opposition. I want to tell you—and, again, no criticism—consultation under this Constitution is a total farce, and as long as the President continues to be a creature of the Government, the Cabinet and the party in power, consultation will always be a farce. One has only got to look at the boards appointed after consultation and to look at its composition and see it belongs to a certain class; it belongs to a

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certain area; it belongs to the cocktail circuit. They do not include people from Barrackpore, Point Fortin, La Brea—sorry—and people from Mayaro. They come from a certain class and that is because of the way the President is appointed.

So that if the Prime Minister can determine who the President is, then he has an influence. The President is not a silly person.

**Mr. Manning:** He is beholden.

**Mr. B. Panday:** Of course, he is beholden. Whether he retains office or not is also dependent upon the Government in power. Incidentally, this Bill is not about Mr. Robinson either.

If the President can be influenced as to who is going to be appointed to the Police Management Authority, then surely how the Authority conducts its business can always be influenced by the Prime Minister, the Cabinet, the Government and, by extension, the ruling political party. This is a problem in the entire Constitution. It applies to the Public Service Appeal Board, which is a matter that we are concerned here with; appointed the same way. It applies, I think, to almost all the service commissions to which the President appoints in the manner that I have spoken of. Again, this is not to condemn any person; this is to condemn a system.

But after the President has been appointed in this manner and assuming that he is influenced by the Prime Minister, Cabinet, Government, what have you, the President's decision is not subject to review by anybody; not by the courts. You cannot take him before the courts for judicial review. So he can appoint anybody and, assuming he is acting on the advice of the Prime Minister, he can appoint anybody and nobody can question him. The courts cannot question him at all. He is accountable, really, to nobody.

We have come a long way since independence. Should we continue with that kind of provision in the Constitution? Have we not advanced far enough to remove a clause like that and to make the President elected in a manner in which he cannot be influenced? Make him be elected in a manner that he feels beholden, not to the Prime Minister, not to the Government, not to the Cabinet, but rather to the people. Probably we should change the way that the President is elected and have him elected by the people, on the basis of one-man-one-vote. Then he will be accountable to the people. As it is now, he is accountable to nobody. What if the President's acts are tainted, say with racism, with bias, with patronage, cronyism, what is the redress; what is the remedy?

**Mr. Manning:** Impeach him.

**Mr. B. Panday:** Impeach him, where? Before a body over which they have the majority. We are back to square one. It does not make sense. The time has come for us to move beyond these archaic, ancient and outdated methods of doing things if you want to get into the modern world society.

Therefore, we propose—and we intend to put proposals before this House. We are not coming here just to criticize at all. The first proposal we have is that the method of selecting the President should be changed by constitutional amendment. [*Desk thumping*]

The second proposal we have is that there must be also constitutional change, again that makes the decisions of the President subject to judicial review. [*Desk thumping*] As I have told you before, a similar problem with respect to appointments obtains in the appointment of the Police Complaints Authority, a Bill that is before us, and this Bill speaks of appointments. Clause 5 says:

“The Authority shall comprise a Director and a Deputy Director to be appointed by the President on the joint advice of the Prime Minister and the Leader of the Opposition.”

Of course, I think a proposal in coming to say that if they cannot get the advice, to bring it in line with what section 122 says, that if such advice is not forthcoming, the President may appoint after consultation with. The point I have made is that consultation is a farce, totally meaningless.

In clause 8 of the Constitution (Amdt.) Bill, it speaks of the provision of adequate staff. Clause 8, new section 122(7) says:

“The Authority shall be provided with a staff adequate for the efficient discharge of its functions and may from time to time engage such special services as it may deem necessary.”

The questions to ask are quite obvious and I think they were alluded to by my colleague from St. Joseph yesterday. That is, who will determine adequacy? The Authority, I imagine. But who appoints? Again, the Authority, I imagine. But here is an Authority appointing and that Authority itself was appointed by someone whose appointment was influenced by the Prime Minister and the Cabinet.

What criteria would be used in order to appoint? There are no criteria I see that have been set down. Suppose they decide to pack it with PNM hacks, as my friend was talking yesterday, pack it with the boys, so to speak, indeed, as they

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have done with the Integrity Commission. Why do you think all the information from the Integrity Commission is splashed all over the pages of the—

**Hon. Member:** Oh, that is what it is about.

**Mr. B. Panday:** Where are the provisions for appointment by a meritocracy? There are no provisions for appointment by meritocracy. They can appoint whom they want. Must there not be some kind of control over this? Has this not been the problem in the society for so long? To whom are they answerable? I would say the Authority is answerable to nobody if it packs it with PNM hacks. It just provides jobs for the boys; it is responsible to no one. And remember clause 8, new section 122(8) states:

“The Authority shall determine its own procedures for the conduct of its meetings.”

Mr. Deputy Speaker, proposal No. 4: We must amend the Constitution to ensure that all public bodies that appoint persons must be based on merit and not on race, religion and any such irrelevant consideration. I had said earlier on that I believe that the Police Management Authority is not subject to the control of anybody. I do not believe it is subject to the control of the Parliament as some of the others are—

**Mr. Manning:** What is proposal No. 3?

**Mr. B. Panday:** Proposal No. 3: Amend the Constitution to ensure that all public bodies appoint persons on the basis of merit and not any irrelevant considerations such as race and party and that sort of thing.

I was going on to say, when I was speaking about whether the Police Management Authority is subject to any scrutiny at all, it appears to me that they are not even subject to the scrutiny of the parliamentary joint select committees. But even if they were, experience has taught us that the Government can frustrate the operations of the committee by making sure that there is no quorum. They are doing that at the very moment, where these committees are supposed to investigate certain bodies, and so on; it must have a quorum; the quorum must contain a certain number of persons, the Government representatives on the committee make sure that they are absent from the meeting so that there is no quorum and the committee cannot do its work.

So proposal No. 4—I have many proposals—we must amend the Standing Orders of the Parliament to read as follows:

The quorum shall consist of any given number of Members—two, three, four, five, whatever it is—but after half an hour of the convening of such a meeting there is no quorum, then the meeting shall adjourn to a date to be fixed at which time the Members present shall constitute a quorum.

That is put in most legislation and in most associations in order to prevent frustration of the rules.

Mr. Deputy Speaker, you are an old hand at the law, like myself, and you must have remembered the case of TICFA, where the management of TICFA was always frustrated by the failure to have a quorum, and the only time there would be a quorum was if they shifted the meeting the night before to Blanchisseuse or Chacachacare. So they were able to frustrate. So that is a common thing. You can frustrate the operations of the law here by failing to have a quorum. So that was proposal No. 4.

In clause 8, new section 123 now, the Police Management Authority is given certain powers and the powers given to the Police Management Authority, if you read them and you read the existing law, you would see, as my colleague from St. Joseph said yesterday, make no fundamental difference. That is to say, all they have done is that they have given the Commissioner of Police management below a certain level and above a certain level. Before that, the Police Service Commission had the identical authority and powers and they had delegated them all to the Commissioner of Police. So that the powers given by the new amendment, section 123, already exist and they are already enjoyed by the Police Service Commission under the present law. It is just that those powers are delegated. Even the power of the Prime Minister to veto is kept in the new amendment. It is kept in the new section 123(3). That is to say, it again puts the Prime Minister in a position where he can determine who the Commissioner of Police is, because anybody that the Authority appoints, the Prime Minister can say: "I object."

Clause 8, new section 123(3) reads:

"Before the Authority makes an appointment to the office of Commissioner or Deputy Commissioner of Police it shall consult the Prime Minister, and a person shall not be appointed to such an office if the Prime Minister signifies to the Authority his objection to the appointment of that person to such an office."

Let us look at the effect of that. The effect of that is that the Authority makes an appointment; the Prime Minister says he is the wrong one—

**Mr. Manning:** In consultation first; you just said that.

**Mr. B. Panday:** The Prime Minister says, “No, I do not want that person”; the Authority must now go and find another person. When the Authority finds another person, the Prime Minister again says: “No”. That is what the law allows. I am not saying you will do that. You might, but I am not saying that. What I am saying is, any Prime Minister can say: “I do not like the second one either; I do not like the third one; no, I do not want the fourth one”, until the penny drops; until the commission wakes up and smells the coffee and the commission says: “Wait a minute, I am not going to get anybody there unless I find out who the Prime Minister will not object to.” So the rational thing to do would be to consult with the Prime Minister, whoever he is, and find out whom he wants. So the Prime Minister determines who the Commissioner of Police is. Then the Police Commissioner has control over those between superintendent and all the rest of them.

I saw a letter on my desk yesterday from the Sanatan Dharma Maha Sabha and I understand that the recommendation they have made was circulated to all Members. They have a very unique suggestion about this clause, but whether we agree with it or not is not the point. The point is, suggestions are being made by the people and they are not being considered by the Government.

Mr. Deputy Speaker, having laid the background of the power of the Prime Minister and the Government to almost control the police service, I would tell you what gives us fear. You know, Sir Ellis, I read in the newspapers, had said that he had introduced no new checks and balances. And he is right. He did not introduce any new checks and balances. But it must have been because Sir Ellis was thinking of those incumbents in the office of the Prime Minister who had not abused their power. [*Desk thumping*] That is why he made no new ones. He presumed that this Prime Minister would act as former Prime Ministers have acted and that he would not use or abuse the power that he has to control the police service. But we are dealing with a different kettle of fish here. We are dealing with a Prime Minister and we must deal with the facts as they are. Again, I say, I have nothing against the Prime Minister. Quite frankly, I like the Prime Minister. [*Crosstalk*]

Mr. Deputy Speaker, we must not forget that this Prime Minister tried to move the Commissioner of Police, Mr. Jules Bernard. The point is, you have a Prime Minister who wants to control who is the Commissioner of Police and if we give power now, we are giving power to that Prime Minister and before we know what has happened to us, all of us are in trouble.

That is the fear on this side; that is the fear of the entire country. Everybody to whom we have spoken, has mentioned this fear. This is the Prime Minister who

tried to interfere with the Statutory Authorities Service Commission (SASC); this is the Prime Minister who threatened Mrs. Marlene Coudray and told her: “I will do for you. I will show you who is man.” Then tried to influence the SASC to deal with the poor lady. That is the person we are dealing with. So when we talk about powers being given to a Prime Minister, we must also think of powers being given to this Prime Minister. [*Desk thumping*]

This is the Prime Minister who violated every single semblance of protocol and got a letter of appointment for the Commissioner of Police in his hands. The first point is: How did he get a letter of appointment of the Commissioner of Police in his hands? He obviously used his influence. Over whom? He must have used the influence over the people appointing. How else would he get it? They do not send them to the Office of the Prime Minister. They never sent them to my office when I acted. They do not send them to the home of the Prime Minister. When a Commissioner of Police is being appointed his letter does not go to the Prime Minister.

I ask first of all: How did this one reach the Prime Minister? But most of all, if it got there by mistake—I do not know if TTPost is working these days—one would have expected that this Prime Minister would have sent it on to the proper authority to deliver this. But what does this Prime Minister do? This Prime Minister calls the Commissioner of Police. He says: “Come here. Now, I am going to appoint you as Commissioner of Police. If you do not believe me, here is your letter.” What was the object of that exercise in stupidity if it was not to exert influence on the Commissioner of Police? To say, “You owe me one now. I am the one who delivered the letter to you, so obviously, I am the one who influenced the writing of that letter.”

So this is a person to whom this House is being asked to hand over this kind of power. Sir Ellis probably did not think it necessary because previous Prime Ministers had not bared their fangs. This Prime Minister has bared his fangs. He has showed you what he intends to do and what he is likely to do.

Even while we are talking about influencing the police service, the Prime Minister aids and abets the Commissioner of Police to break the Police Service Regulations. How did that happen? The Police Service Regulation—the new one is 137; this is the one we are being asked to pass—

**Mr. Deputy Speaker:** Hon. Members, the speaking time of the hon. Member has expired.

*Motion made,* That the hon. Member’s speaking time be extended by 30 minutes. [*Hon. P. Manning*]

*Question put and agreed to.*

**Mr. B. Panday:** Mr. Deputy Speaker, I am so afraid of this Prime Minister. I feel not to accept the time. [*Laughter*] I always feel there is a sting in the tail. He has got something coming.

**Mr. Manning:** You are quite right.

**Mr. B. Panday:** Mr. Speaker, the new regulations which we are being asked to approve, along with the legislation before us, regulation 137 says:

“An officer shall not institute or take part in any procession, demonstration or public meetings other than religious functions unless the permission of the Commissioner is first obtained.”

That provision is already part of the law and is contained in regulation 49. Regulation 49 of the existing regulations speaks in similar terms. What does our noble Prime Minister do? I do not know whether it was by persuasion or whether it was by coercion; whether he instituted fear against the police; whether he told the police: “I will not agree with you to be commissioner. You are now acting. I would not agree that you would be commissioner unless you come to me with this meeting”, but he takes the Commissioner of Police to a meeting of the Maha Sabha, which was a public meeting, to discuss these Bills. The Prime Minister is interfering with the police. The Prime Minister aids and abets the Commissioner of Police to commit an offence against the Police Service Regulations. [*Desk thumping*]

Mr. Deputy Speaker, this is the same Prime Minister, much as I like him, who cannot get an investigation into the placing of drugs and missiles into the water tank of Sadiq Baksh. The Minister of National Security cannot do it either. Nobody could get that done, and we are being asked to give uncontrollable power to this Government!

This is the Government that used public funds unashamedly in vast quantities in order to put forward its side of the Bill—and I suppose it has a right to do that—but without offering any resources to the Opposition to put forward their side of the Bill. [*Desk thumping*] Is that not what a democracy is all about, that people must listen to both sides of the question? Not one side, both sides. And if you are spending \$2 million, \$3 million, whatever you are spending, do you not think that the people should hear another side? And if they should hear another side, truthfully, you should offer the Opposition an equal amount of resources in order to put the views of the other side forward so that democracy prevails. [*Desk thumping*]

When I raised this matter with the Prime Minister at one of the meetings I had with him, he said: “So you want to be the Government.” So that if the Opposition says the people should know both sides, that is an offence. People should not



know both sides; they must know only one side; the side that the Prime Minister wants them to know. That cannot be democratic; that cannot be right.

We fear to put the power that is being sought in the hands of a Prime Minister that had bared his fangs.

**Mr. Deputy Speaker:** Hon. Member, the baring of fangs, you did it before. Do not repeat it, please. Find another way.

**Mr. B. Panday:** Fangs, I said, Sir.

**Mr. Deputy Speaker:** Yes, I know. Only wolves, and so on, have fangs.

**Mr. B. Panday:** Mr. Speaker, you must forgive me for my capacity for dramatic language. I cannot help myself, really. However, if you need me to withdraw it, I would withdraw it.

Mr. Deputy Speaker, it seems to me that that is why Sir Ellis says that he did not introduce in his draft any new checks and balances, and I think he is quite right, because this Prime Minister has not demonstrated his capacity for the abuse of power.

I now come to the Police Complaints Authority. The Government has now realized, because I believe that in the proposed amendment which has not been circulated, the Government now realizes that—

**Mr. Manning:** But it is not before us—

**Mr. B. Panday:** Okay. Well I hope they would not need a constitutional majority for the Police Complaints Authority. [*Desk thumping*] You do not want me to debate it; I would not debate it. That is all right by me. So you hold it and put it in your back pocket and say: “Do not talk about it, but when the committee stage comes I would throw it before you and if you do not accept it, we would go and spend another \$3 million to show how wicked you in the Opposition are.”

Well, if that is how they want it, that is how they are going to get it. I hope that the Attorney General has been alive—we are saying that we believe that the Police Complaints Authority requires a constitutional majority. We believe that. And we condemn—I do not want to condemn my friend—we just draw the public’s attention to the laxity of the Attorney General who was not able to so advise his Government that this Bill would need a special constitutional majority before this late and eleventh hour.

It is a pity. But there is more to be said about the Bill. I think the Bill has to be looked at much more seriously. Will there be conflict between the powers that are

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given to the Police Complaints Authority to investigate misconduct, the Police Management Authority, which has the power to do that, and the Commissioner of Police? It appears to me that there would be three bodies exercising disciplinary control over police officers. I believe that would create confusion and we ought to look at this thing more rationally and put it in a manner where there is no conflict in a situation.

As I had mentioned earlier on, the appointment of the Authority prevents it from being truly independent. As I had mentioned again, the remarks I made about the Police Complaints Authority being without control, apply now as well. Clause 5 of the Police Complaints Authority Bill provides for appointment by the President. The same argument that I have used before, of course, arises again.

Clause 11 says:

“The President...may revoke the appointment.”

You see, when we are giving power—Mr. Speaker, again, no slur upon anybody’s character—when the power is given, you have got to be sure that that power cannot be used to abuse. So that if the President does revoke, his decision cannot be questioned. The person who will be President is a human being. He is subject to all kinds of influences. I am not saying that he would, but he can be subject to all kinds of influences. If one of the influences would be to remove that guy; we do not like him, he removes him, and then there is nobody to question him.

We have to look at that again. That is why we speak of constitutional reform. That is why my colleague from St. Joseph said that you cannot keep on perpetually tinkering with the Constitution because these are constitutional amendments. I think the hon. Attorney General mentioned that. These are constitutional amendments, not constitutional reform. But you cannot keep tinkering with amendments without eventually having to come to reform. You cannot do that.

That is why we, on this side, say let us sit and reform the Constitution. Bring in up to date so that the Constitution can meet the needs and aspirations of a people aspiring to build a nation. To tinker with the Constitution like this, as we are trying to do here, is really to put new wine into old bottles, and I think you know the consequence of that. You end up losing both the bottle and the wine.

**Mr. Manning:** Wine skins, not bottles.

**Mr. B. Panday:** So the Prime Minister agrees with me. He says, instead of bottles, it should be skins. Okay, I would repeat and I accept what he said. Trying

to tinker with the Constitution and doing it the way we are doing it, is like trying to put new wine in old wine skins. Thank you very much. At least he agreed with one thing I said here today.

I now come to the Police Service Bill. The first question I wish to ask the House is, what is the hurry to pass this Bill now? Why is the 29th so important? Which patra was read—if patra was read? Which obeah man was consulted—if obeah man was consulted? I find it rather strange. First of all, the Government puts this Bill before the Senate to be heard on the 29<sup>th</sup> when it finds out that the Senate is not going to agree to the Bill. It has to have the 29<sup>th</sup>. So it brings this Parliament on a Tuesday—we usually sit on a Friday—to ensure that this Bill goes on. But because of this hocus pocus thing, this insistence that we start on the 29<sup>th</sup>, they are causing a lot of problems. I would tell you the problems you are causing.

You are preventing people from commenting upon this Bill which ought to take place. Now you may say that these Bills were published a year ago; these Bills were put out for public comment; all kinds of opportunities were given to people to discuss these Bills. Do you not know what Trinidadians and Tobagonians are like? We must fashion our policy to suit the culture of our people. We must not beat our people and fashion them to fit into our policy. That is, our people do not participate in these things until they get excited. That is the way we are. We have excited them. That is exactly the point.

Maybe if nothing, your \$4 million may have backfired in the right direction, in that it has lifted the consciousness of people to an unprecedented level. People are willing to talk about the Bill; they want to hear about it; they are asking for meetings all over the place; there are talks on radio shows and so on. Our people are now ready to comment upon the Bill. After how long? Nobody read it because nobody thought it was important, but because of your campaign you made it important. Thank you very much. So the people are ready to comment.

The Maha Sabha has commented. You remember we had set up a joint select committee in order to discuss these Bills. The joint select committee was in the process of hearing the views of people—

**Mr. Manning:** We had finished that.

**Mr. B. Panday:** No, they had not finished it and that is why there was no report to the Parliament, because that was a committee of Parliament. It was not the Prime Minister's committee. That committee was not supposed to report to the Prime Minister. You are breaking the rules of this Parliament. That is a sub committee

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of Parliament and they must report to Parliament. They have not yet reported. Parliament can only assume that they have not completed their work. Give them a chance to complete their work. Forget this hocus-pocus thing about the 29<sup>th</sup>.

**2.45 p.m.**

The Maha Sabha does not have unintelligent people who are not conscious of it. They would have known that the Bills had gone for public comment. It is the feeling of many people that this thing looks serious. You know Trinidadians. It is only when things look serious that they would talk about them. Now that they see it is serious the Maha Sabha has commented about it. Their comments should be given the respect that they deserve. Who would give them that respect except this Parliament?

I suggest that we re-appoint the same persons because the committee would have come to an end, if not expired. Give them a chance to hear the views of a people that have become excited about this. We must let them do their work. Having said that, the whole country is aware of the problems in the police service. The police service is about two things, personnel and equipment.

**Mr. Manning:** Systems.

**Mr. B. Panday:** Systems. Thank you so much. That system applies to education and everything else. Let us do a complete job.

As far as personnel is concerned, the most critical issue is recruitment. If you do not recruit your best in the police service, you are bound to have a police service that is less than the best. If you do not recruit on the basis of meritocracy you would not have a meritocratic police service. Put a system that would allow people to come into the police service based on their merits. We have to give up this thing about how big you are. This is a modern age with modern technology. People use computers. They do not have to be of a certain size and their chests do not have to be 48 inches to use a computer. We have to deal with the question of recruitment.

In the old law, that was supposed to be. What is there in the old law that prevented this? What is there in the new law that would ensure this? What is your hurry in passing the police service Bills? Why are you so anxious? What is in this Bill that would change the present mess that we are in? Have you seen the report of the Police Service Commission? If you want to know the problems of the police this is where you have to look. Do not try to control it. Page 5 of the report says:

“Mindful of its monitoring role, the Commission held discussions with some members of the Executive of the Police Service and the Interviewing Team for new recruits in 2001 to ascertain the cause for the deteriorating standard of the Police Service. The Commission was informed ‘inter alia’ that the last recruitment exercise revealed that the recruitment process was marred by:

- i. nepotism
- ii. favouritism
- iii. partisanship and
- iv. improper background investigations...”

The only thing they left out was racism.

**Mr. Valley:** That was in your time.

**Mr. B. Panday:** This is a report of the Police Service Commission of what obtained all along.

**Mr. Deputy Speaker:** Hon. Members, this will not allow us to go anywhere. The hon. Member is speaking and making certain points. Everybody will have an opportunity. Would you please continue?

**Mr. B. Panday:** Thank you very much.

“The Commission was of the view that the issue of the recruitment process in the Police Service was one of national concern and proposed that a Committee of four (4) persons be established to look into the recruitment process, and an ethnic balance be reflected in the composition of that Committee. It was agreed that the Committee should comprise a retired Judge of the High Court, a retired senior police officer, a member of the Chamber of Commerce with expertise in Human Resource Management and a representative of the Director of Personnel Administration.

The Commission had observed that there was a gender imbalance among trainees. The Commission had noted that it was the policy that female officers comprise 10% the authorized strength of the Police Service. The Commission decided that this issue should be drawn to the attention of the Recruitment Committee in order to determine whether the current complement of women satisfied the quota and whether that 10% was justified in light of the Equal Opportunity Act of 2000.

In August 2002, the Commission wrote to the Honourable Prime Minister to seek his endorsement with respect to the establishment of the above

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mentioned Committee, before an approach to Cabinet was made for the funding of the project. However, at the end of 2002, no response had been received.”

I do not know why. Here you had an opportunity to deal with the recruitment process in the police service and you refused to touch it.

“Promotions in the Police Service fall into two (2) categories, those in respect of the First Division and those in the Second Division.

Promotion of officers in the First Division to the rank of Assistant Superintendent and above is made by the Police Service Commission on the recommendation of the Commissioner of Police. The power to make promotions in the Second Division, however, has been delegated to the Commissioner of Police...

As stated above, the Commission in making promotions, relies heavily on the recommendations of the Commissioner of Police with respect to the fitness and suitability of officers. As a result, the Commission has no way of challenging the Commissioner’s recommendations...”

They were calling you to do something about that. You have to do something about recruitment and the ethnic balance in the police service. You cannot avoid that. We live in a multiracial, multicultural and highly plural society.

Let me read from an article published on June 06, 2004, in the *Sunday Guardian*, entitled “Ethnic monitoring” by Mr. Anand Ramlogan.

“It’s hard not to notice the fact that of the 31 senior First Division officers that were promoted in the police service last week, only seven were Indo-Trinidadians.

The entrenchment of the racial imbalance in every aspect of our security services is a cause for concern.”

I had mentioned that.

“There must be a concerted and conscious policy of ethnic monitoring so we can harness and include all our human resources.”

My friends on the other side, who wrote that? The idea is always shoot the messenger. Do not worry about the message. Why do you not listen to the contents of what is stated and say whether it is right or wrong. You are free to do that. You want to shoot the messenger.

“The much-publicized, aggressive recruitment drive by the British police service to attract African, Indian and Asian police officers demonstrates how a

country that is serious about equality should operate. Twenty-five per cent of the police service must come from ethnic minorities by 2005.”

That is the British way of handling the matter.

“The measures came after a nationwide debate about the racial composition of the police service, with black and Asian groups demanding ‘ethnic monitoring’ and race equality schemes. Measures were instituted to monitor the ethnic balance in the police service.

These schemes were implemented via the Commission for Racial Equality (CRE) and under the provisions of the Race Relations Act.

Our local police service and protective services in general (prison service, fire service, coast guard and army) do not reflect our society’s racial composition. The fact is Indians are a minority in these services in a country in which they comprise half of the population.”

They did not use the old Trinidad argument that there is a historical imbalance because Indians do not apply. He said that is nonsense.

“But assuming this is the case, it begs the question: Why are Indo-Trinis not applying? Is it because they think they are not welcomed or wanted? Is it because they feel there is inequality in promotion and career advancement?”

In this article he said what the British did about it.

“The modern approach is the one currently used by the British. Go to the people; don’t wait for them to come to you. Following the marches in East London, the police immediately set up recruitment offices in areas that were predominantly Indian, African or Asian. Career-guidance seminars were held in the schools, and pamphlets advertising vacancies were distributed to every house.

The community was reassured that it was wanted and would be welcomed, resulting in a significant increase in the number of non-white police officers in London.”

Why can we not do that if we are serious about uniting this country? I have said that recruitment was one of the problems; the other one was that of vehicles. The Prime Minister said that they have no vehicles. He used to say that when we were there. We discovered that because of the financial system in this country, when a vehicle went bad because it did not have a battery, they would put down the vehicle and then fill out all kinds of forms before they could get money to buy

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a battery. While they were waiting for a battery, the carburetor in another car would go, so they would take out the carburetor from another car. In a few months, they would have cannibalized that vehicle and it would be of no use.

We set up the Vehicle Maintenance Company Limited (VMCOTT) which was for repairing police vehicles. We were going to the position where we had supplied them with vehicles which they kept in stock. When a police vehicle came in for repairs, they would give the police a vehicle until the other one was repaired. Unfortunately, the Government cannot think that far ahead. I understand that most of the vehicles are parked by VMCOTT. Most of the vehicles given by the government when we were there cannot be used.

