

# LEGISLATIVE COUNCIL

MONDAY 2ND 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. W. O. Fraser, O.B.E. (Acting).**

The Hon. **T. Lee (Essequibo River).**

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 (Eastern Demerara).**

The Hon. **J. Fernandes (Georgetown Central).**

The Hon. **Dr. G. M. Gonsalves, (Eastern Berbice).**

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

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

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 Friday, the 27th of February, 1953, as printed and circulated, were taken as read and confirmed.

## ANNOUNCEMENTS

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

**The President:** Hon. Members I wish to read to you a letter which I have received from Lieutenant Colonel Balfour, the Acting Equerry to Her Royal Highness the Princess Royal:

"I am bidden by the Princess Royal to ask Your Excellency to convey to the Legislative Council of British Guiana her very sincere thanks for the Resolution unanimously passed by the Council on February, 19th, which was received as she was regretfully leaving the Colony.

"I am to say that Her Royal Highness will not fail to convey to Her Majesty the Queen the loyal message contained in the Resolution; and, further, that she is deeply appreciative of the welcome accorded to her during her stay in British Guiana. Her Royal Highness's only regret is that her visit was of necessity so brief."

I should also like to read to you this passage from a letter which I have been honoured to receive from Her Royal Highness herself:

"I write to tell you how greatly I appreciated the warmth of the reception accorded to me by Your Excellency's Government, by the Municipalities of Georgetown and New Amsterdam, by the many welfare organisations which I had the pleasure of meeting, and by all classes of the community.

"I am glad to realise that this very manifest warmth of feeling was not intended altogether for me personally, although I like to think that that element was not lacking; but that in great measure the people of British Guiana were demonstrating their loyalty to the Crown, and I will not fail to tell Her Majesty the Queen of the way in which I was received by the people of British Guiana.

"It gave me great pleasure to see something of the British Guiana Volunteer Force and to be able to inspect their Guards of Honour. I was impressed by their smartness on parade.

"Before concluding this letter I should like to add a special word of thanks to your Commissioner of Police and all ranks of the Police Force under his command, for their ceremonial, traffic and other duties, which they carried out so admirably and which conduced greatly to the pleasure of my visit."

#### PRESENTATION OF REPORTS AND DOCUMENTS

**The Colonial Secretary (Mr. J. L. Fletcher, Acting):** I beg to lay on the table:

The Report on Telephone Development and Accommodation for an Automatic Telephone Exchange in Georgetown, British Guiana (1953).

#### GOVERNMENT NOTICES

##### INTRODUCTION OF BILLS

**The Attorney General:** I beg to give notice of the introduction and first reading of the following Bills intituled—

"An Ordinance to make provision for the allocation of symbols and colours to persons desirous of being nominated at the first election of Members of the House of Assembly and for other matters in connection therewith."

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

The latter Bill does not appear on the Order Paper. I think it is desir-

able I should give notice of it today so that eventually when the Council resumes it will be ready for its second reading.

I beg also to give notice of my intention to move the suspension of the relevant Standing Rules and Orders at a later stage to enable me to take the Bill, the second reading of which is Item I, through all its stages, and also, if possible, the first Bill in respect of which I gave notice of its introduction just now.

#### ORDER OF THE DAY

##### SPECIAL REVISAL BILL, 1953

**The Attorney-General:** I beg to move the suspension of the relevant Standing Rules and Orders to enable me to take the second reading of the Bill intituled—

"An Ordinance to make provision for the division of the Counties of this Colony into Revisal Districts for the purpose of the preparation in relation to each revisal district of the Register of all British subjects of full age other than persons subject to certain disqualifications who on the first day of January, 1953, were resident in British Guiana for two years or more, and for purposes connected therewith and incidental thereto."

Hon. Members are fully aware of the reasons for this motion and for the suspension of the Standing Rules and Orders, and I do not think it is necessary for me to go into the details as regards the desirability of obtaining leave for the purpose of proceeding with this Bill.

**The Colonial Secretary:** I beg to second the motion.

Question put, and agreed to.

Relevant Standing Rules and Orders suspended.

**The Attorney-General:** As hon. Members are aware, in February last

year legislation was enacted to enable the preparation of the preliminary Voters List, and in consequence of that legislation a Registration Officer was appointed and he proceeded to make arrangements for the preparation of the First Register. That took the form of Enumerators going around the various districts, as provided under the Census arrangements of 1946 in pursuance of the Census Ordinance of 1946. The names of those persons who would be qualified to vote were put in their various districts and eventually the Lists were printed and published, and were posted up in the various districts of the Colony.

I emphasize that the revisal districts are not the same districts as the electoral districts into which the Colony is divided for the purpose of the election of Members of the House of Assembly. As hon. Members are aware, provision has to be made for 24 electoral districts, that being an increase in the number of districts for which Members are now elected to the Legislative Council. I would emphasize that the lists were prepared on the basis of British subjects of full age, other than persons subject to certain legal disqualifications, who on the 1st day of January, 1953 were resident in the Colony and were at least three months immediately before that date resident in the particular revisal district to which the Register relates. With respect to the various clauses of this Bill I may point out that "qualified person" means:

"any person who is qualified in accordance with subsection (1) of section five of this Ordinance, for inclusion in the register and who is not disqualified for inclusion therein by the provisions of subsection (2) of section five of this Ordinance."

This is to be found in the Interpretation clause—2 of the Bill. Refer-

ence to section 5 will show the types of persons who are disqualified from inclusion in the register.

Clause 4 seeks to empower the Governor in Council to divide each revisal district into registration areas. I propose to ask leave to amend that clause in view of the fact that all the procedure in regard to the revisal districts has already to a large extent been followed, and the amendment which I propose relates to the latter part of sub-clause (1) which reads:

"(1) Subject to the provisions of subsections (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."

I propose to ask leave to amend that by substituting the words "as determined by the Registration Officer" for the words "as the Governor-in-Council may by order constitute and define." In other words, that will be consistent with what has already taken place, and will not create any difficulty in connection with the revisal districts and their being divided into registration areas.

Clause 6 provides that the Registration Officer shall cause to be prepared and printed a preliminary list in respect of each registration area, containing the names, occupations, places of residence and postal addresses of all persons qualified for inclusion in the register for the revisal district in which the registration area is situated. I pause to emphasize that these provisions are largely obligatory, and the various matters to which they refer have already been carried out.

Clause 9 seeks to make provision for the publication of the preliminary list in the registration area to which it relates. Clause 10

provides for the giving by the Registration Officer of notice of revision of the preliminary list by a revising officer, and for the steps to be taken by any person who is qualified to be registered and whose name is omitted from the preliminary list, or whose name or particulars are inaccurately stated therein, to have his name entered on the list or his name or particulars corrected, as the case may be.

This is an important clause because, as I pointed out some time last week, the desire of Government is to see that all those who are qualified and are entitled to be registered should have an opportunity of being registered, but bearing in mind that much of the arrangements have already been made it is not desirable that anything should be done to throw the time-table and the machinery out of gear. Accordingly it is necessary to have two points in mind—the maximum number that can be put on the register and at the same time preserve as far as possible the arrangements in regard to the printing and posting up of the preliminary list and an opportunity for objections, and then the final printing of the list is sufficient time for the elections to be held towards the end of April.

Clause 11 seeks to provide that a list containing the names and particulars of persons who have, prior to the 15th day of February, 1953, informed the Registration Officer that their names have been omitted from the list, and that they are qualified for entry therein, or that their names or particulars are inaccurately entered therein, shall be sent to the revising officer as soon as may be after the 15th day of February, 1953. With regard to that, I have been informed by the Registration Officer that there have been several such persons who have submitted their names to him and also have informed him of

omissions and inaccuracies in regard to their claims. The steps which he took were to send those claims to the District Commissioners for the prescribed procedure to be followed. It is just possible that there are some District Commissioners who may not have received their lists within the appropriate time, and accordingly it will be necessary to consider that aspect of the situation.

Clause 12 provides for the manner in which and the time within which claims by qualified persons for their names to be included in the list or for corrections to their names or particulars therein and objections to the inclusion of any person in the list, are to be made.

Clause 13 seeks to make provision for the publication of such claims and objections by the revising officer, and for objections to be made to the published claims. Obviously, there must be opportunity for a qualified person to enter any objections which he may have in regard to a claim. It is quite conceivable that a claimant may not be resident within the district to which he claims to be registered for the period that is required, and secondly he may not have reached 21 years of age before the 1st January, 1953, and accordingly it is essential that there should be an opportunity given to objectors to submit their objections in regard to any person who seeks to have his name registered particularly at this stage.

Clause 14 seeks to make provision for the revision by the revising officer of the preliminary lists for all registration areas. Clause 15 provides for the preparation of a supplementary list of voters for each revisal district, containing the changes and additions made to the preliminary lists for the registration areas of each revisal district.

In clause 23 is an important and essential provision with regard to validation. The reason for that can be seen, because it was put forward prior to the date on which revision was carried out in connection with the North West, Interior and Bartica districts. Therefore clause 23 states:

"Notwithstanding any failure to comply with the requirements of this Ordinance or of any other Ordinance as to the preparation or revision of the preliminary list for any of the registration areas set out in the Fourth Schedule to this Ordinance, or of any act or thing required to be done or notice required to be given in connection therewith, or of any act or thing required to be done thereafter, the registers prepared for the revisal districts in which the aforesaid registration areas are situate, are notwithstanding any irregularities therein, hereby validated and confirmed, and such registers shall for all purposes be deemed to be the true and proper registers for such revisal districts."

