

# LEGISLATIVE COUNCIL

FRIDAY, 27TH MARCH, 1953.

The Council met at 2 p.m.

## PRESENT :

The President, His Excellency the Officer Administering the Government, Mr. John Gutch, C.M.G., O.B.E.

The Hon. the Colonial Secretary, Mr. J. L. Fletcher, O.B.E., T.D. (Acting)

The Hon. the Attorney General, Mr. F. W. Holder, Q.C.

The Hon. the Financial Secretary and Treasurer, Mr. E. F. McDavid, C.M.G., C.B.E.

The Hon. Dr. J. B. Singh, O.B.E. (Demerara-Essequibo)

The Hon. V. Roth, O.B.E. (Nominated).

The Hon. G. A. C. Farnum, O.B.E. (Nominated)

The Hon. Capt. J. P. Coghlan, (Demerara River).

The Hon. D. P. Debidin, (East-Demerara).

The Hon. J. Fernandes (Georgetown Central).

The Hon. Dr. C. Jagan, (Central Demerara).

The Hon. W. O. R. Kendall (New Amsterdam).

The Hon. A. T. Peters, (Western Berbice.)

The Hon. G. H. Smellie, (Nominated)

The Hon. J. Carter (Georgetown South).

The Hon. L. A. Luckhoo, (Nominated).

The Hon. W. A. Macnie, C.M.G., O.B.E. (Nominated).

The Clerk read prayers.

The Minutes of the meeting of the Council held on Wednesday, the 25th of March, 1953, as printed and circulated, were taken as read and confirmed.

## ANNOUNCEMENT

### VISIT OF H.R.H. THE PRINCESS ROYAL

The President : I think I should read to hon. Members this despatch which I have received from the Secretary of State for the Colonies in regard to the resolution passed by this Council on the occasion of the visit of Her Royal Highness The Princess Royal:

"The Colonial Office,  
The Church House,  
Great Smith Street,  
LONDON, S.W.1.  
21st. March, 1953.

"Sir,

"I have the honour to refer to your despatch No. 165 of the 24th February about the recent visit to British Guiana of Her Royal Highness The Princess Royal, and to inform you that a copy of the Resolution passed by the Legislative Council on the 19th February, reaffirming its loyalty and recording its appreciation of the Royal visit, has been laid before

the Queen. The Council's expression of loyalty has given Her Majesty much pleasure, and I have it in command to ask you to convey to the Council an expression of Her Majesty's appreciation of their message. A copy of the Resolution has also been laid before the Princess Royal.

"2. The record of Her Royal Highness's visit to the Colony, which you enclosed, has been read with great interest. I am glad that Her Royal Highness's visit gave very real pleasure to so many of the people of British Guiana and has left such a deep and lasting impression. I wish to offer you my congratulations on the highly efficient organization of the arrangements for Her Royal Highness's visit which contributed so much to its success."

I have the honour to be,

Sir,

Your most obedient humble Servant,

(Sgd.) Oliver Lyttelton.

The Officer Administering.  
The Government of British Guiana."

#### REPORTS AND DOCUMENTS

The Colonial Secretary (Mr. Fletcher, Acting): I beg to lay on the table the following document:—

The Annual Report of the Essequibo Boy's School for the year 1952.

The Financial Secretary and Treasurer (Mr. McDavid): I beg to lay on the table the following documents:—

Minutes of a meeting of the Finance Committee of the Legislative Council held on the 26th of March, 1953.

Statement of Supplementary Loan Expenditure (Loan Ordinance No. 13 of 1951) which has occurred during the year 1952 and which has not been included in any previous schedule for that year and is to be admitted as a charge to Loan funds under Colonial Regulation 240.

Statement of Supplementary Expenditure which has occurred during the year 1952 and which has not been included in any

previous schedule for that year and is to be admitted as a charge to Public Funds under Colonial Regulation 223(2) (c).

Schedule of Additional Provision to meet Expenditure in excess of the provision made in the Estimates for the quarter ending 31st March, 1953 to be met from Revenue.

Schedule of Provision required for the quarter ending 31st March, 1953, for Development Plan Services to be met from Surplus Balances.

Statement of Loans from voted expenditure written-off during the year 1953.

#### GOVERNMENT NOTICES

##### SUPPLEMENTARY LOAN EXPENDITURE

The Financial Secretary and Treasurer: I give notice of the following motions standing in my name in the Second Schedule and, if necessary, I shall move the suspension of the relevant Standing Rules and Orders to enable me to take some or all of these motions this afternoon:

"That, this Council approves the Statement of Supplementary Loan Expenditure (Loan Ordinance No. 13 of 1951) which has not been included in any previous schedule for that year and is to be admitted as a charge to Loan Funds under Colonial Regulation 240, and which has been laid on the table."

##### SUPPLEMENTARY ESTIMATES, 1952

"That, this Council approves the Statement of Supplementary Expenditure which has occurred during the year 1952 and which has not been included in any previous schedule for that year and is to be admitted as a charge to Public Funds under Colonial Regulation 223 (2) (c) and which has been laid on the table."

##### SUPPLEMENTARY ESTIMATES, 1953

"That, this Council approves the Schedule of Additional Provision to meet Expenditure in excess of the provision

made in the Estimates for the quarter ending 31st March, 1953 which is to be met from Revenue, and which has been laid on the table."

#### DEVELOPMENT PLAN SERVICES

That, this Council approves the Schedule of Provision required for the quarter ending 31st March, 1953, for Development Plan Services to be met from Surplus Balances, which has been laid on the table".

#### LAW REVISION (AMENDMENT) BILL

**The Attorney General:** It was my intention to move the suspension of the relevant Standing Rules and Orders to enable me to take the Law Revision (Amendment) Bill through all its stages, but in view of the fact that there may be amendments made and it may not be concluded today, I shall avail myself of the opportunity to take the second reading only.

#### ORDER OF THE DAY

##### BILLS—FIRST READING

The following Bills were read a first time —

A Bill intituled "An Ordinance further to amend the Teachers' Pensions Ordinance with respect to the payment of pensions to teachers in Nursery Schools and with respect to the time within which certain teachers may exercise the option to take a reduced pension with a gratuity."—(The Attorney General).

A Bill intituled "An Ordinance to allow and confirm certain additional expenditure incurred in the year ended the thirty-first day of December, 1952."

A Bill intituled "An Ordinance to make provision for raising in the Colony a loan not exceeding seven million two hundred thousand dollars."—(The Financial Secretary and Treasurer).

A Bill intituled "An Ordinance to incorporate the British Guiana Conference of the Moravian Church and to vest therein all property in the Colony of British Guiana now held and which may

hereafter be acquired by any person or by any association, society or other body of persons on behalf of or for the use or benefit of the British Guiana Conference of the Moravian Church in the Colony and to make provision for the administration thereof."—(Mr. Fernandes).

#### HOUSE OF ASSEMBLY (ELECTIONS) BILL

Council resolved itself into Committee to resume consideration, clause by clause, of the Bill intituled—

"An Ordinance to make provision for the first election of Members of the House of Assembly and for purposes connected therewith."

#### COUNCIL IN COMMITTEE

Clause 2—*Interpretation.*

**Dr. Jagan:** I notice the definition of "public office" here is "any office of emolument in the public service" In the original Ordinance of 1945 "public office" means:

"Any office under the Crown or any Ordinance relating to the Georgetown Town Council or the New Amsterdam Town Council or under any Ordinance relating to local government or to any authority empowered to levy rates or spend public funds, where the office is that of Mayor, Chairman, Councillor, Member of a Board or Commission, or is the office of Town Clerk, Clerk or other officer under the Council, Board, Commissioner or other authority.

It seems to me that the definition in the 1945 Ordinance is very wide and in fact includes many more things than those set out in the definition of this Bill before us. I wonder which is the correct definition of this term "public office". I do not know if the former definition is going to be repealed; it is not so stated in this Bill. If the former definition is to hold, then it means that Members who are Mayors or Councillors of the Georgetown Town Council or the New Amsterdam Council will not be able to stand for seats in the House of Assembly under this Bill,

because when they make their declaration they have to state that they are not the holders of any office of emolument under the Crown.

**Mr. Fernandes :** As I see it, I do not think that will affect the Mayors and Town Councillors or a Village Chairman because as far as I know they are not paid up to now. But the hon. Member's point is a sound one because a new Council may get into power in the Municipalities and may decide to pay everybody. In such an event if the Mayor happens to be a Member of the House of Assembly he may find himself disqualified. At present it has no effect.

**The Attorney General :** What I propose to do is to get the comments and views of hon. Members on the various aspects of the Bill and then prepare the amendments which may be necessary. So far as this particular question is concerned I think the definition which will hold is the definition in this Bill because this will be the latest legislation and consequently will, apart from any specific repeal, create a repeal by implication of the 1945 Election Ordinance. I propose at some later stage to deal specifically with the question of the repeal of particular sections which are affected so as to put the Bill beyond any doubt whatever. I appreciate the point which the hon. Member for Central Demerara has made—that there may be the possibility of a conflict interpretation in regard to the definition of "public office" which appears in this Bill and that in the 1945 Ordinance.

**Mr. Carter :** As I understand the position, the Bill we are dealing with really replaces Part II of the 1945 Ordinance.

**The Attorney General :** I propose to insert some provision specifically

dealing with the question of repeal. I do not propose, however, to do that until I am fully seized with all the views of hon. Members.

**Mr. Carter :** I think that question is taken care of in clause 3(2) which says:

"The provisions of the Legislative Council (Elections) Regulations, 1945, as amended from time to time shall not apply to the election of Members of the House of Assembly."

What worries me with regard to this question of "public office" is that we have to make it clear in any amendment what are the categories of employees who are exempted. I think there was a directive from the Administration allowing certain persons to contest seats. It should be made clear, for instance, that schoolmasters will be allowed to do so. If the definition remains like this, they would not be able: they would have to resign. Government's intention is that they should be able to contest seats, and if successful at the election they should then resign.

**The Attorney General :** The hon. Member is raising a point which is factual, important and constitutional from the point of view of local politics. It will be appreciated that the expression "public office" is an expression which will probably have its definition in the British Guiana Order in Council and, consequently, any definition which is inserted in this Bill will have to be in keeping with such definition appearing in the Order in Council. I think all the legal Members of Council and all Members will appreciate that point. The other aspect of it is, it is a question whether certain — let us say, as the hon. Member referred to members of the teaching profession—primary school teachers come within the ambit of "public office". That is a matter which has to be further considered.

Mr. Carter : I take it that there has been a legal decision on the interpretation — the decision of a single Judge which has not been tested by appeal. A very narrow definition has been given.

