

ANNUAL REPORT  
OF THE  
OMBUDSMAN OF GUYANA  
(OCTOBER 1981 - SEPTEMBER 1982)

Cde Speaker,

I have the honour to submit a general report on the work of my office in pursuance to the provision of Article 194(4) of the Constitution of the Co-operative Republic of Guyana 1980. This is my first report since assuming office on the 1981-10-01, and it relates to the exercise of my functions for the period 1981-10-01 to 1982-09-30.

CASES RECEIVED

During the period under review my office received 153 new complaints. There were 28 complaints under investigation when I assumed duty. In addition my office was contacted by a large number of other persons for which no file was opened and which are not included in the above total. The results reported in the Statistical Tables are based on all cases closed during the period under review.

Of the 181 cases dealt with -

- 100 were outside my jurisdiction;
- 40 were fully investigated;
- 15 were discontinued and/or withdrawn after some investigation;
- 10 were not dealt with because I felt that they were trivial and frivolous under Article 192(4) (b) and (c);
- 26 were under investigation on the 1982-09-30.

The Table at Appendix 'A' shows the distribution by departments, authorities and other sources of complaints handled by me during the period under review.

CASES REJECTED

100 cases were rejected on the following grounds:-

- 17 under Article 193 (ii) concerning matters relating to action taken for the purpose of investigating Crime;
- 46 under Article 193 (iii) concerning matters relating to the commencement or conduct of Civil or Criminal proceedings in Court. A very large portion of these is from prisoners in prison awaiting trial and convicted persons awaiting the determination of their appeals;

26 concerning private individuals;  
10 considered to be trivial or frivolous under  
Article 192(4) (b) and (c);  
1 under Article 192(6).

The Articles referred to under this Head appears in Appendix 'B'.

Complaints rejected under this head are not completely ignored and brushed aside. In all cases where it was possible, copies of the complaints were forwarded to the appropriate authorities with a request for help. The response to this exercise was very heartening. Prisoners, both and convicted use this means to communicate with the Courts.

Of the 55 Cases dealt with, 40 were fully investigated, 16 of the 55 were found to be justified.

The departments concerned were:-

CASES FULLY INVESTIGATED

DEPARTMENTS etc.	JUSTIFIED	NOT JUSTIFIED	TOTAL
Collecting Officers	3	2	5
Customs	-	1	1
Guyana Electricity Corporation	-	1	1
Guyana Transport Services	-	1	1
Guyana Sugar Corporation	-	1	1
Housing	-	1	1
Lands and Mines	-	1	1
Local Government	2	-	2
National Insurance Scheme	1	-	1
Police	2	5	7
Post Office	-	1	1
Prison	-	7	7
Public Service Ministry	-	1	1
Registrar General	3	2	5
Rice Marketing Board	1	-	1
Telecommunications	3	-	3
Trade	1	-	1
TOTALS	16	24	40

Appendix 'C' contains a Schedule of complaints into which an investigation was undertaken showing the department concerned, the subject matter of the complaint and the result of the investigation.

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Summaries of some of the cases investigated are set out in Appendix 'D' of the Report.

#### THE OFFICE

In the administrative section of the office, there are the Secretary to the Office of the Ombudsman and an Administrative Assistant. In the clerical section there are an Accounts Clerk II, 2 Typist/Clerks and an Office Assistant. There is also a semi-skilled labourer. I see the need for an Investigator and a Confidential Secretary. With some re-organisation there may not be need for additional staff.

Whilst the office is centrally located, attempts to get a sign-board fixed at the entrance to the compound has not yet materialised. We also look forward to some action with regards to more suitable accommodation.

#### COMMENTS

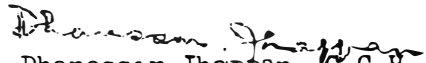
Ombudsmen, wherever they are, use their powers of investigation and recommendation to strike a responsible balance between the bureaucracy's general implementation of public policy and the citizens' expectation to be treated as individuals. They are there to provide a simple, swift and inexpensive procedure for investigating complaints of maladministration and malpractice, and share with the administration the responsibility to provide the best possible service for citizens, while at the same time protect the departments and officers from unfounded allegations of maladministration and malpractice.