In conclusion, if the Prime Minister and the PNM Government are serious about crime, let us deal with it in a meaningful and holistic way. Do not employ stealth, deceit and calling police reform Bills anti-crime bills, when they are not so. Do not spend millions of dollars to force oppressive legislation down the people's throat. We know that the fight against crime must be multifaceted and must be tackled holistically. The passing of laws would not solve the problem of crime. Let us deal with prison reform and administrative reform of the justice system.

**Mr. Deputy Speaker:** You have passed injury time.

**Mr. B. Panday:** I ask for two minutes. I would not spend more than that.

**Mr. Deputy Speaker:** You are concluding, conclude expeditiously.

**Mr. Manning:** Give him more time.

**Mr. B. Panday:** Today, I have submitted several proposals for the amendment of the Constitution to make these Bills more palatable, less dangerous and acceptable. The Maha Sabha has submitted its recommendations. Let us re-appoint the Joint Select Committee to complete its work. While doing so, let us sincerely and seriously talk about constitution reform. By the time the committee is finished with its work, we would finish the work on constitution reform and we can tie the two and take the country forward.

Mr. Deputy Speaker, thank you for the extension. In conclusion, I plead with this Government to unite our country and mobilize human resources not only in the battle against crime, but also in the battles against unemployment, poverty, discrimination, homelessness and alienation. Mr. Prime Minister, I appeal to you, let us lead our people to progress and happiness.

Thank you.



**The Minister of Science, Technology and Tertiary Education (Hon. Colm Imbert):** Mr. Deputy Speaker, I was hoping to hear some meaningful proposals from the Member for Couva North. I must say that it was a very disappointing presentation. It is also clear to me that the Opposition is intent on dragging out this process. I hope that other Members on the other side would disabuse me of this opinion. After listening to the contribution of the Leader of the Opposition, they appear to be intent on dragging out this process for another three years. When I look at the statements made by the Member for Couva North, even he does not believe 90 per cent of what he said. The comments were so illogical. Let us go through them one by one.

He complained bitterly that the legislation before the House would effectively put the police force under the control of the Prime Minister, the Cabinet and the ruling party. He used a number of specious and convoluted arguments to arrive at that point. I tried to follow his logic but it was absolutely impossible. The Member for Couva North told this House that because the President is elected by the Electoral College the Government controls him. That is the equation he has put in this House. That was demonstrated to be completely false on December 24, 2001, Christmas Eve. At that time, the President who had been elected by the Electoral College was a member of the Cabinet, left the Cabinet; was an elected Member of Parliament and at one point in time was a supporter of the government of the Members opposite. He was certainly not under the control or influence of the government.

From 1962 onward, our constitutional history is replete with examples where Presidents have demonstrated their independence and they understand the provisions of the Constitution. The fact that the Electoral College elects the President is a step in a chain of events that leads to an institution, that is completely immune thereafter from the persons that elected him. [*Desk thumping*] That is our Constitution! You could only hope. You could select or nominate someone and vote for that person, but after you have elected that person, you could only hope that he or she would operate in a manner that is consistent with reason and good practice. The reality is that after the President has been elected no government, opposition, Member of Parliament or anybody in this country has any influence on the President of the Republic of Trinidad and Tobago. The President has been around since 1976. That is our constitutional history and that is how it should be. It must be so.

The proposals that the Member for Couva North has made that the President should be elected by popular vote, is completely at variance with our Constitution,

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tradition and the entire principles that the office of President is immune from the day-to-day executive management of the country. That system applies in other countries. The Member for Couva North is trying to introduce that in this country by sleight of hand. He is trying to relate it to these police Bills. He is trying to get a system of proportional representation where you have an executive President elected by one man, one vote, and trying to convince us that after this brilliant system is introduced that somehow, this President who would be elected by popular vote in some sort of general election would be immune from influence. If a party supports a candidate, the President would obviously come from somewhere in this new system, like the American system, where you have a Republican candidate and a Democratic candidate. Obviously, the president that would be elected by popular vote has to be a politician and would be supported by a political party; campaign and try to get votes.

I find it amazing that the Member for Couva North has proposed a system where we elect a resident by popular vote through an election campaign. That President who comes from a political party elected by ballot would be immune to influence from anybody. That is the same as saying that the President of the United States does not answer to the Republican Party.

We could use Guyana as an example. The current President of Guyana does not answer to the political party that supported, nominated and elected him. I cannot understand how the Member for Couva North could bring such a fallacious, illogical and baseless argument to this House to obstruct urgently needed legislation. [*Desk thumping*] It is crazy! There have been presidents in this country who have not gone along with the recommendations of prime ministers. They have acted in their deliberate judgments against the objections of prime ministers. That is the history of this country.

I find it amazing that he said that the current President or a president elected through the Electoral College with the existing Constitution, would be beholden to the government that elected him or her and fill the boards with party hacks. It would appear that when the Member for Couva North was the Prime Minister and sponsored a candidate for President, that was his intention. That is the only logical conclusion I can draw. If he is saying that the present Constitution allows a prime minister to influence a president to the extent that he could fill the service commissions with party hacks, that is what he tried to do when he was the Prime Minister of Trinidad and Tobago.

I cannot understand in a debate as important as this; where we are trying to make meaningful change to the management of the police service, that is what

this is all about. The Member for St. Joseph has management experience and he pretended not to understand that these Bills before the House are all about management and trying to give the chief executive officer, who is the police commissioner of the police service, giving the head of this organization, the authority to manage the resources under his control.

The institution in this country that has the responsibility to deal with crime is the police service. [*Desk thumping*] That is the other illogical argument that I cannot understand. We all know that the purpose of these Bills is to improve the management systems in the police service. This is what it was when these Bills were tabled by the Members opposite. That is so difficult to take in this debate. This legislation before us came from a particular incident in 1999. A particular accused person—

**Mrs. Robinson-Regis:** Convicted.

**Hon. C. Imbert:** A particular convicted person was released or escaped or allowed to walk out of a police station. A convicted person was allowed to go free and as a consequence, the then Prime Minister, the Member for Couva North, was sufficiently alarmed at the environment. The then Prime Minister, now Leader of the Opposition and the then Leader of the Opposition, now the current Prime Minister were both sufficiently concerned about the escape from custody of Deochand Ramdhanie, that they came together in a bipartisan forum and agreed to do something about the management of the police service. It flowed from 1999—2000.

A bipartisan team was selected comprising hon. Members opposite and Members on this side who worked together with technical advisors for a period of almost two years, culminating in the tabling of legislation in this Parliament by the Member for Couva North. It amazes me that it is alleged by his supporters that the Member for Couva North is an intelligent man and when he tabled the legislation in Parliament he knew exactly the purpose and intent of it. He understood it; he knew what it would do; the problems it would solve and what it would achieve. He knew all that in 2001, and now he comes in 2004, and pretends not to understand what this legislation is about. He asks for time. For three years the country has been dealing with this matter.

A joint select committee was appointed under this administration and it dragged on for more than a year, up and down the place, delaying tactics. In the meantime, the country is crying out for a more effective, a better equipped, managed and proactive police service and the Member for Couva North is asking for more time. More time to do what? This legislation is a creature of the Member

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for Couva North. He laid it in this House and made a statement about it. He explained the intent and purpose of the Bill. He went through the Explanatory Note and the clauses. He told us the philosophy of the Bill. He praised the then Leader of the Opposition. He knew exactly what he was about in 2001, when he tabled this legislation. Three years later he needs time to consult and figure out what he was about in 2001.

I am just amazed that someone of his experience; that he has been in this Parliament since 1976, closing on 30 years, a person who has been in governments; knows all about executive management in this country; has intimate experience with the Police Service Commission and its failings; was head of the National Security Council; received security reports for six years in his capacity as prime minister and had all the in-depth knowledge about the security issues in this country, now wants time. He was the prime minister for six years and saw the problems firsthand; brought the legislation to Parliament, but now he wants time to consult God knows whom.

He has the audacity to talk about a submission from Sanathan Dharma Maha Sabha. Today, I congratulate the Maha Sabha. At least, I can say that their proposals to this House have been constructive. Instead of saying, “we want a new person as President; we want proportional representation; we want a new President; an Equal Opportunity Act and ethnic balance”, this is what they said. I would put it into the record. It is addressed to me. Police Reform Bill, June 28<sup>th</sup>. [Interruption] You do not want people to hear, but you would not drown me out.

**Mr. Deputy Speaker:** The hon. Member for Couva South, would you please—

**Hon. C. Imbert:** I continue.

Dear Sir,

The Sanathan Dharma Maha Sabha has been holding consultations with our membership and other citizens of Trinidad and Tobago regarding the implications of the Police Reform Bill in its present form. We have arrived at a position.

It is not like those hon. Members opposite.

We have arrived at a position and wish to share the same with you. See attached enclosure. We trust you would have the time to read and consider our comments ahead of your presentation in the parliamentary debate.

They have an explanation for the rationale behind the amendments they are proposing to the Bill. It is essentially about introducing additional checks and

balances to the Police Management Authority. It is a completely constructive, mature and professional approach to a very serious matter.

This is the kind of response that one would have expected from the hon. Member for Couva North. He spent 78 minutes; he got three extra minutes. I do not know how that happened as yet. I do not know under what Standing Order. He got three extra minutes and proposed nothing. He has not dealt with a single clause in the legislation. He has made no effort to meet the Government halfway. He has made no attempt at compromise. He has put imaginary requirements in the air that he would not allow the Prime Minister to reform the police service, until he changes the way of electing the President by popular vote. Until that happens, we are not dealing with this. It is completely inconsistent with his opening gambit where he spoke about the number of serious crimes and murders that are taking place in this country. On one hand, he is demanding that the Government act with urgency and do something about the crime situation, and on the other hand, he is saying that nothing would happen with regard to the police service until the Prime Minister agrees with his proposal, that we have an executive President elected by popular vote. Until there is proportional representation in this country, you would not get anything from me to help the citizens of this country who are crying out for help every day.

There is plenty wrong with that. In my opinion it is an immature and unprofessional approach. This is a very serious matter that we are dealing with. Talk about a police state. You have a President immune from everybody and the minute that he is invested with the instruments of his office—I think the Chief Justice swears him in—five seconds later, the President is immune from the courts and every person in this country. The Member for Couva North would have us believe that that is not happening in Trinidad and Tobago. That has not happened for the last 30 years. We have a President in Trinidad and Tobago who follows the dictates of the politicians and Prime Minister. If we allow this it would lead to a police state.

Look at the present situation. The members of the Police Service Commission are appointed by the same President that the Member for Couva North has alleged, is subjected to all this political influence. I do not know how. The Constitution says that he is supreme and immune and no decision can be taken to court or anything like that. Somehow, the same President who now appoints the members of the Police Service Commission subjects himself to the influence of the Prime Minister. Take that crazy argument to its logical extension, it means that at present, the Government and the Prime Minister could call the President

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and say that they want him to appoint Mr. "X" as chairman of the Police Service Commission, and Mr. "Y" as a member of the Police Service Commission and the President would say, "Yes Sir". The present Constitution allows the President to appoint the commission in his discretion after consultation. What is different with this Police Management Authority? The Police Management Authority is the same thing. It gives the politicians an opportunity to nominate persons. It is in effect and it came from the Member for Couva North. It is a movement towards bipartisanship in this country.

The Prime Minister and the Leader of the Opposition would come up with proposals for the Police Management Authority and if they could reach agreement these people would be selected. Perfect balance because there would be agreements from both sides. It would not be all PNM party hacks. If you take the illogical argument to its most foolish extension, it would be half PNM party hacks and half UNC party hacks. At least it would be balanced. If the two leaders cannot agree, the President would appoint. The same thing exists in the present Constitution. How could this legislation take us to a police state? It is impossible. That has been the mantra of the Opposition over the last two or three weeks.

They think that people in this country are foolish and do not go to school; they do not learn English language and understand how to interpret simple concepts like these. In the current legislation, the President appoints the members of the Police Service Commission and in the proposed legislation, the President appoints the members of the Police Service Commission. The Constitution has not changed and it is the same method of appointing the President. Where is the police state? This is why I am so disappointed in the Member for St. Joseph. The fundamental difference is that in this legislation the commissioner, the chief executive officer of the police service is given the power to manage the human resources. I want to disabuse Members of the fallacious argument that the police commissioner has delegated authority at the present time so there is no change. That is not so.

I want to read some excerpts from submissions made by a police commissioner to the select committee. This was in 2003. If you should look at the delegation of the authority that the service commission has given the police commissioner, it is a strange thing.

I grew up in Tobago and we have a saying that when you give something and take it back, you can get a cattle boil. If that were true, you have to leave the service commission inside here. They would have had so many cattle boils that they would not see to enter the building. They have given by delegated authority the power to promote officers in the Second Division, but in the

same breath, tell the Commissioner of Police that he cannot promote anybody unless he recommends the person he wants to promote and they must endorse it first.

All of them should have cattle boils.

That is delegation. The Police Service Commission delegates the authority to the Commissioner of Police. Police commissioner, you could hire, fire, discipline, promote, whatever you want, but before you do anything, tell me first. If I do not agree, you cannot do anything. This is a fact. I would read it again.

They have given by delegated authority the power to promote officers in the Second Division, but in the same breath, tell the commissioner, he cannot promote anybody unless he recommends the person he wants to promote and they must endorse it first. They give the authority with one hand and take it back with the other and call that delegation.

That is the reality of the situation. That is why we need to change it. Once you give the Police Service Commission the right to delegate, then you also give them the right to take back the delegation. You leave the whole matter of delegation of authority to the police commissioner—

**Mr. Deputy Speaker:** Hon. Members, the Hansard reporter is indicating that she is having some difficulty in hearing what the hon. Member for Diego Martin East is saying. I realize that it is a very friendly discussion, but, nonetheless, disturbing.

**Hon. C. Imbert:** This point must be understood by persons listening to this debate. I know the Members on the other side understand that but they would not admit it. As the present law allows, once you give the Police Service Commission the power to delegate, they also have the power to remove delegation. You are subject to the whims and fancies of the members of the commission. If they decide to delegate with conditions with caveats and reservation; give the delegation today and take it back tomorrow, there is nothing you can do about it. The current Constitution allows them to do that. That has happened in this country for the last 40 years. They give the delegated authority and then take it back. They tell the commissioner that he could hire and fire and then tie his hands behind his back and say do not hire and fire, before you talk to us and get our agreement first.

As a result, the entire system is inefficient. That is why clause 9 new section 123A(2) of this Bill proposes:

“The Commissioner of Police shall have the power to—

- (a) appoint persons to hold or act in an office in the Police Service, other than an officer referred to in section 123(1)(a), including the power to make appointments on promotion and to confirm appointments;
- (b) transfer any police officer; and
- (c) remove from office and exercise disciplinary control...”

With the exception of certain high offices such as deputy commissioner, assistant commissioner and senior superintendent, it is proposed that the police commissioner be given the constitutional authority to hire, fire, discipline and so on.

This is what the Member for Couva North laid in this Parliament in 2001. This is what he deliberated on with the bipartisan team for two years, flowing from the escape of Deochand Ramdhanie. That is what he decided. The hon. Member for Couva North decided that this was necessary. The police commissioner was saying that was the authority but it was not working. I have heard the sotto voce comment from the Member for Chaguanas.

I am so impressed by the submission from the Maha Sabha because they have made meaningful proposals. I am not saying that I agree entirely with everything that they have brought forward, but I am impressed by the intellectual content. They have made meaningful proposal for checks and balances. They have shown movement; recognized a problem and they have demonstrated the maturity to make proposals to the Government to try to meet the Government halfway to come up with something that would work and give the police commissioner, the authority and ability to manage the resources under his control.

I would now use a pertinent example of what has been happening in this country. I would call this gentleman Constable “X”. This is a true story. Constable “X” was enlisted in the police service in 1971. With effect from 1971 and continuing over the period 1974—1975, Constable “X” was found guilty under delegated authority by the Commissioner of Police and fined on at least 10 occasions for a variety of allegations, including absence without leave; failing to comply with instructions; disobedience to orders and insubordinate conduct. Constable “X” was suspended from duty on September 27, 1990, and his suspension was never formally lifted. He was suspended in 1990, and this document is dated August 2003. Thirteen years later they are reporting on Constable “X” who was suspended in 1990, and the suspension was never lifted.



During the period 1986 to 1997, Constable “X” had been on the job for approximately 17 months, having been on suspension or interdiction for a variety of court charges, allegations made against him. These charges were as follows: larceny in 1986; obscene language and disorderly behaviour in 1987; three charges of assault and battery in 1990; three traffic offences in 1990 and assault and battery in 1992. Constable “X” failed to attend several appointments with the Medical Board scheduled during the period 1991—1994 to determine his suitability or otherwise for employment in the police service. In 1994, the Police Service Commission lifted the order of interdiction imposed on Constable “X” as a result of the dismissal in 1994, of the last charge recorded against him.

However, the commission directed that he remain on suspension in the public interest pending receipt of a report on his record during the preceding five years, 1989—1994. The Commissioner of Police reported that during the preceding five years Constable “X” had been on duty for the period 1989 to October 1990, only. During that five years he was on duty for one year. During that time his productivity was negative and his performance was fraught with controversy and disharmony. Look at what the commission did! The Commissioner of Police had reported to the Police Service Commission that Constable “X” was charged with larceny, assault and battery; he was fined on at least 10 occasions for a variety of allegations, including absence without leave, disobedience, and insubordination. All kinds of thing. This has been going on from 1971—1994. The Commissioner of Police was trying to discipline this officer for a period of over 20 years. Do you know what the commission does? The Police Service Commission makes an approach to the Government to retire this man; pay him all his benefits; give him vacation leave that he accumulated beyond his entitlement and pay him a huge sum of money. This is a true story of recent vintage. You have a police constable found guilty, fined, also before the court, suspended for 10 years and the commissioner could do nothing about it because under the delegated authority principle, that the commission likes to talk about, they told the commissioner, before you do anything to that man, make your recommendations to us and you could only proceed with what we tell you to do.

From the information, obviously, this is someone who should not have been in the police force. The man was paid from 1971—1994 and this goes on to 2003. This man has been in the police force for 30 years and getting full pay and the Government is now given a request by the commission, not only must he not be disciplined, suspended or dismissed from the police service, but we must also give him full benefits; pay all leave entitlement; give him all the leave he accumulated while he was on suspension. What would the people of this country think? The

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sum involved is \$139,000 payment in lieu of leave that we have been requested to pay Constable “X” while on suspension. How do you think other hardworking police officers feel? They have been looking at this man for 30 years. They see a man who has not been coming to work; engaged in all sorts of disorderly conduct getting his full salary; retired with full benefits and leave that accumulated during the period and the Commissioner of Police could do absolutely nothing about it, because he was prevented from so doing by the Police Service Commission. Evidence was replete.

I heard a senior member of the Police Service Commission make the point that there is no need to change the commission, because we have never received any complaints from anyone. Over all the years nobody ever said there was a problem. I am sure that there are hundreds of instances similar to the one that I have just read.

What I find amazing in the utterances of the hon. Members opposite is the way they shift the space time continuum and forget that in 2001, the honourable Member for Couva North came to this House and made a compelling case for reforming the police service on the grounds that the system was not working; there were too many complaints and the Commissioner of Police could not be effective. He gave examples throughout his tenure as prime minister about the kind of crazy things that were taking place within the police service. The Member for Princes Town is now saying that that is not true. None of that happened. They are shifting the space time continuum to suit themselves. They speak out of two sides of their mouths.

I listened to what the Member for Couva North said that we should amend the Constitution so that persons are appointed only on merit and he proceeded to rely on a report of the Police Service Commission of 2002. I would read the recommendations.

“Mindful of its monitoring role, the Commission held discussions with some members of the Executive of the Police Service and the Interviewing Team for new recruits in 2001 to ascertain the cause for the deteriorating standard of the Police Service. The Commission was informed ‘inter alia’ that the last recruitment exercise revealed that the recruitment process was marred by:

- i. nepotism
- ii. favouritism

- iii. partisanship and
- iv. improper background investigations.

The Commission was of the view that the issue of the recruitment process in the Police Service was one of national concern and proposed that a Committee of four (4) persons be established to look into the recruitment process, and an ethnic balance be reflected in the composition of that Committee.”

Shameful! How did this find its way in the report of an independent commission? It demanded that a committee be set up to recruit people and that committee must reflect ethnic balance in its composition. The words of the Member for Couva North were that he would only support this legislation, if we amend the Constitution to ensure that persons are appointed to positions in this country, based only on merit and without any consideration whatsoever of ethnicity. Those were his words about half an hour ago, but he then relies on a proposal of the Police Service Commission that we set up a committee that has ethnic balance. He agreed with it. In his parting minutes of injury time he spoke about this. This is what we have to do. We have to set up a committee with a balance of the ethnic groups in this country.

He is speaking out of both sides of his mouth. He is coming to this Parliament while there is a real problem out there and a former police commissioner who is a member of the party of the honourable Members opposite had complained bitterly that he was tantamount to a toothless bulldog. Those were the words of a former commissioner who is a senior member and supporter of the UNC and has appeared on platforms of the UNC. Being aware of that, the Member for Couva North has come to Parliament today with another attempt to obstruct this legislation.

What is this select committee going to do? I cannot understand the logic. The Member for Couva North said that the population is now excited. What about the people who are victims of crime? Are they excited too? They could wait three years while the Opposition dilly-dallies, procrastinates, prevaricates and drags this all over the place and proposes more consultation and meetings in every town and village in Trinidad and Tobago. As sure as night follows day, that is what is coming. That is why the last joint select committee which was supposed to report in three or six months took a year, and never reached its conclusion. The committee could not report or submit its findings to Parliament because of the delaying tactics of the Members opposite.

Let me look at the other proposals made by the Member for Couva North. Change the method of selecting the President; abolish the current system and

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decisions of the President. This President that would be appointed by vote must be subject to judicial review. We have already seen the effects of the judicial review legislation that was brought by the former Attorney General. Every Monday morning some aggrieved person, some man of straw, some person without any assets with a lawyer behind them, sometimes with the ability to come into this Chamber and get extracts of *Hansard*, was taking this or that authority before the courts for judicial review clogging up the courts.

**3.45 p.m.**

Mr. Deputy Speaker, they clog the courts every Monday morning. I have been told that judges are not happy about the plethora of judicial review applications that go into the courts every Monday morning, and then on Friday afternoons there are more judicial review applications, which are deemed urgent, and the courts have to deal with those matters. The Member for Couva North is proposing that the decisions of this elected President must be subject to judicial review. Mr. Deputy Speaker, we would now have thousands of judicial review applications—people suing the President. That is what the Member for Couva North wants, to create mayhem in this country.

The proposals from the hon. Member are:

- (1) To change the method of selecting the President.
- (2) The decisions of the President must be subject to judicial review.
- (3) To amend the Constitution to allow the appointment of persons on merit, without any considerations for race.
- (4) To amend the Standing Orders of the Parliament to allow a quorum of one.

So if you have a committee meeting and one person shows up, you could meet with yourself and make a decision by yourself. Mr. Deputy Speaker, the Member is saying unless we do this; unless we have a president elected by popular vote; unless that president is subject to a judicial review; and unless the Standing Orders of the Parliament are amended to allow for a quorum of one, he is not supporting the—

**Mr. Deputy Speaker:** Hon. Member, please.

**Hon. C. Imbert:** Sorry, the hon. Member. He is a very hon. Member, Mr. Deputy Speaker, I am very sorry but he is also mischievous.

Mr. Deputy Speaker, how could we on the Government side internalize what the hon. Member for Couva North has said? What I find amazing, as well, is that the hon. Attorney General circulated proposed amendments to the hon. Member for Couva North and hon. Members opposite and—

**Mr. Deputy Speaker:** Hon. Members, the speaking time of the hon. Member has expired.

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

*Question put and agreed to.*

**Hon. C. Imbert:** Mr. Deputy Speaker, the hon. Member said that we must not reform the police service and give the police commissioner the power to manage his resources unless the Standing Orders of the Parliament are amended to allow for a quorum of one. The hon. Member used the Trinidad Islandwide Cane Farmers Association (TICFA)—I mean, of all things, an organization that the Member for Princes Town—who is related to him—had some relationship with. He used TICFA as an example of how organizations should function; they should have a meeting with one person and then adjourn the meeting to a date to be fixed and then have a quorum of one. That is a serious proposal coming from that side. How are we supposed to deal with this?

The hon. Member also objects to the veto power of the Prime Minister that has been in existence since 1962—42 years and over 12 governments, including two governments of which the hon. Member for Couva North was head—but the veto power of the Prime Minister with respect to certain appointments was okay. When the hon. Member for Couva North was Prime Minister, it was okay for a Prime Minister to have the power to veto a proposal for certain very important positions in this country. It was okay between 1995 and 2000, and 2000 and 2001. It was okay, between 1986 and 1991. It was okay between 1991 and 1995, when Members on this side were in government. It was okay between 1962 and 1986. But all of a sudden, in 2004, it is no longer okay, because the hon. Member is no longer the Prime Minister.

Mr. Deputy Speaker, this is the only conclusion one could draw. This thing is driven by sour grapes and by unrealized ambitions. [*Desk thumping*] The then President did not appoint him as Prime Minister in December 2001 so he is vex and he now wants to mash up the place! He wants to mash up the President! He wants to mash up the Constitution and break down town, Mr. Deputy Speaker! [*Laughter*] That is the only conclusion that I could draw! What else do you want me to do, Mr. Deputy Speaker?

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Mr. Deputy Speaker, for 42 years there has never been a single instance of a Prime Minister telling a president or a police service commissioner: You see that name; I do not like that name, bring a next one. When they bring the next one; I do not like that one, bring a next one. This is the scenario that the hon. Member for Couva North painted this morning, that a Prime Minister would just sit there and veto and veto and veto and veto. As I said, that has not happened in the last 42 years of governments in this country.

Mr. Deputy Speaker, this country elects the Prime Minister by popular vote and places him and his Cabinet in office to run the affairs of the country for five years. That system now exists and has existed for the last 42 years, but you must now tell the Government and Prime Minister they must have no say for a position as important as the position of police commissioner; that anybody who is proposed to them they would say, okay, we are going with that. What kind of management proposal is that? It is absurd! It is only to veto, the Prime Minister does not have the power to choose. The Prime Minister just has the power to say: I would prefer if you come with somebody else. Mr. Deputy Speaker, are you telling me that somebody as important as the police commissioner, that the head of Government, who was elected by the people, should not—and he is also head of the National Security Council—have the authority to say, “Well, I would prefer that you come with another recommendation.” What kind of management system is that? What kind of country in the world operates with this kind of prehistoric proposal? I just do not understand it!

The hon. Member for Couva North used an example that the sitting Prime Minister tried to move a police commissioner and he was unsuccessful. Mr. Deputy Speaker, that demonstrates—rather than supporting the argument of the hon. Member—the strength of our arguments on this side. The constitutional arrangements are such that even if a prime minister wishes to remove a police commissioner, he cannot. This Police Authority Bill makes it worse. The Prime Minister would have no power to remove a police commissioner once he is appointed. The argument that the sitting Prime Minister would be able to choose a police commissioner and then remove him makes absolutely no sense.