Mr. Fernandes : There is another point I would like to take up in the case of the teachers. It is said that teachers may stand for election and that if successful they would have to resign. That is where I want to be given an assurance that in the case of a teacher who has reached the retiring age of 55 but on account of good service is being kept on, if he comes forward as a candidate for election and is successful he will be past 60 before the end of the life of the Legislature and, therefore, cannot be re-employed when his term is finished, he will not lose his right to pension or gratuity. I am sure it is not Government's intention to create a hardship of that kind, but the fact remains that there is a definite statement that if elected a teacher would have to resign. He is not permitted to retire. I want an assurance definitely given that teachers seeking election to the Legislature do not run the risk of losing all their pension and lump sum earned by their life's work as teachers. I would like this Government to give an assurance that in cases of that kind a teacher will be permitted to retire on pension immediately he is successful at an election.

**The Attorney General :** The hon. Member seems to have drawn a correct distinction between "retiring" and "resigning". Obviously if the teacher to whom the hon. Member is referring has reached the retiring age, then he has a right to retire now. Therefore, the only question that remains is one for the individual himself to decide—whether he would take his chance of being elected a Member of the House of Assembly. Undoubtedly if he is elected he

cannot continue to be a teacher. The other point is whether he loses his services for pension as a teacher. I do not think any Member really believes that a man who has a right to retire now and is being kept on at request of Government or the Governing Body which employs him, should be without his pensionable emoluments. I think that is almost self-evident.

Mr. Fernandes : But the instructions say specifically that he must resign and I would like it to be clearly stated that if he has reached the retiring age he would be permitted to retire. Retiring and resigning are two different things. I am fully aware that it is not Government's intention to create hardships of that kind. Nevertheless, if that is the law there is nothing that anybody can do about it. It would have to be brought up again in the new House of Assembly, but if that man defeated the candidate of the Party with a majority in the House it is obvious that it would not be passed, and he would be punished for having tried to do his duty by seeking to represent the people of his area in the new House of Assembly. The hon. the Attorney-General has given me a sort of explanation, but I would like a definite pronouncement that such an officer would be allowed to retire. He is in a different position from a man who has not reached the retiring age.

There is another case which has since come to my mind. The retiring age is 55 years, and if an officer is 52 at the time of the election and he is elected, he would have to resign his post and he would not be eligible for re-employment at some future time. In those circumstances he would be considered to have resigned before he reached the retiring age, and at the end of his term as a Member of the House of Assembly he would have passed the

age for re-employment. In the case I have in mind I know that the officer is at the retiring age, and I do not see how Government could justify calling upon him to resign except it is its intention to prevent him from seeking election. There may be a man whose age is 52 or 53 on the day of the election. Such a man could not retire and could not be re-employed after the completion of his term as a Member of the House of Assembly, because he would then have passed the retiring age. I would not like to see privileges given by Government with one hand and taken away with the other.

**Mr. Debidin :** May I ask with what clause is the hon. Member dealing ?

**Mr. Fernandes :** I am dealing with the definition of "public office" in clause 2, under which it may be ruled that a teacher holds an office of emolument in the public service.

**The Chairman :** I can give the hon. Member the assurance straight away, that in the case of a Government officer who has reached the retiring age at the time he is elected, of course he would have the right to retire with the pension he has earned. The expression "resignation" is only used in the administrative circular, and only meant to apply to those who do not have the right to retire on pension. In the case of an officer who has not reached the retiring age, he has just got to make up his mind whether he should take a chance. I think I am correct in saying that teachers are in a somewhat different category. In order to earn a pension a teacher has to complete a certain number of years' service. It is not worked on the basis of a retiring age, but the hon. the Financial Secretary would know about that better than I do. In the case of a man who has earned his pension and reached the retiring age at the time of election, of course he can exercise that right.

**Dr. Jagan :** As the matter has been raised I would like to say that it seems to me that, in all fairness an officer should be entitled to a certain amount of pension after he has given ten years of service. It is true that he cannot retire until he has reached 55 or 60 years, as the case may be, but can't some undertaking be given that whether an officer has reached the retiring age or not, if he has to leave the Service as a result of election to the House of Assembly he would be given a gratuity or pensionable allowance according to the years of service he had given up to that point? If an officer has to give 30 years' service to get a pension and he completes 15 years he should be given half the amount of the pension he would otherwise have got. As it would be a sort of forced retirement to take up another form of public service for which there will be no pension, I do not see why a public officer should not be given an assurance that if elected to the House of Assembly he would be given a certain amount of pension. Although the law does not provide for it I think Government is empowered to grant a certain amount.

As regards the definition of "public office" in the Bill, the hon. the Attorney General has told us that that is most likely to be the view taken by Government, so that when it comes up later I will move its repeal.

**The Attorney General :** The definition in the Bill will be the governing definition in the case of public servants.

Clause 2 put, and agreed to.

Clauses 3, 4 and 5 passed as printed.

Clause 6.—*Registration areas under the Special Revisal Ordinance 1953, constituted polling divisions.*

**Mr. Debidin :** This is the clause to which hon. Members referred at the time of the second reading. I would like to make an early point on this clause for consideration by the hon. the Attorney-General who has hinted that on whatever observation Members make, he would introduce amendments.

**The Attorney General :** I think the hon. Member has put his own interpretation on what I said. I think my labours would be very great, because I do not know how long the hon. Member's observations will be, or those of any other Member for that matter. What I did say was that I proposed to hear what comments were made, and if any amendments were necessary I would endeavour overnight to draft those amendments. Of course those amendments would be on principles that are accepted.

**Mr. Debidin :** I was dealing with a principle which I hope will be accepted. We have just passed clause 2 which defines "polling division" as "any polling division constituted in accordance with section six of this Ordinance." But when we turn to clause 6 we find that we are taken into a labyrinth. Instead of a definite statement of what a polling division is, we are taken for a ride through Ordinances already passed.

In sub-clause (2) of clause 6 reference is made to the Special Revisal Ordinance, where we find a strange section which leaves us in the air. It is section 4 (1) which reads:

"4(1) Subject to the provisions of sub-sections (2) and (3) of this section each revisal district shall be divided into such registration areas as the Governor in Council may by order constitute and define."

My point is that in order to find a definition of "polling division" we should not have to read through the whole of this Bill as well as the Special Revisal Ordinance which has been

passed. I hold in my hand a preliminary list of voters in which definite registration areas have been set out. We must therefore ask ourselves what is the meaning of a polling division in relation to the Bill we are now discussing, and a polling area, in spite of what has been done by the Governor in Council. Because, we find that polling areas have been declared, and from what I see it appears that every census sub-district has been declared a polling area, I would like to know where we stand as regards this definition—whether a polling area as set out in the preliminary list of voters has been regarded and is set out in this Bill as a polling division? If that is so I am fully satisfied, and when we reach clause 22 of the Bill I shall make some observations on the question of polling places, and probably move an amendment. My point is that there is nothing in this Bill which helps us to understand what a polling division really is, and I would like some explanation.

**Dr. Jagan :** I agree with the remarks of the last speaker. It is no use having a concentration of polling stations or polling booths, because in such a concentration we are going to have a great deal of confusion. I know that in some areas as many as five or six polling booths are to be located in one building. There is bound to be congestion when large numbers of voters endeavour to gain entrance to such buildings to go to the various polling booths. I recall that when I suggested that there should be an agent for each candidate for each polling booth, the hon. Member for Georgetown Central (Mr. Fernandes) remarked that that would lead to confusion where there were 10 or 11 candidates, because if there were five booths and an agent for each of 10 candidates at each booth, there would be 50 persons milling around

in addition to the persons going to vote. If there are five polling booths at a polling station it is going to mean that four or five persons will be going in to vote every three or four minutes. That is going to lead to a great deal of difficulty, because some of those buildings are only provided with one stairway. I therefore do not see how it will be possible to carry out the work satisfactorily.

If the original plan of having registration areas was embarked upon, a limited number of voters would go to each polling station, and there would not be any milling around and confusion as would take place as a result of a concentration of polling booths in one building. I know that the argument was put up that there would not be sufficient Police officers to be stationed at these various points, but that problem could easily be solved by employing the Special Reserve Police and rural constables. I hope that when the final lists of voters are published Government will heed the advice of the candidates concerned in the various districts, because they are in the best position to know what buildings are convenient, and how far distant one point is from another. I would have preferred to have one booth at each polling station, or two at the most.

**The Attorney General:** The hon. Member has suggested that Government should employ members of the Special Reserve Police and rural constables to ensure the smooth running of the arrangements on polling day. I am grateful for the hon. Member's suggestion and I can assure him that the matter will be investigated. I also appreciate his point regarding large central polling places and sub-dividing them into polling booths, sufficient to take care of the large numbers of voters, but we have heard objection on the other side and the suggestion that polling places should be pro-

vided in almost each sub-district so as to avoid any inconvenience. That would apply particularly to the rural and remote districts of the Colony. However, the matter is receiving very full consideration, and we shall not arrive at any final decision as regards polling places and arrangements for polling without the greatest degree of care and scrutiny.

The hon. Member for Eastern Demerara (Mr. Debidin) dealt with the question of electoral districts under clause 6. I would point out to him that the electoral districts were sub-divided, and the procedure that is proposed is that the writ is issued to the Returning Officer who is in charge or control of the electoral district which comprises several registration areas for the various polling divisions. Those polling divisions are sub-divided into polling-places, and a polling-place will be divided into several voting compartments which are considered to be able to take an average of about 250 voters during the course of the polling.

I think hon. Members will see that those arrangements will take care of the large number of voters who we hope will register their votes on the day of polling. The question of polling places is being examined, and an officer has been going throughout the country to see exactly where best those polling places can be placed without inconvenience, on the one hand, and a large measure of control and supervision on the other. That matter has not reached finality, and if hon. Members have any views with regard to the siting of polling places I am sure they will express them.

**Mr. Fernandes:** I would just like to say that a decision should be arrived at as early as possible so as to give candidates sufficient time to tell the voters in each sub-district exactly where they will have to vote, otherwise there would be chaos and confusion.

**The Attorney-General:** That aspect of the matter is also appreciated. I think we all realize the necessity to give the information to all voters at the earliest possible opportunity as to where they shall vote, so as to avoid any confusion.