As hon. Members are fully aware, the arrangements are going on apace, and in fact some of the Revising Courts are sitting today. Others are due to sit during the course of the week. They were already sitting in Central Demerara, Georgetown Central and the North West ten days ago, and it will be recollected that there was an extension of time in holding these Courts.

I believe it has been suggested that all the forms with regard to claims were not easily available. Information from the Registration Officer is that forms were sent to all Post Offices and agents. I do not know whether it could be that they arrived too late for those who wished to submit claims in time to the District Commissioners so as to have them posted up for the purpose of examination, and for objections to be made. There is nothing more that I can add at this juncture except to ask that the Bill be read a second time.

**The Colonial Secretary:** I beg to second the motion.

**Dr. Jagan:** I do not object to this Bill because I see nothing to object to, except to make the remark that I feel Government has been sleeping on this matter too long and it seems that we are now going to make a law to regularise something which was hastily done a week or two ago. I want to ask the hon. the Attorney General why this Bill is only now before the Council? The Attorney-General's office devoted a lot of time dealing with the Subversive Literature Bill, drafting an unimportant Bill instead of giving attention to a more important one like this, which was only published last Thursday.

I think this whole matter is most irregular, in the sense that notices were posted up telling the people they were to make claims with the Revising Officer of the district. In some cases the notices said that claims were to be sent within three days. Enquiries subsequently resulted in the discovery that those notices were just going out to the district, and with two or three days left, the time would soon expire and so people would not be given an opportunity to register their claims. There was also the difficulty of getting forms on which these claims are to be made. I remember sending my brother to the Corentyne Coast last week, and when he returned he told me that my father went and enquired from the Post Office, at New Amsterdam and Skeldon and no forms were available, but that leaves of excise books were used as substitutes. I think the whole matter was done so hurriedly that there can be no excusing Government for not wanting people's names to be on the Voters' Register.

As a result of the method by which it was done, this Bill is now

before the Council to regularise the measure. The fact is that many individuals who may not have secured forms are denied the opportunity of putting their names on the list. While in New Amsterdam I went to the Postmaster for some forms and he told me that he had only two and he could only give me one. But even then it was the wrong one he had.

I would suggest, although it is very late, that persons who are not able to obtain forms or who have not received their notices in time, should be permitted to go to the Revising Officer's Court and have their names placed on the list in the officer's presence. There should not be any difficulty in having that done. I agree that some period must be given for these names to be submitted to the Revising Officer at the Court to be posted up in the relevant districts in order that persons who may desire to object to them should be given the opportunity of doing so. If there is any objection then a supplementary list should be prepared amending the original one. I do not see that would entail any great difficulty so far as the Election date—April 27—is concerned.

I do not know whether the whole list will be put up, or only the supplementary one. If it is only the supplementary list, then I do not see any difficulty in doing that within the period now stated, which would be ample time before election day. Even if it is anticipated by Government that there will be some difficulty, because some districts will then be holding Revising Courts, and even if some individuals will not be allowed to have their names added, I feel that many individuals have the impression that they can go to the Revising Court on the day which has been set out and give their

names to the Revising Officer if such names had been left out of the list.

I would like to propose that the election be postponed for a week or two in order that things might right themselves, and also to give those individuals who are to be selected as representatives at the Coronation a better opportunity of arranging their affairs. Such postponement would not materially affect the decision that revision should be effective from the date on which the individual became twenty-one. I gathered from the Registration Officer, with whom I have spoken recently, that although there was the numeration of voters in Jamaica as there was in this Colony, yet opportunity was given to individuals who, up to the last date of revision became 21 years of age, during the intervening period—that is, in our case from December 31, 1952, to when the Revising Court is held in any particular district—to register their names under the Ordinance. That opportunity will not be given persons here, and I feel that is definitely taking away the right of an individual.

The Constitution Commissioners recommended that persons who were 21 should be allowed to vote, and since we are now making provision on the Voters' List I do not see any great danger or any great administrative difficulty in including the names of those persons who may have become 21 within the period 1st January to the end of February. It may mean that a small number who become registerable under that procedure which I have just mentioned, will not have a right to vote at the general elections. I hope when we get into the Committee stage that Council will accept an amendment that instead of the registration date being January 1st, we accept it as on the date

on which the Revision Courts shall meet.

**Mr. Fernandes:** Like the hon. Member who has just spoken I would like to see that everybody is entitled to vote. I appreciate the difficulty in the case of those who become 21, in that a deadline date must be placed, and that date must be the same throughout British Guiana. I do not see why "A" who may become 21 on the 3rd of March — the date upon which the Revising Court is being held in a particular area where he lives and has residential qualification—should be registered and "B" whose birthday is also March 3, cannot be registered because the Revising Court in his area was held on March 2nd. There we would have two people born on the same date, perhaps two or three hours different in actual birth, — one failing to be registered while the other is permitted to do so.

I maintain that the only equitable way to solve the problem is by fixing a deadline date which, in this instance, is January 1st. The question is whether we are going to shift that date or not. If that is to be done it would be only fair that Government should alter the elections and have the enumerators go around again and do the job all over again which they had already completed. They would also have to ascertain the number of persons who have become 21 between January 1 and whatever date will be fixed as the new election. Most people will not know, if such a date has been changed, that they could register, since they had already been told definitely when the enumerators were visiting them, that as long as they had become 21 before January 1, 1953, their names would be included in the Voters register as qualified to vote, provided they also had the residential qualification. I have the case of my son's wife who became 21 on January 12, and

there is nothing that we can do about it because the dead-line was January 1.

To take the hon. Member's argument even further, there is no reason why a person who became 21 prior to the date of election, should not be permitted to vote at the elections. Taken at the limit, any such person should be permitted to vote. Adult suffrage is new to British Guiana and there are bound to be these little difficulties. I do not think it would affect the results of elections anyway so long as the Registering Officer takes good care to see that every person who becomes 21 in the extended period has been notified, and that their names are registered. It is going to be a job of great magnitude and will entail additional preparations in every country for those who became 21 between January 1 and whatever date will be fixed subsequent to January 1st.

The question is whether the elections are to be postponed or not. If the deadline date is to be shifted I do not see how it is humanly possible to carry on the elections of April 27. So long as they mean no difference in the results, I would not mind postponement of the elections, for I am not concerned about going to the Coronation or any such function between the date for nominations and elections. Nothing but the elections will be concerning me at that period. I think however that the matter has got to be considered very carefully before any decision is made to extend and postpone the election date.

**Mr. Debidin:** I take justifiable pride in the fact that when the Franchise Bill came up before this Council, I moved an amendment and secured a majority vote on it in the face of strong opposition from the Govt. Members,

that separate lists be put up for each census sub-district in order that persons may be able to check whether their names are on the list, and to avoid confusion. That, I am happy to say, has resulted in another useful provision with respect to the revisal districts and sub-districts. I am very happy to find also that each census sub-district is going to be made a separate polling station, and that provision will be made for voting at each polling station within the sub-district. It is a useful provision indeed. For one thing, it will eliminate the possibility of corruption and fraud by the use of motor vehicles. Each census sub-district will be within the heart of the people. We find today that the Bill is also relying upon that useful feature for the whole of the framework of the Bill for revising the preliminary lists and for the placing of objections etc.

At this point I must say how satisfied I am with the preparatory work which the BPI has done in making arrangements for the elections. A very difficult and tremendous task has been accomplished in a very able manner.

I think we owe the hon. the Attorney-General a very high meed of praise for the part which undoubtedly he has played in preparing this Bill with all its difficult legal aspects. Like the hon. Member for Central Demerara (Dr. Jagan) I have very little to object to in this Bill which, as I regard it, is designed to validate what has been taking place within the last month or two particularly, and more correctly, what has been taking place since June last year. But I must agree with the hon. Member for Central Demerara that there have been practical difficulties which I feel nothing can validate, and what little contribution I make to this debate will be to point to certain dis-

crepancies in the hope that after a careful discussion we may be able to cure those defects. In the first place I would ask hon. Members to note the definition of "the date of registration" and consider it in relation to clause 5 (1) (3) of the Bill which reads:

"(c) have resided in the revisal district in which they claim to be registered for a period before the date of registration.

The date of registration, as fixed in the definition clause, is the first day of January, 1953. Hon. Members will remember that enumeration of persons qualified to vote took place in September last year, as far as I remember. I am convinced that a large number of people have been guided, not so much by the 1st January, 1953, which is only now being defined in this validating Bill, but by the registration period when enumeration was taking place. Was there sufficient public notice given that the date of registration was the 1st of January, 1953? I did not see any definite announcement to that effect, and I very much doubt that the people in the rural districts saw that publication.