Mr. Deputy Speaker, I have problems with those illogical arguments. They are intellectually dishonest! I have problems internalizing and trying to rationalize those arguments because they make no sense! This comes from a particular individual who was so happy with the performance of a particular police commissioner that he came to the Parliament and changed the law and passed legislation.

**Dr. Rowley:** What! I do not believe you!

**Hon. C. Imbert:** Yes! It was the same hon. Member for Couva North who used a false analogy to allege that the hon. Member for San Fernando East could choose and move the police commissioner; he used a completely fallacious analogy. Mr. Deputy Speaker, that hon. Member used the majority of his administration, and he also used his powers as Prime Minister to bring legislation to this House to keep a police commissioner in office. What is the difference between choosing a police commissioner and keeping one? He brought a law to extend, by legislation, the term of office of a sitting police commissioner with whom he was happy and comfortable.

Mr. Deputy Speaker, who is more beholden? Is it the imaginary police commissioner that the Government could somehow pick through some illusive, strange, unnatural concept that he is postulating? Or, the real live example of a prime minister coming to the Parliament and saying: “Yuh see this police commissioner, ah like him too bad, he reach 60 years or 70 years, and doh mine he have two and three birth certificates, I’m going to extend the life of this police commissioner.” And Mr. Deputy Speaker, he used his majority in Parliament. That is direct political interference. [*Desk thumping*] The Member for Couva North! He speaks with a twisted tongue, Mr. Deputy Speaker. He demoralized police officers who had been waiting patiently—

**Dr. Rowley:** He killed careers.

**Hon. C. Imbert:** Yes, he killed careers because one could only extend the office of the commissioner, you know, so the deputy and the assistant are there waiting, and waiting and waiting and when they hit the age of 60 or 65 they have to go home, but the commissioner in office. The effect of that was that the hon. Member for Couva North demoralized the whole police service with that one act.

The other thing that amazed me—and this is what I was talking about before I got the extension of time—is that the hon. Attorney General has presented proposed amendments to Members opposite, in good conscience, at meetings at the Prime Minister’s residence and at Whitehall. Mr. Deputy Speaker, this was done in the spirit of bipartisanship, the spirit of compromise, with a genuine intent to meet the other side halfway through national unity. He met with them, gave them the proposed amendments to deal with some of the concerns that he had raised, but because the hon. Member for Couva North is aware that those proposed amendments would take away some of the sting of his fallacious arguments, he refuses to debate them in the Parliament today. He does not want to

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talk about them and he uses some procedural technicality that because they were not laid on the Table, he was not talking about them.

Mr. Deputy Speaker, that came out of the left side of his mouth, but to the right side of his mouth he picks up draft regulations, which have not been laid in this House; which have not been finalized; which have not been circulated to Members on this side, and proceeds to read regulation 139 and criticizes it. But according to his convoluted logic, regulation 139 does not exist because it was not tabled in this Parliament. Mr. Deputy Speaker, it was not laid but he referred to it.

Mr. Deputy Speaker, with the Police Complaints Authority Bill the same thing happened. The hon. Attorney General submitted amendments to them to give the Police Complaints Authority legislation more constitutional integrity. The hon. Member was happy to talk about the amendments given to him for the Police Complaints Authority legislation but he refuses, on grounds of principle, to talk about the amendments given to him on the amendment to the Constitution to deal with the Police Management Authority.

How are we supposed to take him seriously? [*Interruption*] What proposal? I am asking the hon. Members opposite—because this is too important—Mr. Deputy Speaker, all of this politicking, gallerying, obstructionism, we on this side are willing to meet Members on the other side halfway.

**Mr. Ramnath:** No, no, no, no.

**Hon. C. Imbert:** Yes, the Prime Minister, the bipartisan team, the Attorney General has had meetings with Members of the Opposition. [*Interruption*] Not at all.

**Mr. Deputy Speaker:** Hon. Member, please, address me. When you answer the Member for Couva South he starts back with the crosstalk.

**Hon. C. Imbert:** Mr. Deputy Speaker, I will try. The fact of the matter is, forget the gallerying from hon. Members opposite and forget the game-playing, and the playing to the public gallery and so on, we on this side have asked the Members opposite to support the legislation. It is their legislation! It came from them! It came from the work of a bipartisan team, which comprised politicians, which is supported by a number of non-politicians, technical people, constitutional experts and so on.

We are of the view that a police commissioner must be given the ability to manage the human resources under his control. Mr. Deputy Speaker, I would give a pertinent example of a situation with Constable “X”, who, for 32 years engaged in the worst form of misconduct. He was fined by the police commissioner 10



times. The police commissioner made numerous complaints to the Police Service Commission about the man; he requested his removal from the police force.

This went on for 32 years and the Police Service Commission decided that the man should be retired with full benefits and that he should be paid for all his accumulated leave and so on. Mr. Deputy Speaker, that is a real story and there are hundreds of stories like that. Is that how to fight crime? A commission which sat on a matter for 32 years, got reports about Constable "X's" involvement in insubordination, being before the court for larceny, assault and battery and all kinds of things. They were getting reports on this man for 32 years; he was getting paid, and their decision, as management experts, was to pay him and give him his full benefits. He was to be retired from the service, in the public's interest, with full privileges. That was the decision of the Police Service Commission after 32 years of misconduct by Constable "X", while criminals are running riot in this country.

The only fundamental thing in this Bill is the legislative requirement that the Commissioner of Police would have the authority to manage the human resources under his control. [*Desk thumping*] That is all! The only issue, Mr. Deputy Speaker, is checks and balances! What else could it be? How could you tie the hands of every senior police officer in an organization as the police service, which is so important to the safety and security of the people of this country?

Mr. Deputy Speaker, I have heard of a case where a senior superintendent walked into a police station somewhere in East Trinidad and as he got to the constable at the desk the constable said: "Who is you? Wha yuh doing here? Wha yuh come here for?" The senior superintendent said: "But I am a superintendent of police, how could you speak to me like that?" The constable took off and ran and you could bet that if that superintendent had made a report against that constable that would be Constable "Y"; that would be 31 years on full pay and then to be retired in the public interest with full leave entitlements and so on. How are senior superintendents, sergeants, inspectors supposed to function if everything they do is subject to prior approval of some faceless group of people hidden away in some building?

There is no country in the world that has a successful police force where the head does not have the power to manage the human resources under his control. No country in the world, Mr. Deputy Speaker! There is a basic theory of an organization, that if you want an organization to achieve certain objectives, you have to give them the resources, the tools and the authority to manage their own affairs. [*Desk thumping*] As I just said, that is a basic theory of organization, and the Members for St. Joseph and St. Augustine know that. One does not have to be a rocket scientist to know that!

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All we want to do, Mr. Deputy Speaker, is to give the police commissioner and the senior officers in the police service the power they should have had 42 years ago to manage the resources under their control. [*Desk thumping*] All this debate should be about is the requisite checks and balances to make sure the police commissioner does not abuse the authority that is given to him. Mr. Deputy Speaker, that is why I was so disappointed at the contribution of the Member for Couva North.

Mr. Deputy Speaker, not once did the Member for Couva North deal with the issues in this legislation. This is his legislation! He gave birth to this legislation before the House today! He is a parent and he has disowned his offspring! He has rendered this Bill an orphan! Not once did he deal with the issues at hand. Not once did he deal with the fundamental changes we are seeking to make, with respect to the reform of the police service. All he did was to raise a number of red herrings, clouds, obstructions, obstacles, and he demanded that we have some kind of strange, nebulous presidential system in this country, and quorums of one. Unless we do that, Mr. Deputy Speaker, he was not going to allow the police commissioner to manage the police force. I truly hope that is not his final position. I hope that was just “gallery” and grandstanding on the other side.

Mr. Deputy Speaker, before I take my seat, I would ask other Members from the other side, who are coming to speak next, not to continue to talk the kind of foolishness that we have had to listen to in this Parliament today. [*Desk thumping*] Come good! Do not waste our time with stupidity. Do not waste the people’s time. The people are crying out for improvement in the management of the police service. Do not waste the country’s time with stupidity! The next election is coming just now, you know, and the reward of sin is death. [*Desk thumping*]

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

**Mr. Kelvin Ramnath** (*Couva South*): Thank you very much, Mr. Deputy Speaker, and like my illustrious Leader, let me say that it is a pleasant sight to see you in the Chair.

You would understand, Mr. Deputy Speaker, why the failed Minister of Health was removed from his portfolio very recently. You would understand, Mr. Deputy Speaker—if I may repeat what has just been said—it had to do with his incompetence and stupidity. When he turns to his left, to his leader, the Member for Diego Martin West, he speaks from the left side of his mouth. When he turns to the right and he sees an acolyte of the Prime Minister, he speaks with the right side of his mouth. Therefore, he has perfected the art of speaking from all sides of his mouth.

When a Minister of Government stands in this Parliament and attempts to tell me what to say in a debate, you could very well understand how he manages a ministry. When a Minister stands to tell any Member of this House what they should say in a debate, and that he must be the judge of what you say, whether it is foolishness or stupidity, you would understand where we are heading, as a country. So I choose to dismiss most of what he has said here today because he has added no value to the debate that is taking place.

Mr. Deputy Speaker, at the outset, the behaviour of my hon. friend for Diego Martin East indicates the Government's strategy in this debate. The Government does not wish to have the Opposition's support for these Bills. They are doing everything possible to prevent the Opposition from supporting them on this particular issue. Mr. Deputy Speaker, you could tell from the outbursts coming from Members on the other side. The Member for Diego Martin East, supported by his Prime Minister, have decided that they would have this debate at this time, come hell or high water, to prove one thing, that is to tell the country that the Opposition does not wish to support the anti-crime legislation.

Mr. Deputy Speaker, the evidence is not forthcoming. They are trying to push this legislation down the throats of Members of Parliament and they would learn that nobody on this side is going to swallow any of the rubbish that is coming from the other side. They are not going to decide on the agenda of this party to which I have the honour to build. They would treat Members of Parliament in a decent way. [*Crosstalk*]

**Mr. Deputy Speaker:** Hon. Members—

**Mr. K. Ramnath:** Mr. Deputy Speaker, I am not disturbed by the outbursts on that side. Mr. Deputy Speaker, I will speak to you. They wish to tell us how to debate; they wish to tell us what to debate; and they wish to go to the country and say it is the Opposition that has prevented these Bills from passage.

I am told—and it has been said by Members on the other side—that they do not need the Opposition support to pass the Police Service Bill; they could do it with a simple majority. So what is the complaint from the Member for Diego Martin East? Let him pass his Bill! The Attorney General said that they could pass the Police Complaints Authority Bill but he wants to see it entrenched that is why he is asking—in a very decent way, I must admit—for support from the Opposition with respect to the Police Complaints Authority Bill. We have been told for the last 75 minutes that we are obstructing the passage of a Bill, which would give the Commissioner of Police the powers he needs in order to have an efficient and effective police service. Mr. Deputy Speaker, let them make up their minds.

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The problem in this country is that they cannot be trusted. Therefore, the time that is necessary for us to go through this legislation and to get the views from the public must be had. They want to know about the space-time continuum and I listened to him. Why a shift of the space-time continuum? I will tell you why, Mr. Deputy Speaker, because they were party to a conspiracy to seize power in 2001. [*Desk thumping*]

They had a President at the time, Mr. ANR Robinson, who conspired with them to steal power from the people of Trinidad and Tobago. [*Desk thumping*] That is what they did. Do they wonder why we do not trust them? A party in government, Mr. Deputy Speaker, an incumbent government that got 300,000 and more votes was removed from office by the President, who in return was granted tax-free concessions for two BMW motorcars, and given \$24,000 per month—something no other President got from the Government—in order for him to hire research officers.

They want to know why things have changed from 2001 to today. I will tell you why it has changed, because you are in power by fraud! [*Desk thumping*] The country has to know that they are a fraudulent government. The country has to know that they had the criminals in their bosoms in order to frustrate the electorate in Ortoire/Mayaro, San Fernando West and in Tunapuna. Mr. Deputy Speaker, do they want to know why things have changed? Do they want to know why we do not trust them? Do they want to know why people on this side want time to look at what they have done? That is why there is a shift in this space-time continuum. I had to endure the insolence of the Member for Diego Martin East. It is no wonder he had to be dismissed from office, because he is an absolute and total failure. [*Interruption*]

Mr. Deputy Speaker, let us look at Constable “X”. I am only looking at Constable “X” for one reason, to let the country know the type of attitude of mind that exists on that side. There is something in this country that lawyers call due process. The Police Service Commission is headed by a senior counsel and I suspect that is where the problem is as far as they are concerned. Now that they have gotten rid of him maybe they might even change their minds. That is why they probably brought this Bill in a hurry; they are saying that they do not need it anymore; we would get our way now. [*Interruption*] You had your chance, Sir, do not howl.

**Mr. Deputy Speaker:** Hon. Member—

**Mr. K. Ramnath:** I beg your pardon, Sir. They believe that they have their way now and, therefore, they are going to try to embarrass the Opposition to the public when they do not support the Bill.

The Member for Diego Martin East chose to attack the integrity of the members of the Police Service Commission; they are distinguished people; people with distinguished backgrounds. When I look at these people here I see they all have excelled in the area of academia, as far as their integrity is concerned. We do not know the facts with respect to Constable “X”. The Member has not brought any information on Constable “X” to this Parliament, with respect to the Police Service Commission’s position.

The hon. Member has no interest in industrial relations matters because he has a history—in private enterprise—of being against industrial relations principles and so forth. So he chooses—I am very happy that he is leaving because he cannot take the jamming. He makes his points and he runs away. [*Interruption*] According to my friend from Diego Martin Central, you could run but you cannot hide. Mr. Deputy Speaker, with respect to Constable “X”, you would expect that a minister of government would come to the Parliament and say this is what the position of the Police Service Commission was all about. I am quite certain that if you get the information you would see why, as lawyers, and the Police Service Commission advisors, they would have taken a certain position.

The history of the police in this country is that they have failed, according to the commission, to provide the necessary evidence for disciplinary action to be taken. The hon. Member has no evidence of that. The Commission states that where people have been convicted in the courts of this country that the police in question would not even obtain the judgments from the courts and present them to the Police Service Commission. Mr. Lalla has repeatedly said this is a quasi-judicial body and, therefore, one would expect that they would act in a sensible manner.

Having regard to the attitude of mind, the PNM is willing to bypass all the civilized procedures in order to achieve the ends they have set. Mr. Deputy Speaker, I warn this country that this debate on all these Bills is a big charade. It is a public relations exercise led by the Member for San Fernando East. It has to do with simply trying to find an excuse for their gross incompetence and their lack of will to do something about the crime situation in this country. [*Desk thumping*] So we get this so-called anti-crime legislation.

When we questioned the anti-crime aspect of the legislation, and Sir Ellis Clarke returned to Trinidad—I am told he was on vacation and he returned. [*Interruption*] I would not go so far, I have a lot of respect for former President Clarke. I am sure he paid his own way to come back here—and he said this is not anti-crime legislation nor is it an attempt to manage the police. President Clarke

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said the Police Management Authority Bill is not intended to manage the police, that is the job of the police commissioner.

John Donaldson, the Chairman of the PNM and good friend of the Prime Minister said publicly—I could understand why the Prime Minister did not get any important portfolio during the period while Mr. Donaldson was in the Cabinet and Dr. Williams was the Prime Minister, I could understand your difficulties. You were always on the Back bench—to the news media that the PNM general council did not discuss the Bills that were before the Parliament.

Mr. Deputy Speaker, these people talk about having a well-organized and well-structured political party. They talk about how serious this legislation is but the Chairman of the PNM said they did not discuss the legislation. They did not even seek consultation with members of their party who put them in Government and yet they come and accuse us of sabotaging the Bill by saying that we must seek the widest possible consultation. Mr. Deputy Speaker, nobody is about to take them on.

I had hoped that I would have had something to respond to from the Member for Diego Martin East but he rambled and he waffled and then he said that they are willing to meet halfway. At the end of his speech he announced that they were willing to meet halfway. I guess he has the authority of the Prime Minister to talk about that. Is that not exactly what we are saying on this side, that we must meet halfway? You frustrate the work of the Joint Select Committee. Glenda Morean left and went to England as an Ambassador to Great Britain—a High Commissioner; does she kneel when you go there as well? I do not know—and that was the end of a parliamentary mandate.

In fact, I am told that the Prime Minister is guilty of parliamentary contempt. While in the midst of consultation by the Joint Select Committee with members of the public, the Member introduces these Bills in Parliament and did not wait on the Joint Select Committee, which is an institution of Parliament, to report. He is in a hurry. He wants to make sure the Opposition does not support the Bill so he could go and kiss some babies and pretend to be a friend of a four-year-old whose family comes from my constituency; a four-year-old whose grandparent from one side of the family comes from my constituency. He behaves, almost, like an opportunist! The word I would have said on the public platform—Mr. Deputy Speaker, you know I have more freedom to speak outside than inside here. This is such an archaic institution. The hon. Member behaves like a hypocrite, crying for a four-year-old and claiming that if the UNC had supported these Bills, perhaps, that act would not have taken place. My heart goes out to all the victims.

Mr. Deputy Speaker, how do you simply rationalize the passage of a piece of legislation in terms of its capacity to deal with the social problems we have in this society? We built a fence in Port of Spain to prevent people from entering upon the lands of the State, and they broke it down! [*Desk thumping*] They are the ones who are seen in the company of the criminal elements in Balisier House. Today they come here and make it look as though we are not solving crime.

I asked them whether they could assure me that when I call the police in Couva that I would not be told we have no vehicles. Could they assure the average citizen, when somebody comes to kick down their doors that the police would be there in a few minutes? Could they assure the public that the legislation they talk about that would create this management capability in the police force, would be able to provide a better response to the cries of the population? Mr. Deputy Speaker, up to today they have not indicated, in any way, what benefits would be derived from this piece of legislation.

I am hearing from the Member for Diego Martin East that we are vexed because the former President did not appoint the Leader of this party as Prime Minister, and that we want to mash up the place. If they really wanted our support, is that the kind of analysis they could conduct that we are terrorists; we want to mash up the place because we did not get that? They do not want the Bill to pass, Mr. Deputy Speaker. At a later stage of the debate I will come back to this point.

I refer to my friend from Laventille East/Morvant when he said that this is a political issue. I agree with him that it is, indeed, a political issue. He knows very well that it has nothing to do with police reform. He knows very well it has nothing to do with kidnapping. He heard his Prime Minister say that they were going to bring back the Kidnapping Bill so the Opposition could vote against it—the Prime Minister of this country—and therein lies the basis for the rush to introduce this legislation. He wants to bring back that Kidnapping Bill to tell the country that if the Opposition does not vote with the draconian aspects of the legislation, it would prove to the country that we are not serious about kidnappings and crime.

The Government has failed the country. All the Ministers in national security responsible for dealing with crime are failures. The Government is a failure. They are a monumental failure. They are a colossal failure. When 130 persons are murdered for the year and just about half of the year is completed, it tells them that their plans have failed. The campaign was: “Take back your country.” What was the subliminal message they were sending? People felt they could have done anything they wanted to do because PNM was in power. The practice of open racism has resulted in crimes in this country.

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You want to be an executive president without having to fight for it! You want to control personal power! You want to accumulate personal power in this society so you would bring all kinds of legislation so that the Prime Minister would have the role of an executive president. You will never get that while I sit on these Opposition Benches.

**Mr. Deputy Speaker:** Hon. Members, the sitting of this House is suspended to 5.05 p.m.

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

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

**Mr. K. Ramnath:** Mr. Deputy Speaker, I opened my contribution describing this debate and the haste with which the Government has decided to debate the legislation as a media event. I am not about to accuse the media—some of which have received considerable sums of money from the Government in this blitz and other activities supporting what is happening today—because of the kind of investment made by the Government in those sections of the media. It could very well be that in their anxiety to report some good news, they feel the passage of these Bills would result in the reduction in crime.

I want to quote from an article on page 12 of the *Sunday Express* by Raoul Pantin. He said, inter alia,

“Whether the Bills are eventually passed or not, and in what form they will be passed remains to be seen, the government has not exactly emerged triumphant. On the contrary, its new attempts to drag the opposition’s name through the mud appear to have backfired.

The whole public relations exercise has been made to look like exactly what it was—a cosmetic attempt to con people into believing that the government was all ready and willing to crack down on crime but for the intransigence of the opposition.

You can be certain that not a single criminal or thug has been discouraged by the controversy over the police bills or the political one-upmanship that both the PNM and UNC are so keen on exercising.”

He ends his column by saying:

“Reform of the Police Service might sound like a great idea and might even give a fresh impetus to the war against crime. But that’s only the start of a long and slow process, the results of which are unlikely to be either instant or dramatic.”



This columnist, Mr. Raoul Pantin, spent a considerable amount of time looking at this exercise as one in public and media relations. At no time does he send any message to the reading public that the passage of these Bills will do anything more than it was intended to do, and that is, show political one-upmanship, and be public relations and a media blitz to try to embarrass the Opposition.

I notice that the Member for Laventille East/Morvant is not here so I will withhold my comments on a few matters until he arrives, if he arrives.

I want to read from an article in the *Sunday Express* of June 27, 2004—“Battle of the bills”, by Dr. Selwyn Ryan. He says:

“All have advised, cajoled and warned, and one can only hope that out of this clash of ideas, interests and ambition an outcome would be forthcoming which though satisfying no one completely, will achieve some of the benefits that the bills are supposed to yield.

Quite frankly, however, I am not convinced that the bills will have any significant impact on the incidence of crime.”

This is Dr. Selwyn Ryan speaking, June 27. This is Dr. Selwyn Ryan, professor at the University of the West Indies; well-known writer.

“Mr. Manning also wants to control the Police and no doubt also seeks ways to get the Police to respond to his concerns. One would be surprised if he or any other Prime Minister in the region did not. Indeed, every Prime Minister in the region wants to dismantle the Service Commissions, and that is in fact why they were created. They were inserted in the system to prevent abuse, which in small societies without certain democratic traditions, occurs very easily.”

He closes:

“Do we really have to abolish the Service Commissions to discipline rogue elements? Have we run out of ways to make Commissions work? Do we want to follow the path set by Jamaica and Guyana where the police has become highly politicised and constantly invite complaints from local ‘citizens for justice’ and international NGO’s like Amnesty International?”

I put this on the record, Mr. Speaker, because it is consistent with what speakers on this side have been saying in the debate.

On the question of discipline, when other speakers were quoting from the *Report of the Public Service Commission, 2002*, you were hearing from the other

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side that we were in power. This was a report dated 2002 and referred to an ongoing period of activity of the Police Service Commission. One would have thought that the Member for the Diego Martin East would have taken time to read this report instead of making these wild assertions about Constable “X”. It is the most irresponsible statement that has been made in this House because he failed to produce any response from the Police Service Commission on a matter that accuses the commission, in his own words, of “incompetence”. I quote from page 15 of the *Report of the Police Service Commission, 2002*:

“The Commission was faced with delays in the disciplinary process relative to officers who were facing court charges. Such matters are outside the jurisdiction of the Commission and in this regard a report on outstanding court matters affecting Police Officers has been sent to the Chief Justice for his attention.”

I remind the House that Mr. Lalla is a Senior Counsel with considerable experience in the Parliament of Trinidad and Tobago, at the private bar and on the Bench. [*Interruption*] The Prime Minister has asked me to state one case for which Mr. Lalla has been famous. Do you understand what is coming out of him? [*Crosstalk*]

**Mr. Deputy Speaker:** Please, let us get it clear. We do not want to have this crosstalk. There is no need to attack that. You will get an opportunity, hon. Member for Princes Town. All that has happened is that the Prime Minister has asked to name one case.

**Mr. K. Ramnath:** Mr. Deputy Speaker, thank you for your protection even from my own colleagues. My colleagues obviously detected an attitude of mind and that is that I have now to prove what cases Mr. Lalla—I consider him to be a highly respected person. The President of the Republic, that office that we hear so much about here, appointed him. Do you understand the attitude of mind? The problem with the PNM is Mr. Lalla. Today, the Police Service Commission does not have a single Indian on it. With the removal of Mr. Lalla by retirement, there is not a single Indian in the country, 50 per cent of the population being Indian and with a high number of legal professionals in the society there is not a single East Indian on it. Do you understand the concerns of the public? [*Interruption*] You do not worry about who is Trinidadian and who is Tobagonian! Do you know why nothing works here and they do not understand it? The society is polarized on the basis of race. That is the history of this country.

My visiting friend from outside this Chamber who did not face the electorate, I want to advise him, having regard to his behaviour in this House, that he should

try to conduct himself properly. He stood here and made a most ridiculous statement about the conduct of the Member for St. Joseph in this Parliament and I am ashamed to repeat it. It is a shame and disgrace that he should sit as a minister of government, especially the Minister of National Security.

“Moreover the Commission noted that allegations of misconduct against police officers are at times not thoroughly investigated by Investigating Officers.”

In the police, there is a cabal. They do not report on each other. Do you think the new police commissioner, number 9 or whatever he is on the list, would change that with all the power they give to him? What happened when Scotland Yard came here? The Prime Minister is very well aware. They had to leave because the guys in the police service were not prepared to squeal on their friends. So you blame the Police Service Commission. One of the senior Ministers stood here today and behaved as if the Police Service Commission was responsible for Mr. X. Statistics will show that a substantial number of disciplinary matters have been dismissed for reasons such as the absence of prosecution witnesses, failure to prosecute disciplinary matters with efficiency or failure to serve documents on the officers charged.

We must be fair. Unless there is evidence to suggest that it was incompetence on the part of the Police Service Commission, you should not stand in the Parliament and make these accusations. I want to ask, as Prof. Ryan asked: Are there ways that the service commissions could be modernized, could be upgraded? As he says in his article: “Do we really have to abolish the Service Commissions to discipline rogue elements? Have we run out of ways to make the Commissions work?” What are you going to give to the Commissioner of Police, apart from putting in the legislation that he is responsible for discipline, et cetera? What institutions are you going to put in place to make his work a lot easier in trying to deal with these serious problems? What prevents the Minister of National Security, who has responsibility for the police service? What constitutional changes do you need to make the Commissioner of Police the accounting officer for the police? Why can we not give him that power? You do not need a constitutional majority to give him that. They deliberately mix up the issues. To try to confuse the public, they bring three Bills. They say one requires a two-thirds majority and then they say that the Opposition does not want the two that require a simple majority to pass. They do not even need us to pass it. That is what they say. Of course, they need us to pass it because they have to pass the Bill that requires a two-thirds majority in order for the others to be effective.

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They boast—as usual the Member for Diego Martin Central—he said, “We will elect a Speaker. Be assured, a Speaker will be elected.” Then he comes recently and said, “Be assured the bills will be passed”.