When I took office, I looked forward to receiving the fullest and prompt co-operation of the Ministers and officers of the various departments. Some of these have extended this courtesy to me, for which I am extremely grateful. They have been very prompt and frank with their responses but sad to say there are others who have not even acknowledged my correspondence much less supplying me with the information requested by me. There are also those who although they have responded, take too long a time to do so. As a result I have found myself with a number of cases still being investigated. The greater part of these could have been closed. I look forward to better and prompt responses.

During the year under review I accepted two speaking invitations. At the invitation of the Director of Prisons I spoke to a class of Prison Officers who were undergoing a Course of Proficiency Training for Prison

Officers. The subject was the "Role and Function of the Ombudsman". At the invitation of the President and members of the Georgetown Rotary Club, I spoke to that organisation on the "Office of the Ombudsman". Question time at both places was very lively.

The time has come when the Ombudsman service should be taken to the citizens in Berbice and Essequibo. The indications are that Essequibo can wait a while but the need for me to pay regular periodic visit to New Amsterdam is now. I therefore propose to pay quarterly visits to New Amsterdam starting from the end of January 1983. I plan to publicise these visits, for the benefit of citizens who may have need for my service.

  
Dhanessar Jhappan, C.C.H.  
Ombudsman

Office of the Ombudsman,  
18/20 Coral Street,  
GEORGETOWN.

APPENDIX A

DEPARTMENTS etc.	INVESTIGATED			REJECTED					IN ACTION	TOTAL
	JUSTIFIED and/or RECTIFIED	NOT JUSTIFIED	DISCONTINUED/WITHDRAWN	ARTICLE 192 (4) (b) (c)	ARTICLE 192 (6)	ARTICLE 192 (ii)	ARTICLE 193(iii)	ARTICLE 193 (viii)		
Accountant General									1	1
Agriculture									3	3
Collecting Officer	3	2							2	7
Customs	1								2	1
Education			1						2	3
Guyana Airways Corporation			1							1
Guyana Electricity Corporation		1								1
Guyana Rice Board	1									1
Guyana Sugar Corporation		1								1
Guyana Transport Services		1							1	2
Health									1	1
Housing		1								1
Lands and Mines		1								1
Local Government	2		1						4	7
National Insurance Scheme	1								3	4
Police	2	5	7			17			5	36
Prison		7	3	10					4	24
Post Office		1								1
Public Service Ministry		1								1
Registrar General	3	2								5
Telecommunications	3		2							5
Trade	1									1
Courts							46			46
Private Individuals								26		26
Public Service Commission					1					1
	16	24	16	10	1	17	46	26	26	181

APPENDIX B

TEXT OF ARTICLES OF THE CONSTITUTION  
REFERRED TO IN REPORT

Matters Subject to Investigation by the Ombudsman

192.(1) Subject to the provision of this article, the Ombudsman may investigate any action taken by any department of Government or by any other authority to which this article applies, or by the President, Ministers, officers or members of such a department or authority, being action taken in exercise of the administrative functions of that department or authority.

(2) The Ombudsman may investigate any such action as ~~as~~ ~~fore-~~ said in any of the following circumstances, that is to say—

- (a) if a complaint in respect of the action is duly made to the Ombudsman by any person or body of persons, whether incorporated or not, alleging that the complainant has sustained injustice in consequence of a fault in administration;
- (b) if the President, a Minister or a member of the National Assembly or of the National Congress of Local Democratic Organs requests the Ombudsman to investigate the action on the ground that a person or body of persons specified in the request has or may have sustained such injustice;
- (c) in any other circumstances in which the Ombudsman considers that he ought to investigate the action on the ground that some person or body of persons has or may have sustained such injustice.