I attended one of the first Revision Courts this morning at Mahaicony, and I had to sympathize not only with the Revising Officer but with the people concerned, because there was certainly a state of chaos in my district. Notices had been taken up there on or about the 17th of February, requesting persons to send to the District Commissioner's Office notices of their claims to registration, or objections to claims, by the 20th of February. We cannot validate something which is impossible of being validated, because even if there was an extension of four days I say it falls short of the period of validation by the Ordinance which provides two periods—nine days to have their names inserted in the list of voters, and four days to object to other persons' names. I respectfully

submit that it was quite impossible for anyone to comply, within seven days, with what they should have been allowed nine days to do. That is the position, and I respectfully submit that it would be wrong to attempt to validate something which is illegal.

I speak for a district which has three rivers, and the registration areas are in some cases about 60 miles up the rivers. I have tried in vain to find out when the notices were put up extending the date. First of all I wanted to know when the revisal notices were put up, but all I was told by the District Commissioner's Office was that they were sent up. What has happened in the meantime? In the villages near to the places where the notices have been put up, persons got busy, and large numbers of names have been added to the list of voters, but some people did not know that a Revision Court was sitting this morning. When it was asked how the enumerators could have omitted the names of so many people we discovered that people did not know what was the registration date, and many of them were out of the district at the time, and did not know that their names could have been added then.

**The Attorney-General:** Added when? This morning, or during the last month?

**Mr. Debidin:** Nevertheless, those people who lived near to where the notices were posted up were able to have a couple of hundred names added. I became worried and wanted to know whether the enumerators had really done their work. My information is that the names of some of those people have been wrongly included, because they felt that as long as they went into the district a week or two before, they were entitled to have their names put on the list.

**The Attorney-General:** I made it perfectly clear on a previous occasion that two very important aspects of the situation regarding the submission of claims were (a) age and (b) residence. They must satisfy the Revising Officer with regard to both of those aspects of the situation. In other words, the three months' residential period must be observed just as much as the age qualification of 21 years before the 1st of January, 1953. People cannot come now and say that they have been resident in a district three months from this date.

**Mr. Debidin:** What was actually done is quite another matter.

**The Attorney-General:** The hon. Member was not here when I made that point in answer to a question by the hon. Member for Central Demerara (Dr. Jagan). I made that announcement on two occasions.

**Mr. Debidin:** I am glad I am supported on this side of the table, and I hope the hon. Member will give his experience. I am sorry the hon. the Attorney-General did not put it in the Press. How many people read it? The point I am making is that quite a lot of names are being put in of persons who do not come within the registration date.

**The President:** I want to get that quite clear. Are you saying that the people themselves write their names on the list?

**Mr. Debidin:** That is just the point. Forms are given to people whose names are not on the list, to submit their claims to have their names inserted. A campaign has been started in every district, as a result of which many names are being put on the list of persons who normally would not be entitled to be registered. I am not making a positive statement that they are all not qualified to be registered, but a good many of

them are not, because they were not resident in the district for three months prior to the 1st of January, 1953. Many of them have since come into the district but their names are being submitted as claiming to be entitled to be put on the list. This morning the Revising Officer read those names out. Many of them were not there, but from conversations I overheard I am left with the impression that those names have been wrongly registered. There was nobody who objected.

That brings me to my next point. I propose to deal with these irregularities step by step. These claims to be put on the register have been sent to the District Commissioner who compiled the list in accordance with the Schedule in this Bill, and had it posted up. I would like to know what provision has been made in this Bill for objections to the inclusion of those names in the list? As far as I can see there is no such provision, and no reasonable opportunity has been given for anyone to object to the inclusion of those names. In other words, those persons may all be on the list of voters on polling day, quite wrongly, and they will be entitled to exercise the franchise. For that matter they may be registered in two or three districts. Some may have come from the interior where they may have been for the last year or two, and I am sure that the enumerators went from house to house and asked housewives where their husbands were—whether they had been in the interior during the previous six months. An enumerator who discovered that a man had been in the interior during that period, would quite rightly inform his wife that he was sure he would be registered in the Interior constituency.

I am in favour of regularizing anything that is irregular, but election

laws are sacred, and in making them we have to exercise very great care. I was in the Mahaicony creek on Saturday when several persons told me that they were away planting rice when the enumerator came around, but their residence was there—what must they do about it? I told them that the time had passed; they must wait for the next revision of the list of voters. I think something ought to be done for those people in view of the bad notices. In other words the villages have had an advantage over the creek areas.

I would not like to see any impediment placed in the way to prevent the election being held, as planned, on the 27th April, but I would invite the hon. the Attorney-General to consider that aspect and see in what way he could cure the patent defect which may give some people an advantage over others. That is the simplest way I can put it. It is not the fault of the Head of the B.P.I. who has been saddled with a herculean task, but I would certainly like to record my disapproval of the lack of information which should have been given to the people, particularly those in the rural districts, having regard to the fact that there is a tremendous illiterate population exercising adult franchise for the first time in the Colony's history. Why this has not been done passes my understanding. I feel that far more publicity ought to have been given to these matters. Loudspeakers should have been used in the rural areas in the way the British Council does it with its mobile unit.

Hundreds of persons have no doubt had their names put on the list while they were under age. It is not sufficient to post these notices at a Magistrate's Court. Very often we find the same set of people going to the Court from day to day, while there are others who do not like to be seen at a Magistrate's Court or police station. How

many persons go to the Village Office? I am not suggesting that notices should not be posted at those places, but that they are not the best places. Notices should be posted at the Hindu temples and prominent places where people assemble regularly, such as the market places. How many people have seen the notices which have been put up at the Mahaica police station?

Apart from the lack of publicity we have lack of appropriate places where notices have been posted up. These have been deficient in a way which I hope can still be remedied. I am reading from clause 10 (3):

"The date specified in the revision notice as the days on which any preliminary list will be revised shall not be less than fifteen days after the publication of the revision notice."

This has certainly not been complied with and can never be complied with. I turn again to clause 22 which says that the Governor in Council may make regulations generally for giving effect to the provisions of this Ordinance and without prejudice to the generality of the foregoing may make regulations, etc. I have discovered this morning that only the beginning hour has been fixed and not the ending hour. People may still be coming out of the field on the revising day. I think the hours should be fixed as between the hours of 9 and 12 noon or between 9 a.m. and 4 p.m. Provision must be made to facilitate persons coming from a far distance. How can anyone coming from the upper reaches of the Mahaicony River district reach the revision Court at 9 a.m. unless he takes a special launch? That is something to be pondered over. Finally, sir, I would like to observe at this second reading of the Bill that I expected that provision would have been made for future lists to be compiled. I thought

that with such an elaborate Bill some procedure would have been laid down in it for future years so that claims can be made year by year by people who have come of age or who have changed residence and have the right to claim to be registered in the area of their new abode.

**The Attorney-General:** I do not wish to interrupt the hon. Member, but if he looks at the long title of the Bill he would see it gives the purposes of the Bill. So far as the general lists are concerned for future elections, we have the Legislative Council Elections Ordinance of 1955 which will have to be amended in the light of the changes in the Constitution, and I have given notice of the introduction of the House of Assembly Ordinance of 1953 which will deal with matters such as the hon. Member is seeking to raise now.

**Mr. Debidin:** Thank you. I am glad that has been mentioned, because I was going on to say, unless I assume that this Bill only applies to the preparation of a register of all British subjects of full age, other than persons subject to certain disqualifications, who on the 1st January, 1953, were resident in British Guiana for two years or more. I do not know what the position would be. I am glad that that information will be published so that it will be known, what has taken place. I am supporting the entire Bill. I feel sure that whatever has been pointed out here some attempt will be made to give effect to it, because I happen to know that the B.P.I. are very keen to co-operate with anyone to see that nothing goes wrong. I do hope that there will be some type of checking of all those who will be put on the supplementary lists in the light of what I have said, because of no opportunity for objections to those names and because everyone has not a chance of claiming to be on those and other lists.

**The Attorney-General:** My interruption is to get the position clear. The hon. Member is referring to the supplementary lists which it is proposed to make within the last couple of weeks.

**Mr. Debidin:** Effect should be given to the request to check the names which are going to be placed on the supplementary lists in the light of possible mistakes as to the date of registration. I am sure there will be a great deal of errors. The possibility of that is because they have been deprived of the two days for placing their names on the list. Some provision may be made to accept verbal requests or even written requests at some convenient time before the list is printed.

**The Attorney-General:** The hon. Member is therefore asking for an extension now.

**Mr. Debidin:** No. I feel some attempt should be made to make up for what might have been missed in the revisal period which has passed. I leave it at that.

**Mr. Lee:** My attention has been drawn, and I would like the Election Officer to take note of it, to this by a member of the public who told me that Tiger Island, which was thought to be in my Constituency, is occupied by tenants and the proprietor is seeking legislative honours at the forthcoming elections. If the polling station is confined only to Tiger island, those people could be—I would not say compelled but—induced to vote for the proprietor of that place. Therefore I am asking the Election Officer and the Government to place the polling booth on the mainland, so that the people of Tiger island can go there and register their votes. Then the proprietor will not be in a position to know for whom they voted, and it is only fair that that should be.

**The Attorney-General:** I am very grateful to the hon. Member for Eastern

Demerara (Mr. Debidin) for his kind reference to the Registration Officer and also to myself. I will assure hon. Members that every effort is being made by the Government to see, as I have said before, that the maximum number of persons qualified for registration are placed on the Register. But it should also be appreciated that there are considerable difficulties arising in that endeavour. As hon. Members are aware, the method adopted has been the method or procedure which was used in the course of enumeration for the purpose of the Census, and the Registration Officer, so far as was possible, used the services of persons who knew the districts of which they had to record the names of the people resident there.