**Mr. Debidin:** The clause of this Bill which deals with the polling-places is clause 23, and when we reach it I propose to move an amendment so as to have the whole matter clarified. That is why I did not discuss the question of polling-places when we were dealing with clause 6. I am sorry the hon. Member for Central Demerara (Dr. Jagan) has introduced that discussion under this clause. I wanted to be clear about what a polling division is under clause 6. When we reach clause 25 we will find that it says:—

"25. (1) Subject to the provisions of sections twenty-six, twenty-seven and twenty-eight of this Ordinance no person shall be entitled to vote in any polling division, unless his name appears upon the official list of voters for that polling division."

I should like to point out — and I am glad the Registration Officer is present — that we have had the list divided according to sub-districts, so that each sub-district has its own list. If we are to take the definition of "polling division" as given in clause 6, it would mean a whole sub-census district and each of these districts has its own list—1 to 200 or 1 to 70, as the case may be. For example, we have registration form D. 39. That, I think, is divided into eleven sub-districts, each one having its own list. If we take the first one we would find that it speaks of Polling Area No. 1 and it states that "qualified persons whose names appear on this list would be entitled to vote only at polling stations within this area. Then we find clause 25 (1) saying —

"(1) . . . no person shall be entitled to vote in any polling division, unless his

name appears upon the official list of voters for that polling division."

It seems to me then that he has to depart from the original list which might refer to his being a member of that particular sub-district and take himself into a larger area and say: "I am entitled to vote in any one of the booths in these eleven sub-districts." I want to know whether that would not lead to some confusion. Under clause 25 can a person from a polling area in one census sub-district vote in another polling area in another census sub-district? There is something wrong there and I trust that it will be amended.

**The Attorney General:** I wish to ask the hon. Member what should be taken as a guide. Is it the list as published some time ago, or the law?

**Mr. Debidin:** The lists that have been published. The people are taking them as their guide.

**Dr. Jagan:** I would like, if possible to have the same terms used as those in the professional voters' list, and then there would be no confusion. We are introducing some entirely new words now—"polling divisions" and so on.

**The Attorney General:** The whole thing is somewhat of a misconception. The basis of the preparation of the list was on the lines of the Census Ordinance when the Colony was divided into census districts and sub-census districts. All that was done preparatory to preparing the list. Now we are moving away from the object of the preparation of the list, and that is wrong. The term "sub-polling district" would coincide with our registration areas. A registration area is one part of a census district — that which the enumerators went around in order to collect names to be put on the register. All that is the machinery preparatory to the objective towards which we are

moving. In the original arrangements the Colony was sub-divided for the purposes of enumeration in the same manner as it was when arrangements were made for the census in 1946. The hon. Member has suggested that we should go back to those same terms for the purposes of the arrangements for polling, but it has to be borne in mind that we are not only thinking about now. We are making arrangements for the purpose of the elections and that is entirely different since we have to collect information for the preparation of a register.

**Dr. Jagan :** I can see that. Would the Attorney General tell us then whether the term "polling division" here means "registration area" according to that list?

**The Attorney General :** When the writs are issued, and a Registration Officer is in charge and in control of a district it would be called an electoral district. That electoral district would have in it registration areas, and these registration areas are the same as what we are now terming "polling divisions". These polling divisions or registration areas would be for the purposes of the voting. We have travelled far from the days when we were sending around enumerators to collect the names of people and put them on record so as to prepare the list. For purposes of the first election there should be the maximum number of people qualified to vote and who may register their votes. Having done all that, we have reached the point where we are preparing for the elections and we are giving the terms to be used—"polling areas" and "registration areas". These would be subsequently divided into polling places where there would be ingress and egress. A voter would give his (or her) name which would be recorded in the register and, the Presiding Officer having given him a ballot ticket, he

would go behind a screen and put his ballot ticket in the box of the particular candidate he intends to vote for and whose photograph, name and symbol appear on the box. That is the procedure in brief, from the issuing of the writ to the casting of the vote.

**Dr. Singh :** I think there is still confusion in the minds of some hon. Members. According to this, there are "divisions" which are divided into "polling areas". We are told that the people who live within a particular polling area must vote within that area, and therefore a ballot box should be there. That is the only trouble.

**Mr. Debidin :** I said I would move an amendment to clause 23, and this is what I intended to move—that regardless of the cost to Government each polling area must have a polling place. It should be a place in which certain persons must register their votes, and no other place.

**The Attorney General :** The hon. Member is shifting his point somewhat now. His point is that if there is a polling area arrangements must be made for the voters registered in that area to poll their votes there.

**Mr. Debidin :** Even if I have shifted my ground, that is what I intended to do when I read clause 25. I hope there would be no objection in the mind of the Attorney General, the Returning Officer or anyone else as to the right of any voter before polling day. Clause 25 states:—

"25. (1) Subject to the provisions of sections twenty-six, twenty-seven and twenty-eight of this Ordinance, no person shall be entitled to vote in any polling division, unless his name appears upon the official list of voters for that polling division."

My point is—and I desire to stress it again in the hope that the Attorney General would understand me this time—that there is no official polling list for any polling division. There is a series

of lists which, when added up, may become the list for a polling division. When I take the lists for D. 39, I find that there are 11 official lists and that on each one of these lists it is stated that "qualified persons whose names appear on this list will be entitled to vote only at the polling station within this area". That clearly indicates that the voting must take place in the particular area for which the list was prepared. That is what we have taught all the people throughout the Colony to understand. Hand-in-Veldt has some 300 voters, but I do not know how many polling places would be put up for them. Today we are choosing to speak of polling divisions and of an official list for each polling division. If I remember rightly, when the polling places were fixed some lists were taken from another division and put up there, and so on. According to this clause, however, a voter cannot go from place to place and must vote within the particular polling area in which he is registered. Am I to understand that a voter would have the option of voting at either a schoolroom or a court house so long as both of them are within his polling division?

I believe that Government's action originally was wise, because there are too many stringent laws about voting. For example, let us take the question of transportation. Difficulties will arise because the number of people voting in a polling area will average between 300 and 400. I think that in my area one sub-district has as many as 362 names on the list. Throughout the whole of Trinidad private houses were commandeered, and I want to say again that we do not want Police stations to be used as polling stations.

**The Attorney General:** I think I can inform the hon. Member that Government intends to use a number of private houses.

**Mr. Debidin:** That was suggested. Women—pregnant women particularly and aged women—would have to trek long distances before they get to the polling stations. Government stated originally that every census sub-district must have its own polling area, and I would prefer that condition to remain. Even if it means that people would have to wend their way for two miles from the back of an estate to the front, that would be reasonable in all the circumstances.

**The Attorney General:** Does the hon. Member consider that two miles would be a reasonable distance for a person to travel?

**Mr. Debidin:** It would be reasonable for people like the hon. the Attorney General and myself who are both able-bodied, but a mother might have a young baby and might have to leave it at home with little or no protection. This is no experiment—it is a gift to the people of this Colony under the new Constitution. It involves great changes and this Government must be prepared to face the consequences. We must face the consequences of the arrangements and the future will face the consequences of the elections. I would not be doing my duty if I did not advocate that Government should make it easy for the people to exercise their votes on polling day. When we start to divide "divisions" I can see where things are leading to. I will not oppose clause 6 because it is harmless. All it is saying is that a polling division is a registration area, but when we come to clauses 22 to 25 we realize that we are getting into trouble. I will move an amendment when the time comes.

**Dr. Singh:** I should like to state that every polling area has defined boundaries, and the object of that is to prevent congestion in voting. Under this new proposal we might have some 2,000

voters in one polling area. Under the original arrangements there would have been no confusion—no congestion, no trouble.

Clause 6 put, and agreed to.

*Clause II—Poll clerks.*

**Mr. Debidin :** On this point questions have been raised. I said I had a few points to raise and I shall do so now. I am not anticipating that my amendment to clause 23 would not go through but, supposing we have two or three booths at a polling place, I would like to know whether there will be a poll clerk for each of them so as to supervise the voting. I am going to refer to the demonstration given by the Registration Officer. A voter might go to a polling booth and bring his ballot ticket outside, with the result that somebody else might come along and that particular ballot ticket might be sold outside. We want to know that there would be no chance of any such incident taking place, and it seems to me desirable that there should be a poll clerk at each booth—not polling place. Secondly, I would like to know, where there would be so many polling booths in one polling place, whether each candidate would be entitled to one agent only for the polling place or to more than one so that he could have his own particular supervision to support the poll clerk. In other words, can a candidate appoint more than one agent for a particular polling place? We would like to know all these things at this stage.

Provision is being made so that nobody would have anything at all to do with a voter within a certain radius of a polling booth. That is a very good provision and I am not against it. Let us say that an illiterate person goes to

vote; we would like to know whether a competent person who would understand the names and so on of such persons through having had dealings with them should be allowed to contact them within a certain radius and with two or three lists for one polling place? I think such a thing would cause a lot of trouble. I am going to show how long it takes to vote and how many persons can vote in a day if each voter spends a certain time at the polling booth. I have found from my own experience—and I am glad to be able to make this point—that some of these illiterate women have been registered under the names of their husbands although they are not married. Then again, in some cases, they have been registered by some of the enumerators in their maiden names. Other women have taken their fathers' names although they are married and have children. I found that the names of two such cases had been registered but it took me as long as 15 minutes to find them. They forgot what they told the enumerators in June last year and I had difficulty in finding their names.

**The Attorney General :** That is the point I made to the hon. Member when he represented that there was a considerable number of voters who had complained that their names were not on the register.

**Mr. Debidin :** My point is that it is going to be more difficult to find names when two or three lists would be linked together for one polling area.

**The Attorney General :** What is proposed is that there may be poll clerks outside the polling booths who would take the names of the voters and give them their ballot tickets before they go in so that the presiding officers would not have to lose any time in doing that.

**Mr. Debidin :** The arrangement would have to be perfect because, from my experience, I feel that a candidate should be allowed to have one agent at each polling place, and that there should be a second person to assist whoever the Government appoints to find the names. If there is one such assistant for each candidate the names of the voters would be found in a jiffy. I think it is a valuable provision that no voter should be interfered with within 200 yards of the polling booth. I trust that when we are dealing with the appointment of presiding officers, poll clerks and so on, these matters would be gone into.

**Dr. Jagan :** Nothing has been said as to whether there will be one poll clerk for each particular booth.

**The Attorney General :** The idea is to use one for each booth. There may be circumstances where it will be necessary to have one for each polling booth. That is, one poll clerk may be in a position to observe two polling booths and, in such circumstances, one will be used instead of two. It all depends on the particular internal arrangements. It may not be necessary to have one poll clerk for each polling booth in certain particular circumstances, but the general rule will be to have one for each polling booth. If it is convenient that one poll clerk can observe two polling booths it would not be necessary to have two poll clerks there. We cannot have it both ways—have a large number of polling places, providing one for each sub-district so that voters will know where to go to vote and will not suffer any inconvenience in going to the polling places, and at the same time provide arrangements inside the polling places so as to ensure the smooth running of the arrange-

ments. The people should be able to vote with all the necessary expedition so that the voting will be conducted and completed within the time prescribed.