(3) The Ombudsman shall not investigate under this Subtitle—

- (a) any action in respect of which the complainant has or had—
  - (i) a remedy by way of proceedings in a court; or
  - (ii) a right of appeal, reference or review to or before an independent and impartial tribunal other than a court; or
- (b) any such action, or action taken with respect to any such matter, as is excluded from investigation under article 193;

(4) In determining whether to initiate, continue or discontinue an investigation under this Subtitle the Ombudsman shall, subject to the foregoing provisions of this article, act in accordance /7...

with his individual judgment and in particular, and without prejudice to the generality of the foregoing, he may refuse to initiate, or may discontinue, any investigation if it appears to him that—

- (a) the complainant relates to action of which the complainant has had knowledge for more than twelve months before the complaint was received by the Ombudsman;
- (b) the subject matter of the complaint is trivial;
- (c) the complaint is frivolous or vexatious or is not made in good faith; or
- (d) the complainant has not a sufficient interest in the subject matter of the complaint.

(6) For the purposes of this article the Judicial Service Commission, the Public Service Commission, the Teaching Service Commission and the Police Service Commission shall not be regarded as departments of Government.

193. The Ombudsman shall not investigate any such action, or action taken with respect to any such matter, as is described hereunder:

- (i) matters certified by the President or a Minister to affect relations or dealings between the Government of Guyana and any other Government or any international organisation;
- (ii) action taken for the purposes of protecting the security of the State or of investigating crime, including action taken with respect to passports for either of those purposes;
- (iii) the commencement or conduct of civil or criminal proceedings in any court;
- (iv) action taken in respect of appointments to offices or other employment in the service of the Government of Guyana or appointments made by or with the approval of the President or any Minister, and action taken in relation to any person as the holder or former holder of any such office, employment or appointment;
- (v) action taken with respect to orders or directions to any disciplined force or member thereof as defined in article 154;
- (vi) the exercise of the powers conferred by article 188;
- (vii) the grant of honours, awards or privileges within the gift of the President;
- (viii) action taken in matters relating to contractual or other commercial dealings with members of the public other than action by an authority mentioned in subparagraph (a) of article 192(5);
- (ix) action taken in any country outside Guyana by or on behalf of any officer representing the Government of Guyana or any officer of that Government;

any action which by virtue of any provision of this Constitution may not be inquired into by any court.



APPENDIX C

Schedule of Complaints investigated during the year ended 1982-09-30:

COLLECTING OFFICER .

3559/81	Non Issue of Warrants	Not Justified
3562/81	Non Issue of Warrants	Not Justified
3571/81	Outstanding Maintenance	Not Justified
3683/82	Outstanding Arrears	Rectified
3712/82	Maintenance Arrears	Rectified

CUSTOMS

3670/82	Compilation of Gratuity and Pension	Not Justified
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EDUCATION

3606/81	Non Performance of Contract	Discontinued
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GUYANA AIRWAYS CORPORATION

3517/80	Loss of Baggage	Discontinued
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GUYANA ELECTRICITY CORPORATION

3610/81	Discrimination	Not Justified
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GUYANA RICE BOARD

3649/82	Delayed Rice Delivery	Rectified
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GUYANA TRANSPORT SERVICES

3669/82	Wrongful Dismissal	Not Justified
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HOUSING

3603/81	Delay in Passing Transport	Rectified
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LANDS AND MINES

3548/82	Refusal to grant Tenancy	Not Justified
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LOCAL GOVERNMENT

3647/82	Non Compliance of S 29(2) of the Municipal and Town Council Act	Rectified
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3617/81	Overgrown Bushes	Rectified
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3645/82	Overgrown Bushes	Discontinued
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NATIONAL INSURANCE SCHEME

3587/81	Delay in paying Compensation	Rectified
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POLICE

3459/79	Execution of Warrants	Discontinued
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3554/81	Delay in taking Action	Not Justified
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3557/81	Delay in Issuing Brand	Rectified
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3563/81	Delay in Forwarding Warrants	Discontinued
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POLICE Cont'd

3596/81	Wrongful Eviction	Not Justified
3597/81	Police Molestation	Not Justified
3632/82	Detention of Attaché Case	Not Justified
3648/82	Non Delivery of Warrants	Discontinued
3652/82	Police Harrassment	Discontinued
3680/82	Failure to Discipline	Discontinued
3705/82	Delay in Executing Warrants	Rectified
3712/82	Delay in Executing Warrants	Rectified
3719/82	Non Execution of Warrants	Discontinued