**Mr. Valley:** Mr. Deputy Speaker, you would remember that my words were that there was a Plan B. You would remember also, Mr. Deputy Speaker, when we adjourned the House on that evening and they were expecting to come the following day, and Parliament was prorogued, and they were all caught flat-footed. As they would in this situation.

**Mr. K. Ramnath:** You have your time to talk. [*Interruption*] I do not know what he said.

**Mrs. Persad-Bissessar:** He said they have a Plan B.

**Mr. K. Ramnath:** Plan B. Of course, they always have a Plan B. I want to quote from page 69 of a document called, *Thinking Things Over*, by the Constitution Commission (1987) of the Republic of Trinidad and Tobago.

“The Service Commissions established under the Constitution are the... following—

“Office-holding according to merit is a fundamental principle of Parliamentary democracy. Its proper applications require, inter alia, that appointments and promotions in the public service are based on a merit system that is insulated from political influence and one which is designed to secure a government that is efficient, politically neutral and dedicated to the extension of equality of opportunity to all.”

People have written over the 42 years and there is fundamental agreement that governments may come and go, but they should not be allowed to tamper or tinker with fundamental principles. I will tell you what the Government has done in other areas. They have converted Solid Waste Management Company Limited (SWMCOL) into a political arm of the PNM. They have appointed one of their cronies, Ray Braithwaite, to be in charge of handpicking PNM personnel and giving contracts contrary to the tendering procedures, paying \$50,000 per month, and then ensuring that these handpicked contractors are select people who are members of PNM. They want to treat the service commission in the same way they treat the Community-based Environmental Protection and Enhancement Programme (CEPEP) and SWMCOL, because it is expedient for them to do so.

I warn this country in the name of productivity and expediency and all those high-sounding statements, that the need for authority because of responsibility and so on, must be carefully looked at. It is a good selling point but good

management will only occur if you have the authority. There is something called the abuse of power and we see it every day in this country. When we say it does not matter how long it takes, less talk is talk to the people.

They frustrated the discussion. They have violated a decision of this Parliament to have the joint select committees continue to be. They should have taken note of what the Opposition and the Independent Senators were saying. It is worth reminding the country that seven out of nine Independent Senators were concerned about changing the Constitution to deal with this matter. If your Independent Senators are concerned about that, you should have met with them to discuss their concern. You should have allowed the Bill to go through and let them express their concern. Instead, in their arrogant way, they are putting the Opposition in the House of Representatives to the test, so that they can tell the people that the Opposition wants to mash up the country and therefore they are not supporting the Bills.

We are not the only ones who have a problem with these Bills. Independent Senators have a problem. Prof. Ryan has a problem. Raoul Pantin has a problem. Prof. Cudjoe has a problem. Martineau has a problem. Sir Ellis Clarke says that this is not about anti-crime and they continue to talk about anti-crime legislation. They are deliberately misleading the public and it is our duty to ensure that the public understands, as the Member for Pointe-a-Pierre did yesterday, that there are anti-crime measures.

What are the anti-crime measures of the Minister of National Security? I called the police one night because there were some suspicious characters hovering around my house at Balisier Avenue, Couva, at midnight. *[Interruption]* I did not name it and I did not seek to change the name when the UNC went into power. Perhaps that is the Balisier House I visited, according to the Member for Diego Martin Central. I called the police and a policewoman answered the phone very politely and said: "When the patrol returns from the panyard, I will inform them." I have never heard from the police again.

My office in Couva was burglarized on several occasions and I called the police. The response was that they would send CID the next day to take fingerprints. Of course, I became very angry and I expressed my anger. It was not the CID I wanted, I wanted the police to come then. I am a Member of Parliament and I do not seek any special handout from the police. Can you imagine what the average person has to go through in this country?

Are you telling me that this Government and Sen. The Hon. Martin Joseph cannot put in place a management system for the police while he is waiting for

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these Bills to be approved? I do not believe that they must set up their own motor vehicle company. Governments cannot run those things.

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

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

*Question put and agreed to.*

**Mr. K. Ramnath:** Mr. Deputy Speaker, the point I am making is that many of the problems that exist with respect to crime and people's concern with crime could be addressed. I do not know why Government wants to set up a garage to fix cars. There will be no lights and parts in the storeroom after a few weeks. [*Interruption*] Well then, you must change what the UNC set up if you are not happy with it. A simple thing to do is to rent motor vehicles. There are enough rental companies in this country that provide service with rental agreements and they will set up shop within our police headquarters throughout the country and if a vehicle is not working they will replace it in a few minutes. They do not have to have a bill approved by Parliament to have an efficient fleet of motor vehicles. That is one of the major problems the police and the country are facing as a result of the absence of motor vehicles.

Do you think anybody believes that if you pass these Bills, in a few weeks or months there will be an improvement in the quality of service? No one believes that and yet nothing is forthcoming from the Ministry of National Security in terms of developing a management plan that will see police in action. I want to support any measure that will allow me to see police on the streets of Couva regularly; that will see police at Grand Bazaar or Gulf City or when I drive the highway at all hours of the night because of my political work. I want to see the flashing blue lights on the highway. I want to see police helping motorists who are at risk because of problems on the roads. I want to see that. All of us want to see that.

What is preventing it? The service commission? No, Sir. You already have a budget in the Ministry of National Security and you asked for more and we gave you more. If you do not have the ability to put in place a system that will work; if you cannot do it, bring some people from abroad. Bring someone who is as good as Lindquist in fighting crime. You were prepared to pay him millions of dollars. You can bring a forensic expert. You spent millions of dollars to bring Lindquist to help you. Well, bring someone from the FBI or from Scotland Yard or from Barbados or wherever we have efficient police services, to help you to organize your police service.

I ask the Minister of National Security whether Virgil and Boyd and Piggott and these people who travel first class to the Isle of Man, London and to New York have any problem for resources. I hear nothing about the service commission preventing these people from hounding Opposition politicians around the world.

Did we have any problem when they handcuffed a few ladies in San Fernando and dragged them in the full view of the public and took them to court claiming that they were guilty of voter padding? Up to today, not one person has been found guilty. They are very efficient when they want to lock up people who do not support them politically. They have no difficulty. The police service is extremely efficient when their functions have to do with trying to humiliate and attack Members of the Opposition.

Why are they not able to use those same methods to bring about some efficacious methods to solve the problems that the ordinary man and woman are facing in the country today? They have no interest in fighting crime. Speakers before me have told you why.

I wanted to refer the Member for Laventille East/Morvant, the loquacious Member who grovelled on his belly to get a ministerial position, as required reading, to *Race and Nationalism in Trinidad and Tobago: A Study of Decolonisation in a Multi-Racial Society* by Selwyn D. Ryan, University of Toronto Press, 1972.

On page 332, Prof. Ryan writes:

“On the question of entrenchment, the DLP demanded a three-quarter majority in both Houses...”

The DLP at that time consisted of a very distinguished gentleman, Mr. L.F.S. Seukeran, the father of the Member for San Fernando West, and I am quite sure he is very upset that he produced a daughter—anyway, I have too much respect for the family to say anything further.

“...an entrenched right of appeal to the Privy Council on all issues relating to the interpretation of the constitution.”

The DLP, in 1962, that is when we were going for Independence. This was at the Malborough House Conference.

“Dr. Capildeo declared he had no faith in the integrity of Dr. Williams, and could not accept his pledges or those of his Party.”

Nothing has changed. I have no faith in the political integrity of the Member for San Fernando East.

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“Williams had ‘torn up’ the federal constitution and the old Trinidad constitution and there was nothing to stop him from ‘tearing up’ the new constitution and making Trinidad a republic as Nkrumah had done in Ghana. The DLP also wanted some sort of firm guarantee that the civil service, the police service, the National Guard would be more representative of the ethnic physiognomy of the community. Capildeo complained that at present, ‘one section of the community was armed against the other’.”

Do you want to bury your head in the sand and believe that in Trinidad and Tobago one section of the community is not armed against the other? Do you think anything has changed in the country? Do you want to find out why you win seats in the East-West Corridor where there is a majority of Africans and we win seats in central and south Trinidad where there is a majority of Indians? Do not bury your heads in the sand! That is the reality of the society. If you feel that all you have to do is to tell the country that in order to be responsible they must not discuss these important and fundamental issues, you are not on the path of building a nation. You might, for the time being, enjoy certain benefits. The criminals are taking over the country because they have no faith in politicians. That is why they are taking over the country. They are making their own constitution and they have their own Minister of National Security.

“Whether at the instance of reports from Trinidad, or intuition that Trinidad might indeed witness a bloodbath, the PNM delegation finally agreed to compromise. This conference seemed on the verge of complete collapse when Williams decided that he would make a statement which he hoped would meet some of the objections of the DLP.”

Mr. L.F.S. Seukeran was part of this Malborough House Conference.

“The concessions were:

1. Special entrenchment of an increased number of provisions by a three-fourths majority of the members of the lower house and a two-thirds majority of the members of the upper house.
2. An independent boundaries commission...”

Those fellows got so frightened with the attacks by the PNM; they cutting seats left, right and centre today and talking about democracy. Whoever told the Elections and Boundaries Commission that they must decide how many seats? We must decide that. We are the elected people. We must decide how many seats. They must understand their role. One thing I agree with is that we have to do



something about all these commissions. The way to do that is not to abolish them, but to modernize them. [*Interruption*]

It is very difficult to explain that to the Member for Diego Martin East.

“3. An elections commission which would be responsible for the conduct of elections and registration of voters.”

That was a compromise that Williams had to make.

“4. The widening of the right of appeal to the Privy Council in matters other than constitutional rights.”

Now they want to abolish the Privy Council and put a set of banana republic judges to decide major issues, constitutional issues in the Caribbean. I will never vote for that. I would put my neck on a block in England rather than have somebody from the Caribbean. They all have an agenda. That has the Pan-African agenda. They do not recognize anybody else in the society.

The British Privy Council has done nothing wrong. They have not behaved like some service commissions. They have 1,000 years of experience in these matters; now the next thing we hear is a debate to put somebody from the small islands. They will have to share it. Some of these people have no experience in the larger world. It is like one minister of government when he was made Minister of Foreign Affairs. He did not even have a passport.

“5. Limitation to six months of periods during which a proclamation of a state of emergency could remain in force...”

9. Consultation with the Leader of the Opposition on important appointments... to elections and boundaries commission...”

Dr. Ryan documents the proceedings of the Malborough Conference and that is why today I am sure that he is asking who is the PNM and Patrick Manning—a government that does not even command the respect of two-thirds of the electorate. Who are these people to want to change the Constitution in the name of administrative efficiency? They do not have that power. Anytime you want to change the Constitution on so fundamental an issue, let us go to the people. It is their constitution, not yours.

When you want to change the final court of appeal, that is so fundamental a decision that the people must vote for it. Do not disrespect the citizens out there and come with some kind of legislation causing panic among the people. There are many ways, Mr. Deputy Speaker, if you explore the possibility. What prevents

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us from having a constitutional amendment to give the Commissioner of Police the right to discipline people and not a delegated right, and still keep the service commissions? Why do they want to create this Police Management Authority and so forth?

With the greatest of respect for Sir Ellis, he works on the basis of a brief that was given him by a bipartisan committee. We are the politicians. They are the ones who must sense—

**Mr. Valley:** Am I understanding the Member to say that if one were to keep the name Police Service Commission but allow for the constitutional delegation of authority to the commission as envisaged in the Police Management Authority Bill, the Opposition will support that?

**Mr. K. Ramnath:** Given the time to consult, we are prepared to discuss anything. Bring it before a joint select committee or a special select committee. Do not frighten the population into believing that we are going to make changes that are so fundamental. You scoffed at the Leader of the Opposition today when he spoke about the impressions created in the minds of people. I do not believe that we should have a president appointed in the way presidents are appointed. I believe that the Prime Minister should put up his name as a candidate for election to the presidency of Trinidad and Tobago with every person having the right to vote for him or not. Then I am prepared to give him wide executive powers.

He does not have to depend on you on that side for his living. I can understand the difficulty he experiences on a day-to-day basis. You cannot have an executive presidency. That is what you want. That is what is desirable in the parliamentary democracy known as the Westminster system. You want to introduce all of these things through the back door and I understand the need for change. That is why we say let us revise the Constitution. Let us look at the whole Constitution. But every time we talk about constitution reform, they say we want to mash up the country.

Dr. Ryan had recorded the proceedings at Malborough House and he sought to highlight the struggle to have certain rights entrenched. What has happened in Guyana is a lesson. What has happened to all plural societies is a lesson. What has happened in Suriname is a lesson for a plural society. What has happened in South Africa, Fiji and Mauritius is also a lesson. The experiences of those countries make them unable to move forward in spite of all the resources because of the dominance of one group over another. There are all these major constitutional issues and you are coming day-by-day and trying to have constitution reform piecemeal.

I would like to support legislation that will modernize the police. I would like to support legislation that would deal with crime. I would like to support legislation that would make this society more efficient, but I would also be failing in my responsibility if I were not part of a new process of developing a new set of rules by which the people of Trinidad and Tobago are governed. I call upon you to forget this debate. Let the Minister of National Security appoint Mr. Snaggs as an accounting officer. Set in train, without these constitution amendments, certain programmes that can be implemented by the police. Give him the money for the cars. We will deal with the other nagging issues at some other time, but let us not frustrate the police by continuing to bring amendments, which you know cannot be supported.

**5.50 p.m.**

Checks and balances is the latest PR campaign. Do you think you can force me to vote for you? Do you think, by these adverts, anybody could force us? The Westminster system is such that people give us the right, at least for five years, on their behalf, to deal with issues in the Parliament. Someone from aboard—this is a foreign thing—I do not know if it is Mr. Humphrey's of Are You Being Served, who has advised them on this. This has never worked in the Caribbean. This is not part of our culture. What the Government is trying to do is undermine the democratic process, by taking taxpayers' money and trying to incite people to call the Member for Couva South to vote for a Bill, or else. It is quite possible that there are people out there who could be forced to incite Members of Parliament. The Government has placed our security in jeopardy. They are wasting Mr. Snaggs' money, by spending \$5 million or \$11 million on these kinds of propaganda.

Do you know what is interesting? When the Leader of the Opposition starts talking about checks and balances, they changed the ad. The first ad was: Contact your MP, anti-crime legislation. The Leader of the Opposition said: "I am prepared to discuss these matters, but we want certain checks and balances." They got Mr. Humphrey to come up with an ad on checks and balances. When Sir Ellis said they are not anti-crime legislation, they put an ad in the newspapers comparing the new legislation with the old legislation. They said: "Everything remained unchanged, expect the Police Management Authority. We changed the service commission to Police Management Authority and it is the Parliament that will decide on the regulations." The experts here and throughout the Parliament have indicated that special majority was needed to change the legislation. *[Interruption]* I am not interested. My time is running out on this occasion.

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I simply want so say to the House that the record of the PNM has been such that once you give them power, within a very short period of time, abuse takes place. I have been told by hundreds of my constituents that if I support this Bill, I will be out. I come from Caroni and you understand my passion. As soon as the elections were over, the Government victimized 10,000 Indians. As I say to you, I speak this language everywhere I go.

The Member for Diego Martin Central stood in this House when the Member for St. Augustine asked him whether he had a plan. He said: "We have a plan and we are going to make the plan available." They have shut down the industry in the most discriminate way, and put 6,000 people, at a minimum, on the breadline. When you ask them what is the plan; the plan was to punish those who did not vote for them. They have no plan. They sent Sen. The Hon. C. Sahadeo to walk around Basta Hall in a sari.

**Mr. Sharma:** What a shame!

**Mr. K. Ramnath:** [*Interruption*] I would love to see you in a sari. You are a beautiful woman. Do you understand what they do with power? They put 60,000 human beings in Caroni, who look like me, because of a deliberate programme of political victimization. They behave as an indignant, self-righteous bunch of urban people. Ramnath, why do you not know your place? You must conduct yourself in a certain way.

I am reluctant to vote for any measure that will give them an iota more of power. They have abused power. I saw a publication of approximately 45 names to recruit fire service officers. They asked for objections. I do not know whether the fire service comes under the Minister of National Security. There were nine Indians. Is it that only nine Indians applied? I am not making out a case that anyone is superior to the other. There is a bias!

The Government sent the Minister of Health, the Member for Port of Spain North/St. Ann's West, to do their hatchet man work. He boasted: "I have busted the throats of the Indians in Central." He bragged. [*Interruption*] That is not "ol' talk". I have evidence. He came to Caroni with a programme of bribe to get workers.

**Mr. Deputy Speaker:** Change the word "bribe", please.

**Mr. K. Ramnath:** The package, as far as the Member for Port of Spain North/St. Ann's West is concerned, is get out of employment. That is what creates crime in the society today. There is massive unemployment in the sugar belt,

without any plan to organize the people into productive employment. Ask for Minister Sahadeo, she wants to convert cane cutters into technicians, to work at the industrial plants in Point Lisas. He wants to convert cane cutters into technologists. It tells you the educational background of the Member for Port of Spain North/St. Ann's West. These people are put as ministers and they do not have a proper understanding of how things work in the society.

Mr. Deputy Speaker, with the few minutes I have left. I have a lot more to say.

**Mr. Deputy Speaker:** You have only one minute more.

**Mr. K. Ramnath:** A few minutes, Sir. There is opportunity. We should leave the service commissions as they are, until we are able to tackle the larger problems in the society. There are people who have had many years teaching civil engineering at the university and building buildings. After all these years, their walls have collapsed and they have been sued in Grenada and elsewhere. It is all right for 42 years. In the life of a nation, 42 years is a short period.

I say to the Government, leave the service commissions where they are today. Let us, as a Parliament, meet and talk about how we can modernize these institutions. Let us agree on the changes that we are prepared to make and give the people of the country a chance to determine how they are governed. I thank you.

**The Minister of National Security (Sen. The Hon. Martin Joseph):** Thank you very much, Mr. Deputy Speaker. Let me thank Members of this honourable House for giving a stranger an opportunity to participate in this debate on three pieces of legislation before us: a Bill to make provision for the efficient management of the police service, to consolidate, amend and revise the law relating to the police service and for other related matters; a Bill to establish an independent body to investigate criminal offences involving police officers, police corruption and serious police misconduct and for other related matters; and a Bill to amend the Constitution by providing for the establishment of a Police Management Authority, and for other related matters.

I sat here over these two days, and listened to comments from both sides of the House. I propose to respond to some of the comments made and at the same time indicate, as the question has been asked, how these pieces of legislation would increase the efficiency and effectiveness of the performance of the police service and why these Bills are necessary. The Members for Couva North and Pointe-a-Pierre, after saying everything, came to the conclusion that basically what we really needed was to provide resources. The Member for Pointe-a-Pierre said that we needed to provide physical and human resources, in order for us to be able to get a handle in terms of the serious challenge that faces us at this particular time.

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The Member for Couva North also, having said everything, concluded by talking about personnel and equipment and what we needed to address was the question of recruitment. He quoted from the *Police Service Commission Report*, which I would get to. He also spoke about the whole question of meritocracy and recruitment. In talking about recruitment, he also mentioned—I think he quoted an article from a writer that asked the question—the fact that 31 senior officers were recently promoted in the Police Service First Division. He said, of those 31 senior officers, only seven were East Indians. He wondered why. I want to indicate my surprise. I would say why I am surprised. As you know, Mr. Deputy Speaker, appointments to senior positions would have been as a result of a number of years of these officers being in the police service. It is a question of when persons joined the police service and why we have reached the point where only seven East Indians of 31 have been promoted. An unfair impression is presented. We need to correct it. I do not want to get myself involved too much in the East Indian/Afro Trinidadian thing as if it is a quota system. We need to put in the correct perspective, that there was a time—whether we like it or not—that East Indians for some reason did not—[*Interruption*]

**Mr. Deputy Speaker:** I would like to tell the members in the public gallery if you need to speak to somebody please go outside and do that. This moving up and down in the public gallery will not be permitted; otherwise something will have to happen.

**Sen. The Hon. M. Joseph:** My colleague here is reminding me that I should say Trinidadians of East Indian origin or Trinidadians of African origin.

There was a time when recruitment into the service was something that was not attractive to that segment of the population. [*Interruption*] It is not nonsense. It is a fact. The realities will show that. To give the impression—[*Interruption*]

**Mr. Deputy Speaker:** Hon. Member for Fyzabad, please, the debate has been going on properly. You would have the opportunity. Allow the Member to speak. If we do not do that, what you will find is that the House will descend into a shouting match. It does not make sense.

**Sen. The Hon. M. Joseph:** Mr. Deputy Speaker, we need to be clear on that. What is also interesting is that the Member for Couva North went to great lengths to talk about what was done in the United Kingdom, when it was found that for some reason the police service was not reflective of the population.

Interestingly enough, I am seeing where clause 22 of the Police Service Bill will give the Commissioner of Police the opportunity—I would go into more

detail later on—to recruit into the service, persons at different levels. If we have talented persons who are required to come into the police service to provide the police service with a certain amount of competence and capability, that particular clause will allow that action to be addressed. I think we need to be aware of that.

I am a visitor here. I am not ashamed to say so. I listened intently to the Member for Couva South. I am worried if that type of thinking continues to permeate the society, I doubt very much that we are going to make the kind of progress that we need to make as a society, as we move towards developed society status. [*Desk thumping*] That is all I prefer to say at this point in time. As a citizen of this country and someone who recognizes that this is the best place on God's earth and that there is so much potential for us as citizens of this country, I really worry about that type of thinking and where that type of thinking is going to take us, as a society. [*Interruption*]

Much has been asked about what we have been doing in the Ministry of National Security. The Member for Couva South claims that it is incompetence on the part of the Minister of National Security, and that is why we are where we are today and we are trying to introduce legislation that is not going to provide us with the means of treating with the challenges that face us. I beg to disagree. Let me, in my contribution, provide this honourable House, and by extension the national community, with what we have been doing so far in the Ministry of National Security and why the legislation that we seek to have pass, will further enhance what we need to do, so that we can treat frontally with the challenge that confronts our society.

Over the last two years, the Ministry, the protective services and other divisions under its jurisdiction, has been strengthened, trained, modernized and reequipped to function at levels of professionalism and effectiveness that are well beyond the previous capabilities. Let me give a quick review. The 2002/2003 and 2003/2004 budget signalled Government's intention to promote national development by focusing on a number of key areas. The allocations made to the Ministry of National Security reflect the Government's conviction of the importance of crime reduction and eradication in achieving this goal. The Ministry of National Security, therefore has a strategic role to play in establishing and maintaining systems and strategies to effectively reduce crime and promote an enabling environment which will contribute to this country's sustained development.

In this regard, the Ministry has consistently been among the top three ministries, in terms of this Government's annual budgetary allocations. For

example, the largest allocations over the last three years were made to the Ministries of Education, National Security and Health. In 2002, the Ministry of Education received \$2.1 billion; the Ministry of National Security, \$1.6 billion; and the Ministry Health, \$1.3 billion. In 2003, the Ministry of Education received \$2.2 billion; the Ministry of National Security, \$1.8 billion; and the Ministry of Health, \$3.3 billion. In 2004, the Ministry of Education received \$2.9 billion, the Ministry of National Security, \$1.9 billion; and the Ministry of Health \$1.7 billion. In 2002, the allocation of \$1.6 billion to the Ministry represented an increase of \$351.3 million, when compared to the 2001 figure. In 2003, the allocation was increased by \$193.6 million to \$1.8 billion. For the current year, the allocation stands, as I said earlier, at \$1.9 billion, which is an increase of \$69 million over the previous year. This represents 10 per cent of the national budget. I gave these statistics to show that this Government recognizes the need to inject appropriate funding if the issue of national security and public safety is to be effectively addressed.

The Government has utilized these funds, allocated to strengthening the capability of the primary law enforcement agencies, as well as the special agencies, to enable them to carry out their duties in a manner that will impact positively on the crime situation.

With respect to the police service, the emphasis centred on the fierce urgency of the escalating crime situation. The Government, therefore, found it necessary to take the following remedial action: provision of additional staff. Between fiscal years 2002—2004, the number of police officers increased by 1,423. To date, the strength of the police service stands at 7,261 members. With our police service of 7,261 and a population of approximately 1.3 million, the per capita officer to citizen ratio is 5.8 officers to 1,000 persons. This figure compares favourably with what exists in developed societies. This revelation clearly highlights the need for appropriate training and development, to maximize the effectiveness of the human resource potential of the police service.

Over the last six months, we have undertaken to ensure that the executive officers of the Trinidad and Tobago Police Service and the nine divisional commanders are exposed to what we established as the Executive Leadership Development Series. This programme was designed to assist the officers to make the shift from administrator to manager to leader and to understand that successful best practice methods, used in successfully performing organizations, can be used in transforming the police service into a high-performance organization. We used talented, successful, local persons in their various areas of expertise, to address



and dialogue with the leadership of the police service. We recognize what was necessary was an understanding and appreciation for the new movements that were necessary in order to increase the efficiency and effectiveness of the police service. Let me place on the record of this House, the persons who volunteered to provide their expertise in the Executive Leadership Programme: Mr. Robert Riley, BP; Mr. Ronald Harford, Republic Bank; Mr. Ken Gordon; Dr. Bhoë Tewarie; Mr. Gerald Darling, Deputy Chief of the Miami Metropolitan Police Service; Mr. Rodrigo Guerrero, Mayor of Cali; and the last person was Mr. Gordon Deane, Head of the Integrity Commission. Again, this allows the executive leadership of the police service to understand the new roles and responsibilities that are expected of them, as we try to transform the police service.

Mr. Deputy Speaker, one of the things that we have been attempting to have the police service do is to use crime statistics as the means of driving the performance of the various divisions. In the past, we have been getting historical crime statistics/information. That is historical crime statistics/information did not provide us with the means to determine what is referred to in the technology terminology as the hot spots and trends. We are trying to get divisional commanders more accountable for the performance of their particular divisions. We are going to realize—later on when we start coming to the need for the legislation—that it is still required to be institutionalized. As it stands now, it is being done because there is an appreciation that it needs to be done. In terms of the performance of the divisional commanders, the commissioner does not have available to him the means that he can treat with—I do not want to say non-performers—persons who are not ensuring that the overall objectives that are necessary are realized.

You would recall when Giuliani was here; he talked about vision, process and accountability. He talked about the fact that he had available to him as mayor—an elected official, who appointed a commissioner of police—was able to cause his commissioner to be accountable for the performance of the whole of New York. The commissioner was able to have what he called Precinct Commanders, accountable for the performance. Then, action could be taken, whether they performed or not, or whether he transfers. If you try to transfer a divisional commander whom you claimed did not work and you have a challenge that the commissioner faces—we have been trying to use our crime statistics to drive the performance of the organization. It is interesting.