**Dr. Jagan :** As I see it here, the poll clerk will have several duties to perform in addition to assisting the presiding officer. He has to help the voter to find his or her registration number, and so on.

**The Attorney General :** What I intimated to the hon. Member for Eastern Demerara (Mr. Debidin) is that there will be several poll clerks and it is proposed that there will be at least one at a polling station. Their particular duty will be to search up the Register for the names of the voters and hand a sort of ballot ticket with the registration number to each voter, so as to facilitate the voter when he presents himself to the presiding officer.

**Dr. Jagan :** Do I understand the voter will approach the building in front of which there will be this poll clerk who will look up the voter's name on the Register and give him a slip of paper with his registration number which he takes to the presiding officer who then gives him a ballot ticket? Who is going to look at the voter when he is depositing the ticket in the ballot-box?

**The Attorney General :** Another poll clerk.

**Dr. Jagan :** It seems to me that the presiding officer will be very busy and will need one poll clerk to be at each booth.

**Mr. Debidin :** The clause speaks of discretion being given to the Returning Officer to appoint these poll clerks. I wonder whether the Government will make some provision to give each

presiding officer instructions as to the employment of these poll clerks. It is certainly vague as to what the powers of the Returning Officer are.

**The Attorney General:** We cannot lay down in an Ordinance all the duties and requirements which are attached to the Returning Officer. He has the responsibility of making the arrangements. Those arrangements will be made in consultation with the Registration Officer and with the Administration so as to ensure efficiency and smooth running of the elections. When a writ is issued, as all hon. Members know, it is to the Returning Officer and all responsibility rests with him. Therefore it is not practicable to set out in detail the duties which he has to perform. So far as the particular circumstances go, the Returning Officer will know them and he has to ensure that there are presiding officers for the various polling places and that at each polling place there is a sufficient number of poll clerks, so that the voters who go there will not be delayed and that the voting will take place with the maximum of speed and efficiency.

**Mr. Debidin:** I am going to move as an amendment to clause 11 (1) the addition of the words "provided that at least one poll clerk be appointed in respect of each polling booth at a polling place."

**The Chairman:** That is inconsistent with the wording of the clause.

**Mr. Debidin:** In other words, he has a discretion but not to appoint more than three poll clerks.

**The Attorney General:** The Returning Officer will do everything possible to ensure that the election is conducted in the best possible way, and if the law gives him the opportunity to

appoint poll clerks he would be very stupid if he did not appoint poll clerks to see that the voting is carried out in a proper way. The hon. Member is seeking to tie him down. I think the hon. Member is endeavouring to say there must be a poll clerk for each polling booth. That may mean a poll clerk for each polling booth and nothing else. The Returning Officer may stick to the law. The important aspect of it is that there may be some people who, because of their illiteracy and the fact of not having voted before, and because of the same point the hon. Member made as regards confusion of names and things of that kind, will find it difficult to find their names on the Register and the poll clerks will be there to assist them and to give them their number with a ticket which is to be presented to the presiding officer. To ensure smooth running of the elections the safeguard is being adopted by having sufficient poll clerks who will keep a watch on the voters to see that nothing improper takes place.

**Dr. Jagan:** I agree with the last speaker for this reason: Let us assume that you have three polling booths at one point. I presume so much rum is going to be shared out and so many people made drunk that you are going to have them helped in many instances.

**The Attorney General:** It depends what time it is.

**Dr. Jagan:** We have advised the people that in case they find themselves drunk they must not make the mistake of putting their vote in the wrong ballot box but to declare for whom they are voting. I am far-seeing. It may be necessary during half the time for people to be led to the polling station and, therefore, every polling booth will require a whole-time man in attendance.

**The Attorney General:** Do I understand that the hon. Member told the people to ask the presiding officer for assistance? That provision applies to the blind.

**Mr. Luckhoo:** The hon. Member means those who are "blind" drunk.

**Mr. Fernandes:** If the Government permits that it would be destroying the secrecy of the ballot. I am sure this is being done to ensure that a party who may be inclined to get all its supporters drunk can claim the right to have them vote openly so that their agents in the polling station will be able to go out and report for whom the people voted. I know that happened at the last election. A man was not drunk but was a cripple. He was fetched out of a car and taken into the polling station, and when the Returning Officer called all the agents to witness and asked the man for whom he wanted to vote, the man said somebody else and not the person for whom he was supposed to be voting. That is something that will destroy the entire freedom of the individual in exercising the ballot in a free election. Maybe in other countries that becomes necessary and that may account for the fact that some big people are able to get every vote of several million people.

**Mr. Debidin:** I now understand what I have heard.— "Drink A's rum and vote for B". There is no provision in the law for what has been said. But to return to the more serious aspect of this matter, may I point out that this clause as it stands is excellently worded? I am not destroying that at all. The clause says:

"The returning officer of every electoral district shall appoint such number of poll clerks as he may deem necessary for each polling place in such district."

**The Attorney General:** That is taken care of in clause 32 (5) with regard to the ballot at election. The last sentence says:

"in the presence of a poll clerk at the polling place after having shown to him the official mark thereon."

**Mr. Debidin:** We must not legislate in the negative but in the positive, and we must be sure that we are going to have sufficient poll clerks and not leave it to the discretion of the Returning Officer who may have a meagre staff and thereby delay the people in voting. That is what I call negative legislation. If we take clause 32(5), all it means is that the Returning Officer will appoint, under clause 11, poll clerks; and he may appoint three poll clerks for five polling booths. Therefore, you can only have three persons voting at a time because there are only three poll clerks to see the voting. We must assist the Returning Officer with his discretion, and that is to tell him he must appoint one poll clerk for each polling booth. He can appoint any other number as he likes. I can see that he must employ more than one poll clerk for each polling place. He must need someone to find the names on the List in order that the voters can go to the presiding officer for their ballot ticket. All I am asking for is the minimum of one poll clerk for each booth. I think the arrangement should be accepted because it will support clause 32(5) which requires that each voter must show the official mark to a poll clerk.

**The Attorney General:** If it is put in that form it would mean there would be a poll clerk for each polling booth.

**Dr. Jagan:** I suggest that we attack clause 23 first. If that clause is accepted — one polling place in each sub-district — we would not have all this difficulty.

**The Attorney General :** It is not as easy as the hon. Member thinks.

Amendment put, and the Committee divided and voted as follows:—

For — Messrs. Smellie, Debidin, Dr. Jagan, Dr. Singh—4.

Against — Messrs. Macnie, Luckhoo, Carter, Peters, Kendall, Fernandes, Farnum, Roth, Capt. Coghlan, the Financial Secretary and Treasurer, the Attorney General and the Colonial Secretary — 12.

Amendment lost.

Clause 11 put, and agreed to.

Clause 13—*Writs of Election.*

**Dr. Jagan :** Yesterday I pointed out the necessity for having these writs issued very early, and I am wondering whether we will have some indication as to when will be the day for nomination and when polling day, so that persons can be informed early. As I said on the last occasion when the Bill dealing with symbols and colours was being discussed, the matter was being rushed quickly and the period allowed was short and hardship would be experienced. So said, so done. One person who came to Georgetown was precluded for making application for a symbol. That person had no opportunity of knowing the Ordinance. I had hoped in this instance that the writs would have been issued very early and, if possible, we would have been informed now as to the date of nomination and the date on which the elections would be held.

**The Chairman :** I should take this opportunity to inform hon. Members that the difficulty in giving a precise date at the moment—there is no secret about it—is due to the fact that the Order in Council has to be passed by

Her Majesty in Council. Therefore, Her Majesty has to hold a Council for the purpose and, although we have been advised as to the probable date on which the Council is to be held, we cannot be certain that it will be held on that date. Until it is held it will be improper for us to anticipate what Her Majesty will do by way of fixing the date of nomination and of the elections at this moment. It is hoped that it will be in the course of next week, and as soon as the Council is held and the Order in Council is passed by Her Majesty, then we can get on with these necessary steps. I can assure hon. Members that the intention is to give the people as much notice as possible.

**The Attorney General :** In sub-clause (6) it is proposed to substitute the word “seven” for the word “ten” in the second line. As Your Excellency has intimated, the fullest possible intimation will be given as soon as it is possible to give that information. Owing to the fact that we have the Easter Holidays intervening, I suggest “seven clear days” be substituted in the subclause. That does not mean that the fullest information will not be given at the earliest possible opportunity. Obviously, if candidates do not receive the information as soon as possible they may be held up in making the necessary arrangements to get to their particular constituencies for Nomination. I appreciate the fact and assure hon. Members that everything possible will be done to avoid any such occurrence.

**Mr. Debidin :** May I draw attention to the Ordinance which we have passed? It states clearly that one month before the day of nomination certain things are to be done, such as notice of asking for a symbol. The time was fixed in accordance with that. If the time for the notice of the issue of the writs is changed from ten clear days before nomination to seven days, then

the date of nomination should be given a longer time under the Ordinance. I suggest that some clause be inserted so that in the event of any postponement of the date of nomination, any act done could be regularized.

**The Attorney General:** The hon. Member is not quite right. That was the point when the Bill came before the Council. I pointed out when it was suggested that we did not know when Nomination Day was to be, that we should not fix the date in relation to nomination. Eventually it was decided, as a result of the discussion which took place, that we should fix the 13th and 21st, and they were inserted in the Ordinance. The hon. Member would recollect that he made application for a symbol, and when he came and drew it in this Council Chamber it was on the 19th or 20th of the month. That was in accordance with the decision of the Council as expressed during the debate.

**Mr. Debidin:** Is it not safer to contract the time between nomination and election rather than to contract the time for this particular notice? A person may be assisting in a far-distant district and it may take him more than seven days to come and make arrangements. I would prefer to know that seven days is substituted for the other time, rather than to make the notice of the writs seven days instead of ten.

**The Attorney General:** This is only a statutory requirement. As the hon. Member knows and as I pointed out to hon. Members, that does not prevent all the information being published so far as those matters are concerned. It will be appreciated that there is a considerable amount of printing to be done and, accordingly, the suggestion is that we reduce the number of days from a statutory point of view. But, that does not mean that the fullest possible information will not be given the public

so that they will be aware ahead of time, even though it is not in an official form, when these things are taking place. It is the desire of Government that everybody should share in this interest in the development of the Constitution and what is about to take place; so the Government will take every possible step to inform the public of what is taking place. But, as Your Excellency has intimated, at the present time, on account of circumstances, we are not in a position to give this Council or the public any further details. It is not the desire of anybody that any candidate should be put in difficulty and be prevented from getting to his constituency at a very early time so as to be there for Nomination and to conduct his campaign.