POST OFFICE

3564/81	Radi. Licence	Not Justified
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PRISON

3566/81	Compilation of Sentence	Not Justified
3572/81	Transfer to another Prison	Not Justified
3599/81	Request to cut cane	Not Justified
3619/81	Delay to see Doctor	Discontinued
3633/82	Ill Treatment	Not Justified
3667/82	Refusal to see Doctor	Discontinued
3671/82	Ill Treatment	Not Justified
3672/82	Transfer to another Prison	Not Justified
3695/82	Ill Treatment	Not Justified
3718/82	Request for Psychiatric Treatment	Discontinued

PUBLIC SERVICE MINISTRY

3611/81	Termination of Scholarship	Not Justified
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REGISTRAR GENERAL

3616/81	Delay in Supplying Birth Certificate	Rectified
3627/81	Delay in Supplying Birth Certificate	Not Justified
3664/82	Delay in Supplying Birth Certificate	Rectified

TELECOMMUNICATIONS

3402/79	Refusal to pay Gratuity and Pension	Not Justified
3552/81	Rebate on Telephone Charges	Rectified
3594/81	Telephone Accounts	Rectified
3602/81	Telephone Accounts	Rectified
3706/82	Delay in Transferring Telephone	Rectified

TRADE

3676/82	Non Allocation of Paper	Justified
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APPENDIX D

CASE WORK

BRIEF REPORTS OF CERTAIN CASES INVESTIGATED

HOUSING

Case No. 3603/81

Lot 27 Sparendam, East Coast of Demerara was sold by the Government of Guyana to the complainant who paid the purchase price, the taxes and the fees for transport but could not get Transport. It seems that he paid a few visits to the Deeds Registry but could not get his document so he complained to me.

My investigation revealed that it was not a case where the persons responsible for passing the transport to him were not doing anything at all. It was a case where the Transport was filed but there was certain clarification required from the Transport Officer.

The complainant called at the Deeds Registry, presented himself at the Transport Court on the 1982-11-02, and was told that his Transport was not in order, so he left the court and came directly to this office and made his complaint. The very day I communicated with the Commissioner of Lands and Surveys and on the 1981-11-16 the complainant received his Transport.

GUYANA RICE BOARD

Case No. 3649/82

On 1980-03-17, the complainant bought 23 bags of rice for \$944.00 from Guyana Rice Board. He did not take delivery of the rice the same day because there was a long line of people who were also taking delivery of rice they had purchased from the board.

The following day he sent a cartman with his receipt and authority to take delivery. The delivery clerk told the cartman that he could not find the duplicate delivery slip and so was unable to effect delivery. The complainant then went himself and the delivery clerk told him the same thing, so he went and complained to the General Manager who sent another clerk to investigate. His investigation revealed that the complainant's rice was already delivered to the driver of a motor lorry. Both the names of the driver and the number of the lorry were given. The matter was then reported to the police. The complainant was told at that stage that nothing could be done for him until after the police investigation had completed. The complainant claimed that the Director of Public Prosecution had advised, that he should be given his rice as the complainant was not at fault, but the Director of Public Prosecution's advice was not heeded by the Board.

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On 1982-02-15, the complainant wrote to me. On 1982-02-16, I communicated with both the police and the Guyana Rice Board. On 1982-03-30 the police wrote saying that their investigation revealed that the delivery clerk had delivered the complainant's rice to the driver of the motor lorry without the driver producing the receipt for the rice and an authority to receive the rice. As a result of their investigation both the delivery clerk and the driver of the lorry were charged. At the time of writing the charge was still pending because the driver of the lorry could not be located although an arrest warrant was out for him. Up to that time I heard nothing from the Board so I sent them a copy of the letter from the police and told them that if I did not hear from them within a specified time, I will assume that they agree with the facts revealed in the police report. On 1982-04-06, the Secretary of the Board wrote apologising for their delay and that a cheque for \$944.00 was sent to the complainant and was accepted by him.

At this stage, I would like to state, that if the Director of Public Prosecution's advice was taken and acted upon, there would have been no cause for a complaint and the complainant would have had the use of his money for the 2 years the matter was pending.

The matter was closed as justified.