Before I get to that, I would back up a little. I think I need—

**Dr. Khan:** Just for my interest, is the New York Police Department an equal opportunity employer?

**Sen. The Hon. M. Joseph:** I am sure it is. I gave some statistics with respect to the number of police officers that we now have on board, 7,000. I think it will be remiss of me, if I do not also provide this honourable House with the level of remuneration currently enjoyed by those police officers. I think I need to put it on the record. *[Interruption]* Very poor? I will indicate the ranks, what I call pre-2000 salaries and the current salaries that came into effect from January 01, 2004.

RANKS	PRE-2000 SALARIES (Monthly)	CURRENT SALARIES (Monthly)
Police Constable	\$3,036	\$4,395
Corporal	\$4,528	\$5,805
Sergeant	\$5,537	\$7,075
Inspector	\$6,036	\$8,405
Assistant Superintendent	\$7,270	\$9,970
Superintendent	\$7,634	\$10,720
Senior Superintendent	\$8,377	\$12,210
Assistant Commissioner	\$8,949	\$15,000

Of course, with respect to the Deputy Commissioner and the Commissioner of Police, those are subject to the Salaries Review Commission. The allowances are very generous.

ALLOWANCE	OLD RATE	NEW RATE
Housing	\$900 (M)	\$1,400 (M)
	\$650 (S)	\$1,100 (S)
Duty	First Division Officers: Specialist Areas \$2,000	
	Non-specialist Areas \$1,200	
Proficiency	\$575	\$600
Qualified as Attorneys	\$850	\$1,500

These are some of the allowances.

We also embarked on what was referred to as SRP 1,000; where we engaged the services of SRPs. We employed 449 SRPs who are currently being paid \$3,521 per month. Recently—I think we need to clear up a misconception—the impression was given that police officers wanted to march for better conditions. What happened is that the Second Division was making representation on behalf of the SRPs. They felt that they should have been involved in the discussions with the CPO, as it relates to the salaries of the SRPs. They felt that the SRPs' salaries should have been higher. It is in that context that they were trying to cause a demonstration for increased wages. I felt I needed to put that information on the record.

I was indicating that in getting the divisional commanders more accountable for the performance of their divisions, we believe, that is one step of treating more efficiently and effectively with the crime. Let me share some information with the House. Recently, we were looking at the crime statistics for the period January—May of this year. We were talking about serious crimes in Trinidad and Tobago. In January, the reported information of serious crimes stood at 1,342; February, 1,384; March, 1,226; April, 1,325; May, 1,349; which gives a total of 6,626 for the four-month period. When we say serious crimes, the categories that are being tracked are: woundings and shootings, sexual offences, serious indecency, kidnappings, burglaries and break-ins, robberies, fraud offences, larceny, dwelling larceny, narcotic offences and other serious crimes.

Do you know what was very interesting? There are nine police divisions in Trinidad and Tobago and 72 police station districts. We found that 18 police station districts, or 25 per cent of the police station districts were responsible for 65 per cent of the crime. I do not think it will be prudent for me to call out the 18 police station districts.

**Mr. Singh:** I thank the hon. Minister for giving way. I think he also needs to look at the integrity of the statistics. It has been my experience in my own constituency—I had to raise this matter as a Motion on the Adjournment—there are situations where crimes take place and are reported, but the logging of the crimes at the Central Police Station does not take place. We do not have that kind of statistical integrity throughout the system.

**Sen. The Hon. M. Joseph:** I hear what the Member is saying. Efforts are being made to treat with that. We are talking about reported crimes. In some instances, there are some crimes that are not reported. I hear what you are saying, but on the basis of the information, I am almost sure it would still give us some indication as to where the hot spots or patterns are.

**Dr. Nanan:** Would you say persons are not reporting crimes because of the lack of response from the police? Therefore, the crime statistics are not accurate.

**Sen. The Hon. M. Joseph:** I just said that there are various things that contribute towards that. I want to say something else; what we also recognize is that once people start getting confident and start saying that there is a response, there is likely to be an increase. The increase would be the fact that it is being reported. That is a phenomenon that we have to be aware of.

With respect to the question of allocating resources, we are now in a better position to allocate resources where the hot spots are. In the first instance—at the end of the day, what you do not want is as you clamp down in one particular area, they shift to another area. We are confident that Trinidad and Tobago is small enough and once proper measures are put in place to deal with crime and criminal activities, we can curb the thing. It is not as though someone commits a crime in Port of Spain and goes to San Fernando or if someone commits a crime in California and goes to Georgia. We would be in a position.

As we start to use some technology and put information—as it relates to criminals and criminal activities, in place—in various police station districts, we would increase the possibility of earlier detection. We have had instances where someone was arrested for something in Point Fortin and perhaps the police decided to let go the person for whatever reason, not realizing that the same person was wanted in Port of Spain or some other place. The question of sharing of crime information is something that would enter into the equation to assist us in terms of our ability to deal with some of the challenges that face us. This approach will allow us to better manage the resources.

This administration is not the first administration to provide police officers with the resources. Other administrations have provided resources. The question is: “How do we use the resources?” The Member for Couva North raised the question of resources. He asked what measures were put in place with respect to VMCOTT, to deal with the management of the resources? There is a basic saying in management, which I am sure all of us are aware of. The basic saying is: “What gets rewarded, gets done.” There is no way—you cannot hold people accountable or responsible for the performance of whatever it is—geographic area, persons who fall under their command—and not provide them with the appropriate authority, in order for them to have the job done. We will come to that when we deal with specifics, as it relates to the legislation.

We are causing the executive leadership of the police service—especially the divisional commanders and those who are responsible for some of the special

units—to start to work towards the question of the divisional levels at which crimes and criminal activities are taking place. With that mindset, and being followed by certain specific things that we will be asking for—as it relates to the legislation—will give us the ability to better manage the crime situation.

I talked about the amount of moneys allocated to the budget. I also need to provide, for the information of this House, the amount of funds spent on training and development. Sometimes the impression is given that moneys are not allocated for the development, competence and capabilities of our police officers. Over the last three years, we spent \$2.6 million to improve the capability of our police service. Emphasis has been placed on providing training: both foreign and local, in the following areas: crime scene and forensic investigations, narcotic investigations, professional and supervisory development, criminal justice, behaviour science, information technology and law, sociology, occupational health and safety, human resource management, business and computer science and specialist technical training, bloodstain evidence, basic hostage negotiations and death investigation. I will not go into details to indicate the amount allocated for foreign and local training. *[Interruption]* How are they selected? They are selected on the basis of competence, requirements, gap analysis, what we want and what we now have. Do you want a list of the names of all the people who have been sent on training? Ask a question and I would provide you with a list of all the persons who have been sent on training and the areas in which they have been trained.

Collectively, over the last two years in excess of 5,000 police officers were trained locally. The sum of 270 received training abroad. The Minister approves all training requests. When training requests come to this Minister, he does not look for names. This Minister looks to see who is the most suitable person identified for the training, the benefits that would be derived as a result and when it comes back, how do we make sure the training is implemented. I hope the Member hears what I am saying.

With respect to equipment, having made the requisite injections in the areas of human resource and development, it therefore became necessary to upgrade the equipment in keeping abreast with current technological advancement. In addition to the procurement of intelligence and reporting equipment, as well as surveillance equipment, the police service also benefited over the last two years, from the acquisition of 32 computer systems; 15 digital cameras, for use in mug shot identification systems; 2,000 bullet-proof vests; 630 police safety vests; 19 night vision binoculars; arms and ammunition. I cannot tell you the quantity of

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arms and ammunitions. That is just not appropriate. It continues: 75 gas masks and 15 night vision binoculars.

Mr. Deputy Speaker, in our ongoing efforts to strengthen the operational capacity of the police service, we also concentrated on areas of physical infrastructure and vehicular mobility. In this regard, over the last two years, facility upgrades were undertaken as follows: refurbishment of the Chaguanas Police Station, phase one is completed; Carenage Police Station, phase one; and Santa Cruz Police Station. It continues: refurbishment of the Valencia Police Station and temporary accommodation to house the Oropouche Police Station, the Police Training College, Guard and Emergency Branch and the San Fernando Police Headquarters.

**6.35 p.m.**

Design drawings were done for the construction of police stations at Toco, Mayaro, Gasparillo, Carenage, Belmont and Tunapuna; the reconstruction of the old Police Headquarters, refurbishment of the Couva and Penal Police Stations and the Quartermaster Stores and Band; construction of the Organized Crime and Narcotics Unit (OCNU) and Fraud Squad buildings; refurbishment of police stations at Fyzabad, Tableland, Penal, Caroni, Westend, Morvant, Point Fortin, Ste. Madeleine, Biche, Santa Flora, Crown Point, Charlotteville and Mount Moriah.

**Mr. Sharma:** What about Oropouche Police Station?

**Sen. The Hon. M. Joseph:** Oropouche Police Station would be in the next fiscal year. Efforts are being made to ensure that the physical upgrade of our police stations take place. We recognized that we must provide proper facilities for officers, in order for them to discharge their responsibilities. Our police stations did not deteriorate overnight. We are making every effort to refurbish them.

As I indicated, this Government recognizes that our fight against crime and criminal activity is our number one priority. As the Prime Minister indicated, it is the only dark cloud hanging over us. We are going to make every effort to ensure that we put all measures in place in order to give us the best opportunity to move ahead. Later in my contribution, I would indicate how these pieces of legislation would help us in that regard.

Mr. Deputy Speaker, with respect to vehicular mobility, the following vehicles were acquired within the said two-year period: five station wagons, one escort vehicle, five 30-seater buses, four mobile police stations, one executive car, four trucks, two Nissan patrol cars and one ambulance. Before the end of this fiscal year, it is our intention to acquire some 100 vehicles, which would be

assigned in areas identified as places that need a greater police presence, given the statistics we just looked at. Some 20 additional mobile stations would also be delivered by the end of this year. We would be purchasing 25 motorcycles to deal with the lawlessness on our nation's road, which has resulted in increased road fatalities in recent years. [*Desk thumping*]

In response to the increased demand on the law enforcement agencies, as a result of the deteriorating crime situation, it became necessary to establish certain specialized units to booster the country's crime fighting capabilities. As a consequence, the following five specialized agencies were established during 2000—2004: The Special Anti-Crime Unit of Trinidad and Tobago; the Inter-Agency Task Force; the Communications Network Unit; the Anti-Kidnapping Unit; and the Firearms Interdiction Unit.

This honourable House would recall that the Inter-Agency Task Force was established in an effort to continuously improve the capabilities of the police service, and to cope with the expanding levels of criminal activities in our society. The Government established this task force to facilitate the joint effort on the part of the police and army, to preserve and protect law and order.

As at April 2004, the operations of this unit resulted in the solving of 16 murders; over 5,000 patrols were conducted; 4,400 persons were searched; over 800 persons were detained; and 338 rounds of ammunition were seized. We expect that the operations of this Inter-Agency Task Force would be increased and, as a result, it would also play a meaningful role in terms of our fight against crime.

Mr. Deputy Speaker, you would recall that in October 2003, the hon. Prime Minister announced in his budget statement, the formation of the Special Anti-Crime Unit of Trinidad and Tobago, to address the problem of significant crimes in Trinidad and Tobago. To date, this unit is functioning effectively as an intelligence driven organization. However, because of the sensitivity of its operation to the security of the State, one would understand why there must be limitations placed on the issue of disclosure. However, this unit would continue to focus on kidnapping, extortion, gang warfare, terrorism and organized crime.

Given the mandate of the Special Anti-Crime Unit of Trinidad and Tobago, the Government has found it necessary to assign special resources for the effective operations of this unit. Quite recently, two special helicopters were obtained for this unit. This unit would also assist with coastal surveillance.

Mr. Deputy Speaker, you would recall that only recently we announced the enactment of the Firearms (Amdt.) Bill. We indicated that part of the intention of

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this Bill was to ensure that we get guns off the streets. This unit has the technology available that would help in getting the illegal guns off the streets.

Secondly, we do not manufacture guns and ammunition, so it means that the guns and ammunition come into the country. It makes no sense just getting the guns off the streets when there is a continuous inflow of guns and ammunition to the country. So part of the responsibility of this unit is to interdict illegal arms and ammunition and also narcotics. The helicopters plus other radar equipment that are now available would provide us with the means of proper surveillance of our coastal shores.

We are also looking at the question of illegal guns and ammunition coming in by way of containers. As a result, we are working in close collaboration with the customs department to ensure that we stem the inflow of these weapons.

Mr. Deputy Speaker, at the same time, the Government is ensuring that the Defence Force is being provided with the necessary assets to ensure the adequate protection of our sovereignty and, at the same time, ensure the reduction of illegal entry of both undesirables; ammunition and narcotics.

Let me now move into the expectations of these pieces of legislation. In doing that, permit me to quote from a document entitled: *Policing a New Century: A Blueprint for Reform*. This document was presented to Parliament by the Secretary of State for the Home Department in December 2001, by Home Secretary, The Rt. Hon. David Blunkett MP. This is what the Secretary of State for Home Department indicated when he was piloting this piece of legislation and I quote:

“To deliver the service the public deserves the police service needs to be modernised. This requires:

- a streamlined and reformed management system;
- more modern employment terms and conditions; and
- better use of forensic and technological tools to aid prevention, detection and conviction.

Standards need to be raised and policing needs to be delivered more consistently as well as more effectively.

Police performance cannot improve without reform, and without the full partnership of the community.”



He also went on to identify some areas where police reform was necessary to improve the performance of the police.

Mr. Deputy Speaker, Members on the other side raised the question as to precisely what these pieces of legislation would do, in terms of increasing the ability of the police service to treat with crime and criminal activities. While we are saying that these Bills would not solve crime, these Bills would make the police service better able—through its organizational structure—to deal with crime and criminal activity. After all, they are in the forefront of treating with crime and criminal activity. [*Desk thumping*]

I would get straight into the areas these Bills would address. When one looks at the Police Service Bill, clause 17 deals with the establishment of a Promotion Advisory Board which would comprise three members. Now, this Promotion Advisory Board would assist the police in ensuring that competent persons are promoted. Mr. Deputy Speaker, do you know that this Promotion Advisory Board (PAB) was abolished? This board existed before and the Police Service Commission abolished the PAB.

I am now going to read from a document entitled: *Comments of the Police Service Commission on the Constitution Amendment Bill 2002 and the Police Complaints Authority Bill*. I am quoting from page 66 of this document and it says:

“The Commission, in exercising the powers vested in it to uphold and maintain a fair and impartial system of promotion in the police service, abolished the Promotion Advisory Board and replaced it by a simple system based on merit and performance. The new system requires the Commissioner to submit to the Commission a list of all officers in the Second Division whom he intends to promote based on merit and performance and those who would be by-passed.”

The Promotion Advisory Board was abolished and replaced by a system of merit and performance. I am now going to quote from the *Report of the Police Service Commission 2002*.

**Mr. Deputy Speaker:** The speaking time of the hon. Minister of National Security has expired.

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

*Question put and agreed to.*

**Sen. The Hon M. Joseph:** Mr. Deputy Speaker, thank you very much, and I also want to thank hon. Members for giving me the additional time. As I was saying, on page 10 of this report, under item 8.0 it says:

“Regulation (33) of the Police Service Commission provides that Staff Reports shall be one of the criteria for determining eligibility of officers for promotion.

Since 1995, a New Performance Appraisal System for proper assessment of officers’ performance was introduced in both the Public and Police Service. Unfortunately, that system has not yet been fully implemented by the Police Service, notwithstanding the Commission having brought to the attention of the Commissioner the need to do so on several occasions.

The New System calls for continuous assessment of the performance of officers in order to determine their suitability for promotion and to provide good quality feedback to officers on their strengths and weaknesses.”

In the absence of a performance management system; on what basis would you be promoting and allowing acting appointments to take place in the police service? It cannot be on meritocracy; it has to be based on something else. I am not blaming the Police Service Commission. There is evidence in various areas of this report where the commission has not been able to do what is necessary. The hon. Member for St. Joseph felt that these persons are reputable persons, and I have absolutely no problem with that. I am not accusing any of the members for the shortcomings of the commission. I believe it is a question about the system. *[Interruption]* There are too many dichotomies.

Mr. Deputy Speaker, I would now go back to that same report and it says:

“The Commission is an independent body whose members are appointed by the President after consultation with the Prime Minister and the Leader of the Opposition. The Constitution gives no power to, and confers no legal duty on the Commission to manage or supervise the operations of the Police Service. By Section 85(1) of the Constitution the responsibility for the efficient and effective management of the Police Service is clearly and specifically that of the Minister of National Security, the Permanent Secretary of that Ministry and the Commissioner of Police. Under the doctrine of ministerial responsibility, it is the Minister who is answerable to the nation in Parliament for the efficiency and effectiveness of the Police Service.

On the other hand, the management and control of police officers are the responsibility of the Commissioner of Police who is independent of any ministerial...”

**Hon. Members:** No.

**Sen. The Hon. M. Joseph:** But I am reading. So, I do not understand what I am reading. What the hell is this! Let me read it again.

**Mr. Hinds:** Do not give him that privilege.

**Sen. The Hon. M. Joseph:** I would read it again:

“On the other hand, the management and control of police officers are the responsibility of the Commissioner of Police who is independent of any ministerial or political control in the area of crime detection, law enforcement and keeping the peace.”

Mr. Deputy Speaker, I am not a very good mathematician, but in reading this, a good friend of mine decided to put it in the form of an equation. I wish I had a chart to show the equation to Members. Interestingly enough, the United Kingdom was faced with this same problem. The Home Secretary is supposed to be answerable to the Cabinet of the Parliament but, at the same time, he has no direct control over the performance of the chief constable, and then there is a police service commission.

My understanding of one of the things that this legislation is designed to do—I am not a lawyer and I am not an expert in law, so I have to be guided by the technical team. The technical team felt that the way forward was to come up with this Police Management Authority. There are persons who believe that we could clean up the Police Service Commission and get it to do the things that it has not been doing. The experts believe that is the way not to go, and the way to go is to come with this new body that would provide us with the management of the police service. [*Desk thumping*]

I have indicated that clause 17 of the Police Service Bill would provide the Commissioner of Police with the authority. With respect to the Promotion Advisory Board, that would give the Commissioner of Police a better opportunity to make sure that he or she is promoting officers on the basis of merit. One would expect that if we are to promote on the basis of merit, the question of a performance management system must be in place.

**Mr. Yetming:** Would the Minister give way?

**Sen. The Hon. M. Joseph:** Yes.

**Mr. Yetming:** As you are still on that point, you were reading from the *Police Service Commission Report 2000* and it spoke about the implementation of this

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performance appraisal system, which has not been completed for the last five years. The commission called upon the Commissioner of Police and reminded him several times about that matter. Who should take the blame? If the same Commissioner of Police whom you want to give that authority to is not even discharging his responsibility by implementing this performance management appraisal system so that officers could be promoted on the basis of meritocracy, then who is to be blamed?

**Sen. The Hon. M. Joseph:** Hon. Member for St. Joseph, my understanding is that this new piece of legislation would now cause the Commissioner of Police to be accountable and the Authority would command that. [*Desk thumping*] My reading of this clause—I do not know where the exact clause is. The Police Management Authority would be overseeing more directly and, as a result, it would cause the Commissioner of Police to be more accountable. [*Interruption*]

**Mr. Deputy Speaker:** Hon. Members, I know this is a thorny issue. Let the Minister continue with his contribution. In the event that someone has a question to ask, the Minister would give way, as he sees fit, rather than everyone trying to answer the hon. Member for St. Joseph.

**Sen. The Hon. M. Joseph:** When it gets to the committee stage—I am not trying to duck the question, but I am sure that we would be able to address the matter.

Clause 22 says:

“The Commissioner may appoint on contract for any specified period and for any specified purpose a person who is not a police officer.”

To me, this is innovative. And it continues:

“Where the Commissioner considers that there is no suitable candidate in the Service available for appointment, he may having regard to the qualifications, experience, skills and merit of a person who is not in the Service, appoint such a person as a police officer on contract for any specified period.

The Authority may appoint on contract a person, who is not a police officer, as a police officer to the rank of Senior Superintendent and above for any specified period.”

My understanding is that this occurred before and it was stopped. Now this does not allow the police service to have an injection of new competence and capabilities where necessary. In the Defence Force this could be done. In some instances, especially with the lack of proper performance appraisal, you run the

risk of promotion being done on the basis of seniority and, as a result, the kind of experience—experience that may not be relevant to the environment in which you are operating—may be lost.

Let me share with hon. Members a little joke. A senior police officer once told me that the first time he went for training and development, he went back and reported. He told his officers that he had just returned from a management course for senior officers and they told him: “They teach yuh how to catch thief.” Management was not necessary at all. The kinds of requirements that are now expected of some of these police officers—and through no fault of their own—are different and they are now required to operate in an environment that is clearly different from what existed before. One has to determine what are the strengths and weaknesses. This provision gives the Commissioner of Police the ability to ensure that.

**Dr. Nanan:** Mr. Deputy Speaker, I just want to ask the Member if it was necessary to put this in the Bill, since Legal Notice 100 changed the regulations in 1990.

**Sen. The Hon. M. Joseph:** Again, the legal experts would address that matter. What I am saying is that this provision allows the management capability necessary to ensure that we build a high performance organization; to ensure that organization is efficient and effective; and to ensure that organization has what it takes in order to deal with some of the challenges that are facing this environment.

Now, let me just quickly turn to the Police Complaints Authority Bill. I have before me the *7th Report of the Police Complaints Authority* dated May 01, 2002 to September 30, 2003. This report was laid in this honourable House. Permit me to quote the Chairman’s comments which says:

“Having completed (7) years as Chairman of the Police Complaints Authority on February 28, 2003, I reflect with mixed feelings. The question is whether the Authority has been able to meet its mandate as set out in the Police Complaints Authority Acts 1993 and 2000. On the one hand, I am heartened that the Authority has provided an avenue for persons who are aggrieved by the treatment meted out to them by Police Officers to seek redress. Indeed, I have been comforted by the many instances in which complainants have had their grievances resolved amicably either through the formal or informal complaint resolution processes.

Conversely, I am saddened by the fact that the public’s trust in the Authority seems to be waning largely due to the inability of the Complaints

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Division of the Police Service to carry out its statutory function of investigating into, and reporting on all complaints expeditiously. This constraint negatively affects the efficient operations of the Police Complaints Authority. I have pointed this out on numerous occasions in the past and have offered recommendations to remedy the situation but to no avail. So, today, the situation remains the same. The Authority is optimistic that the proposed legislative changes will enable it to independently investigate and report on complaints as well as to recommend specific action to improve the current level of service offered by Police Officers.”

Mr. Deputy Speaker, I do not want to bore this House with the statistics as they relate to the delay, et cetera, in terms of the current operations of the Police Complaints Authority. The Chairman of the Authority is looking forward to the passage of this legislation, the Police Complaints Authority Bill. I think it is unfair to the rank and file of the police service that there is a small band of police officers, which for some reason engaged in misconduct, and the entire organization is tainted as a result. Some mechanisms must be put in place.

The Member for Pointe-a-Pierre talked about Internal Affairs, and there is Internal Affairs in other jurisdictions. When a police officer has his or her door knocked by Internal Affairs—because of the fact that Internal Affairs is an institution that is required to make sure that the police service lives up to the highest level of moral integrity, et cetera, that is what is expected of that institution. After all, police officers are powerful people in every society. There should be mechanisms in place to assure the public’s mind that wrongdoers are going to be dealt with expeditiously.

I had planned to go through the statistics as they relate to matters referred to in the Police Complaints Division. A complaint comes to the Police Service Authority; the Police Complaints Authority is mandated to send it to the Police Complaints Division, which is a division of the police service and that authority is responsible for investigating these complaints.

When I got this report, I asked the Commissioner of Police to respond, because I expected this matter would be debated, and people would want to find out why complaints are taking so long to be dealt with.

**Mr. Yetming:** Would the Minister give way?

**Sen. The Hon. M. Joseph:** Mr. Deputy Speaker, would I be getting injury time?

**Mr. Yetming:** Mr. Deputy Speaker, you could give the Member injury time. In my view, this is critical for the understanding and the need for these Bills. There is no question that the Police Complaints Authority is a good thing. Why not have the Police Complaints Authority—assuming we could be persuaded that the Police Management Authority is the way to go—under the Police Management Authority? If the Police Management Authority has the responsibility to hire, discipline and to fire police officers, should they not be given the resources to take these complaints, investigate them and then discipline these officers?

**Sen. The Hon M. Joseph:** I am not in the best position to determine that. The existing Police Complaints Authority does not have the ability to cause—first of all, they do not investigate matters. The drafters could decide that. At this point in time, all I could do is indicate what are the weaknesses that currently exist and what mischief this Police Complaints Authority was designed to cure.

Mr. Deputy Speaker, I just want to summarize a classic case. On page 16 of this report it says:

“Hereunder is the summary of a complaint that demonstrates the tardiness and inadequacy of reports by the Police Complaints Division:”

**Mrs. Persad-Bissessar:** Where are you quoting from?

**Sen. The Hon. M. Joseph:** I am quoting from the *7th Report of the Police Complaints Authority 2002* dated May 01. I quoted the document before you came into the Parliament. And it says:

“By letters dated March 22, 2001, the Minister of National Security and the Commissioner of Police as well as the complainant were informed of the Authority’s decision. Approximately four and one-half (4½) years elapsed between the receipt of the complaint and the resolution of the matter and to date, a further two and one-half (2½) years have elapsed and the Authority has not been informed whether the alleged defaulter was counselled in accordance with the Authority’s recommendations.”

My understanding is that one of the weaknesses of the existing institution is that when matters are sent to be investigated, it is almost like you are investigating yourself. I have to be careful of what I am saying, but the point is that there are long delays. Sometimes I wonder whether or not the long delays are deliberate. By the time the matter comes back to the Police Complaints Authority, the witness is either retired or something like that. The point is that there are long delays.

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Clause 15(1) says:

“The Authority shall be provided with adequate staff for the discharge of its functions.”

One of the excuses is that the Police Complaints Authority does not have enough resources, and how the divisions are now structured, it is not structured for performance. Hopefully, this Bill would now allow for the restructuring of performance of the Police Complaints Authority.

Clause 18 speaks to the question of the annual report. Even though there is an annual report, the report would now provide Parliament with information and Parliament would now be able to determine its efficiency, effectiveness and what actions could be taken to improve the performance of the Police Complaints Authority.

Clause 19 deals with the powers and functions of the authority. Again, this clause was designed to make sure that we could properly supervise the performance of police officers.

Finally, with respect to the Constitution (Amdt.) Bill, clause 9 states:

“The Constitution is amended by inserting after section 123 the following new section:

123A(1) Subject to section 123, the Commissioner of Police shall have the power to manage the Police Service and is required to ensure that the human, financial and material resources available to the Service are used in an efficient and effective manner.”

This clause also spells out the power of the Commissioner of Police in the discharging of his responsibility.