**Mr. Debidin:** What the hon. the Attorney-General is seeking to do is to fix the time for the notice at seven days before polling day. The point is that instead of contracting three days from that notice period an amendment should be made in subclause (3) and not in subclause (6). In other words, where a man is going to be nominated for the purpose of election he should have everything fixed. Nomination is an informal act so far as an election is concerned. He must have sufficient notice. It must not be forgotten that a candidate has to do a lot of things. I would rather interfere with the period between nomination and election.

**Dr. Jagan:** Let us say the date of election is the 27th. If ten clear days are to be taken before that for nomination day it would give us up to the 17th for nomination. Let us assume that a candidate is travelling by steamer and leaves Georgetown on the 14th. Half-way on the journey the steamer breaks down and he cannot get to his constituency in time; he will not be nominated. I much prefer that a candidate be given a shorter period between nomination day and election day. I therefore support the hon. Member when he says he pre-

fers to make the period between nomination and election seven days instead of ten. I think the important period is the one from which the writ is issued, so that every individual will know what is taking place.

**Mr. Fernandes:** I would like to support the hon. Member for Eastern Demerara (Mr. Debidin), but I am afraid that what is happening is, we are legislating permanently for future elections but are shaping it to suit the present. That is bound to make bad law. Why change it from ten days to seven days just because there is specific reason for this election? This law is not being made for the 1953 elections only. It is to be a permanent law, and it will be bad to reduce the time to either seven days before or after. If it is intended for all elections, then I would agree with the hon. Member for Eastern Demerara that it would be better to have the ten days' period first and the seven days' period after. I think this Council should be very careful. We are not here to change legislation to suit some particular date; we are here to make proper legislation for the future. Personally, I think it would be wrong and unwise to carry this through with any amendment being put into this Bill specifically to suit the first general elections.

**The Attorney-General:** It is quite clear that all this legislation is designed for the purpose of this election. If in the nature of circumstances it is necessary for us as legislators to make amendments, which the hon. Member has described as chopping and changing, I think it is proper for us to do so. After all, for some time now this Council and the public generally have been aware of the fact that it is hoped to hold the elections towards the end of next month—in fact a month from today. Consequently, there are certain things that occur despite all human

effort, which very often present certain difficulties which we are endeavouring to surmount.

The whole point with regard to this is that at least two hon. Members who have spoken are in agreement that the period should be 17 days—10 and 7—but they prefer the 10-day period to come first so as to permit of all the necessary arrangements to be made in order that candidates may be quite ready on the day of nomination, because they feel that the period between nomination day and polling day is a matter of formality to allow candidates to put the finishing touches to their campaigns. I pointed out that owing to considerable pressure with regard to printing, and the arrangements which have to be made throughout the country in every electoral district, perhaps the first seven days' notice would be better from the Registration Officer's point of view. If hon. Members agree to the 17 days, taken together, which I am asking them to agree to, then I shall make an adjustment to suit.

I would like to suggest to the hon. Member for Georgetown Central (Mr. Fernandes) that this law would be applicable in case there was a by-election coming after. But coming at a time when we have an Easter week-end, these are difficulties we have to overcome. The very fact that we are having this debate and the points which are being raised, indicates that the public, through their representatives, are taking considerable interest in the election, and the only thing we cannot do at the moment is to say that nomination day is fixed for a particular day, for the simple reason that the Order in Council is not yet made, and there are certain things which must flow from the Order in Council.

**Mr. Fernandes :** If the hon. the Attorney-General changes the title of the Bill I think the Council will have to meet the chopping and changing again. I do not see any reason why we should not make proper legislation, and if the election has to take place on a Monday or Tuesday we will have to abide by that. I do not want to do anything which would cause any Member any difficulty. I would be ready for nomination if I were given an hour's notice, but if any of the interior candidates happen to be in the City they would have to travel by plane to their constituencies.

**The Chairman :** I do not think that in actual fact any Member would get any less notice, but it is merely because of the incidence of Easter, and four days being public holidays, that this is necessary. If the Order in Council is signed in the middle of next week Council will have to come back to take the third reading of this Bill, which it would not be proper to do until the Order in Council has been signed. Thereafter it would be possible to announce the dates on which it is proposed to do these various things, so that in actual fact the candidates will have more than 20 days' notice. But the formal procedure of issuing the writs and so on will not be done during this 10-day period, because of the incidence of Easter.

**Dr. Jagan :** I see some difficulty in shortening the period. The hon. Member for North West District (Mr. Phang) tells us it takes at least six weeks to cover his district properly. One does not know where he is at this moment, and travelling as he does by launch it is difficult to communicate with him in time.

**The Chairman :** That will be done as soon as the date is announced.

**Dr. Jagan :** The information would have to be sent to the Post Office and

someone would have to take a launch to go in search of him. It might take two or three days to reach him, and another two or three days for him to return.

**Mr. Roth :** The hon. Member for North West District is long-headed enough to travel with a wireless receiving set wherever he goes.

**Dr. Jagan :** The hon. Member is more fortunate than others; he will be in his district. I see great danger in contracting either period, but if there is to be any contraction I would prefer the reverse. If it is necessary for the election to be postponed one week or two weeks it would be better to do that than rush through these things.

**Mr. Fernandes :** The hon. Member apparently did not understand what you said, sir. You said that the notices would be longer than 10 days, because it may not be possible to have the final instrument published on account of the holidays. I can quite see that, therefore I am withdrawing my opposition to it. So long as the date on which the instrument will call for nominations is announced before the instrument is made and signed, I do not think any hardship would be created. I am sure the candidates for the interior constituencies already know that April 27 is the date proposed for the election, and they have a good idea that 10 days before that will be nomination day. Even if they did not know that before, they would know it when they read this debate in the newspapers. There is no harm in reducing the period to seven days.

**The Attorney General :** I suggest that we leave the period of seven days for the moment, and that I be allowed an opportunity to examine all aspects of it. I appreciate the point made by hon. Members that they prefer the shortening of the period to be done

the other way. I will undertake to go into it very fully, because we cannot conclude the debate on the Bill today. It is understood that the period should be 17 days, but it has to be decided whether it should be 10 days between nomination and election, or seven days the other way. The question of communication will also be gone into.

**The Chairman:** I can assure hon. Members that if, for instance, the Order in Council is made on the 1st of April—I cannot say at the moment that it will be—hon. Members will be informed the following day what the programme is, and they would know exactly when these various things would take place. There would be no shorter time than 20 days but, in fact a longer time.

Clause 13 deferred.

Clauses 14 and 15 passed as printed.

Clause 16.—*Attendance of returning officer to receive nominations.*

**Mr. Debidin:** The whole object of the House of Assembly (Symbols and Colours) (Elections) Ordinance, which is referred to in sub-clause (1) of clause 16, is to facilitate voting by illiterates. Government and this Council should therefore be very anxious to see that every voter should know the symbols of the candidates in order to be able to identify them in the polling booths. I know that many people who have never entered a police station or a Magistrate's Court suffer from cold feet when they go to such places for the first time. I am certain that such people will be confused when they go to a polling booth and, forgetting the symbol of the candidate for whom they intend to vote, are likely to put the ballot ticket into the wrong box through sheer fright. I think the hon. the Seventh Nominated

Member (Mr. Macnie) would have some experience of the type of people of whom I am speaking. I would like to know if it would be an infringement of the Legislative Council (Elections) Ordinance of 1945 if candidates printed their symbols on their manifestos.

**The Attorney General:** I think the printing of symbols would be the same as the reproduction of photographs, which I have seen on several manifestos. But there is a great difference between printing a symbol on a manifesto and using a symbol as a sort of rosette to be worn by supporters of a candidate. The use of symbols in that way might lead to clashes and undesirable incidents on polling day, which we all hope will not occur.

**Mr. Debidin:** Having got that ruling from the hon. the Attorney-General I am satisfied. I understand that the B.P.I. propose to put up placards at every polling place showing the symbols and photographs of the candidates in the particular constituency. It is done in other countries and is a very important requirement.

I wish also to make an urgent appeal that police stations should not be made polling places. It has been brought to my notice that the police station at San Souci, Wakenaam, has been made a polling place, although there is a school-room next to it. A police station has a certain psychological effect upon certain people who do not like to be in the presence of the police (Laughter). We do not want police stations as polling stations, and no policeman should be inside a polling place where the presiding officer is.

Clause 16 put, and agreed to.

At this stage (4.30 p.m.) the Committee adjourned for tea and resumed at 5.05 p.m.

Clause 17 — *Nomination of candidates.*

**The Attorney General :** I beg to move the substitution of the word "official" for the words "finally revised" in the second line of subclause (2).

Motion put and agreed to.

Clause 17, as amended, passed.

Clause 18 — *Delivery by candidate of declaration of his qualification.*

**Dr. Jagan :** Hon. Members will recall that I made an observation yesterday relating to Form No. 6 and that the Attorney-General suggested that some change should be made.

**The Chairman :** I will take the forms afterwards.

Clause 18 passed as printed.

Clause 20 — *Appointment of a day for the holding of election in the case of a contest.*

**Mr. Debidin :** Can it be said what is the intention of this clause when we take into consideration the provisions of clause 13 (6)? What is the necessity for the appointment of a day for holding an election in the case of a contest? Under clause 13 (6) that day would be prescribed. Isn't it better to say that if more than one candidate is nominated then there will be an election on a day to be appointed under clause 13 (6)?

**The Chairman :** We will have to provide for the day in the writ.

**The Attorney General :** The date of the election appears in the writ. If two or more candidates are nominated the Returning Officer would fix the date specified in the writ. If there

is only one candidate he would stand elected. If there is more than one and the others have not complied with the requirements, the one who has done so would stand elected.

**Mr. Debidin :** My point is that there is no need for the provision; I know that a day must be appointed for the election. This makes no difference.

Clause 20 passed as printed.

Clause 21 — *Withdrawal of candidate before the polling day.*

**Mr. Fernandes :** This clause provides for the withdrawal of a candidate before polling day, but there is nothing to provide for withdrawal before nomination. There does not appear to be anything anywhere about that and I would like to hear a pronouncement on the point.