#### GUYANA TELECOMMUNICATION CORPORATION

Case No. 3706/82

In February 1982, the complainant made an application to the Guyana Telecommunication Corporation to have his telephone transferred from one address to another. On the 1982-03-15, he was notified by the Corporation that they were then in a position to provide service in accordance with the Telephone Regulations and requested him to pay the sum of \$100. On the 1982-03-12 he paid the sum required and received a receipt. After that he made many requests to have the telephone transferred but without any success, so he wrote to us on the 1982-06-23. On the 1982-06-25, my office forwarded the complaint to the Corporation and on the 1982-10-07, the complainant called at this office and told us that the phone was transferred.

#### LOCAL GOVERNMENT

Case No. 3647/82

For a considerable time the number of the members of the Council of a certain town was less than the required number as provided for under Section 29(2) of the Municipal and District Councils Act, Chapter 28:01

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This section required the number of members to be not less than 12 and not more than 15. The complainant a member of that Town Council had been trying to get the Mayor of that Town Council to appoint additional members to at least 12, but without success. He eventually wrote to me asking me to use my good office to get the Mayor to rectify the situation.

I sent the Mayor a copy of the complaint and drew his attention to Section 29(2) of the Municipal and District Council Act, Chapter 28:01. He wrote back saying that the Regional Chairman had taken steps to have the matter rectified.

I was satisfied with this and I conveyed this to the complainant. I have not heard from him.

#### POLICE

Case No. 3597/81

The complainant on 1981-10-28 wrote to me complaining that he and his wife were constantly being threatened and molested by two police constables who had arrested him. He named the two constables.

He was employed with a Government Corporation.

I conducted an investigation which revealed that he was a man with many previous convictions and well known to the police. An employee of the Guyana National Shipping Corporation wanted a house. He spoke with the complainant who offered to assist him in securing the house. As a result, he gave the complainant \$830 as a down payment. After several weeks he did not see nor did he hear from the complainant, so he went in search of him. When he found the complainant he was told by the complainant that he had neither house nor money but the complainant promised to repay him. After several weeks he reported the matter to the police who arrested the complainant and took him to the police station, placed him on station bail and asked him to return on a stated date. He failed to do so, and so he was arrested and later charged with fraudulent misappropriation of the \$830. The complainant wrote his own statement, admitted receiving the \$830 and again promised to repay. He appeared before a magistrate and pleaded guilty. He begged for a chance to make restitution and was allowed to do so and to return to court on a given date. Come that date the complainant did not appear, and the matter was further postponed. On his next appearance he made a partial restitution and was dealt with by the court.

The complainant is a man with several convictions for similar offences and is no stranger to the police. I am satisfied that he was not being molested by the police, nor were threats made to him. There was no justification for the complaint.

POLICE

Case No. 3632/82

On the 1973-08-30, the complainant and sixteen other persons were arrested at No. 74 Village, Corentyne, Berbice, by officers of the Customs Department. They were assisted by the Police. They were charged with "Attempting to ship Restricted goods" that is sugar, Colgate toothpaste and other articles which were found in a lorry belonging to the complainant. The lorry along with the goods were seized and taken to Springlands Police Station where they were lodged, pending the outcome of the case. These were to be tendered as exhibits in the case against the defendants. The matter was heard and determined by a magistrate who dismissed the case on the 4th January, 1975. The Customs Department appealed to the Full Court and on the 6th January, 1978, that is four years and four months after the seizure, the Full Court dismissed the appeal. There was no further appeal.

The complainant contended that the lorry which was kept in the open all the time the case against him and the others was pending, the lorry deteriorated so much that he was only able to get the paltry sum of \$7,000. He was therefore entitled to some compensation for the depreciation. He further claimed that he was entitled to compensation for the loss of use of his lorry. Of course he choose not to sue in Court, but to complain to me.

I conducted an investigation which revealed that whilst the appeal from the magistrate to the Full Court was pending, the complainant negotiated a sale of the lorry for \$7,000. This must have been after the 4th January, 1975. The complainant did not say how much the lorry was worth on the day it was seized. However, with the consent of the Customs Department, the purchaser lodged \$3,000 with them and they released the lorry. After the case was finally dismissed by the Full Court, the \$3,000 lodged with the Customs Department were returned to the complainant.