Mr. Deputy Speaker, I hope that I have indicated how these measures in the Bills are likely to improve on the performance of the police service. At the end of the day, what this country needs is a high performance organization. [*Desk thumping*] That is what we need. A high performance organization would allow us to be able to determine the extent to which our police service is performing. At the end of the day, the Commissioner of Police would be held accountable for performance of the police service. If he or she is not able to ensure that the police service is performing, and to ensure that our citizens could be in a free and safe environment, then action could be taken to deal with the Commissioner of Police.

Mr. Deputy Speaker, thank you very much for giving me the opportunity to participate in this debate. [*Desk thumping*]



**Mr. Subhas Panday** (*Princes Town*): Mr. Deputy Speaker, the Member for St. Joseph indicated that if he could be convinced, because his mind is open, after having heard the contribution of the hon. Minister, it would appear to us that the Minister is selling goods that he did not buy. [*Desk thumping*] The Member did not know what he was speaking about.

If a pertinent question was asked, why the Government could not bring the PMA activities under this system, and the Minister said that he would leave that matter for the lawyers, we would have expected this Minister to convince us, but he has failed miserably.

I want to help the Minister a little to clear up some of the misunderstandings he indicated. The Minister said that in the *Police Commission Report 2000* he did not understand what was happening—he did not fully comprehend the document because the document appears to be contradictory. It says:

“By Section 85(1) of the Constitution the responsibility for the efficient and effective management of the Police Service is clearly and specifically that of the Minister of National Security, the Permanent Secretary of that Ministry and the Commissioner of Police.”

Now section 85 of the Constitution says:

“Where any Minister has been assigned responsibility for any department of government, he shall exercise general direction and control over that department...”

So this is what the Police Service Commission is speaking about.

“On the other hand, the management and control of police officers are the responsibility of the Commissioner of Police who is independent of any ministerial or political control...”

**Mr. Valley:** I just want to ask a question. If the commissioner has the authority to appoint, to promote and to discipline officers; I wonder in what context one could say that the commission does not have a management responsibility, especially given the fact that we are talking about a service organization and the functions mentioned are critical human resource functions.

**7.20 p.m.**

**Mr. S. Panday:** The Police Service Commission acts as a quasi-judicial body; I will explain that later on.

“On the other hand, the management and control of police officers are the responsibility of the Commissioner of Police who is independent of any

ministerial or political control in the area of crime detection, law enforcement and keeping the peace.”

What that really means—and we want to ensure it continues—is that no politician can have any control of him in the area of crime detection: they cannot tell him who to lock up or say, “Go and pick him up, I do not like him.” He has that independent function. We are ensuring in this legislation that the independence of the police commissioner is maintained.

There was another issue that the hon. Minister complained about. He said that the legislation reintroduces the police Promotion Advisory Board, but that was in the legislation already and it has not worked. You must ask why it did not work in the first instance that it had to be disbanded, before you just reintroduce it like that. The Minister did say that it was the work of the technical team, so whatever they said he came here to endeavour to sell it.

The same document that the hon. Minister spoke about comments on the Police Service Commission at page 63. The establishment of the Police Advisory Board is, again, not a new concept or innovation, so to tell us that you are introducing legislation for the efficient management of the police service, who are you trying to fool? It was there in the legislation already, but this is the hype and propaganda they are carrying about. There was already a promotion board established by the Police Service Commission in its 1966 regulations, but which has since been abolished. Indeed, there is very little difference between the composition of the former board and the one now being proposed.

The document states:

“It would seem that no research whatever has been conducted to ascertain the reason for the abolition of the former board.”

They want to bring back the board to say that they have created effective management, but why did they not tell us that the board was already there and had been disbanded and the reason why it had been disbanded? That is why the Police Service Commission was bold enough to say that no research had been conducted to ascertain the reason or basis for the abolition of the former board and its replacement by another system.

This is what the Police Service Commission is saying:

“The reintroduction of the police Promotion Advisory Board would indeed seem not only to be archaic or anachronistic but, clearly, retrogressive.”

I have great respect for that technical team, but apparently they had omitted to do research in this direction. When the Minister came here today to sell those goods, we cast no aspersions on him, but no research was done.

They said that they tried to make the system more effective by abolishing the Promotion Advisory Board. The commission sought to introduce, to innovate and make it more effective. It introduced a system of promotion of choosing and developing police officers and one that provided for some modicum of transparency, credibility and validity. The document said that the Promotion Advisory Board system was inefficient, slow, discriminatory and sometimes corrupt. Mr. Deputy Speaker, where are the mechanisms in this new legislation to ensure that there is no corruption as existed in that board?

That is why they said that the service commission sought to improve it by moving towards a better system of assessment:

“We believe that to introduce interviews at division levels would be slower and counterproductive and may lead to more corrupt practices.”

That Promotion Advisory Board interviews 50 or 60 persons per day, interviewing 4,000 police officers. Interviews take place in five minutes and you get promotions based upon that. They said, “No, that was not good enough.” They wanted to have an appraisal system.

They introduced the system of staff reports, where the senior officer assesses the officer under him on a yearly basis. If the officer tries to put undue or unreasonable pressure on the junior officer, they say, “Look, instead of just signing up this officer and sending this recommendation to the board, let the officer see the report and countersign it. When he countersigns it that means he has seen it. Let him know where his weaknesses are; help him to develop because when he develops you get a better police officer, so there would be a higher morale in the police service. That is why they wanted to create a system of transparency, credibility and validity; that means that the police Promotion Advisory Board lacked that.

It said that when the Police Advisory Board bypassed an officer, there was no reporting or any information passed to him. As a result of that, officers continued to be failed on a constant basis without knowing how to develop themselves. This became so rampant in the police service that the Second Division started to complain. When they complained about this widespread dissatisfaction there was the Darby Commission in 1964. The Second Division indicated to the Darby Commission that they had no confidence in the system. If they had no confidence

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in the system then, what makes you feel that they would have confidence in the system now? That is why we say that this is a scam. The association further expressed the opinion that there has been considerable favouritism shown to the wrong kind of men and as a result many promotions had been awarded to officers of unsuitable character and calibre. That is why the board was disbanded. It was necessary for me to explain to the hon. Attorney General and the Minister of National Security.

In 1965 after the Darby report, they continued carrying it out. When the Second Division officers could not take the pressure any more, they marched around the Red House. Do you remember that? They had been following the report from 1965 to 1994, seeing the discrepancy and favouritism. In 1994 when a new commission was appointed with new members, they agreed and, in fact, replaced the board by a mechanism providing for the making of promotions on the basis of performance and merit and with openness and impartiality. This is the kind of discrimination police officers are afraid of; this is why they are afraid that political interference would take place and only their friends would be promoted. This is why we have decided to stand up on the side of openness, impartiality and transparency for promotions in the police service.

They said that when you go through the system, feedback must be given to the officers on their weaknesses and shortcomings, so as to enable them to take the remedial steps to correct their faults. When the hon. Minister quoted from the report of 2002 and he said that the system had not been fully executed, one sees what the commission was doing: in order to maintain openness, impartiality and transparency they were taking their time to ensure that the problems complained of were dealt with.

Mr. Deputy Speaker, they further amended the regulations to provide for another system of interviewing for the promotion process, which met with the satisfaction of the Second Division. The service commission has been performing, that is why this side of the House and the nation as a whole are asking: The same resources you are giving to the Police Management Authority, why not give them to the Police Service Commission to assist them in their work? The hon. Attorney General indicated, when he was comparing the Bills one to the other, that there was very little difference in the functions of the Police Service Commission and the Police Management Authority. Why do you want to get rid of the Police Service Commission? *[Interruption]*

**Mr. Valley:** Mr. Deputy Speaker, instead of the Police Management Authority we have the service commission, because the critical part of the Bill is

the constitutional delegation of authority to the commissioner for constable to superintendent. One can do that within the service commission, but is the Opposition prepared to support that, because that is all there is to it? Whether you call it the Police Management Authority or the Police Service Commission is neither here nor there; it is the function. You want to give the commissioner some power.

**Mr. S. Panday:** That is the tale of the story. I will show you what happened. I do not want to infringe upon the contribution of the Member for Caroni Central, but section 123(1) says that the Commission has:

“Power to appoint persons to hold or act in an office in the Police Service established under the Police Service Act, including appointments on promotion and transfer and the confirmation of appointments, and to remove and exercise disciplinary control over persons holding or acting in such offices shall vest in the Police Service Commission.”

The law is there already. Why do you want to change it? The point you are making is that they have delegated it. By the Police Service Regulations of 1966, they have delegated most of the powers you want to give the commissioner now. Most of those powers have been delegated to the Commissioner of Police.

They say that he is a paper bulldog and he has no teeth; I will explain why they have been saying that. They really do not want to work and they are making excuses. The Police Service Regulations of 1966 gives the commissioner the power to recruit, promote and transfer people in the Second Division, just as the new Bill is doing. The only power they did not give him was to discipline them, because that is like a death sentence; finality. To give him that power they amended the regulations in 1966 and sent them to the Prime Minister, who agreed to them; they then formed part of the Constitution. The regulations then had the constitutional guarantees. That is the difference; listen to that. You could not change that willy-nilly.

There is where you had the constitutional guarantee. I do not know if they do not understand that. *[Interruption]* That is different from this. That is why we say it needs to be protected from political interference. The Member for Caroni Central will show you. *[Interruption]* Yes, he is a lawyer; never mind he is a doctor; he does know. When the Police Management Authority comes into play, the President, which is really the Cabinet, could make regulation that would govern them and section 50:01 could be changed by a simple majority. That is the crux of the matter. You wanted to hear the lawyers speak; you have heard it. This is what took delegated legislation.

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Mr. Deputy Speaker, do you know why the commissioner said that he was a paper bulldog? Because the Police Service Commission being a quasi-judicial body, but not involved in the day-to-day management of the police service tells him, “Do you know what you must do?” “All we ask you to do is that you must perform your duty in such a way that you do not discriminate against people.” So all he had to do was—when you appointed somebody and have acted in a certain way, you had to justify why you had done it. If somebody complains that you have discriminated against him, you must be able to justify it, because under section 123 they are the duly constituted body which has to answer in law.

If they do not ensure that there is fairness and impartiality, they could end up with judicial review, as has happened in the prison service, where for 34 years the advisory board never promoted Doodnath Ramkissoon and the court had to comment on it. All they are asking the commissioner is, “Please, if you are appointing, just tell us what you are doing so we will have an eye on it.” Do you know what he said? And that is what a Member read today, “Oh dey give meh with one hand and take way with the other hand.”

It seems to me that he did not understand what was delegated to him. There were complaints that when they delegated power to the police commissioner, for example, the power of transfer, he did not use it as a management tool, which was the objective, but he used it as a method of punishment. “If he doh like what yuh doing down there, he take yuh from Cedros and put yuh Toco.”

**Mr. Valley:** Cedros is punishment in the first place!

**Mr. S. Panday:** Many people have gone before the commission; there are records. You can ask them to produce those records. Many people went before the commission and complained of discrimination by the police commissioner. In some cases they agreed with the commissioner and in others they said, “No, you were unfair.” This is the system we have.

Russell Martineau, Senior Counsel, for whom I have the greatest respect, said that if you enact this legislation and you give him that kind of power he will spend more time in the courthouse than doing police work. He is one of the legal luminaries in judicial review action in this country and he is a man with vision; that is why he is warning the Government, “Be careful with what you are doing, because you will end up...” [*Interruption*] He is black jacket/white jacket; I do not believe that at all. Where are the checks and balances? [*Interruption*]

**Mrs. Robinson-Regis:** On the issue of transfers, would you agree that transfers may be used as a disciplinary tool, that that is allowed?

**Mr. S. Panday:** If it is so, it is wrong; it must be as a management tool; you are talking about management here.

**Mrs. Robinson-Regis:** Thank you for giving way again. Do you recognize that in Regulation 104(1)(f), since 1966, transfer is allowed as a disciplinary tool, when a disciplinary matter goes against an officer, when he has been found guilty?

**Mr. S. Panday:** We have had instances where the commissioner has operated by “vaps”. Right now in San Fernando a very hardworking corporal has just been moved out of the CID and thrown in Moruga and we are now going before the court. He just got a letter. You are talking about a situation where there has been a process. I am talking about before the process, where you go to work one morning and you just get a letter that the commissioner has transferred you, without any investigation.

**Mrs. Robinson-Regis:** The commissioner or the commission?

**Mr. S. Panday:** The Commissioner of Police. Where are the checks and balances in the legislation? Having regard to the Member for Caroni Central’s contribution, when he develops the point, you will see that political interference in the functioning of the Police Management Authority will not be a proper check and balance on the Commissioner of Police; that is what we are speaking about.

I hope I have cleared the point about promotions and that the Promotion Advisory Board being reintroduced is not any innovation, but a system which has failed. This police reform legislation contains that provision which has failed, so from a purely legal point of view, not political anymore, I address that point.

Having answered the Minister, I want to go on my own contribution, at this point in time, to say that we are also alarmed by the crime rate and that I wonder if the Prime Minister would go to Princes Town and meet Vijay Persad’s father, just as he went to San Fernando for Saada, because the whole of Princes Town cries and prays for that little boy. The whole of Barrackpore prays for him. We ask: What have they done? Does the Prime Minister only wait until you have been returned, then go to visit you? Mr. Deputy Speaker, that little boy, Vijay Persad, came first in mathematics in the Robert Village Hindu School and a prize was given to him in absentia. We cry; we feel it. No wonder people have no respect for politicians—just like Saada Singh. The police did not have any vehicle to look for her. The Minister spoke about how much resources they have put in the system; maybe resources on paper, but when we look at San Fernando, for Saada

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Singh there were no police vehicles. They went to private citizens, got three pick-ups and used them to work on the matter.

At that time we never heard any politicians speaking about resources to the police. No, but when the police did their work with the assistance of resources that came from outside the police service, you hear everybody running, jumping up and saying, “Patrick Manning, you could do this for me.” How callous could you be? How can you use that pain and suffering the child had undergone, while we sat and did not give resources, and try to make political mileage on that? How callous can you be, when my brother, the Member for Naparima, the first day he came to this House, in order to get cheap, low, political mileage, you remind him of the agony and tragedy which his son had just gone through? You hurt my brother, the Member for Naparima in reminding him of it.

Do you know that I was involved? From information we had received, we begged them to send tracker dogs, because we suspected that the people did not have transport. I could tell you what we did, but I am not going for cheap political mileage. You never did anything to assist the boy, but then you come here and try to make political mileage. That is the point I want to make. [*Crosstalk*] You did not give the police the resources that could have brought a different ending and you come here now to hit him on his head. This is the cheap kind of politics. This is the cheapness they have reduced this debate to and then they ask us to support. Our minds are open. [*Laughter*] Convince us if you can. [*Laughter*]

You want to get rid of the Police Service Commission. Why was it put there in the first place? The Member for Couva South has gone through it. I will give you a lesson in history. In England, the king could put who he wanted in position and fire who he wanted. When the people began to fight for their rights, they began to set up independent commissions in the 15<sup>th</sup> and 16<sup>th</sup> centuries. We in our state of crown colony, in 1959, had the service commission. The purpose of that commission was to insulate the commissioners, the members who fell under its purview, and the public, as a whole, from political interference; capricious politicians. This was placed in the 1962 Constitution.

Sir Hugh Wooding in his report said that whatever you wanted to do, you must be careful when you tamper with the commissions, because they were placed there for a particular purpose. In 1986 we had the Hyatali Commission on the Constitution. What did that commission say? That in Westminster-type governments you should make sure that you have the public service—by that I now mean the teachers, the public servants and the police—that those people must



serve the nation; they must serve every citizen and that they must not be under the faintest position of political control, and that whichever government comes into power they had a duty to serve them equally. That is the purpose of these service commissions.

These service commissions had a number of reports and commissions. A number of enquiries had been carried out concerning the police service. There was the Lee Committee; the Darby Commission and others. When one looks at all the recommendations of these commissions, to give effect to greater efficiency and management of the police service, not a single one of them had ever recommended the abolition of the service commissions. Why? The answer clearly is that we have to ensure that those commissions are free from political interference. *[Interruption]*

**Mr. Valley:** Again, thank you for giving way. Is the Member aware that the technical team of the last commission, the one chaired by Sir Ellis Clarke, recommended the abolition of the Police Service Commission?

**Mr. S. Panday:** That is the issue we are debating now. *[Interruption]*

#### PROCECURAL MOTION

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Mr. Deputy Speaker, I am indebted to the Member for Siparia.

I beg to move that this House continue to sit until 9.30 p.m. or to allow for two more speakers.

*Question put and agreed to.*

#### CONSTITUTION (AMDT.) BILL

**Mr. S. Panday:** I wish to read into the record the report of these committees. The Lee Committee was set up in 1959. The most important one was the Darby Commission appointed in 1964. These were the terms of reference of the Darby Commission:

“Appointed in August 1964 to enquire into the organisation, administration, and discipline of the Police and procedures on the investigation of crime and allied matters. The Commission was tasked with determining the role of the Police within an independent Trinidad and Tobago.”

That commission produced 175 recommendations. Although there were 175 recommendations, it never recommended the abolition of the Police Service Commission.

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Mr. Deputy Speaker, there was the Carr Committee established in 1972. What did it do? What were the terms of reference of that commission?

“...to make recommendations to ensure the achievement of the efficient operation and maintenance of the esprit de corps of the police service, against a background...”

of the working hours of the police. Although the Member for Diego Martin East said that was 30 years ago, that report endorsed most of the recommendations in the Darby Report. [*Crosstalk*] I am coming nearer to you.

There was also the Bruce Committee Report of 1984. We are coming from 1959 to 1984. It was commissioned by Cabinet to make recommendations on restructuring the police service. Have you read it or are these commission reports on the shelves gathering dust? That Bruce Committee deliberated for over five and a half years. The report was produced with some 95 recommendations. Have you looked at those recommendations? Have you attempted to implement those recommendations? Up to very recently people were saying that those recommendations remain relevant to the police service up to today. Another one came out in 1990, the Police Executive Research Forum and that was sponsored by the United States. That report, again, gave us recommendations.

The final report contained 80 recommendations covering aspects of organization of the service, management systems and equipment. Up to 1991, when the O'Dowd Commission had been set up, those recommendations of that 1990 report had not been implemented. There is so much work and so many recommendations in place, which dealt with the same issue. Have you gone to them? Have you looked to see whether they had been working? [*Interruption*]

**Mr. Valley:** I am grateful, Mr. Deputy Speaker. The Member is correct. He is quoting from the O'Dowd Report. Hon. Member, would you not conclude that since we have had different committees looking at the police service and having difficulty implementing the recommendations, is it not time that rather than simply changing consultants, that we change the system as being recommended now by this technical team?

**Mr. S. Panday:** You are jumping the gun. You must ask yourself: Have you read the recommendations? Do you think they should have been implemented, rather than merely saying that they have not been implementable and, therefore, we should go this way?

**Mr. Deputy Speaker:** The speaking time of the hon. Member for Princes Town has expired.

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

*Question put and agreed to.*

**Mr. S. Panday:** I thank the Member for Diego Martin Central, because I know that he is the cause that I have taken so much time delivering my contribution. He is trying to waste my time. I want to warn him that I want to use the next 30 minutes.

**Mr. Deputy Speaker:** You will get injury time.

**Mr. S. Panday:** We go to the sixth report, the O'Dowd Committee Report in November 1990. It was:

“...to conduct a wide-ranging review of the structure, organization, management, and operation of the Trinidad and Tobago Police Service and to make recommendations for reform, including:

- (a) a more efficient and economical utilisation of existing resources;
- (b) the need for additional support...
- (c) the design of career development policies and practices to ensure that officers suitably equipped by training and experience are available to fill the highest posts of the service;”

Is that not the same thing we are doing here?

“(d) measures to enhance the ability of the service to discharge its statutory responsibilities for the prevention and detection of crime, particularly with regard to public order and drug-related offences.”

Is that not the same thing we are doing today? Up to now, have we debated the O'Dowd Report, said that it could not work and then went to this? I wonder, Mr. Deputy Speaker. Up to the O'Dowd Report in 1990, although they have looked and made recommendations, would you now not agree with me—[*Interruption*]

**Mrs. Robinson-Regis:** Would the Member give way?

**Mr. S. Panday:** He would not give me extra time. No, it is my last few minutes.

**Mrs. Robinson-Regis:** Can I ask from where you are quoting?

**Hon. Members:** Morgan Job's book.

**Mr. S. Panday:** No. This is the same thing they are trying to implement. Ask them whether, in fact, they had looked at it. If they made recommendations, it

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means that all these commissions would have foreseen that there could be the implementation to make for a more efficient management of the service without having the Police Service Commission disbanded; that is the point I am making, because up to 1990 nobody whatsoever recommended the abolition of the service commissions.

**Mrs. Robinson-Regis:** Would the Member indicate from which book he is quoting? [*Interruption*]

**Mr. Deputy Speaker:** The Member is trying to find out from what book you are quoting.

**Mr. S. Panday:** I was not quoting from a book; they were my own words. [*Laughter*]

**Hon. Members:** Are you Morgan Job? [*Laughter*]

**Mr. Deputy Speaker:** Hon. Members, please allow the Member.

**Mr. S. Panday:** These organizations were not the only ones who did not recommend that we tamper with the commissions, but even the courts have said not to touch the commissions. I wish to refer to a Privy Council decision of *Thomas v the Attorney General of 1982, Appeal Case No. 2*, at page 113. [*Crosstalk*]

I am proud to help poor people. I am not like “allyuh fellas” on the other side who kick poor black people. I help poor black people. [*Desk thumping*] I have no problem with that. I am not ashamed of it.

**Mr. Deputy Speaker:** Hon. Member, speak to me.

**Mr. S. Panday:** You know that, Mr. Deputy Speaker. You and I practise in the court; both of us practise in San Fernando. That is the kind of quality you have on the next side; not like you and me, Mr. Deputy Speaker. [*Laughter*] Yes, Mr. Deputy Speaker is a man who goes out of his way to help people.

The document states:

“The whole purpose of Chap. 8 of the Constitution, which bears the rubric ‘Public Service’, isolating members of the Civil Service, the Teaching Service and the Police Service in Trinidad and Tobago from political influence exercised directly upon them by the Government of the day. The means adopted for so doing was vested in an autonomous commission to the exclusion of no other person or authority. The power to make appointments to relevant service, promotions and transfers within the service and power to remove and exercise disciplinary control over members of the service.”

We have seen that not only the various commissions established have indicated our position on this side, that we do not want political interference with teachers, police officers and public servants, but even the courts have endorsed that view.

The question we must ask is: Have you ever seen political interference in police work? Of course there has been. Do you remember sometime ago that a Minister went to a police station and took his son out of his cell? [*Interruption*]

**Mr. Valley:** I thank the Member for giving way. I want to ask the hon. Member what year he was speaking about when he talked about that political influence and whether at that time we did not have the service commissions.

**Mr. S. Panday:** Mr. Deputy Speaker, I am asking for injury time.

**Mr. Valley:** If you are making the point that the service commission is supposed to protect against that, and it happened, are you saying that the service commission is not a good bar against such an eventuality?

**Mr. S. Panday:** We are saying that the power of the service commissions must be further insulated; that is why we are calling for constitutional reform. We are saying that the power is not enough. We must give them more power of insulation. Remember, a certain politician called a police station to ask about the release of his driver; interfering with police work. You remember the police in Tobago who said that they got instructions to release the Bajan fishermen?

Furthermore, do you remember a certain politician in 1993 who wanted to fire the then Commissioner of Police? It says in the Constitution that the service commission has the power to enforce standards of conduct and to remove officers from duty, but it also says that since they are quasi-judicial they ought to be fair, because they would get judicial review. When the politician asked them to remove the Commissioner of Police, they asked, "On what grounds?" "Public interest." "Bring the evidence." The evidence was so flimsy that the service commission stood up against the politician.

We have given you examples of politicians interfering with the police service. The service commission in that case stood up as a bastion for democracy; this is what we are talking about. Lo and behold, soon after that, in 1994 there was the Constitution (Amdt.) Bill. At that time it was laid in Parliament, on the same issue. It did not come downstairs, it went to the Senate and they were knocked out. Therefore, in those circumstances, when they could not interfere with the service commission, they came to the Parliament in 1994 with Bill No. 10 of 1994. I think there were two of them. They were defeated. We say praise to the

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service commission in protecting the police service and, by extension, the population. That is what this debate is about.

They have come to the population and said, "If we do not get this legislation passed, we cannot do anything." That is the first tune. They went the other way, as though it was the panacea for all the ills in the police service. When they realized that the population was picking it up, after they spent millions of dollars in propaganda, like Goebbels, then they shifted the position and said, "It is not a panacea; you would not see immediate effects, but in due course you would see it." When you pass this legislation now, you are admitting that there would be no immediate results from the system, you would have to take some time to allow it to work. That is why when we say on this side to let the system work for a while and let us talk meaningful change and adjustment to the Constitution, that is what we are speaking about.

The world has not come to an end. The world will not stop spinning, because the world is spinning at this time in the police service, but you are trying to give the impression that if this legislation is not passed the whole world falls down. The UNC came to power in 1996 and, with the same legislation available to it, reduced murders in 1999 to 99. How did the UNC do it? The UNC did not con the population; they did not try to fool the population by bringing police reform, which has a long-term effect, under the guise of anti-crime. They spent so much money to bring a firm from England to fool them and spent our money to make English people fool us.

**Mr. Manning:** Do not cry.

**Mr. S. Panday:** I must cry. It pains me to see what a foolish Government we have. It pains me to see our taxpayers' money being used to fool the people. You spent money for foreigners to fool our people and we must not cry? We should be holding our heads and bawling. You paid a man to fool you? This is what this Government is about.

The UNC did not bring police reform bills and call them anti-crime legislation. Who told you to call that anti-crime legislation? I heard my friend on a radio station this morning saying, "Well, you know it will not be like this at this time, but in the long-term we will have a change, therefore, in the final analysis, it will be anti-crime." [*Crosstalk*] You said that today. You should have brought crime legislation, the way the UNC brought anti-crime legislation. Do you remember the Administration of Justice Bill? [*Crosstalk*] We tried to unclog the courts, by bringing legislation to have paper committals. Solving crime is not only detecting

it, which is important, but also going to the end and ensuring that the matter is properly adjudicated. We amended the Criminal Law Act, No. 16 of 1997. The Criminal Procedure Act, Chap. 12, No. 2, amendment 28 of 1996. The Criminal Procedure (Plea Discussion and Plea Agreement) Act of 1999, amended as No. 11 of 1999; that is anti-crime legislation, the kind you must bring when you talk about anti-crime legislation, and not pull any skullduggery on the population. *[Interruption]* Hoax. Do you want me to withdraw the word “skullduggery”? Withdrawn.