**The Attorney General :** I think this is to be read with what has already gone before, and that is an election by symbol or colour and other matters preparatory to nomination. Hon. Members will realize that owing to the nature of the procedure which has been adopted, something had to be done at a fairly early date with regard to election by symbols and colour. That being so, it was necessary to fix some day for the payment of the deposit, and it would be difficult to have the deposit paid and then have candidates putting up a sort of excuse and withdrawing. Therefore, the proposed candidate takes a risk when he applies for the allocation of his symbol or colour, when he pays his deposit. If for reasons best known to himself he withdraws, then he has to forfeit his deposit. That is a result of the discussion which took place here and which became part of the law as enacted.

**Mr. Fernandes :** I am just asking whether the candidate would be allowed to withdraw or whether he just has to sit by and fail to be nominated. I was not taking any objection; I just wanted to be sure of the procedure.

**The Attorney General :** If he is not nominated he loses his deposit by default. That is similar to section 24 of the Legislative Council (Elections) Ordinance, 1945.

**Mr. Debidin :** In other words, if he is not nominated he is not a candidate. Up to this stage he is merely a person who has signified his intention to contest a seat.

**The Attorney General :** Again I say that if he is not nominated he loses his deposit. As I have already stated, a horse may be entered for a race but he need not face the starter.

Clause 21 passed as printed.

Clause 22 — *Death of candidate before the day appointed for the holding of a contested election.*

**Dr. Jagan :** I am wondering whether it is necessary to have this provision. If a candidate is nominated and dies afterwards, why shouldn't the election go through? As far as I see here a new nomination would be called for. I do not see why that should be.

**The Attorney General :** I think that on reflection the hon. Member would see the advisability of having such a provision. If a candidate dies after nomination, he would wish that some other candidate be nominated. Let us assume in the interest of a Party system that the candidate of a Party dies after nomination; the Party itself would like to put forward another candidate in

place of the one who dies. The provision is similar to that in section 25 of the Legislative Council (Elections) Ordinance, 1945.

**Mr. Debidin :** I do not think anybody would die.

Clause 22 passed as printed.

Clause 23—*Establishment of polling places.*

**Mr. Kendall :** I would like to make an observation under this clause. In 1947 we had a polling station in Stanleytown, but in the new list I do not see any polling station in that area which has over 1,100 voters. In 1947 we also had a polling station at the Rice Marketing Board's bond, New Amsterdam, and I think it is still necessary to have one there.

**Mr. Debidin :** I desire to move an amendment to this clause by deleting the words "so many polling places as the Registration Officer may direct" and substituting therefor the words "a polling place in each census sub-district within the meaning of the Revisal Ordinance of 1953."

The clause will then read:—

"23. The returning officer shall establish for each polling division in an electoral district a polling place in each census sub-district within the meaning of the Revisal Ordinance of 1953, and he shall appoint one of the polling places to be head polling place of the district."

All that the amendment means is that instead of giving a discretion to the Registration Officer to fix polling places, we should refer to the original intention of Government to have in each polling area, on the list as published and revised, a polling place. The question as to how many booths would be put in each polling place would de-

pend upon the number of voters in the polling areas. The present voters list for the Colony has been prepared in accordance with the enumeration of persons eligible to vote in each census sub-district. That was the method more or less prescribed by the members of the Constitution Commission because they actually made their division in accordance with the census districts and sub-districts.

When we adopted the Franchise Bill in this Council we made it a condition that each of these lists — for each sub-district — would be posted up in a conspicuous place in each sub-district so that the people could see if their names were listed. Following upon that we had the lists published, with the list of each sub-district shown separately. I have here the voters list for Electoral District No. 18 and one would see that the registration area, as the Attorney General has explained, corresponds with the definition "polling area". Each registration area carries a number of lists according to the census sub-districts, and each area has been designated a sub-area. That was the second important act done.

The third important act was the revisal introduced in respect of these lists. The original enumerators put up notices relating to the revised lists, and people depended upon the lists of the census sub-districts and the revising officers. They also worked in accordance with the lists in the various revisal districts and sub-districts. The fourth important point is that on each of the lists corresponding to the census sub-districts there has been placed these very significant words :-

"Qualified persons whose names appear on this list would be entitled to vote only at polling stations in this area."

People have been instructed and have their minds fixed on that aspect. To my mind it would be wrong — as

one sees from various notices at polling places in the Colony — to link several of these lists together for use at one polling place when the other arrangements for these polling areas have been already understood by these people. I mentioned in the course of the debate on the second reading that in one case 1,008 persons were asked to go into a particular schoolroom because several of the original polling areas were linked into one division or polling place. I referred to that as being not desirable, for reasons already mentioned — that the people were made to understand otherwise and there would be confusion if they are taken to a place where they would be confronted with so many polling booths.

Although there are several lists which would be required for voting at one place, they have not been arranged so that voters could see which particular polling booth is related to any particular list. The number of booths have been contracted and in one case there are five booths for seven lists. The result is that there will be thousands of people cramming one place in order to vote. I feel there should be no intention on the part of Government to limit convenience as regards voting. Very few school buildings have more than two steps, and one would be used for entry and the other for exit. There would, therefore, be only one place of entry and one might find 1,000 persons going there at the same hour in the morning and asking for their ballot tickets. It is not unreasonable to assume that if voters decide to go early in the morning and get over the job, one might find 1,000 people there at the same time. In these circumstances, some might have to return in the afternoon and if there are 500 people waiting to vote at 5 p.m., it would be impossible to get them into the polling station within an hour.

I say that, because apart from lining up to take his turn a voter must present himself to the presiding officer who has to carry out the function under the law of finding out whether that individual has voted before. There is a provision that if there is duplicity or misrepresentation the presiding officer would have to ask the voter his name. He would have to consult seven separate lists in order to find out that person's name, and that will take some time. If there was one big list with all the names arranged in alphabetical order it would have been different. I calculate it would take two minutes at least. The presiding officer then has to mark off the person's number on the list and put it on the counterfoil before he issues the ballot ticket, and then the voter would take that ticket to the polling booth. That cannot be done in less than two minutes. I have calculated the time the whole operation will take. It will take three minutes from the time of presenting oneself at the polling station to the exercising of the vote, and for an illiterate person, five minutes.

If we are going to start voting at 7 a.m. and end at 6 p.m., that would mean a total of 11 hours or 660 minutes, and if there are 200 persons voting at a polling station it would take them 600 minutes, or three minutes to each person. If you give five minutes to each person it would take 1,000 minutes for those 200 persons to vote. I respectfully suggest that if we take the case of 1,000 persons, at least 300 of them would not be able to exercise the vote in a polling station with five booths. Cane Grove is a place with a large percentage of illiterates. The question also presents another difficulty when you have only one entrance to the polling station. Let us imagine pregnant women and young girls or

infirm people being present in a crowd awaiting their turn to get into a polling station. It follows that these persons will have to stay in line and suffer inconvenience for hours, but that would be most undesirable.

I feel, sir, that we must accept it as a duty on the part of this Government to provide every facility to the people to exercise their votes. They must have time to go into the polling booth and examine the photographs and symbols on the ballot boxes so as to exercise their votes correctly. We want to ensure that there will be no jostling, because in that jostling someone will be directing another to vote for a particular candidate. Voters will persuade others out of love for a particular candidate to vote for him. This issue is very important and Government should not spare expenditure on it. The hon. the Attorney General in one statement certainly implied that Government should not spend more money in this one case. We have voted \$50,000 more in Finance Committee for election purposes. We voted it yesterday without any opposition and I certainly believe that the hon. the Financial Secretary and Treasurer, with his usual suavity, can get us to vote another \$1,000 if it is required.

**The Attorney General:** I have no recollection saying at any time, anything with reference to finance. I referred to the question of polling, and left the question of expenditure to the hon. the Financial Secretary and Treasurer.

**The Financial Secretary and Treasurer:** There was not at any time any suggestion of limitation of expenditure. The hon. Member can vote the money: the trouble is not in voting the money but in finding it.

**Mr. Debidin :** The hon. the Financial Secretary and Treasurer, in his usual manner, could have got us to vote \$100,000 yesterday especially if the money was for appointing more presiding officers and paying more poll clerks and printing more lists for use at the elections. That is what it involves. I feel sure that if Government calls for volunteers or Special Constables the people would rise to the occasion. Respectable persons would come forward and would consider it a duty well worth the honour of doing, to be special constables on that day. I venture to say also that there are many persons who will surrender their homes for use as polling stations, and there are many empty houses, the owners of which will be willing to rent them for the purpose of the elections. It is well worth doing in order to see that every person entitled to exercise his or her vote, is enabled to do so conveniently. Government ought not to impose any condition as a result of which people would have to travel long distances to record their votes.

We cannot expect expectant mothers, or mothers with babies, to travel five miles to a polling-place. For instance, it is unreasonable to ask voters from Fort Island and Troolie Island to go over to Leguan to exercise their votes, even though there are only about 100 voters on those islands. I could never have imagined that anyone would even conceive of such an idea. Is Government prepared to lend itself to bribery, corruption and undue influence? If a candidate placed a launch at the disposal of the voters on those islands there might be wholesale voting for that candidate. This cheese-paring will not meet with the approval of the people of the Colony.

My constituency extends over a distance of 10 miles, which means that voters will have to travel by some vehicle. Some people will not be dis-

posed to vote if they have to suffer the slightest inconvenience, because they are not mindful of the grave consequences on the future of the Colony if they do not exercise the franchise. Among them may be persons who would vote wisely. We want to induce everybody to vote in order to see how British Guiana is thinking. I am confident that the people of the Colony will not allow themselves to be duped by half-truths and lies, but will choose wisely so that they may be served wisely, if I may borrow the words of Sir Charles Woolley in his farewell address to this Council. The people of the Colony want a good Government, and they will vote for a wise and stable Government.

I trust that for the five reasons I have given my amendment will be accepted for the provision of two booths in each of the polling areas. I feel that not more than 200 voters should be expected to vote at a single polling booth. I am inclined to suggest that the number should even be less, because some persons may take more than three minutes to record their votes. But I am prepared to allow for 200 voters at three minutes each, because I am going to move for an extra hour for polling at a later stage.

**The Attorney General :** The hon. Member will realize, as I think all hon. Members will realize, that we cannot make people vote exactly when we want them to vote. Therefore there will be periods when there will be a considerable number of people waiting to vote. There is likely to be a lull in the flow of voting, but it is hoped to arrange for poll clerks to be placed outside the polling-places to investigate the names and the districts of those who desire to vote, as they come along. As a result of such investigation the actual time taken by the voter when he appears before the presiding officer

will be very much less than if the presiding officer himself had to go through all the details. The hon. Member surely must realize that the size of the districts vary, and although in some districts there may be 350 or 400 voters, in other districts there may only be 80 or 90 voters. The hon. Member's proposal is really all-embracing, for it means that a polling-place would have to be set up whether the circumstances warrant it or not.