On these facts, under the Customs Act 82:01, the seizure of the lorry and the goods were lawful, and if there was a conviction the lorry could have been forfeited. The fact that the case was dismissed in no way make the Customs Department liable for damages, nor does it entitle the complainants to compensation.

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The complainant was told that he was not entitled to compensation and that it was open to him to go to the Courts. I closed the file and marked it unjustified.

POST OFFICE CORPORATION

Case No. 3564/81

The complainant made a complaint about the high-handed way the police was prosecuting people for not taking out a Radio Licence, especially his particular case.

He owned a radio but failed to take out a Licence for that radio early in the year. His home was visited on the 1981-03-19 by an Inspector of Police who was checking on radio licences. He did not have one for the year 1981. The following day he rushed to the Post Office and took out a licence. He however received a summons for not having a licence on the 1981-03-18. He therefore complained to this office. He was told that his complaint was not justified.

PRISON

Case No. 3599/81

The complainant, a prisoner serving a five year term of imprisonment was at the time he complained serving his sentence at the Mazaruni prison. On one of the Director's visit to Mazaruni, the complainant made a request of him, to be posted back to Georgetown and to be allowed to cut cane at Plantation Diamond, an exercise that was indulged in, by certain category of prisoners. The complainant, before incarceration was a regular cane cutter at one of the sugar estates in Berbice, and as such felt that he was qualified to undertake the job of cutting cane.

His complaint was that when he approached the Director of Prisons, the Director treated him with contempt, did not even look at him but told him that he was not coming down to Georgetown to cut cane. He mentioned other prisoners who knew nothing about cane cutting and were allowed to do so.

My investigation revealed that the policy at the prison with regards to the harvesting of cane is to select a limited number of prisoners who have about six to twelve months to serve prior to their discharge from prison, for involvement in the cane harvesting exercise. The complainant was not qualified and will not be qualified until 1984. He is serving a five year sentence. His final date of release will be on 1985-10-20 but with good conduct and industry, he may be discharged from

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Prison on the 1984-02-20. Under these circumstances the complainant was not entitled to harvest cane at the moment.

PRISON

Case No. 3633/82

The complainant was serving a term of imprisonment when he was released on 1979-10-27 on conditions of amnesty. As a result of this exercise he benefitted by a bonus remission of 849 days. When he was being released he signed the necessary document setting out the conditions of his release. The relevant portion is as follows:-

"Should he be convicted for an offence committed within one year of his release, the effectiveness of his release would cease, and he would have to serve the unexpired portion of his sentence, in addition to the sentence imposed by the Court for which he was convicted."

In March, 1981, he was sentenced to 9 months imprisonment for larceny of a motor car, an offence which was committed on 1980-10-10. This the prison authority claimed was a breach of the condition of his release, which meant that he had to serve the 849 days given to him as amnesty remission, after the expiry of the 9 months prison term imposed by the court for the larceny of the motor car.

When the complainant was admitted to prison to serve the 9 months prison term for the larceny of the motor car, the prison authority claimed that his attention was drawn to the condition of release stated above, and he was told that he had committed a breach of that condition and as such he had to serve the un-expired 849 days he received as bonus remission. He exploded and later complained to me. His contention is that in October, 1979, when he was being released on the amnesty remission he signed the conditions of release as stated above, but the one year period had expired in 1980, whereas he was sentenced in 1981. He further claimed that he was not told by the prison authority that he had to serve the unexpired period. On the question of the one year period, it is not that he should be convicted within the year of his release but he must be convicted for an offence which was committed within one year of his release. Although he was convicted in 1981, the offence was committed on 1980-10-10 and he was released on 1979-10-27, and that was within one year of his release.

It is immaterial whether or not he was told by the authority at the time he started to serve the 9 months that he would have to serve the 849 unexpired period. I am of the view that he was in fact told so. There is no justification in his complaint and he was told this.