The hon. Member for Eastern Demerara raised two points in connection with the supplementary lists. I am sorry the hon. Member was not in his place on the two occasions on which I referred to this matter, because I then endeavoured to lay emphasis on the objections in respect of which full opportunity should be given to persons who are qualified and who can register objections to any person seeking to make a claim to be registered. The same point the hon. Member has made, I made on those occasions.

I ask the hon. Member for Eastern Demerara whether he himself or any person is satisfied that persons claiming to be registered have not been already registered in some district and have removed since the enumeration was conducted, because it is essential that there should be an opportunity for objectors to register their objections, otherwise there may be people who are under a misapprehension, without necessarily committing perjury, that registration still continues and relates to their present residence, not realizing that the appointed day for registration is the 1st January, 1953.

The hon. Member has said from his observations this morning at the revising Court which was being conducted in the Mahalcoy District, that there were many claims submitted, and he drew the inference that a good many of those claims may possibly be due to the fact that the people had been living outside of their particular area during the qualifying period and consequently should not be registrable in accordance with the provisions of the Ordinance. Obviously we are not endeavouring to validate any such attempt or application to be put on the Register. It must be clearly understood that the appointed day is the 1st January, 1953. This fact being understood and fully appreciated, then the question of qualification must be relaxed to that. In other words, the claimant must be 21 before the 1st January, 1953, and must have resided within his district for three months before that day.

Hon. Members will recollect that the Bill which was passed some time during last year—the Special Registration Ordinance, 1952—made provisions in section 2 for the appointed day to be the 1st day of January, 1953, and section 4 provided that subject to the provision of section 5 of the Ordinance any person who is a British subject of 21 years and over or who has attained the age of 21 years before the appointed day and has been residing in the Colony for not less than two years immediately before the appointed day or is domiciled in the Colony, shall be a qualified person for the purpose of the Ordinance. It was on the basis of the Special Registration Ordinance which was enacted for the purpose of preparing these preliminary lists that enumerators went around in the various districts and subdistricts and made a record of those people who are

eligible to be registered having regard to this specific date, the 1st January, 1953.

Therefore there is no difficulty looking at it backwards, as hon. Members of this Council are looking at it forward. The 1st January, 1953, was the appointed day. If that is kept clearly in mind in relation to residence for the purpose of qualifying and in relation to the age for the purpose also of being qualified to register for voting, no difficulty arises there, but confusion of thought may arise because persons may feel that even today, the 2nd March, they are British subjects and over 21 and consequently they are entitled to be registered. That is not the point at all. As the hon. Member for Georgetown Central (Mr. Fernandes) said, they are not being denied the right of being registered for voting, but they are not entitled to be registered for voting in relation to this election. There is nothing to prevent them from being registered. Any person who is a British subject and is 21 years of age has a right to be registered, but this Council in its consideration of the various aspects of the matter, came to the conclusion that the 1st January, 1953, was a proper date to be fixed as the appointed day having regard to all the other aspects.

All that the Government is endeavouring to do is to see that the maximum number of those persons who are qualified, having regard to the provisions, are put on the register. It is quite possible there may be certain persons whose names for one reason or another may have been omitted from the list as compiled, even though they are qualified and come within the ambit of the Special Registration Ordinance and on which the enumerators proceeded to carry out their task. It was for that purpose the Government seeks to take steps to give them an opportunity with

a supplementary list of being placed on the register. If everything had gone perfectly well, their names would have been recorded on the register without any necessity for a supplementary list. There may be mistakes but not mistakes from the point of view of preventing persons from being on the register as being qualified having regard to the 1st January, 1953.

I do not think the hon. Member for Central Demerara or the hon. Member for Eastern Demerara can in any way seek to argue against that proposition, because that was the view taken by the Council in its full consideration of all the matters, when they sought to have this Special Registration Ordinance enacted. It may be, as the hon. Member for Eastern Demerara has said, a very big task but, as I indicated, there were at least 24 lists involving 140 registration areas and 205,296 voters on the lists. Consequently that indicates the desire on the part of the Government and its concern that those who are qualified should be put on the list.

As the hon. Member for Georgetown Central pointed out, to come back and say that the qualifying age of 21 years should be extended to enable any possible claimant whose birthday is on the 1st of March or the end of February to be put on the list, means that we will have to give that right to all who are 21 up to the day of the election, and this in turn means we will have to have some sort of additional enumeration, and those who may of their own volition fail to take the interest they should have taken will come forward and ask to be registered, and the others who may be living in some remote district and in fact less interested will not be put on the register. If we are to do it for one who is 21 years after the 1st January, 1953, then it will have to be universally applied. If that is so, it raises the other question as to the date

when it will be possible to hold the elections.

We must have a dividing line, whatever we do. Under the former provision there was a qualifying period of 21 years and a residence period of six months. The period of residence is now reduced to three months and consequently I suggest to hon. Members that we are making provision for all those who in the light of the decision of this Council should be placed on the register and who are entitled to be placed on the register having regard to the appointed day, 1st January, 1953.

The hon. Member has made a point with regard to the posting up of the notices, and I should like to tell him that the notices which appear in the Bill are really the minimum places. The places where those notices are to be posted up are the minimum requirements and correspond to the same places which were used for posting up the preliminary lists. I think the hon. Member has the credit of having made the point that these lists should be posted up at two places in each sub-district, when the Special Registration Bill was being discussed. That was followed throughout, and additional places have been utilised for notices.

There is only one other point, and that is the question of the appeal for some concession which the hon. Member for Central Demerara and the hon. Member for Eastern Demerara made with regard to persons who for legal purposes are resident in the revisal district but were away at the time of the enumeration for the purpose of cultivating rice. It is sought that some endeavour should be made to provide for them to be registered. They will come within the ambit of all those who are entitled to be registered as if they were at home within the district at the time of enumeration. That is to say, they

would be qualified but that is not to be taken as meaning that any person not legally qualified on the 1st January, 1953, to be put on the register should be permitted to do so. The difficulty in all these things is that one person sees his next door neighbour being registered and comes to the conclusion that he is entitled to be registered whether he is legally entitled or not. It is very difficult to explain to people who live in the same village why there may be a difference between one person who lives at one corner of the street and the other person who lives 100 yards off, and why one is entitled to be registered and the other is not.

**Mr. Debidin :** Just for information on this point. The emphasis on the appeal I made is not so much that those people are qualified but that they were not enumerated and did not have an opportunity to send in their claim, not having seen the notice to send in their written claim to be put on the additional list. It is a question whether they can be given a further chance.

**The Attorney-General:** I appreciate the hon. Member's point. In other words, there must be a period of extension to enable those persons to be registered because of the fact that they were not aware of the notice. That depends on the question of the time-table and can be dealt with when we go into the Committee stage. In view of what the hon. Member for Central Demerara has said, during the course of last week I studied that and was trying to work out something that would be satisfactory, but it would place a tremendous strain on the arrangements which are being made and which the Registration Officer is doing his best to carry out.

Question put, and agreed to.

Bill read the second time.

*At this stage (4 p.m.) the Council adjourned to 4.30 p.m.*

#### COUNCIL IN COMMITTEE

Council resumed, and resolved itself into Committee to consider the Bill clause by clause.

*Clause 3—Preparation of register for each revisal district.*

**Dr. Jagan:** The date of registration is January 1, but in view of what has been said I feel that if the new date of nomination is accepted it will help to get more people on the voters' register. I agree with the hon. Member for Georgetown Central that no matter what date is chosen, someone who will be 21 on the date fixed is bound to be left out. The idea will give those who may not have been able to avail themselves, a limited opportunity to put themselves on the list and I hope something will be done in the future to allow them to do so. I was thinking that if persons' names were left out of the original list and if they would not be able to make a claim within the period allotted them, I would suggest that further claims should be made in a form which will have to be filled in and sworn to before someone who is authorised by Government to receive oaths. If that is done and we accept the last date as being the date of nomination then only a few who may not have got on the list will be able to come on, and those who may become 21 by that date will be able to have themselves registered as voters. It is their right and I think it should be given to them.

**The Attorney-General:** The hon. Member knows and will appreciate the fact that the finally prepared list has to be sent to all 24 districts of the electorate and since nomination day is about 10 days before the actual polling day, I suggest that opportunity for

claiming up to nomination day will be completely impossible because the list will still be open awaiting objections and final instructions and the names submitted back to be put on the list. I think the hon. Member will agree that in all matters with regard to elections, there must of necessity be an appointed date. Subsequently to that, there must be arrangements of a certain nature and particularly in this Colony where we are having for the first time a tremendous increase in the number of persons who are registered, the lists have to be prepared, type-written, put into proper form and then filed.

In addition to that, the lists will have to be sent to the sub-districts and wherever there is a polling place as distinct from a polling booth, in order that the Presiding Officer will be able to check the voters' names. Consequently, it will be impossible to take Nomination Day as the last day of registration. I think the hon. Member will be advised to accept the position as it is. What I have been trying to do is to meet the comment of the hon. Member with regard to those persons who, through inadvertence, may not have been put on the list by January 1 which is closing day.