**Mr. Deputy Speaker:** Continue, hon. Member.

**Mr. S. Panday:** Mr. Deputy Speaker, he is tempting me.

The Dangerous Drugs Act of 1991, section 35; the Dangerous Drugs (Designated Country) Order, No. 65 of 1997; the Dangerous Drugs (Registration of Orders) External Confiscation and External Forfeiture. Order, No. 235 of 1999; that is anticrime legislation. The UNC used this same Constitution with this same Police Service Commission and introduced anti-crime legislation. That is the reason we had been able to reduce murders in 1999 to 99. The question is: But they have the same law? *[Interruption]*

**Mr. Valley:** Mr. Deputy Speaker, I again thank the Member for giving way. I am wondering whether the Member has any statistics to show the number of convictions under those pieces of legislation, to indicate how well the legislation worked over the period.

**Mr. S. Panday:** In law we say, “You have the information.” You have the power and the authority to check with the courts and get that information, but if you want I shall endeavour to do so.

The UNC had the will to implement the law. Which government executed the drug lords and drug barons? The UNC. When you show the country that you have the intention to implement the law, you will be able to deal with crime. I humbly submit that this legislation is a hoax. The hon. Attorney General said that we needed to have this legislation, because the criminals are advanced and there is transnational criminal activity taking place and that we need this legislation to have a more efficient management of the police service. I want to ask him: Did he forget that the UNC did not have to amend the Constitution?

Do you remember when the UNC entered the Shiprider Agreement on March 04, 1996? What was it about? The Shiprider Agreement was to promote greater cooperation between parties in combatting illicit maritime drug trafficking:

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“The parties shall cooperate in combatting illicit maritime and drug trafficking to the fullest extent possible, consistent with available law enforcement resources and related priorities.”

**8.20 p.m.**

Mr. Deputy Speaker, there are provisions in place so the legislation does not have to be amended. Do you remember there was a man in Trinidad and Tobago who made a fool of the police by saying to them: “Ketch meh if yuh can?” Because of the cooperation that we had with the United States and the District Attorney, sophisticated equipment was brought in and now he is making a free lifetime term in the United States of America. When it is shown that we are serious about crime and dealing with it, other countries around will assist, and that is what the United National Congress had been able to do.

Mr. Deputy Speaker, so to come before the Parliament and say that without this legislation we cannot do anything, we are showing them what one can do with the prevailing circumstances. With the same legislation what happened after that? The PNM came into office and crime went up. Why? The only answer is that the criminals who are their friends believe they could do whatever they want.

I know the hon. Member who was the campaign manager in Mayaro, and I would not say anymore, except to say that men from certain cells, in certain areas of Ortoire/Mayaro who claimed to be their friends terrorized us.

The Member for San Fernando East, instead of telling the police to deal with the criminals went in the night and held tête-à-tête with them; not only that, Mr. Deputy Speaker, but also called them community leaders. He elevated them, and then the king of them all asked for his pound of flesh. He said to have those boys in order they want “x”, “y” and “z” and made demands on the Treasury. So when they have so much control of the politicians, they have no respect for them.

Furthermore, I remember many police officers had indicated that their morale went to zero when they saw or heard the political directorate of the country holding peace talks with the criminal elements. They asked themselves what is the point of their fighting. Those are the things we must look at. Those are the reasons crime is on the increase.

Everybody knows Guerra. It is alleged that he was wanted in New York for a number of murders, everybody knew about his close relationship with this Government. Even the day before he was gunned down in Wallerfield he was in Couva protecting PNM members at a meeting only because the Member for Couva



South said that he does not guarantee their safety there. Instead of bringing police, they brought Guerra, a criminal, to protect them. That is the reason for the increase in crime and everybody went haywire in doing what they want.

Mr. Deputy Speaker, we ask the question today. Where are we and how do we deal with the situation? As my time is coming to an end, I want to tell them that if they really want to bring anti-crime legislation to deal with criminal activity why not look at the flagship legislation from the United Kingdom, the Police and Criminal Evidence Act of the United Kingdom and see if it could be adapted? That Act speaks about the control and the increase of police power in the investigation of crime; the power to stop and search; power of entry; search and seizure; the power of arrest; detention; and questioning the treatment of prisoners and persons by police so when somebody commits a crime, the police would be so well trained that they would make sure that the prisoners cannot make any excuses and would be exonerated or acquitted at the end of the day on legal technicalities. This is police anti-crime legislation.

Mr. Deputy Speaker, I do not want to do the other parts of the Act but to say I agree with Senior Counsel, Russell Martineau, when he said that we must be careful with this legislation because it may take us backwards more than forwards and the commissioner may spend much of his time in the court. And to say that I agree totally with the recommendations of the Law Association, and in particular with Senior Counsel, Martin Daly, and most of all with Senior Counsel Martineau when he calls for prison reform because conditions as we know today are so horrible that they are manufacturing criminals who have no regard for taking human lives.

We have the Maximum Security Prison, which is under-utilized and prison cells are being overcrowded. When one goes into prison as a soft criminal, after meeting with other criminals and survives under those conditions one comes out a hard criminal. Instead of bringing legislation for police management, why do we not spend resources at that prison?

Do you know why that prison is not utilized? The sewer system is not working and we speak about giving resources to the police but that alone is not enough. We must look at the whole system including the prison if we want to deal with crime.

The other matter I want to deal with is the witness protection programme. You have a CEPEP contractor, E. Enterprises Limited, charged for kidnapping and while the witness was supposed to be on that programme he was not given

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adequate protection and was murdered in the middle of the trial and the CEPEP contractor got away.

Just last week there were two men freed on Friday and by Monday they were killed and the Director of Public Prosecutions said that the witness who was supposed to have been under witness protection—I do not know if he was interfered with, it is not for me to say—having given evidence in court, the prosecutor said he cannot rely on the witness because he lied. Maybe, if we had a proper witness protection programme where he was taken care of and he could not have been contaminated, the two men who were shot probably would have died in a different way.

When that witness protection had failed, it seemed to me that somebody took the law into his or her own hands, but that is not for me to say. Well, we know about more police on the beat. We hear about police prosecutors getting \$600 extra but those in the special crime unit getting \$5,000 in allowances. The hon. Minister said if you were a policeman and you become an attorney, you get \$1,500 more while those who are in the special crime unit are getting \$5,000 more whether they are lawyers or not. So we need to look at that.

Mr. Deputy Speaker, we heard about the Director of Public Prosecutions, and the Chief Justice said they are sending people with coconut bats to play test cricket. He was not condemning the Director of Public Prosecutions Office, but the lack of resources given to that department to adequately prosecute people.

We heard about the DNA and the operating of the Magistracy, and last but not least, there are guns in the country. It is said that the police are not getting their hands on the guns and the hon. Minister indicated that the drugs and guns are affecting our sovereignty. What is the purpose of the army and the coast guard? Have we had maximum utilization of the services of the coast guard and the army? Have the coast guard been doing their work on the sea to ensure that no guns come in? I am certain if the guns are prevented from coming in, there will be no need to put extra pressure on the police to look for them. If the coast guards are posted on the coast and the soldiers at strategic points where illegal activities are suspected to be taking place, we can probably have the army on land protecting the sovereignty of our State. So the coast guard would be protecting the sovereignty of our waters, the army protecting the sovereignty of the land and without all this legislation we could deal with the crime.

We say, convince us, we are open. I have given you the history, I have given you what is crime legislation, I have given you the kind of activities to take to

deal with crime, and do not fool the nation by telling it this is anti-crime legislation and without it crime cannot be solved.

Thank you.

#### ADJOURNMENT

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Mr. Deputy Speaker, I am accommodating and if Members want to adjourn for dinner that is fine. I thought Members would have preferred to come back tomorrow or Friday but if they want to have dinner I have no objection to that.

**Mr. Deputy Speaker:** Why do you not discuss it with the Chief Whip?

*[Hon. K. Valley and Mr. G. Singh proceeded to the back of the Speaker's Chair]*

#### CONSTITUTION (AMDT.) BILL

**The Minister in the Ministry of Trade and Industry (Hon. Diane Seukeran):** Mr. Deputy Speaker, I thank the hon. Member for Princes Town for laying out an excellent case for the support of these Bills. Many of the Members opposite have given us good cause and reason for supporting the Bills, but particularly the Member for Princes Town as he pointed out failure after failure of service commission after service commission, institution after institution, of the threat to security of the people, and of the abuse of powers from the police service which made the case for the support of these Bills, and a business plan laid out so extraordinarily effectively by the Minister of National Security. So having heard the Minister of National Security in the sum total of all, he was saying with the succinctness, the absolute clarity of thought, and mind focus, he was showing total linkage of an absolutely sound business plan; the three Bills before us.

Mr. Deputy Speaker, importantly was the fact that the Minister of National Security touched upon—and in his contribution, he was only touching upon—the quantum of money spent for the police service; moneys that had yielded no value as far as the general public is concerned in that crime keeps escalating and the hon. Attorney General laid out the legislative framework under which that business plan could operate.

Mr. Deputy Speaker, the Government of Trinidad and Tobago has always said that these three Bills before us were created by the government of yesterday that was led by that side. The UNC government in fact created them and what we are debating today belongs and was formulated by that side. So all the brouhaha we are hearing, all the discussion about whether we consider the O'Dowd Report, and

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which report we had considered, I ask what had been considered by that side prior to the formulation of these Bills? They would have found in order to create an effective police force it was necessary to bring these three Bills. [*Desk thumping*]

We on this side at that time in Opposition had no problem with what they were saying. We put the interest of the country first and supported their action. I commend the Members opposite—particularly the Member for Couva North who was the Prime Minister—for the fact of having the courage to try to do something about the levels of crime in this country by the creation of these Bills.

In all we have been hearing, one of the greatest points of contention is the removal of the service commissions. There is a fear housed in here and carried through the airwaves convincing the people that the Government of the day intends to interfere with the Constitution for the purpose of exercising arbitrarily executive powers, which is not at all so.

The Member for Princes Town touches upon the sanctity—as he says and so many other Members pointed out—of the service commissions and quoted that honourable and distinguished member of the legal profession, Mr. Wooding. It was the Member for Couva North, the Leader of the Opposition, who pointed out that our Constitution is 42 years old and that the commissions of the original Constitution of Trinidad and Tobago were established for particular reasons. Although it is his Bill, he was the one who said to move the commissions, he is now saying that we must not touch them.

It was the Member for Couva South who talked about the insistence of the then Opposition—Members with whom I was very familiar as he points out—and, therefore, I should know what I am talking about when I say yes, Members of the DLP did in fact insist upon the entrenchment of the service commissions within the Constitution of Trinidad and Tobago and that is a fact. They also insisted upon certain fundamental freedoms and rights; the right to practise one's religion, the right to education, and there were so many other rights that came about in the course of the Marlborough talks as Opposition and Government sat together to hammer out a very good Constitution under which we still continue to operate today.

So I am very proud of that knowledge and association I have had with members of the DLP over a long time. Nor have I any hesitation in saying that those members who stood for country and fought to entrench rights to protect the country of Trinidad and Tobago—not one sector of a population, but a country—would be very proud of the fact that this descendant of theirs sits on this side today. [*Desk thumping*]

Mr. Deputy Speaker, the members of the DLP in those days had good cause to be worried, but they were worried because of the newness of our country status. We did not have a history of protecting ourselves having lived under colonial rule for a long time, we were a new country, so there was fear that there might be religious intolerance and discrimination so the idea of the service commissions was a very good one to ensure that these things did not happen. And yes, there was polarization even then and there was support from both sides. I am quite sure that the Member for Couva South and the Member for Couva North would remember that it was the then Leader of the Opposition, Capildeo, who was quoted so substantially yesterday who in fact led his supporters from the savannah urging them to march and burn down the Red House. That is a well-known fact in history. So we have laid the fault on both sides.

I say that members of the DLP were concerned about discrimination and several things but, more importantly, remember that the country had gone through three elections and there was no real cause to be afraid about race. We had the 1956 election, the 1958 federal election, which the PNM had lost to the DLP and yet there was no mayhem in this country, and we had the 1961 election.

There was another serious point to the establishment of the service commissions as far as the DLP was concerned and also the Teaching Service Commission. What that goodly group of gentlemen thought was that there was an absolute necessity to have an efficient and independent Judiciary and the commissions were set up for several reasons including the protection from political or executive power, the separation of powers as a mechanism through which the public body could interact with the Executive and, most importantly, they were set up to ensure that these service commissions function effectively. That was in the mind of the framers of the Constitution who were in the DLP in those days and they were equal partners and signatories to the Constitution of Trinidad and Tobago.

In the case of the police service particularly, the power to hire, fire, transfer and dismiss was given to the commission. Why was this done? It was given because these are management tools and, therefore, there was the inherent duty of the commission to manage the police service. The tools had been given to them and in the 1976 Republican Constitution, these objectives of the then DLP, accepted by the then government of the PNM, added to it and gave them the additional power to enforce standards.

All of us who belong to the realm of business understand that standards are an integral tool of business management. So what we are talking about substantially

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for the service commissions is management, and so the levels of crime in Trinidad and Tobago show that in the particular issue of the Police Service Commission there has been a failure on the part of that Commission to function in terms of effective management of the service. That recognition is what brings these Bills here today.

As I said, these are the Bills created by the Members opposite when they were in office. They faced a scenario in Trinidad and Tobago that led them to the point of failure of the service commissions, the inability of the police to effectively manage and control crime, and the rising levels of crime created an environment in which the Government of the day had to act and it acted by the creation of these Bills.

Mr. Deputy Speaker, as the Prime Minister opened this debate, he talked about—and I am not sure about his pronunciation—but I believe it was Joseph Goebbels and he said Goebbels was a master of propaganda and in fact he made millions of Germans, believing the propaganda they had heard, shut their eyes to the cruel murders under the most vicious circumstances and six million Jews died through the power and blindness created by the mastery of a man called Joseph Goebbels. And that is what the Prime Minister was talking about when he likened the attempts of the Opposition in their propaganda machine that is afoot to that mastery.

It would seem to me that nobody—

**Mr. Singh:** I thank the hon. Member for giving way. Could the hon. Member give us an appreciation of the extent and nature of the Opposition's propaganda machinery and match that against what is available to the Government?

**Hon. D. Seukeran:** Certainly, Sir, I would attempt to do so as I go along because I want to say to Members, to the general public, and particularly to you, that in fact these Bills have been and are a creature of the people sitting next door—all of them. Today, all of them have washed their hands, they behave as though these Bills were created by this side with the specific purpose of giving the executive of this side the power to abuse, tyrannize, victimize and discriminate the citizens of Trinidad and Tobago. Mr. Deputy Speaker, nothing could be further from the truth.

All over the airwaves—and this is where we come to the likeness of Goebbels—of Trinidad and Tobago, you are hearing a debate, and in that debate you are hearing the accusations levelled against this side, not that side. The same Bills that they created, except today it is the PNM that is the success of the

machinery of the propaganda machinery that is the UNC. So I compliment you all. I wish we had the capability to do that because you know well that the State—and you have exercised that power—has at its disposal the ability to spend the money in the manner that it thinks fit. But let me tell you that we can learn a great deal from you. I have never seen machinery as competent as yours in the power and success you have had in destroying truth in this country. [*Desk thumping*]

Mr. Deputy Speaker, the population believes all they hear: we are attempting to politicize the police; we are removing a highly effective Police Service Commission; we are interfering with the President. That is what we are hearing over the airwaves; and nothing is further from the truth, as they know.

I want to say to the population, to ourselves, and the Members opposite that the hon. Prime Minister in the likeness of their machinery to Joseph Goebbels is absolutely true because Goebbels based his entire myth of the evil of the Jews, murdered six million of them and got away with it and it was based on a phrase coined recently by the honourable gentleman who represents Couva North. It was based upon lies, half-truths and innuendoes and John public is swallowing every ounce of it. That is the sadness of what is going on in Trinidad and Tobago.

**8.50 p.m.**

Mr. Deputy Speaker, and as they do that, what is even sadder is that an innocent population, a population who is at risk, a terrified population, is further terrorized by not knowing who to believe. Shall we believe the Government; shall we believe the Opposition? Who is lying? Who is telling the truth? Will the PNM Government victimize us? All of these fears are adding to a population that is already at risk. That is one of the worst crimes coming from that side.

So what we are seeking here on this side of the House is simply to do our job. It is the duty of the Government to create an environment where law and order prevails, where the citizens of a country feel a degree of security and safety so that they can live their lives happily and in peace so that they can go to work in peace, so that their children can play in safety and harmony and grow up to be productive and happy citizens. That is what we are supposed to be doing. We have a duty to protect the citizens from any activity that hurts them or that threatens their safety. So did the Members opposite when they created the Bills.

I think that they know as we know that no Member of Parliament actually does the job of protecting the citizens. It is not the Government, whether it is UNC, whether it is PNM, whether it was DLP; it is the police service that is empowered, is mandated to protect the citizens, and when the police service is ineffective,

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crime grows and the citizens suffer and the Government must function. That fact is that the system is not working; the police are not doing their jobs. Perhaps they cannot do their jobs; perhaps they would not do their jobs; perhaps, whatever reason, it is not working. Police themselves have lost confidence in the police service. Good policemen are suffocating inside there and they are seeing that they cannot be effective.

Do you know how absolutely discouraging it must be to policemen, that crime after crime is being committed and they cannot function effectively? Do you know how terrifying it is to the citizens when they consider that the police who are supposed to protect them are failing? What then does the citizen do? Who is to protect him? Public confidence is completely gone and the Member for St. Joseph alluded so strongly and so correctly to the fact that confidence is key, not just to the security of the citizen, but to economic success and that confidence is gone; pressure is on the Government; pressure is upon the police; pressure is about everybody but it is not on the criminal. He is striving.

So, Mr. Deputy Speaker, let us, for a moment of time, touch upon the background that brought the United National Congress government to the point at which it went into the business of creating these three Bills. I want us for a moment of time to consider that in 1999/2000, the levels of crime were horrendous. I do not have the statistics at hand, but we all know that it was so bad that the Opposition in those days, ourselves, were busy using it as a weapon against them, trying to remove them from Government by the statistics of crime. Let us, for a moment in time, go into why.

The government of the day was facing the numbers of crime, the violence within the society; threat of security to the citizen and the election coming up. That was the background against which this was happening. For a moment in time, I would like us to turn to the Police Complaints Authority Report of the Police Service Commission for the year 2000. Let us go to the Police Complaints Authority for a second. This is the third annual report, and the year is May 01, 1998/1999. I am trying to show you the background under which the government of the day created the legislation that we have here. If we turn to page 10, what we see is a listing of the breakdown of complaints received for this period, categories of complaints. These are of policemen. So we talking about the quality of the service; what was happening to the police service that had to protect and serve the people. In that year there were 1,286 complaints made against the police service; not against criminals—against the police service. They were for harassment, failure to perform duty, battery, impolite behaviour, failure to investigate,



malicious prosecution, no warrant issued, maintenance, miscellaneous, failure to take a report—a simple thing like that—gun drawn, wrongful arrest, criminal damage, failure to read a warrant, seizure of items—and you know what happens there—false imprisonment, failure to appear in court, vehicles impounded, fraud, extortion, forced statement, domestic violence and sexual abuse. The formal written complaints amounted to 1,286 charges leveled against the Police Service of Trinidad and Tobago in the year 1998 to April 1999. That was the condition of the police service.

If we turn to page 17, the cumulative number of complaints against the police for the years 1996, 1997, 1998 and 1999 amounted to 4,354. This is not criminal activity. Those complaints can only be addressed by the Police Complaints Authority, based upon reports that emanate from the police service to the Authority, so the Authority can act. Of that 4,354 charges against the police, the reports received for those years amounted to a mere 2,402. That leaves a difference of 1,952 where there was no report. The police could do what they want, but the reports are not forthcoming and the complaint throughout the years from the Police Complaints Authority is the failure of the police to investigate itself and therefore the inability of the Police Complaints Authority to act. This Authority is what stands between police abuse and the citizen. Just those two pages tell you, and these do not include the crimes where we use dispute resolution methods. Those are in the hundreds, if not thousands, committed over the period of years, not recorded here.

As I said, the success of this agency depends upon the reports given and when you have the failure to deal with these, what happens is public confidence is lost. On top of that is that good policemen are frustrated as bad progresses. The Member for Diego Martin East went through a wonderful experience of just one policeman; bad apples who go and serve their time, do their suspension and return and pick up their rank and are promoted over the heads of good officers. What does it do to the morale of the police service that has to effect the protection of Trinidad and Tobago?

The complaint is always the timeliness of the reports. I just wanted to touch upon it and then to say that all of this impacts upon confidence, and to use the Member for St. Joseph's very sound argument, that confidence is key. The image of the police service, therefore, goes through a terrible beating and you have to have confidence in the police that they are able to do their job of protecting you. The population thinks—and given the statistics has every right to think—that the police service is not accountable, that it is unable to do its job and all of it is reinforced time after time in the minds of the police.

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Worse than that, is the Police Service Commission's report of 2000. This document is most enlightening; it is highly instructive. Page 15 points out that the major problem is discipline. It points out that although there was a law passed in the year 2000, No. Act 43, that allowed the commission to remove the officers who had been convicted of crimes in a criminal court, the law had a loophole. So that only police officers who were convicted after 2000 could be removed. And remember there is a backlog of cases waiting to be heard. So this is what the Member for Diego Martin East is talking about, what good policemen complain about on a continuous basis.

Mr. Deputy Speaker, I am just painting the picture of what the goodly gentleman on that side faced at a time that they created these Bills, and they had good cause, given what we are seeing here. What again—and let me just find the notations. On page 17 it talks about the transfers and it says:

“Overtime, the Commission continued to receive letters of complaints from aggrieved officers who perceive that the system of transfers in the Police Service is being used as a penalty or method of victimization in a number of instances.”

It goes on to say:

“...the Commission has impressed upon the Commissioner of Police that transfers are not to be used as a penalty against a police officer...but as a human resource management tool.”

These are the words of the Police Service Commission.

“The authority delegated to the Commissioner of Police is to enable him the flexibility to rotate his officers to ensure the widest exposure necessary for on-the-job training...”

That is what the Police Service Commission is complaining about.

On page 18 it is complaining about the lack of returns. It is demanding from the commissioner with respect to the use of the delegation of powers of transfer and the commissioner is failing to respond to the commission. On pages 23 and 24, it highlights the numbers of matters which it has considered for the year 2000 and it talks of 93 compulsory retirements within the police service; the resignation of four; the abandonment of office of 58 police officers; the retirement in the public interest of two officers; 12 persons from superintendent to police constable who had said that they were sick, were found by the medical board to be fit and should report for duty. There were 26 allegations of misconduct; six allegations of

neglect of duty; 58 preferments of disciplinary charges; 43 court charges; 10 cross charges. There were 100 matters. The outcome was in general discontinuation of the matter; no further action based on the insufficiency of evidence to prove charges; the non-appearance of the prosecution; failure of the prosecution to have witnesses, et cetera. In other words, police investigating police, just does not work.

That is what the UNC found and that is why they created these Bills. Let us go back to page 19. The observations here are very important. These are the observations of the Police Service Commission in the year 2000. It says:

“In 1999 the Commission made a number of critical observations of factors external to its Secretariat...”

Remember it had been complaining about the breakdown of the air conditioning unit and the officers had sick syndrome et cetera, so it could not function. But here it is highlighting some of its concerns. It talks of:

“the lack of implementation of an effective management system for performance appraisal...”

It is what the Minister of National Security talked about today, the plan laid out, created by you and laid out by our Minister of National Security—and the staff reporting so that the commission can make an impartial assessment of the performance of the service. It continues:

“Although Government has developed the system and has directed that it be implemented with effect from February 2000 it has not yet been implemented in the Police Service

lack of managerial accountability for the disciplinary process.

the urgent need for succession planning within the Police Service more so at the level of the First Division.

the late submission of recommendations acting appointments and promotions together with supporting documents from the Commissioner of Police.

the absence of a specialized Medical Board to deal with officers who are away from duty for long periods presumably because of illness, many of whom after being examined...and found fit for service, continue to submit Medical Certificates attesting to their inability to report for duty on account of illness.

the absence of a monitoring system to avoid excessive financial indebtedness by Police Officers...”

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to the canteen, et cetera:

“the difficulty in transforming the existing culture in the Police Service which at present is not conducive to excellence in fulfilling its mission to protect and serve.”

That was in the year 2000 and that was the background against which the United National Congress, while it formed the government of Trinidad and Tobago, created the three Bills that are today laid in this House for debate. The Constitution (Amdt.) Bill, the Police Complaints Authority Bill, the Police Service Bill were created by the government of 2000, which was the United National Congress. It was the Members opposite who created these Bills. Despite all the propaganda of all the politicization that this side is now attempting to do, they are the same documents.

At that time they decided to act in the public’s interest and the opposition of the day, which was on this side, now the Government, decided that it, too, was going to act in the public interest, and so the two sides got together and a process emerged in which Sir Ellis Clarke and his technical team were formed to look at and to create the documents. There was consultation left, right and centre; there was publication of documents sent out. Everything was done. Due process ensued and the Bills were drawn up, the same Bills that are here today. That was the situation then.

So what has happened? What is it that makes these Bills any different? The same text; same document; same reason, nothing has changed. All that has happened is that crime has gotten worse. Statistics keep climbing. The police service, the tool, the instrument, to go out there and protect the citizens and arrest the criminal, is failing more and more.

I want to point out that only one thing happened, and the thing that happened was that they went out of power and went to sit on that side and we left that side and came on this side. [*Desk thumping*] It seems to me that they still have not gotten over that movement. They were so traumatized by that movement that it seems to be taking forever, that good and decent people who created these Bills have suddenly had amnesia. They never had anything to do with this. Their propaganda machine says this is PNM territory; PNM doing. “We never had anything to do”—Is that not what the population is hearing? “Only criminals like the PNM could think about this.” Obviously, the trauma has been too great.

More than that, the same President, the office of the President—remember that the President is the office of the President—who was supposed to be the

person to appoint the two commissions in here, to be trusted to create independent institutions, today is a political tool, a creature of the Government, as the Member for Couva North said. Why is that? Is it not also because the office of the President in the year 2001 removed them from the seat of government and put—and on good grounds; there were charges of gross financial impropriety and abuse of the government of the day, and on those grounds the President acted in the interest of the people and put this Government in power. He did not have much alternative. But suddenly he has become a creature of politics for acting in the people's interest, and yesterday when they were acting in the people's interest, that was okay. The President was fine. Today, the same Bill, nothing changes, this is politicization; an exercise in tyranny; fear reigns all over the land. What nonsense!

That is all that changed. The only thing that has happened was that when they went into power, as the Member for San Fernando East said, the goal post suddenly started to move. They could not get up and say, “we are not supporting the Bill”, for any reason and they could not admit that it is because “all yuh in power and we out of power.” That could not be admitted, so they found new reasons. They said that PNM would abuse it; the President was a creature of politics, and they continued to move the goal post.

First it was total constitutional change, then it was the total removal of all discrimination in the country of Trinidad and Tobago. Lord help us! How do we do that? Even in families, sometimes one child pleases you more than another. How on earth can you move that which is human? What you can do is to attempt to create an environment in which there is harmony, not the friction that is created in the partisan politics, in the Goebbels-type propaganda that is outside there creating fear and havoc in the country of Trinidad and Tobago; havoc based in race, havoc based in total propaganda, based on lies, half truths and innuendoes.