PUBLIC SERVICE MINISTRY

Case No. 3611/81

On 1979-08-16, at the request of the complainant the Government of Guyana agreed to grant him a scholarship to enable him to proceed to the University of the West Indies and then to the Hugh Wooding Law School for the purpose of pursuing a course of studies in Law leading to the Bachelor of Law degree at Cave Hill in Barbados and the Council of Legal Education Certificate at St Augustine, Trinidad. The scholarship was expected to be four years or whenever the student completed his degree but it was to be renewed annually subject to satisfying progress by the student.

The Guyana Government and the complainant entered into an agreement. The Government agreed:-

- (a) to defray the cost of the Student's approved passages to and from ..... for the purpose of the said scholarship;
- (b) to pay the Student outfit and maintenance allowances at the current prescribed rates, subject to revision from time to time, during the tenure of the said scholarship;
- (c) to pay the Student's expenses of tuition for the purpose of the said scholarship;
- (d) to pay the Student and annual amount for the purchase of essential books and equipment provided that if a trainee has to repeat any year of his course - no book allowance shall be paid in respect of the repeat year, unless proof is provided of change in essential books. In such case, payment will be made for these books subject to the provision of a certified statement by the relevant academic authorities;
- (e) to defray such travelling expenses incurred by the student in connection with his course of studies certified as essential by the academic authorities, provided that such travelling expenses shall not include the cost of travelling from his normal place of study.

The Student agreed:-

- (i) To apply himself diligently and continuously to his course of studies in LAW as aforesaid;
- (ii) not without the approval of the Government being first had and obtained, to apply himself to any studies or courses except those for which the said Scholarship has been awarded and that upon his committing any breach of this clause, the Government may suspend or cancel the said scholarship without prejudice to all rights of action which the Government may have under this Agreement;
- (iii) to return to Guyana when Government considers it necessary, at Government's expense for Orientation/ National Service/and or work experience in his

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- field of study or in work connected with National Development;
- (iv) to return to Guyana immediately on the completion of his studies as aforesaid or on the termination of the said Scholarship under this Agreement, whichever ever is earlier;
  - (v) to report to the Public Service Ministry immediately upon arrival in Guyana for instructions regarding placement in a position;
  - (vi) to accept employment with the Government or any agency approved by Government at such remuneration as the Government may determine for a continuous period of at least FIVE (5) years, such employment to be offered to the student within four months from the date of his return to Guyana, failing which the Student may be relieved of his obligations under this agreement;
  - (vii) not to conduct himself in a manner which Government deems to be inimical to its interest;
  - (viii) "that in the event that the student has returned to Guyana and has taken up employment with the Government but has not completed the period of service required of him under this agreement, and he wishes to leave Guyana for any reason whatever, he shall, before the necessary travel arrangements are made, notify the Public Service Ministry of his intention to leave Guyana and shall provide to the Accountant General a suitable surety or guarantor if he is satisfied that the purpose of the student leaving Guyana is to attend an approved course or seminar and that the Student intends to return to Guyana;"
  - (ix) in the event of the Student failing to obtain a certificate from the proper authority that he has attended his course regularly and pursued his studies with diligence or a certificate from the proper Officer at the GUYANA GOVERNMENT MISSION in... that his failure was due to reasons beyond his control, or in the event of his committing a breach of Clause 5 (i) - (ix) he is required to repay to the Government the total amount of all expenditure incurred and all amounts paid out by the Government in pursuance of or incidental to this Agreement, such sum to be a debt due by the Student to the Government and to be recoverable according to law.

After completing a year National Service, the complainant proceeded to Barbados and entered the Cave Hill Campus of the University of the West Indies to spend the first year and to do the Bachelor of Laws degree. He received his allowances up to the first term of the final or second year when his allowances were stopped without any reason given to him. About a week before the L.L.B. final, the Guyana Government informed the complainant that they were terminating his scholarship and instructed him to return immediately to Guyana. He did not return as instructed but went on to write the final L.L.B., and graduated with honours. After writing the

the examination he proceeded to England where he joined his wife who was being trained to become a nurse. In England he approached the Guyana High Commission for a loan to assist him to return to Guyana. This was not given to him. On his return to Guyana he made several attempts to get his scholarship restored but without success, so he complained to me.