In addition to that, the lists will specific point with regard to registration generally, it will be realised that the arrangements are not only for elections this year from a general point of view. We are thinking in terms of those who will be 21 the day after nomination day, and this date will be just as difficult as the day before. It is desirable for the mind to be trained for the purpose of this preparation of the list not only for the present but for the future. I have prepared a draft in view of the comments of the hon. Member, to see whether this would meet the position

with regard to persons whose names, for one reason or another, may have been omitted from the register. But I must emphasise that it is absolutely essential that on the question of objection, procedure should be preserved. The hon. Member for East Demerara pointed out difficulties which must be inherent in just allowing people to go and put their names on the register. As I said and pointed out to hon. Members last week, there may be persons whose names may be in certain districts already and because they have not understood the position they have gone to the Revising Officer or the District Commissioner and attempted to get their names put on another list. Those matters have to be avoided. It is not desirable to have duplication of names in the same electoral district. If a voter is living in one electoral district, that is where his name should be. To give an opportunity for people to go from one place to another would be courting difficulty and, as I suggested before, impersonation, fraud and improper practice. It is desirable that no such thing should be committed.

**Dr. Jagan:** That is the point I made. It seems to me that it would be too late now to attempt to avoid such happenings.

**The Attorney-General:** What I have been endeavouring to explain is that to extend the period would cause considerable difficulty and it will mean very great pressure on the registration officer and his staff. The intention of Government is that all those who are registrable within the qualified period should have an opportunity to do so.

**Dr. Jagan:** I see from the list that the date has been extended for making claims to March 7th. Why could we not accept that date as the one upon which the applicant should be 21? I cannot see any difficulty in that.

**The Attorney-General:** It must be understood that we have to make registration satisfactory and ensure that the same factors for one will operate for all. Consequently, there must be a dead-line to the question of enumeration, so that those who are entitled by virtue of their becoming 21 between January 1 and March 27 should be put on the register. The basis of the whole thing is a method of enumeration adopted in regard to the preparations for the census the employment of enumerators to go around in the various districts with the particular qualifying period provided by this Council being borne in their minds.

**Dr. Jagan:** I quite appreciate the point made that this date was accepted by this Council sometime ago. But when that date was accepted there was no decision about the date of election. We are making provision for any person whose name may have been left out of the original list to be given the opportunity up to March 27 of having his name included in the list. I do not see what is the difficulty in that. The hon. Member suggests that if the date is accepted there may be persons who in the intervening period may become 21 and be left out of the list.

**The Attorney-General:** The enumerators are expected to do as reasonably perfect a job as the method of enumeration made it possible, and to see that no one is left out. The hon. Member is now seeking to go beyond the appointed time may be fixed." It must be borne in mind intention of this Legislative Council that the time should be extended the Council, instead of appointing January 1 definitely as the dead line date, would have said indefinitely "such a day as may be fixed" It must be borne in mind that the person who seeks to have his name registered makes an effort to do so. Government and the Legislative Council came to the conclusion that it was desirable that as large a number as

possible should be put on the register. It should not have been left to the action of any individual who was registrable to go and have his name registered. And so enumerators were sent around to go to the various districts and prepare these lists. It may be that in preparing these lists there are some, despite the careful efforts of the enumerators, who were qualified within the qualifying period but have been left out.

**Mr. Fernandes:** As long as individuals did not have the qualification on January 1, 1953, it is patent that this extension would be of no use to them. The extension was being introduced for everybody so long as the necessary qualification was there. Whether that qualification was residence, their being well over 21 years of age between the time the enumerators passed around and January 1, 1953, makes no difference; both can use this extension. The hon. Member's contention would be tantamount to saying that if you want to extend the date to March 7 as regards the age limit, then you will also have to extend the date of residence qualification to March 7. Anyone who was living in any area before December 7, 1952, will be entitled now to be registered. But that is not the intention. To attempt now to upset this date of January 1 in order to give everybody an equal chance of getting on the register, is certainly bound to cause postponement of the Elections for perhaps another month or two. This Council should have gone out of session since December but we are still here. I would not like to postpone the life of this Council a day longer than is absolutely necessary. We have been given this new Constitution and we should try and get through our business in order that its working shall commence.

**Dr. Jagan:** My reason for bringing this into the picture is for the

benefit of certain people, and indeed what is good for one should be good for all.

**Mr. Fernandes:** I understand the point but this is different. At the time of enumeration, every person over 21 who could be found was registered. The enumerators did not state when they visited the people's homes that all who were over 21 should not be registered, they told the people that everyone who was not going to be 21 by January 1, 1953 could not be registered. Therefore anyone who failed to have his name on the register has only himself to blame. They should all have taken the necessary steps to see when they were visited by the enumerators—even if they were working in the interior — to see that their names were on the list since that was their responsibility. Obviously, only those persons who really are so entitled will be put on the list. That is why I do not agree that this extension is for those who are entitled to be put on the list but were for one reason or the other left out.

**Mr. Roth:** I beg to move that the question be now put.

**Dr. Jagan:** Sir, I am going to move an amendment that the date of registration be changed from January 1 to March 7, 1953.

**The Attorney-General:** I will advise hon. Members that if that date is accepted, it will mean a postponement of the elections because enumerators will have to go over again all they had already done in the work of listing names.

**Mr. Fernandes:** If the hon. Member attempts to do that, it might bring back what the Council passed some time last year and clearly laid down January 1 as the dead-line date; and the

elections will at least be delayed for a month or more.

**Mr. Luckhoo:** I wish the hon. Member will realise that by his amendment elections will not only be held up, but the the enumerators will have to go over the impossible task of getting around to the people.

**Dr. Jagan:** I do not see that.

**The Attorney-General:** What the hon. Member does not appreciate is that the enumeration was conducted on the basis of the Special Registration Ordinance which fixed January 1 as the date. That is how they went about enumerating names of the public and recording them. The hon. Member is now seeking to extend that date but, as pointed out by the hon. Member for Georgetown Central, the date put down in this Bill is to correspond to the Special Registration Ordinance on the basis of the enumeration as it provided.

**Dr. Jagan:** In view of the expression of opinions by Members, I beg to withdraw my amendment.

Clause 3 with the amendment by the Attorney General substituting the word "each" for the word "such" in the first line, passed.

Clause three was then put, with the amendment by the Attorney General substituting in the first line the word "each" for the word "such," and passed.

**The Attorney General:** I ask leave to insert a new clause 24, copies of which have been circulated, thereby giving an opportunity to persons who were qualified within the terms of the Special Registration Ordinance before the appointed day, that is the 1st January, 1953, and who, through some omission, have not had their names registered in their districts. I would emphasize that

two points must be borne in mind - (a) a person must be 21 years on or before the 1st January, 1953, and (b) must have had a qualifying period of residence in the district of three months. It is proposed to grant this concession up to the 7th day of March, but it gives an opportunity to all those persons who wish to be registered to fill their forms if they have not done so. It is all set out in the new clause 24, while a new clause 25 fixes the date for the commencement of the Ordinance as the 19th January, 1953.

**Mr. Roth:** Whilst not opposing the new clause 24 I would like to know what practical value would it be to those persons who are not in the immediate vicinity of Georgetown, seeing that they will have only five days to make their claims for registration. Where are they going to get the forms?

**The Attorney-General:** I understand that there are some persons who have submitted their claims to the Registration Officer and may be to the District Commissioner, but who would not be within the time, having regard to the fact that the Revising Courts have been scheduled to sit today, tomorrow, Wednesday and Thursday. If they have complied with all the requirements and their claims have been submitted to the Revising Officer before he closes his Court, this clause gives them added time, as they have done their best to comply with the requirements.

**Mr. Roth:** In other words, it is a validating clause.

**The Attorney-General:** No, it enables the Revising Officer to deal with claims which he would be justified in putting on the register, because they are qualified persons but their claims may not have reached him before the date fixed for the Revision Court.

**Dr. Jagan:** In other words this clause gives them an opportunity to make a new claim.

**The Attorney-General:** Not in the sense which the hon. Member advocated earlier. This gives them an opportunity to submit their claims if they come within the ambit of the qualifying age and the qualifying period. It imposes considerable pressure on the Registration Officer and his staff, and on the printers.

**Dr. Jagan:** It is a good measure, because it will be found that while the Revision Court is being held people will realize that their names are not on the list, and this clause would give them an opportunity to have the omission rectified. I observe, however, that paragraph (c) provides that on the 11th of March the District Commissioner shall affix to a Magistrate's Court, a list of persons making these claims. Why is the posting up of the list being restricted to a Magistrate's Court instead of being done at Post Offices, school-rooms and other places where it was posted before? What is the reason for the change?

**The Attorney-General:** Time. Today is the 2nd of March and the District Commissioner may be receiving claims. This is an endeavour we are making to enable those people to have a chance to register their names. Consequently we cannot put it in the same category as the others, because they have not the same amount of opportunity and the same amount of time.