It is not suggested that the arrangements which are being made will not take care of the convenience of the voting public. The point is that in the arrangement for polling-places, or what the hon. Member has been pleased to call the "amalgamation" of polling-places, there may be cases where the amalgamation has gone too far, and in such cases an examination will have to be made so that the polling-places proposed will take care of a reasonable number of voters. It has to be borne in mind that there are some people who will always wait for the last minute to vote, and I would suggest to the hon. Member and all hon. Members, that they persuade and encourage the people in their constituencies, and those who are listeners at their political meetings, to go early and register their votes. If people wait for the last minute there will be a long queue, and some of them may not be able to vote. The situation would be very much facilitated if those who intend to vote do so during the morning hours, and not wait until the very last minute, if they are really interested to see that they choose wisely and well, so that they may be governed wisely. I wish to assure this Council that all those who desire to vote should have every opportunity to do so as easily as is possible.

The very first important point to bear in mind is the encouragement and education to be directed to the public to

vote as soon as possible after the booth is opened, rather than waiting until the last minute in the afternoon and then saying "we have not had an opportunity to register our votes." Poll clerks have to be there along with the presiding officer and others concerned, to ensure the smooth running of the elections. I look forward, therefore, to seeing an easy and steady flow of voters rather than having a tremendous queue to be worked off at any particular time.

With regard to the hon. Member's point about Fort Island and Troolie Island, I propose that some arrangement be made to provide for that matter. When the Bill has been passed as amended, I hope to issue a statement for the consideration of hon. Members. There are certain aspects of the Bill which would require further consideration. As I have already pointed out, it is no good moving an amendment which would provide wholesale for a polling place in every district when, in fact, there are some districts which would not require a polling place each but would be better off amalgamated with another district. Therefore, the amendment suggested by the hon. Member might not assist to the extent he thinks. I suggest that this provision should be left for the fullest consideration which, I wish to emphasize, would be given to this subject. It is realized that it is very important that every facility should be provided to enable the voters to register their votes, but to tie it down in the manner the hon. Member has suggested might provide more difficulties rather than provide a satisfactory solution.

**Dr. Jagan :** I sympathize with the hon. Member in his suggested amendment and, in fact, I can see the motive which impelled him to move it. As the Attorney General has pointed out, however, there are some practical difficulties as there is only a small number

of voters in certain districts. Further, there may be some voters in a sub-district who may not want to vote in that particular sub-district. Their employers or landlords may be candidates for election and these voters might not like them to know or suspect how they voted.

**The Attorney General:** I think the hon. Member should qualify that statement as it might be misunderstood.

**Dr. Jagan:** I do not intend to qualify that.

**The Attorney General:** I do not intend to qualify the statement, but I want to say that the ballot is secret and I do not see that the arrangements published and the legislation provided would enable anyone to know how any particular voter voted. I do not want it to go on record or to go out to the public that their votes, when cast, would be known.

**Dr. Jagan:** I am sorry; I did not mean it in that way. Let us imagine, for instance, that some of the people voted for a particular candidate whom they were told not to vote for—and it is known that many people were told not to vote for a P.P.P. candidate. The fact that they have to vote at one polling place might put some fear in their hearts and they might prefer to vote at a polling station away from their district. I see a danger in that many individuals would be afraid to exercise their votes—not because their votes would be tampered with and the secrecy of the ballot would be known—but after the final count is made it would be clearly shown for whom they voted. I am told that at the last general elections all the employees of a certain businessman were taken to a particular polling station in order that they should vote for a certain candidate,

but when they arrived there they voted for another candidate. We have to be careful, and that is why I see some danger in the amendment moved by the hon. Member although I am in sympathy with the motive behind it—to give every voter an opportunity to vote at his (or her) leisure in his own district.

I think a proviso should be inserted in this clause to the effect that there should not be more than three polling booths at each polling station, and that not more than 300 voters should be allowed to vote at any one polling booth. The Registration Officer can say definitely that people from "X" should vote at a particular place, but when the amalgamation of districts has been completed there might be some difficulty in that respect. Therefore, it should be decided that not more than 300 people would be permitted to vote at any one polling station. So far as I see it, the Registration Officer must be given the facility to re-arrange these people in a way that would not cause any undue hardship—to so arrange the voting districts or the polling stations that people would not be afraid to exercise their votes and there would not be any inconvenience among the people in any particular area. I feel that such an arrangement would satisfy everybody.

I am not saying that one polling station should be in each district for the convenience of the Returning Officer and his staff, but to each polling station there should not be more than three polling booths. There would be some trouble also if voters are allowed to enter and leave the polling booths by one particular door. In that case, there should be a polling station for each district and the Returning Officer should be able to move around freely. That would also prevent persons from knowing through the counting later how others voted.

**The Attorney General:** While there is merit in the suggestion by the hon. Member for Eastern Demerara that wider accommodation should be provided by way of a number of compartments at a polling station and the number of voters allowed to exercise their votes in each compartment, I suggest that to limit it to three might be unsuitable. There may be places where arrangements can conveniently be made for more than three voters to be in a compartment. To put into the law something which would be restrictive and which would prevent the use of polling compartments to the best advantage, might not be what the hon. Member is seeking to achieve. While there is merit in the hon. Member's point, I think the real question is that there is no objection to amalgamation of polling districts. Amalgamation should take care of a reasonable number of voters and not so used that there would be inconvenience or that people would not be able to exercise their votes. I think that hon. Members are at one so far as the number of voters is concerned, but how it is to be achieved is a matter which requires a certain amount of working out.

To follow up the hon. Member's point, there may be a rush in one area in a certain district and it might be practicable to permit more than three persons to enter a compartment. Therefore one may get more than 300 voters voting there — the number to which the hon. Member is seeking to limit the provision. In other words, it might be better to make provision for a maximum of 600 voters at each polling place. The hon. Member himself might wish that more accommodation at a polling place had been provided. I do not agree that it should be limited to three booths because, as a result of investigations into polling facilities, there may be buildings so cited — with the necessary entrances and exists — that more than three polling compartments could be provided.

I think the Registration Officer told us here that there are a few such buildings.

**Dr. Jagan:** We do not want to bring too many areas together and so cause a great deal of confusion. There would be too much milling around and there would be too much difficulty in finding names and so on. We have already told people that each candidate would be allowed to have one agent for each booth. The minimum number of candidates for any one constituency is three; therefore, at each point there would be three polling stations and each candidate would be allowed to have three agents — making nine in all — and with the Registering Officer and his assistants there would be too many people milling around and so on. While I see the Attorney General's point, I feel that there should not be more than three polling stations, and if Government gives that undertaking I will not worry to move an amendment.

I see that Government is willing to arrange the situation in such a way as not to create any hardship. In that way, we would bring three census sub-districts together and not as many as suggested at the moment. If we make provision for a maximum of 600 voters at each polling station, I think that would meet the situation. It is not a question of shortage of buildings, but we will have poll clerks and so on at each polling booth. If they are separated there would not be great difficulty. My other point is this: If you have 1,000 persons concentrated at one point it would take more than the Police to keep them in order than if they are divided up. It is easier to control a small crowd than a large crowd in one place, so far as the Police are concerned. I think Government should adopt what I am suggesting. I know there are places to be found in the districts.

Mr. Debidin: I knew and felt that the hon. Member for Central Demerara, yesterday and even up to today, was entirely in agreement with my amendment. I can quite appreciate the reason why he departed somewhat from the amendment I have moved, and I trust Government will also appreciate what he appreciates. It surprises me to know that Government would be slow to accept a suggestion in the interest of this election. Many times Government is advised by those who do not know, but on this occasion Government is being advised by persons who have gone into the districts and who know what should be done. I do not know what is behind it all, but we can only come to a proper solution of this particular issue if we throw our minds to a particular polling place and try to imagine what is going to take place there. At that polling place you are going to find, especially where a very large number of candidates will be contesting in some cases, as many as eleven, the agents and other people there, and even though voting has taken place by a majority of the voters they are going to hang around there, and during that time there will be no end of mischief going on. Although we have had the hon. Member for Georgetown Central (Mr. Fernandes) shouting in this Council Chamber and outside about maladministration. I am challenging his sincerity in respect of this now.

This is not a meeting where the crowd goes to hear the views expressed. All the voters of a district having to go to the one place there will be a number of fights taking place there and battles which result from someone's feelings running hot. The hon. the Attorney General, if I can say so in all seriousness has been putting forward specious arguments about the

convenience of the people. I think he overlooked the convenience of the people completely when Government adopted the census districts arrangement for the purpose of this election. Why this sub-district arrangement with only 50 or 70 persons in some sub-districts because of the far distance of the houses from each other in those particular areas? If you have 50 persons in a particular sub-district it must be realized that those persons are either far away from where you may have another sub-district or for reason of transportation or movement find it inconvenient to be attached to another sub-district.

I am going to give an example to show it is not only a question of inconvenience. I come to the point of the hon. Member for Central Demerara. In the Mahaica Creek area there are 99 persons and they are told to go to De Hoop to vote in a schoolroom there. Those people can only get there by walking over people's lands — through other people's ricefields—or by travelling by boat and then by car or on foot for a considerable distance. That is a sub-district of 99 persons in which there is a new brand school building. Why should not that be fixed as a polling area? The convenience of 99 persons is as important as the convenience of 2,000 persons anywhere else. That makes the point that in Georgetown there is a tremendous population. But it must be remembered that in one tenement yard in Georgetown alone there are 100 to 200 voters and in just a block there may be 500 voters. If you put a polling booth in each block and allow 2,000 voters to go there, there would be less inconvenience than asking 400 or 500 persons to vote at a particular polling station in a country area, and it is far more difficult where they have to travel miles. Yet in Georgetown

there are polling booths in every nook and cranny—convenience is given to the people in Georgetown, why?

I come to the hon. Member for Central Demerara. He talks about the landlords knowing for whom their tenants voted. The fact that there are three candidates at least in any one district, if the people do not vote for them or they do not get a certain number of votes, they cannot say which did not vote for them. So my hon. friend's argument falls to the ground. There is no trouble in that, but I was surprised to hear the hon. Member suggest that there should be 600 persons to one polling station.

**Dr. Jagan :** I am not saying that. I do not agree they should be transported and taken somewhere else to vote. If it is in the interest of the people it should be done, but they should not be forced to do it. I did not say that because there are 85 persons in one remote area there should not be a polling station there. Using the hon. Member's argument, in no instance there should be more than three polling booths at one place. I am not saying you should not make a polling station for an isolated area.