My investigation revealed that the complainant was a married man, a fact he did not disclose to the Government. However, during the time he was at Cave Hill, the relationship between himself and wife became strained. He corresponded with her and wrote her many letters, a few of which were sent to the Government by his wife. Among these were:-

- (a) A photocopy of a visa for travel to the U.S.A. - in the name of the complainant - of the Multiple type and issued by the American Consul in Barbados.
- (b) A letter sent under confidential cover and addressed to "HEAD OF DEPARTMENT, Public Service Ministry" advising of the complainant's intention to breach his contract with the Government of Guyana.
- (c) A letter written by the complainant to his wife disclosing three (3) plans for 'slipping' the Government (one of the more interesting of the three plans, being to bribe someone to get the Transport lodged as Surety out of the Treasury).
- (d) A letter written by the complainant and addressed to his wife telling of a systematic approach for gaining entry and remaining in the United States of America.

Photocopies of these letters were sent to me by the Public Service Ministry at my request. These were shown to the complainant by me and he admitted to me that he had written them. These letters contained clear and overwhelming evidence that the complainant would not return to Guyana to serve the country for the contractual period. On this evidence before them, the Government was compelled to terminate his scholarship and to ask the complainant to return home. I was told and I have no reason to doubt that there are many students on scholarship from the Government, who have not returned to Guyana to serve their contractual period after qualifying. I did not think that I could have faulted the Public Service Ministry on these circumstances.

#### PUBLIC WELFARE

Case No. 3595/81

The complainant who is the son of the virtual complainant, complained to me that an officer who was then attached to the then Ministry of Public Welfare, and posing as a lawyer had received from his mother the sum of \$1600 for the purpose of passing Transport of a property his mother

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was selling. The officer failed to pass the Transport and had refused to return the money, he had received for that purpose.

My investigation revealed that the virtual complainant and another had inherited some property which was subject to a mortgage with the New Building Society Limited. The virtual complainant was in default of payment of the mortgage loan and as a result the property was put up for sale at execution.

In order to avoid that sale, an arrangement was made for the sale of the property for the sum of \$17,000 and the sum of \$5,000 was paid as a down payment. Subsequent to this sale, the complainant contacted a member of the National Assembly for assistance, who in turn contacted the then Vice President of Public Welfare and as a result the officer concerned was requested to see what assistance could be given to the complainant.

Following this, the original sale for \$17,000 was rescinded and a new sale of the property was arranged with another person, this time for \$25,000. There was a down payment of \$6,000 which the virtual complainant used to pay to the New Building Society Limited. It was in relation to this second sale that the complainant claims that he paid the officer \$1,600 for the purpose of passing transport of the property. However, this sale did not go through. I gather that an action is now pending in the High Court.

Both the Cde Vice President and the officer concerned have not communicated with me but at my request the police carried out certain investigations. In their investigation the officer is alleged to have received \$1,400 and not \$1,600 from the virtual complainant. Out of that sum \$550 was paid as surveyor's fees, \$500 as Commission to a House Agent, \$75 as Valuation fees, and \$60 for photographs making a total of \$1,185. The balance of \$275 is still in the possession of the officer who is no longer in the service.

As a result of my investigation I came to the conclusion that the matter was one outside my jurisdiction and the complainant was advised to take private action.

REGISTRAR GENERAL

Case No. 3627/81

This complainant complained on behalf of his domestic servant who was about to retire and wished to join her son who is resident in the United States of America. In order to do so, she had to get a visa to permit her to enter the United States and I presume that in order to get a visa

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it was necessary for her to get a copy of her husband's Birth Certificate. He waited for nine months but got no response from the Registrar General, so he complained to me. In his complaint he described the Registrar General's attitude as "a case of flagrant inefficiency verging on callousness" which he would like to draw to my attention. I quoted his words firstly to show his indignation and secondly to say that after all the effort made by the staff of the Registrar General's office to trace the birth of the individual, it turned out that that individual, who if he was alive today would have passed his three score and ten and was never registered. This goes to show the kind of problem the Registrar General has to face. However, I would venture to condemn very strongly the delay of nine months for a response.

In view of the delay I would say that the complaint can very well be marked justified.