**Dr. Jagan:** A person may be living at one end of say Windsor Forest, and the Revision Court may be held at Vreed-en-Hoop. If he puts in his claim before the 7th of March the Revising Officer has between now and the 11th of March to post it up. I see no difficulty in posting the list up in his particular district. There will not be many

names. A person would have to go to the Magistrate's Court to find out whether his name has been posted up on the list. He will have to go first of all on the 11th of March to see whether his name is there, and under paragraph (d) another date will be fixed for the Revision Court, on which he would have to go again to see whether there is any objection to the inclusion of his name in the list.

**The Attorney-General:** The hon. Member must realize that these are special provisions having regard to the particular circumstances. It is difficult now to apply the provisions to these particular cases. The hon. Member agrees that we should endeavour to provide facilities for people whose names have been omitted from the register, to have their names placed on the register. These are special notices to meet the difficulty, and it cannot be expected that we can now follow the same procedure hitherto adopted when things could be done in a more leisurely way, if I may use that term. By that I do not suggest that it was an easy business.

**Dr. Jagan:** The man who is posting the list at the Magistrate's Court and the Post Office could also post it at the other places, so that people could go to the nearest point.

**Mr. Fernandes:** I do not think the hon. Member's suggestion would create any difficulty. It might cause some slight additional expense, but in a matter of this importance we cannot look at that.

**The Attorney-General:** I propose to add the words "or a post office or both such Court and post office," in paragraph (c), but that would not preclude the District Commissioner from posting the list up at other places.

It will be observed that paragraph (f) fixes the 24th of March as the day

on which the Revising Officer shall proceed to determine each claim, so that there will be no question of variation. I hope hon. Members who are concerned in the matter will let their agents and constituents know of this procedure.

Clause 25 put, and agreed to.

Clause 25. *Commencement.*

**The Attorney-General:** The reason for proposing that this Ordinance should come into operation on the 19th of January is in view of the fact that Revising Courts have already been held in two districts—Bartica and Interior and the North West.

Clause 25 put, and agreed to.

Title and Enacting clause put, and agreed to.

Council resumed.

**The Attorney-General:** With the consent of Council I move that the Bill be now read a third time and passed.

**The Colonial Secretary:** I beg to second the motion.

Question put, and agreed to.

Bill read a third time and passed.

#### HOUSE OF ASSEMBLY (SYMBOLS AND COLOURS) (ELECTIONS) BILL 1953

**The Attorney-General:** In pursuance of the notice of motion I gave earlier this afternoon, I ask leave to move that the Standing Rules and Orders be suspended to enable me to take through all its stages the House of Assembly (Symbols and Colours) (Elections) Bill. The urgency of this Bill will be appreciated by hon. Members, because at least there are some Members who wish

to know their position with regard to symbols and colours which may be used, and also as regards photographs, following upon the suggestion made by the hon. Member for Demerara River (Capt. Coghlan). I shall be grateful if hon. Members will approve of the motion so that I may proceed with the second reading of the Bill. If there are any points arising out of the debate then I shall have to ask for an opportunity to enable me to deal with them.

**The Colonial Secretary:** I beg to second the motion.

Question put, and agreed to.

Standing Rules and Orders suspended.

**The Attorney-General:** I move the first reading of a Bill intituled:

"An Ordinance to make provision for the allocation of symbols and colours to persons desirous of being nominated at the first election of Members of the House of Assembly and for other matters in connection therewith."

**The Colonial Secretary:** I beg to second the motion.

Question put and agreed to.

Bill read a first time.

**The Attorney-General:** In moving the second reading of this Bill I would point out to hon. Members, as they will see from the memorandum of Objects and Reasons, that it is to make provision for the allocation of symbols and, where required, of colours to persons desirous of being nominated as candidates at the first election of Members of the House of Assembly constituted by the British Guiana (Constitution) Order in Council, 1953. It is considered that the use of symbols and colours will assist illiterate voters to vote for candidates of their choice.

Sub-clause (1) of clause 3 seeks to provide that every person desirous of being nominated at the election shall, on certain conditions, be allocated a symbol at least 30 days before the date fixed for nomination of candidates, and that no person to whom a symbol has not been allocated shall be eligible to be so nominated. Sub-clause (2) of clause 3 seeks to provide that a symbol allocated to any person shall entitle him to nomination as a candidate only in respect of the electoral district for which such symbol has been allocated to him.

Sub-clause (1) of clause 4 seeks to provide that every person desirous of being nominated in respect of the electoral districts described in the First Schedule to this Bill shall, on certain conditions, be allocated a colour at least 30 days before the date fixed for nomination of candidates, and that no person to whom a colour so required has not been allocated shall be eligible for nomination as a candidate. Sub-clause (2) of clause 4 seeks to provide that a colour allocated to any person shall entitle him to nomination as a candidate only in respect of the electoral district for which such colour has been allocated. The provisions of this clause are designed especially to assist Amerindians in voting.

Clause 5 seeks to provide for applications to be made by a prospective candidate for a symbol, or for a symbol and a colour to be allocated to him, and for a deposit in the sum of \$240 to be made to the Financial Secretary and Treasurer prior to the allocation of a symbol, or of a symbol and colour as the case may be. This clause also seeks to provide that a prospective candidate shall, prior to allocation of a symbol or a symbol and a colour, supply the Registration Officer with a photograph of himself.

Clause 6 seeks to provide the mode of allocation of symbols and colours. Clause 7 seeks to provide that, except in certain cases, each candidate will be entitled to the sole use of the symbol or symbols and colour allocated to him in respect of the electoral district for which such symbol or symbols and colour were allocated. Clause 8 seeks to prescribe the conditions on which six or more candidates may be allocated a common symbol. Sub-clause (4) of this clause seeks to provide for the allocation to a prospective candidate of a symbol already allocated to other prospective candidates with the latter's consent, given by way of a statutory declaration to that effect.

Clause 9 seeks to provide for the keeping of a register containing a record of the names, occupations and addresses of prospective candidates to whom symbols or symbols and colours have been allocated, a description of the symbols and the colours allocated to them, and of the electoral districts in respect of which such symbols and colours have been allocated.

Clause 10 seeks to provide for the conditions under which a deposit made by a prospective candidate may be forfeited.

With regard to the Bill itself, sub-clause (1) of clause 3 reads:

"Every person desirous of being nominated at the first election of Members of the House of Assembly (hereinafter referred to as "a candidate", shall not less than thirty days before the date fixed for the nomination of candidates be allocated a symbol in the manner and on the conditions hereinafter provided by this Ordinance, and no person to whom a symbol has not been allocated shall be eligible to be nominated as a candidate at such election."

I propose later on to ask for an amendment there, because that means

we must have 30 days from nomination which is not fixed, and accordingly I think it would be more appropriate to deal with that in another way. I propose to suggest that the words "less than thirty days before the date fixed for the nomination of candidates" be deleted and the following words substituted thereof:

"Later than the eighteenth day of March, nineteen hundred and fifty-three."

We do not know at the moment when the nomination day is to be. Circumstances may arise and the nomination day will be the variable point, whereas the 18th March is definite. The result may be the same, but the approach is different. I only point that out. Sub-clause (2) reads:

"Where a symbol has been allocated to any person, he shall be eligible for nomination as a candidate only in respect of the electoral district for which the symbol was allocated."

Clause 4 is designed especially to assist Amerindians in voting. Sub-clause (1) seeks to provide that every person desirous of being nominated in respect of the electoral districts described in the First Schedule to this Bill shall, on certain conditions, be allocated a colour at least thirty days before the date fixed for nomination of candidates, and that no person to whom a colour so required has not been allocated shall be eligible for nomination as a candidate.

The same point arises here in regard to nomination day. Hon. Members will realize the necessity for the inclusion of this provision, because I have been made to understand—and hon. Members should know the subject with regard to election better than I do though I know some part of it—that so far as the two electoral districts referred to in the Schedule are concerned

Some of the possible voters in those districts have no sense of appreciation of symbols. They are illiterate, and voting by colour may be possible and a more satisfactory way for them in regard to this matter. So this provision is inserted particularly for those two districts—the North-West District, and the Bartica and Interior District. It is to assist the Amerindians in their voting.

Clause 5 provides for applications to be made by a prospective candidate for a symbol, or for a symbol and a colour to be allocated to him and for a deposit in the sum of \$240 to be made to the Financial Secretary and Treasurer prior to the allocation of a symbol, or of a symbol and colour as the case may be. This clause also provides for a prospective candidate, prior to allocation of a symbol or a symbol and a colour, to supply the Registration Officer with a photograph of himself. Clause 6 provides the mode of allocation of symbols and colours. Clause 7 seeks to provide that, except in certain cases, each candidate shall be entitled to the sole use of the symbol and colour in respect of the electoral district for which such symbol or symbol and colour are allocated.

Clause 8 prescribes the conditions on which six or more candidates may be allocated a common symbol, and sub-clause (4) of this clause seeks to provide for the allocation to a prospective candidate of a symbol already allocated to other prospective candidates, with the latter's consent given by way of a statutory declaration to that effect. Clause 9 provides for the keeping of a register containing a record of the names, occupations and addresses of prospective candidates to whom symbols or symbols and colours have been allocated, a description of the symbols and the colours allocated to them and of the electoral districts in respect of which such symbols and colours have

been allocated. Clause 10 provides for the conditions under which a deposit made by a prospective candidate may be forfeited.