**Mr. Debidin :** My hon. friend is fighting for three polling booths so that the votes against the landlords will be safe. That is paramount in his mind. Whether you have one or three polling booths it does not matter. When he says three polling booths, he is implying that there should be 600 voters for that place. All I am saying is, he would not want a crowd being at any polling station but on the other hand I am hoping that Government would see the necessity for having the people's convenience looked after by putting the polling booths in a central place in every census sub-district. In that way the

people can so regulate their time in going to the polling booth that it will be easy for them to go and vote. If they find a slight jam at the polling station they can run back home and do some work and return again, but when they have to travel five miles and congregate with 600 people at the polling station, they have to remain until that jam is got rid of. Some may have to wait at least 11 hours in some instances, while 200 persons will take the entire day to vote at a polling booth. The hon. the Attorney-General says "Educate the people so that all will go". That is precisely what will happen. All will go early to vote and there will be a jam and persons will have to wait their turn to the end of the day. Will the women accept these conditions? Will not some people in the districts who want to prevent others in the crowd from voting create a jam? All I am saying is that we should consider carefully the point I am making. The people will not go to vote under those conditions and those may be the ones who will vote wisely if they are given the convenience to vote.

**The Chairman :** We have spent about an hour and a half on this clause. If we do not get along with the Bill we will not have any election. It must be obvious to hon. Members that it is not possible to provide for this sort of thing in a section of the law. It must be left to some person or body of persons to make all these arrangements. You cannot provide all the details in any portion of the law. Hon. Members have made some good suggestions, and I am quite sure the Registration Officer and the Government generally have taken them in and are anxious to meet them to a certain extent, but it is impossible to tie down by rigid rules and law that such and such should take place. You cannot provide for that in this Colony which has problems more diversified than most countries.

The hon. the Attorney-General has suggested to me that a small Committee, of which he might be Chairman, should study the question of these polling places with a view to ensuring, as far as possible, that the facilities for voting are the best that can be provided in the circumstances, and that there would not be such overcrowding as suggested by the hon. Member for Eastern Demerara (Mr. Debidin).

**Mr. Debidin:** With all respect to you, sir, and the point you have made that we cannot provide in an Ordinance for all these details, I must say that all I am suggesting is that each district should have a polling-place. What I am trying to fix is something that is desirable. I am not asking for details to be put into the Ordinance. I am merely asking that provision be made for each polling area, as originally set out, to have its own polling-place, so that the voters on that particular list would know exactly where to go to record their votes.

**Dr. Jagan:** The hon. Member has misconstrued what I said. I would prefer to leave the matter to Government, as you have suggested, sir, but I would not like to see more than three booths at a polling station, and if Government would give an undertaking to that effect I think an amendment would not be necessary. I agree with the hon. Member that there should be a polling station in each sub-district, and that there should be no overcrowding by amalgamating certain sub-districts. There is merit in both of those points, but I see the difficulty from the Registration Officer's point of view. Let us not get away from the fact that there are certain people who will not want to vote in a particular district. I am however leaving it to the discretion of

Government to decide where to put the polling stations, but I say that at each polling station there should not be more than three polling booths, and not more than 200 persons should be expected to vote at one booth.

**Mr. Debidin:** I move that the question be now put.

Motion "That the question be now put" agreed to.

**Mr. Debidin:** My amendment is for the deletion of the words "so many polling-places as the Registration Officer may direct" and the substitution of the words "a polling place in each census sub-district within the meaning of the Revisal Ordinance of 1953."

**Dr. Jagan:** I also have an amendment.

**The Chairman:** I am afraid the hon. Member did not move his amendment in proper form. I cannot accept it in that form.

**Dr. Jagan:** The reason why I put it in that form was because the hon. the Attorney-General said he would do so.

**The Chairman:** I am sorry we have already voted on the motion "That the question be now put," and the next question to be put is the amendment of the hon. Member for Eastern Demerara (Mr. Debidin). I do not think the hon. Member is suffering any injury, because he has already expressed the opinion that there is no need for an amendment of the clause.

The Committee divided on Mr. Debidin's amendment and voted:

For — Messrs. Carter, Kendall, Fernandes, Debidin, Dr. Jagan and Dr. Singh—6.

Against — Messrs. Macnie, Smedie, Farnum, the Financial Secretary and Treasurer, the Attorney-General, and the Colonial Secretary—6.

**The Chairman:** The amendment is not carried.

Clause 23 was then put and passed as printed.

Clause 26.—*Place and manner of voting as voter.*

**Mr. Carter:** In view of the fact that a new method of voting is going to be adopted I suggest that the maximum publicity possible be given to it by the B.P.I. One method that occurs to me is the use of the B.P.I.'s film unit. I think they might make a short film showing people going to exercise the vote, and it should be shown in the towns and the country districts. I would be glad if the Registration Officer would give some thought to this. A film would be more effective than any demonstration of the method of voting given at the office of the B.P.I., and would serve a very useful purpose indeed.

**The Attorney General:** I understand that endeavours are being made by the B.P.I. to make pictures for the purpose of informing voters, but owing to the time factor it has been impossible to make a movie film to show the method of voting, because it is necessary to send it abroad for processing. Still photographs may be made instead, and those will be shown.

**Dr. Jagan:** I would like to have included in this provision for proxy voting, persons who may be candidates at the general election, and their agents.

**The Attorney General:** The hon. Member has earlier made the point that a candidate should be permitted to

exercise his vote in the electoral district in which he is qualified to vote. I will make the necessary amendment before the Bill is passed.

**Mr. Fernandes:** I would like to see similar provision made for the agents of the candidates to vote in the districts in which they are registered.

**The Attorney General:** It would be all right for candidates, but as regards their agents it is another matter.

Clause 26 deferred.

Clause 27. — Transfer of voters in special cases.

**Dr. Jagan:** I see that this clause provides that a person who is entitled to vote in any polling division but suffers from any of the disabilities mentioned in paragraphs (a), (b) and (c) of clause 26 (1), may transfer his vote from the polling-place allotted to him to another in the same area. I interpret the clause to mean that.

**The Attorney General:** Those persons who will be engaged in the conduct of the election and are unable to vote at the polling-places allotted to them are being given an opportunity to transfer their votes to other polling-places in the same area.

**Mr. Fernandes:** That is a particular privilege I would like to be given to the official clerks of the candidates, or whatever you call them.

**Dr. Jagan:** What about people who are working — like those who are working on boats in the Transport and Harbours Department and cannot get back in time to vote in their own district. That is why I suggested that polling time should be extended to 8 p.m.

— so as to give these people time to get back to the areas where they have to vote. There are many people who work far away from the area in which they live, and I believe that proxy voting in England is more extensive than is shown on this list here. I think we would be depriving many people of their right to vote if this list remains as it is. Some provision should be made for people employed away from their particular sub-district. A person has to vote in the area in which he (or she) is registered. In the last election persons could have voted anywhere in the constituency in which they were registered, but under this Bill that would not be possible. I feel that proper provision should be made for proxy voting, otherwise the polling time should be extended to 8 p.m. I repeat that there are Government employees and others who would suffer by becoming disenfranchised if this clause remains as it is.

Further, there may be persons registered in a particular district who may remove before polling day, and many of these people would like to have a new polling district. There are in my constituency people who have removed from the "Bound Yard" to a new settlement called "Tain" and, according to this clause, they would have to go back to Bound Yard if they want to vote. The polling stations would be amalgamated according to sub-districts, and people who have recently removed into them should be allowed to vote there.

**The Attorney General:** That is contrary to what the hon. Member for Eastern Demerara was asking for.

**Dr. Jagan:** That is why I was not entirely in favour of the amendment. The people to whom I have referred must be allowed to transfer their votes to a new sub-district or polling station, but under this clause they would not be allowed to make such an application.

This clause gives reason in (a), (b) and (c), so that even if the Returning Officer wanted to oblige the people in question at Corentyne and set up a polling station there, he would not be able to do so. I feel, however, that the people at the settlement should be allowed to sign a form asking for release from one polling station and for permission to vote at another, otherwise they would not be able to exercise their votes.

**The Attorney General:** Therefore, the principle which the hon. Member is trying to initiate is not acceptable to the hon. Member for Eastern Demerara. He is trying to prove that we should not accept the amendment by the hon. Member for Eastern Demerara.

**Dr. Jagan:** I am not trying to do any such thing.

**The Attorney General:** The hon. Member's view was that the Returning Officer should have a discretion to amalgamate a district where it was in the interest of the voters to do so. He is now putting up a case for special treatment with regard to these voters, and if the principle is accepted these voters at Tain would be allowed to vote in a district other than the particular one in which they were registered. He would like us to depart from the principle and provide for that.

**Dr. Jagan:** I am not departing from principle.

**The Attorney General:** The hon. Member is applying principle in a particular way.

**Dr. Jagan:** I was prepared to support Government's point of view but I wanted it to be limited. Following upon the same argument that Government should take the initiative so that nobody would be confused, I make the

suggestion that these people should be given an opportunity to apply for a transfer from one polling area to another.

**The Attorney General:** That is why I was putting forward the view that we should not tie down the principle to such rigidity that we could not add to the list as regards any particular area.

**Dr. Jagan:** Although we would not have the rigidity, those people would still not be able to vote—under clause 27. Having been given this elasticity, we should apply the clause to these people—not only to these people but also to workers who may be working far away from their places of abode, and also to those who may have changed residence within the time of registration and the time of voting.

**The Attorney General:** I have noted the point made by the hon. Member and it would have to be examined.

**Dr. Jagan:** The hon. Member for Georgetown Central also pointed out to me just now that persons ill in hospital and desirous of voting should be allowed to do so under clause 26.

**Mr. Fernandes:** The hon. Member for Central Demerara wanted to get workers who work outside their registered area to vote by proxy. The minute we start that kind of thing, one might try to get other persons—like those ill in hospital—to vote by proxy also. There are well over 500 persons who would not be able to leave their hospital beds if they wanted to vote. I am afraid that if we carry this proxy arrangement to the extreme all a candidate would have to do is to collect a certain number of proxies and see that they are allocated to him.

Council resumed.

**The President:** Council will adjourn until Monday, March 30, at 2 p.m.

**Mr. Fernandes:** I would like to know if we would have to sit late on that day? If so, I think hon. Members should know now so that if they wanted to arrange other public engagements they would refrain from doing so.

**The President:** I think we should come prepared to sit up to about 3.30. I do not think we would have to sit any later.