I want to look for a moment at what else has happened. If you look at page five of the Police Service Commission Report of the year 2002, the notation points out the powers. But this document says very little. What has happened to this document is that from where the commission was saying all the time that it had delegated its power to transfer; in other words, the management tools had been delegated to the police commissioner and therefore it was the police commissioner who was to blame and not them, suddenly in this report, as the Minister of National Security was saying, they suddenly washed their hands completely of it. They stopped mentioning the fact that they had delegated the power but that they were still responsible.

The magazine got glossier, prettier; the art got better and substantially it just continues to be a litany of excuses for not functioning. Year after year after year,

the Police Service Commission hides behind the veil of: “We do not really have the power; the police commissioner has it; we cannot act; we cannot manage.” In the year 2002 they actually came out and said so. That is the only difference. But until the Constitution of Trinidad and Tobago is changed so that they are no longer empowered to do what they have to do, delegation or not, theirs is the responsibility and you cannot duck. Again, Member for Couva North, you could run but you cannot hide.

With respect to the Police Complaints Authority, nothing has changed. Justice Jim Davis still continues to complain. The quantum of the numbers of the formal complaints against the police show, on the one hand the crimes are rising, the other, the commission is failing, on the next the police service is in further chaos as officer after officer is charged. This year we have 2,103 formal complaints and 350 informal complaints settled by dispute resolution. So a total in the year 2000 of 2,453 complaints against the police of Trinidad and Tobago. Nothing has happened. The situation just got a little worse.

It continues to complain that of those complaints, they had only received 112 reports. So it got even worse. The police were absolutely not functional about investigating any charge against any policeman—police investigating police. Mr. Deputy Speaker, there were 112 reports of 2,103.

The crime statistics—let us for one moment look at page five of the report. You keep on hearing that the police powers of arrest have been opened to serious abuse quite frequently. This is in the commission’s report of 2000. It says they kept hoping and stressing. They would not try to take back the delegated power; they would not act in the public interest; they would not insist upon the standards that they were mandated constitutionally to do, by taking back the power they had delegated, they continue to hide behind it and say, “We cannot be effective”. So the situation that the United National Congress faced as they created these Bills is worse in the year 2004, the time at which we are standing here.

Again on page seven there is the persistent dissatisfaction about promotions. It says on page nine:

“...mismanagement of the Performance Appraisal System...creates a climate of mistrust.”

Page 10: police not informed in writing; supervisors fail to fill out staff forms or they fill them out by ticks in boxes; no real report. The Commissioners are misled in performance appraisals; wrong people getting the jobs—chaos, corruption within the police service, because that is a corrupt practice.

Confidence in the public domain is out completely through the windows. People are packing their bags and leaving, as we are often told from that side. How many people has the Member for Barataria/San Juan told me have packed their bags in his constituency and left, or you, Sir, from Caroni East? I have heard it so often, and it is a fact. They are not lying. People are leaving because they are afraid because police are not working. The commission was not working, is not working. The same situation that they faced when they created the Bills, we are facing here. Nowhere did I see the commission try to take back the powers that it had, or to account.

I want us to look at another document for a moment.

**Mr. Deputy Speaker:** Hon. Members, the speaking time of the hon. Member has expired.

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

*Question put and agreed to.*

**Hon. D. Seukeran:** Mr. Deputy Speaker, can I say how very, very flattered I am to have had the honourable and distinguished Prime Minister move an extension on my behalf, but more so—and the Prime Minister would forgive me—to have a stranger in the very distinguished person of the hon. Minister to attempt to move the motion. Sir, I am most flattered. [*Desk thumping*]

Can I come back to the subject of the picture that we now face on this side and why the passing of these Bills are so urgent? In the year 2003 there were 229 murders; there were 236 kidnappings. I would not go through the whole list of them, but for sexual offences which affects—because, you know, in all the crime, there is sexual offence. For the year 2003—and we are talking about the period January to April and I want to do a comparison between 2003 and 2004. For rapes, in 2003 there were 86 complaints and there were 49 cases solved; in the year 2004, for the same period, it has climbed. The number of accusations climbed to 115 of which 64 have been solved. For incest, in the year 2003—and incest is a heinous crime—there were 18 of which 18 were solved. In 2004, for this period, there were three reports, two have been solved. For grievous sexual assault—and this is where rape comes in, where people are abducted—for the year 2003 there were 30 reports, of which 19 were solved. In the year 2004, there were 41 reports; 32 were solved. Of serious indecency—and I want you to think of what that phrase connotes—in the year 2003, there were 23. The Member for Barataria/San Juan might well be able to describe it. [*Crosstalk*] There were 23

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cases, 18 of which were solved. In 2004, there have been nine so far, of which only two have been solved. Of buggery against the female; in the year 2002, two were laid, two were solved. In the year 2004, in six months we have had five cases of which only three have been dealt with. Against the male, in the year 2003—and a male means any minor as well—there were four cases; three were resolved. They are very good about the male situation. In the year 2004, there were two, of which two were charged. And bestiality, fortunately this year we have had none; last year we had one.

If you looked at the kidnappings, the kidnapping demand for ransom—what it cost this country if we paid it—in the year 2003 it was \$95,170,000. That was the amount of ransom demanded from the kidnappers who numbered 229. Those are the figures. In the year 2004, where we have had so far, I think it is 60-something, the ransom demand so far has been \$39,970,000—big business.

**Dr. Khan:** I was the Deputy Speaker in the last regime, not this one.

**Hon. D. Seukeran:** Mr. Deputy Speaker, I must tell him that he, too, is remarkably attractive and I put it into the record so that for history it shall be known. [*Interruption*]

Mr. Deputy Speaker, I am just giving you some of the statistics. So kidnappings this year have numbered 63, and of those—and these are just for these few months—among them there have been two deaths; one of whom affects this House very closely. It brings a great sadness into this House. One of whom was a young school girl of 13 who was beastfully raped and the other was the merciless death of a 20-year-old deaf mute of South Oropouche. That is the level of crime that we are facing here. But worse of those kidnapped, there have been the children kidnapped. Ten children have been kidnapped between January 2003 and June 2004. There were: Ashti Sookhan, Vijay Persad, Saada Singh, Marc Prescott, a small boy of 10 who has not been found; Cindy Mahasse, Geewan Geelal, Adriana Ramsingh, Micah Bernard of Barataria, Merita Hector of La Brea and Rodney Maraj of Curepe.

So this kidnapping is not just something where you could say “man against woman” or “man against man”; this is human being against children. That is the level of society that we have come to. That is the condition in which the Government of Trinidad and Tobago is functioning.

I want to point out the solution to crime this year, the percentage of police solution is 22.32 per cent according to the Trinidad and Tobago Police Service Commission issue. There were 229 homicides in 2003 and the figures keep



climbing in Trinidad and Tobago. The calls for inquest into police killings of civilians so far for this year, have numbered eight. That is the condition in which these Bills are brought.

I have tried to explain why the UNC quite justifiably created the Bills and why we are here now trying to bring these Bills. The hon. Member for Laventille East/Morvant raised a very fundamental point when he said that what is happening here, that this House has to face a political question; this debate is a political question. The Member for Couva North said that this was not about persons—it was not personal—but the Member for Laventille East/Morvant yesterday raised a fundamental question, that this is, perhaps a political question that is being debated here. I want us all to consider whether this is so.

These are UNC Bills. Not a word has changed. We are under the same conditions, same President, same everything, except they are no longer in power; we are in power. They did it because the crime situation was bad; the police was inefficient; the service commission was non-functional; the police authority could not function. We are faced with the same situation, only worse. Nothing has changed. All that happened was the change of government.

Mr. Deputy Speaker, the fact that they are sitting over there and we are sitting here, with the same Bill, same conditions, everything, makes what the Member for Laventille East/Morvant raised, the fundamental point of debate in this House. Therefore it means that we have to answer the question. The Members opposite have to determine whether in the asking for more time as they try to dissipate the need and the power of the people, the stirring up the activity within the community, as the Member for Couva North said, outside there, quite knit it down so that these Bills would fade into obscurity, the Government is forced to do nothing. Crime statistics go up; population under threat; Government under threat. That is the political question there.

Do they do nothing; hide their heads; swallow all their words; say that all these things that they have created here are based on a bunch of lies. That is a political question. Are they to be partisan; put self-interest or national interest? That is the question.

I want to say to the Members opposite—perhaps, you know, sometimes when you speak truth it hurts—that when the Member for Couva North said that criminals are taking over the country; that they are forming their own Constitution; that they have their own Minister of National Security, he was not lying. It is happening. And that if we do nothing, if we are forced to do nothing,

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they would succeed because all it takes is for men of good will to do nothing. They are people of goodwill; we are people of goodwill. What is wrong with both of us doing what is right for the population outside there?

So it becomes a political question. Yesterday we heard 23 times in our history, while we were in opposition and they were passing your Bills, we helped them pass constitutional amendments by putting country first. We are asking them to answer the political question: Are they going to act in their own self-interest and try to bring down this Government by making the people suffer by not facing these Bills—your Bills—or will the Members opposite be so enlightened—and I want to repeat the phrase; the master's words, the Member for Couva North commended the Leader of the Opposition then, now Prime Minister, on his enlightened action in supporting the Bills. Will the Members opposite be so enlightened as to put country first and support the Bills you created?

These are not PNM Bills; these are opposition Bills in which there is a great merit because it seeks to create a business unit of the police service, capable of being effective, capable of protecting the citizens, accountable for a change to the people of Trinidad and Tobago. I leave the question for the gentleman and lady next door to answer and I put it to them that I have the greatest confidence in people who have been my friend over time, Member who share the same House with me in this House, some of whom I am very fond of. There grows between you an empathy as we work together, however fleeting the moment.

I trust that the same minds that created this would, for a change, put country first.

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

**9.35 p.m.**

**Mr. Nizam Baksh** (*Naparima*): Mr. Deputy Speaker, on Friday May 14, 2004, I recall addressing matters on the Agricultural Census Order, 2004, after the tea break, little did I know that I would be a victim of crime. Tonight, I take the opportunity here to say how much I appreciate the Members of both Houses, the Speaker and members of the national community sharing with me, those traumatic moments over those days and those who condoled with my family and me. We have received several cards, telephone calls and letters from Members of this House, the other House, as well as members of the national community.

I take the opportunity with your permission to read a little poem that was written by a student of one of the classes that my son taught. It is in memory of

Ashmead Baksh by Ijaz Ramsahai.

I have never met someone as humble as he.

He was always respectful to his friends and family.

Whatever he knew he shared it with others. Never failed to inform his brothers and sisters.

He taught many to recite ayahs of Al Koran.

He carried the message of Deen and Islam.

Helpful he was always to those in need.

I can see clearly that he shall succeed.

What a tragedy befell us.

What a grief we must bear.

I am sure there is none amongst us who has not shed a tear.

So honourable a person we have been deprived of.

No longer in his living can we take pride of. How awful a death it does seem, indeed.

But yet how wonderful a death.

He is a shaheed.

Stopped in his path by those with no heart. It is unfortunate that some take another's life for a game.

But give those people time,

They will meet the flame,

A day as promised shall definitely come,

And the pious and the righteous shall escape jahanan.

Do the evil ones believe they share the same fate?

Allah knows best. They will never see jahana's gate.

And yet still our brother has not gone in vain.

He surely did give us and we surely did gain.

Think of the fun times with him that you had and the pain would recede,

It won't feel that bad.

*Constitution (Amdt.) Bill*  
[MR. BAKSH]

*Wednesday, June 30, 2004*

And if still at night you feel grief in your heart,  
Weep not for Muslims thou art,  
Muslims like he worshipping Allah abundantly,  
Insha Allah, one day we would meet him cheerfully.  
Of a brother like Uncle Ashmead, there are many good things yet to say,  
But now is the time to bow down and pray. Remember him in your duah and  
you will realize  
That Uncle Ashmead is not that far away.

I think that it was a worthy effort by the student. He is a secondary school student and I understand that he wrote it on the bus, while travelling from Port of Spain to San Fernando.

Mr. Deputy Speaker, you would understand how emotional it would be for me on this occasion, but I think that I need to take the opportunity to break that barrier that exists at this point in time. I would attempt to use my experience to speak to the Bills. I pray that no one else experiences the trauma that my family and I experienced.

When I left Parliament on May 14, I left to go home and dine with my family on the occasion of my wedding anniversary. When I reached home I was told that my son was missing. I went directly to the police station because my family outlined to me certain actions that they had taken enquiring whether there was any accident in the area. I thought that the next best thing to do was to go to the police station to inform the police of this situation.

I spoke to some of the police officers present that evening. I admit that the experience I had there that evening was not a pleasant one. Here it is I went to report a situation. Taking into consideration the experiences we have in the country and the number of kidnappings that are occurring, I went to report that my son was missing. I got the feeling that they were not concerned because there is a law that states you do not act on a report of this kind before 24 hours. You have to understand the situation in the country. The Member for Couva South made reference to his situation. As a Member of Parliament, who represents over 100,000 persons in a constituency and you go there and the kind of treatment you get. I felt ignored.

A particular police officer, I do not want to call his name here, pointed out to me on more than one occasion on that particular evening, that my son might have gone somewhere else and did not want us to know. He made his point in about

three different ways. I had to tell him that that was my son. I know him better than anybody else and he would not have done something like that. He never did it before and would not do it because he was trained in a particular way. I felt hurt at that point in time that that neither care nor concern was shown to me.

I can imagine what would happen to any other citizen. I thought that with the absence of the senior officer at the station at that point in time, an effort would have been made to contact him immediately. This was not done. I was told that they would talk with him the next day and get in touch with the Anti-Kidnapping Squad (AKS) and contact me at sometime. I went back home feeling uneasy, uncomfortable and at a loss.

About 3.00 a.m., I was able to get some information. By that time hundreds of villagers came to rally support in my hour of need. They formed themselves into groups and went out on their own to check various areas. They started at St. Mary's in Moruga and ended up in Chatham that night, trying to see if there was some lead that they could get. Here it was, the police was not giving any kind of assistance. At 3.00 a.m., I went back to the station to give a bit of information that we had. Still, the treatment I got there was terrible. No senior officer was making enquiries or called us to say that they had certain information or they wanted additional information from us. This never occurred. The information I gave at 3.00 a.m. was not given consideration. I thought that with the little information we gave at that point in time, there was enough for the police to check at a certain house and this was not done. If we got a name, I thought you would enquire there and if that person was not at home at 3.00 a.m., the person would have had to account for his or her whereabouts that morning. This was not done.

On Saturday morning, someone called the Commissioner of Police who called me and said he got information that my son was kidnapped and he would have the head of the AKS call me. That was done within two minutes. They said that they would come and set up an office to enquire. They came about midday and set up an office adjoining my home. I was amazed—thinking that you have people who are supposed to be well equipped and trained to deal with a situation—that they came with a caller ID to set up there to await a call from the kidnappers and negotiate. Nobody went out. We sat there from Saturday and we talked. They said that the call would come Saturday night. I told them that if someone is looking for money from us, the person would not call on a Saturday night. Banks are closed. They would call early Monday morning and give you some time to put pressure on you, so you would give in to their demands. This is the strategy if you follow the trend in kidnappings. We have one now, Vijay Persad. You cave in under pressure.

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When they came Saturday night they asked me how much ransom I could pay. This is what the police asked me. They were telling me beforehand that the police would not recommend that you pay a ransom, but that night they were asking me how much I could pay. In these circumstances you give information voluntarily. I did not say how much I could pay, but you give certain information. When I left that room, they were talking to my children and they were trying to ascertain the value of my assets. That was frightening to me. They knew about certain properties that I had that I never spoke to anybody about. They were putting value to my assets. I called my children and said, "Let us keep quiet and see what would come out of this." I do not think that approach should have been taken in this situation. I want to know if this similar thing happens to other people, or was it me?

We were trying to identify certain calls that were made to my son on his business telephone and cellular phone. The police had no system to get this information. People around there were able to get that information for the police and the police could not get it. As time passed by, certain information came in on certain vehicles and they could not get the information from the transport authority, to trace those vehicles to see if the number plates were false. When you do that you could identify the make of the vehicle and tell whether the number plates are false. This is the problem the police were having. This is what we have to address. There are simple things that could be done quite easily. You do not need these Bills to do these kinds of things. [*Desk thumping*]

After they found my son, shot in his head, murdered, by that time the Barrackpore police, the AKS and the Homicide Division were visiting. I discovered that each division lacked coordination. None was talking to the other. Each came to us and was asking the same questions over and over and asking for pictures. We had to give out almost an album of pictures of my son. They were saying that they did not know what the other divisions did. There is a lack of coordination in the police service. I felt that each division was acting as a police force by itself. This is the problem that we have in the police service. I take the opportunity to relate this because nobody else would have the opportunity to do it here. I hope nobody else here and outside would experience this. I take the opportunity to bring to bear my experience in this House.

We could address these things. When the AKS finally decided to search the Sunday morning, there were about eight officers. We had to provide them with vehicles to get around. I had to hurriedly get vehicles for them to travel around. By then, all our efforts were zeroed into a small community. Everything was pointing to a small rural community. The officers went and returned in about one

and a half hours. I felt they drove around in the road and came back because nobody was allowed to accompany them. Ironically, when they found the body about 20 officers came with semi automatic rifles to guard the crime scene. When I look in retrospect at the uncaring and callous treatment given to me at the police station, I wonder what is happening in this country.

Honestly, from my heart, I appreciated those who sympathized with us in different ways. The hon. Minister of National Security called me one night and said in his discussion that he would ensure that they leave no stone unturned to see I get back my son. That gave me a little hope that next morning I would have seen a helicopter and about 50 officers on the ground, like we hear in other situations. I am sure that if we had a helicopter service that morning we would have found my son. Because of the area that he was located in, it was going to be an easy find.

When I heard that the Prime Minister visited other people, I thought that as a Member of Parliament, there is that camaraderie in this House and I would have been visited as well. This would have been a great consolation for my family. Other Members on both sides of the Houses visited. I thought that this was a golden opportunity to send a message to the criminals that we have support and we are one in this place. Sometimes, I feel that because we are on this side, we are like an enemy to those on the other side. I never felt this before. This is the kind of feeling I am having now. I want to know whether this is a form of discrimination because I belong to the UNC.

I always avoided political comments with regard to my son's death. I have been cajoled by media houses and prodded to make statements and I made every effort to keep politics out. I want to let those criminals who murdered my son know that death will come their way. I leave it at that. I am a religious person and as a Muslim I have certain beliefs. They will have to account for that as well. In this light, I say that death shall come to them.

When I look at the *Report of the Police Service Commission 2002*, in which they have admitted that there are unsuitable persons on the job, this came through because of favouritism and nepotism. We need to address these things. We need to take positive steps. I take the opportunity to look at it from a social angle. My colleagues have addressed the legal aspects of these Bills. I would take a few minutes to look at the social side of these Bills. I propose that we need appropriate and adequate training in the police service to improve the situation in this country. In doing so, these officers must be trained and knowledgeable about the laws of Trinidad and Tobago; have interpersonal and communication skills and be given leadership skills.

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Recently, we have been exposing them to a three-month training programme and then bringing them on board. This is inadequate. They must be able to interview members of the public who are aggrieved and those who are not aggrieved. They must have the technique to do so. This is the kind of training we have to offer these people. They must be able to empathize and do counselling. I rang the station and asked the Inspector whether they could offer my family any counselling. That was something strange to him. He said that he was not in a position to offer anything like that. I thought that any family experiencing that should be given counselling. We need to look at this. We could improve the service by providing and equipping our police officers with this training. I am convinced that this is the way to go.

They must also be given social skills so that they can go to the depressed communities that we can identify, where most of the perpetrators of crime come from. They must go to those communities and help them with programmes with regard to sports, debating clubs and improving themselves. They could do this along with the non-governmental organizations and community-based organizations. Gone are the days when people would just fear the uniform. We have to change that mentality. We have to go out in the community and be part of it.

In Barrackpore, there is a place where they play “whe whe”, illegal gambling. Very often I pass there and see the police vehicles parked there. I do not have police friends because I try not to get myself involved in things against the law. I must admit this. You should see how they operate by driving from shop to shop to collect items to entertain them. I have a difficulty with that because once you are doing that you are committed to those people. They cannot deliver the service that they are supposed to deliver. You are compromising yourself in that regard.

When I go to the United Kingdom, I liaise with a former Trinidadian police officer who is also an Inspector there. The Member for Couva North made reference to bringing in people of different ethnicity into the police service. I have been in some of the communities with them and they go to churches to lecture and inform the people about the recruitment process in the police service. You want to get people from a wide spectrum to be part of the police service. It would make it easier for the delivery of service by the policemen when you go to different communities. This is the strength of the police service there. I observed that these guys have to study and write exams on a regular basis to improve themselves. They do this by distance learning. This guy would sit at his computer at home; do his courses and write exams. This is something that we must introduce here. Do not only promote by seniority.



We have to train them and allow them availability and access to modern technology. I understand that the equipment at the Twin Towers, and some people say at the Prime Minister's residence, has yet to be made available to the police. From the discussion with the police, I have discovered that they have to make requests to get certain information from these high tech equipment and it is not always given. I can understand the fear that the Government has in providing these people with equipment of that nature. It is because of the corruption in the Government. One recent example that comes to mind is the cocaine in the diplomatic pouch and that was investigated about a week and a half later. When the horse is out of the stable then you do an investigation. We have to be proactive. These things would help improve the police service. There is a perception that the police officers are crude, rough, haughty, arrogant, aloof, uncaring, insulting, corrupt and oppressive. This perception is in direct opposition to their motto, "To Protect and Serve". We need to change these attitudes.

This is where I feel that the appointment of the service commission provides this insulation from political influence or interference, in the exercise of their constitutional powers and performance of their functions. We need to protect these institutions so that we would not have this kind of interference that people speak about.

I would take the opportunity to read briefly some comments in the newspapers. In the *Daily Express* dated Thursday, June 07, 2004, it states:

"Police Bills would not curb crime problem:

Former Commissioner of Police, Jules Bernard has said that this could lead to political control of the police service. Bernard stated further that the one with the Police Management Authority, I am seeing a sort of control of the police by the politicians and this is a bad thing. From my experience in the police service that is a bad thing."

On the *Trinidad Guardian*, dated Friday, June 18, 2004, there is a headline, "Lalla on police reform bills: Leave commission alone".

The same point was re-emphasized here that he warns that the abolition of the commission could lead to political infiltration in the police service.

In the *Trinidad Guardian* dated Monday, June 28, 2004,

"Govt misleading nation on bills

The PNM Government has started on a crooked note by being devious with the three police bills in its public relations campaign.

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The Government refers to the bills as ‘anti-crime legislation.’ They are not. The bills are to reform the police service and cannot be described as anti-crime legislation...

That is borne out by the fact that these bills will do nothing to deal with crime, because the Bills are purporting to give to the Police Commissioner powers which he already has.

It is clear to me that you do not need further legislation, particularly legislation that does not provide constitutional guarantees against abuses, to deal with crime...

There are so many things that could be done to equip the police to fight crime even without these police reform bills.

I am left to conclude that the Government is using these bills to cover its incompetence and inability to deal with crime.

How in God’s name can the Government get away with the foolishness of blaming the UNC for its impotence in solving crime?”

In the *Sunday Express* dated June 20, page 6 states:

“Police bill exposes COP to litigation, says Martineau

Proposed legislation to make the Police Service more effective exposes the Commissioner of Police to a ‘tremendous possibility of litigation’ and the top cop may end up spending all his time dealing with judicial review proceedings, according to President of the Law Association, Russel Martineau SC.”

These people are experienced; they can tell us and they have said so. We need to look at these and review our position with regard to these Bills.

I see the major problem in this country in fighting crime as implementation, which is very critical. You can also see this in the public service. Look at the state boards and service commissions. We need to address this and it does not take the police bills to solve these problems. It is a situation that arises because of our laissez-faire attitude—nobody wants to take the bull by the horns.

Have we ever considered the extent of the debilitating effects that the action movies and video games are responsible for influencing, motivating and instructing the young minds in a life of crime? Every movie shows you crime. This is where these people are getting these ideas. We expose our young children to violence on these TV cartoons. Today, more than ever, in the history of our

country, moral and spiritual values are not an option. We need to build patriotism. We have to as a matter of urgency.

As a victim of crime, how would these Bills insulate me from the criminals and remove the fear in which my family, the national community and I live? Tell us. You have been doing that all the time, but we are not yet convinced. I take the opportunity to make some recommendations for a holistic approach to address the burning and frightening issue of crime. We need a review of the criminal justice system. We need to address prison reform. Somebody wrote in an article that jails are considered university for the criminals. They are getting more ideas and coming together as organizations in the prison system. More importantly, while we address those two for those who are already in that state of mind, we need to review the education system. At this point in time we are having mass production of potential criminals because of our high illiteracy rate.

There is an article by Prof. Ramesh Deosaran where he speaks about the bullying and illegal drug trade within the school system. We need to address these. Never before have I seen such unprecedented level of debate in the public domain against the Bills of Parliament as these police Bills, in spite of the \$1.97 million PR campaign by this Government. I am of the view that the Government is not interested in having the Bills passed, but is looking for a scapegoat to get out of this misinformation, perpetrated on the unsuspecting and innocent population. Of course, they would blame the Opposition if these Bills are not passed. I say this in light of the speed in which a new chairman of the Police Service Commission was appointed. It gives me a signal. Mr. Lalla left today and a new one has already been appointed. In light of this information, I am convinced that we need to address the problems of crime in a holistic way.

I hope that these recommendations are given consideration. We could solve the crime without these Bills being accepted tonight.

Thank you.

#### ADJOURNMENT

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Mr. Deputy Speaker, in rising to move the Adjournment of the House, I want to let the hon. Member know that we on this side do empathize with him and his family. I want to correct a mere fallacy. He knows that on the day of the burial— As a matter of fact in my case, I heard around 1.00 p.m. from my colleague, Mr. Roberts, that the funeral would have been on that afternoon. The Prime Minister was at a meeting and he instructed

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that—the two deputy political leaders as well as the chairman of the party were present at the funeral. That is known. I am making the point that there was no ill feeling on the part of the Prime Minister.

**Mr. Manning:** Mr. Deputy Speaker, with your kind indulgence, I would like to say to the hon. Member for Naparima that following the very unfortunate incident involving his family, we have decided to take certain steps which we would discuss with him.

**Mrs. Persad-Bissessar:** There is nothing in the Standing Orders which allows the Prime Minister to speak. He is abusing the Standing Orders of Parliament.

**Mr. Deputy Speaker:** I am on my feet. He would get an opportunity to wind up.

**Hon. K. Valley:** I am surprised that Members simply do not want a Member to express empathy to another Member.

Mr. Deputy Speaker, I beg to move that this House be adjourned to Thursday July 01, 2004, at 1.30 p.m.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 10.20 p.m.*