I think hon. Members will agree that the provisions in this Bill endeavour to carry out the wishes of hon. Members as expressed from time to time. The hon. Member for Demerara River (Capt. Coghlan) raised the point with regard to having photographs attached to ballot boxes for the Amerindians. The hon. Member for North Western District (Mr. Phang) asked that the question of colours should receive consideration. All those provisions have been made. In addition to that there is the question of groups of more than six candidates who may wish to use a particular symbol, and provision has been made in that regard. It is to be observed that a group may apply for and use a common symbol, but each individual candidate will have to make his deposit of \$240.

So far as the photograph is concerned it will have to be signed by the candidate just the same as a passport photograph, and it will be of the same size—2½ inches by 2 inches. I propose to insert provision for that size of photograph when clause 5 is under consideration in Committee. There is nothing further which I can add now, and I beg to move that the Bill be now read a second time.

**The Colonial Secretary:** I beg to second the motion.

Question put, and agreed to.

Bill read a second time.

COUNCIL IN COMMITTEE

Council resolved itself into Committee to consider the Bill clause by clause.

*Clause 3—Allocation of symbols.*

**The Attorney-General:** I ask leave to substitute the words "later than the eighteenth day of March, nineteen hundred and fifty-three" for the words "less than thirty days before the date fixed for the nomination of candidates"

**Dr. Jagan:** When we accept the 18th March we are almost saying it is the nomination day, because after that no one can get a symbol but can get his photograph and his name registered.

**Mr. Fernandes:** Later on I think the Bill says that a person cannot be nominated if he has not made his deposit and obtained a symbol. That is the point I was worried about—the question of obtaining a symbol—and I want the hon. the Attorney General to guide me on that point, because it may create a hardship. I take it that all that is required of a candidate is (1) he pays £50 as a deposit; (2) he supplies to the Registration Officer his photograph; (3) a symbol is allocated to him. I take it that no candidate is bound to pay the £50 with his own hands, or bound to hand in his photograph with his own hands, or to draw a symbol personally.

I take it that if he sends someone to pay the deposit and get a receipt that would be satisfactory; also if he sends in his photograph properly certified on the back, and also if he authorizes someone in writing to draw a symbol on his behalf, that would be satisfactory. I just want to be quite clear on that, because I would not like any prospective candidate to be disqualified because he did not happen to be there in person to do any one of those three things, particularly the drawing of the symbol. I am perfectly sure that my interpretation is correct, but this is so vitally important a point that I would like it to be

verified by the hon. the Attorney General.

**The Attorney-General:** The intention is that a person can be authorized to do those acts. If the hon. Member looks at clause 6 he will see:

"(1) Subject to the provisions of section eight of this Ordinance a symbol, and where required by section four of this Ordinance a colour, shall be drawn for by the candidate, or by any person authorized in writing by the candidate in that behalf....."

(2) The symbol or colour drawn shall be allocated to the candidate drawing the same in respect of the electoral district for which he has requested the allocation."

Then clause 8(1) states:

"Where six or more candidates in respect of different electoral districts, desire that a common symbol be allocated to them, they shall make a statutory declaration to that effect in the form set out as Form No. 2 in the Second Schedule to this Ordinance and in that declaration shall authorize and appoint one of their number to draw a symbol on their behalf."

In other words, it would not be necessary. If six candidates sign a declaration authorizing one of their number to draw their symbol, that would be sufficient. I think that answers the hon. Member's point. So far as the payment of the money is concerned it does not necessarily mean that he has to pay it in person. That is provided for somewhere else.

**Mr. Lee:** There is only one thing I would like to refer to. A candidate has to sign his application to the Registration Officer, whereas according to the contention of the hon. Member for Georgetown Central clause 5 (1) says "Subject to the provision of section eight of this Ordinance, every candidate

or his duly constituted attorney or representative." It seems that it is obligatory on every candidate to sign this application, and I would like that act to be extended to a candidate's duly constituted attorney or representative, so that if a candidate is away from the Colony his duly constituted attorney or representative could sign the application and do all that is necessary. I remember there was an election petition some years ago and the Ordinance was amended so that a person could act for a candidate in his absence. I do ask that that be considered.

**The Attorney-General:** Is the hon. Member drawing a distinction between a person and a person authorized in writing, because clause 6 provides for a person authorized in writing to act.

**Mr. Lee:** I am not talking about clause 6. I am talking about the application which has to be made, and that is in clause 5. I am not talking about the symbol which can be drawn by anyone, but the application to be a candidate. That has to be done by the candidate himself.

**The Attorney General:** I see the hon. Member's point. He wants an explanation of that.

**Dr. Jagan:** As it is now the intention of Government to declare the 18th March as Nomination Day, I would like to know now what is my symbol. I do not think candidates should wait until Nomination Day to know what their symbols are before they are able to go around to their respective Constituencies to educate their voters about them. Such a date would certainly enable other qualified persons whose names did not appear on the Voters' register an opportunity to do so since there may be some persons who may not make up their minds until Nomination day. I suggest

that the word "shall" be inserted in the Ordinance between the first of March and the date of Nomination mentioned in the Ordinance.

**The Attorney-General:** You must accept the date of Nomination because all the arrangements have to be made accordingly and in addition provision has to be made for candidates' photographs and the register prepared from the various electoral districts. All those things have to be considered and we cannot wait until Nomination Day for all of them to be done.

**Dr. Jagan:** What I am saying is so far as this Bill is concerned the date of nomination and the date for candidates to apply for their symbols is almost the same. Therefore, the application for symbols should begin right away and go on to whatever the period or date of the nomination. That will be the last day on which he should apply.

**The Attorney-General:** The point is that we cannot legally make the last day for application for symbols coincide with the nomination date. The procedure is totally different, it is a completely different approach. This arrangement is for the purpose of giving candidates their symbols and colours and for them to submit their photographs to the necessary machinery for the purpose of getting on to the nomination day. But Members will also agree that in the meantime there could be some provision against the person who would come along and draw a symbol and if that, along with the allocation of colour, were not appropriate to him, would say—"I do not want this anymore, I am not going to worry to come forward for Western Berbice or East Demerara. I will have to give up the idea as somebody persuaded me to drop out." That is the reason why we

have to make this \$240 payable; it has nothing to do with Nomination Day. We must have some clear cut and definite arrangements with regard to all those who are connected with the question of nomination, allocating of colours and those who paid their money.

**Dr. Jagan:** The distinction between the two periods is only a question of formalities, the candidate has to make a deposit by March 18 in order to obtain his symbol without which he could not be nominated.

**Mr. Luckhoo:** This is like a race horse meeting, but we are only now at the starting gate.

**Mr. Roth:** It is obvious that unless a candidate has a symbol he cannot be nominated, and he cannot be nominated until he has paid his deposit of \$240.

**Dr. Jagan:** What happens if a candidate pays his deposit and is not nominated. Does he lose the whole deposit?

**The Attorney-General:** Yes.

**Dr. Jagan:** I am not objecting to 18th. of March providing Government feels that should be the last day, but there should be no difference between the two. The question for Government to decide is what shall be nomination day and what is the last day for that.

**The Attorney-General:** This Council has to go out of session and cease to function before the new elections. Certain arrangements have to be made so far as preparations are concerned — preparations of symbols, ballot boxes, photographs and things of that sort. and so it is desirable that the Registration Officer should be aware of those people who are going "to face the st rter". That is the "weighing-in"

period, if I may be permitted to use the expression, for some Members. What is bothering the hon. Member is the question of deposit if the candidate has not been allocated a symbol, he will not be entitled to be a candidate on Nomination Day.

**Mr. Fernandes:** I followed it very carefully. Normally deposits are made on the day of nomination, but in order to have the symbols and ballot boxes prepared it is essential now to allow at least a month more. In that case, if the Elections are to be held on the 27th of April, it is obvious that the last date on which those arrangements can be made would be the 18th of March, but I can quite see that if Government decides to make March 18 Nomination Day we may find that some small point has been omitted in connection with Election, and there would be no Legislative Council in existence to make the necessary law. In my opinion, as far as the deposit is concerned, Nomination Day is March 18. I can see the wisdom in this provision and I do not think we should spend more time on it.

I think hon. Members will see that it is wise to keep the Council in existence long enough to see that arrangements are properly concluded for the Election. As far as I am concerned, if the hon. the Attorney-General assures me that it would be quite in order for a candidate's attorney to make application for his symbol I would be satisfied. I remember that on a previous occasion the Deputy President (Mr. C. V. Wight) and the hon. Member for Central Demerara (Dr. Jagan) were nominated for a Municipal election in their absence from the Colony and both were disqualified as a result of an election petition. The races are going to be very interesting, and we would not like to see any of the good horses drop out.

**Dr. Jagan:** I was trying to inquire whether Government is satisfied with

the position that Nomination Day would be practically five weeks before Election Day. I would suggest that instead of March 18 we should fix March 27 for deposits to be made, which would be exactly one month before Nomination Day.

**The Attorney-General:** For the purposes of preparation and the work entailed by the election I think an adequate period should be allowed. The only question is whether a candidate should pay his deposit before nomination or not. There is one aspect of it which requires consideration, and that is that if a candidate fails to apply for his symbol by the 18th of March he could be a candidate and make his deposit afterwards but he would not be entitled to get a symbol. In other words the granting of a symbol, which entails preparation and other related matters, would have a limited point of time. After that a candidate would have to proceed on the strength of his photograph and his name alone.

**Dr. Jagan:** I think we agree that a candidate should have his symbol and everything else, but I am suggesting that one month would be sufficient time for preparation — from the 27th March to the 27th April. There are lots of poor people who want to run for election but have not got the deposit money.

**The Attorney-General:** I have had representations made to me with regard to the amount of money required to be spent. At the present time the amount allowed a candidate is \$500, and I am told that it is not sufficient.

**Dr. Jagan:** I am not interested in the amount allowed to be spent. I am interested in the deposit, and I am saying that there are some people who cannot afford to pay their deposit, so that if the date is fixed too early they may be debarred. Some people may be able to make collections. I know of many

candidates to whom \$240 is a lot of money. Some of them have not seen that sum in all their lives.

**Mr. Lee:** If a candidate cannot collect \$240 from his constituents he should not come forward at all.

**The Attorney-General:** I am sure the hon. Member does not wish to press his amendment.

**Dr. Jagan:** I am only going to move one amendment, to change the 18th of March to the 27th of March.

**The Attorney General:** From the point of view of preparation that time would not be sufficient. The printers would have a tough job to get through all the printing.

**Dr. Jagan:** It does not follow that everybody will wait until the 27th of March to make the deposit. Many candidates would like to get their symbols in order to bring them to the notice of the electors. The amount of the deposit is not a problem with many prospective candidates, so that there would be an early rush for symbols. As far as the Registration Officer is concerned any person who has applied for a symbol is a candidate. I think one month would afford adequate time for preparation.

**The Attorney General:** The hon. Member does not realize that the Registration Officer has to make arrangements for 24 Electoral Districts and sub-districts, and the few persons who will come along late will throw the whole arrangement out of order.

**Mr. Fernandes:** Surely the hon. Member for Central Demerara must know that the only persons who will be in a hurry to rush for symbols will be those in the remote areas, as it will take a long time to get the symbols to the various areas, but those persons in the

nearby areas are going to wait until the last minute. Even in racing you wait for the last minute to enter your horse so as to find out who is entering for each race; if you find there are too many strong thorough-breds in one race and you had intended to enter in that race you would pull out and enter in another race. If everything is to be done on the March 18, everybody would have to make up his mind where to start. I would not like this Bill to cause the Registration Officer to find himself in a terrible plight in the last week before the elections and possibly because of a little irregularity on election day. I would much prefer to give him all the time necessary. I have no doubt those persons finding themselves in difficulty to find the deposit, if they have any chance at election, would have no difficulty in raising the amount. It is not a fine they have to pay, because as long as they can poll 15 per cent of the votes polled the money is coming back to them. There should be no difficulty for anyone to find that money. I do not think that will create any hardship.

I do agree that you should allow the Registration Officer ample time. It is the first time he will be handling an election under these conditions, and you must allow him ample time otherwise you may find him breaking down under the rush, and we may find ourselves in a difficult position. I feel sure that the 18th of March will create no unreasonable hardship, and will give not only the Registration Officer but candidates time to know who are opposing them and to plan their campaign accordingly. Six weeks is a short time for anyone to run a campaign. Speaking for myself I am going to wait until entries close before I start to exercise, because I will know then who exactly is in the race. I

think six weeks is not too much time in which the Registration Officer and candidates themselves can settle down and prepare for the election.

**The Chairman:** I put the question of the date, the hon. Member for Central Demerara's amendment, that it should be the 27th instead of the 18th.

Question put, and negatived.

**The Attorney-General's** amendment put, and agreed to.

Clause 3 as amended passed.

*Clause D— Allocation of colours.  
First Schedule.*

**The Attorney-General:** I shall ask leave to insert the same amendment—to substitute for the words "*less than thirty days before the date fixed for nomination of candidates*" the words "*later than the eighteenth day of March, nineteen hundred and fifty-three.*"

**Dr. Jagan:** The First Schedule has only two districts—North West and Bartica and Interior. I think the argument which is given here is that the Amerindians cannot distinguish symbols. I am not too sure about that. My experience, limited though it be, is that they are very intelligent. I do not say they are better off or worse off than any Indians in the Colony. If we are going to exhibit boxes with colours we should make it for the whole Colony. I do not see why we should have specified districts. I do not agree with it. I do not know that we should make a special distinction in these two cases. It is true it may be said that in the other districts you may have ten

candidates necessitating ten colours whereas in the two remote districts you may have one or possibly two candidates at the most. We cannot be too sure about these things. At the last minute we may find candidates going out there and many in the coastal districts dropping out. So far as I am concerned although I can see the difficulty of having twelve distinct colours, I do not anticipate there are going to be more than five candidates for three seats. In Trinidad there were 10 to 12 candidates for a seat, but when the election actually came on the scene in most cases there were only a few candidates. When the rush was on for almost every seat in that Colony there were 10 to 12 candidates but later on they fell out and there was not that difficulty as was anticipated. If we are going to accept colours I think it is a good idea, but we should accept it for all. It would help those people who are illiterate to be able to distinguish one candidate from another.

**Mr. Roth:** Perhaps the hon. Member can tell us how to get 108 colours to distinguish the candidates.

**The Attorney-General:** It is very difficult to get the required number of colours because as I see it—I may be wrong — there may be 10 or more candidates and each one will want a colour. That would be really reducing it to racing conditions. In these two districts it is particularly necessary because a large number of Amerindians are in those districts who, I was made to understand, are unable to vote or cannot appreciate anything written or photographs and will only be able to follow by way of colours. Another aspect of it is this: the ballot will be by way of colours too, and is absolutely essential that we avoid the use of too many colours which

will create confusion. When the voter goes to the Election Officer and his name is checked on the Voters' Register, he is given a disc which will be of a particular colour, and he goes into the booth.

The point is this: in your distribution of the colours what is being used for the purpose of the disc may correspond with one of your proposed colours for the candidates. I think hon. Members will be advised to leave very well alone. If there is the extreme case where the people, because of their condition, have not reached the point of appreciation of photographs, this provision would be particularly limited to them. We do not want to extend it. I think it should be the other way about. We should strive and hope that the time would soon be here when it would not be necessary either to vote by colours or by symbols.

**Mr. Farnum:** It has been decided to have colours for these two districts—North West, and Bartica and Interior—but I certainly do not agree that the Aboriginal Indians in the North West District are not able to vote by photographs. That is stretching it. Most of these Aboriginal Indians in the North West District are brought up under the Missions which are scattered over the interior. Those at the Missions are fairly educated and you have some of them going to St. Stanislaus College in Georgetown to be further educated. At the Missions they are under the tutelage of the Nuns who have been running their schools and convents for over 100 years. I do not agree that they will not be able to appreciate photographs.

**The Attorney-General:** I think all hon. Members appreciate the observation of the hon. Member, but,

these provisions are not being made for the educated of any class. It is for those who have been given the right to vote and who had not the opportunity to be educated at the Missions. That applies to the Amerindians in Bartica and persons in an electoral district on the coastland, who cannot read or write, and therefore have to vote by symbols. I have expressed to hon. Members the hope that this will not be necessary the next five years from now.

Clause 4 as amended passed.

*Clause 5 — Application for allocation of symbol and colour and deposit to be made. Second, Form No. 1*

**Mr. Lee:** I recommend an amendment to be made here—the insertion of the words “or their duly constituted attorney” after the word ‘candidate’ in the second line.

**Mr. Fernandes:** It ought to read: “any candidate or anyone authorized by the candidate in writing.” It is not necessary that the person should be an attorney as long as the authorization is in writing.

**The Chairman:** It is the same as in clause 6.

**Mr. Fernandes:** An attorney is authorised by law and it is not necessary for him to get a special authorization for this purpose. If he has a full power of attorney he can do anything. It is the same as in clause 6.

**Mr. Lee:** I accept that.

**Mr. Macnie:** I would like to suggest that in this clause where it says “shall make application” it should be made quite clear what the candidate should do and when he should do it. The date should be stated, because he cannot

know the date unless he reads it in the clause. The words “shall not later than the eighteenth day of March, nineteen hundred and fifty-three” should apply there.

**Dr. Jagan:** It is no harm being redundant there.

**Mr. Macnie:** It makes it abundantly clear. Everybody will know what he has to do and when to do it.

**Dr. Jagan:** I agree with the hon. Member that this thing must be made very clear. Many candidates are not going to appreciate that this is not nomination day. Therefore I am going to agree with the hon. Member. I am wondering whether it is necessary to put photographs in this clause. If you put photographs on the ballot boxes it means the symbols and photographs would become similar in effect.

**The Attorney-General:** I think hon. Members would see that sufficient space is provided at the top of the ballot box (exhibited) for photograph, symbol and name. The photograph will take up one-half of the space and the other half will have the symbol at the top and the name at the bottom. It will accommodate the size of photograph such as I have mentioned before.

**Dr. Jagan:** I see that the ballot boxes are made already. I would have much preferred to have one-third of the space for the name at the top and the other two-thirds for the symbol.

**Mr. Lee:** The boxes are already made!

**Dr. Jagan:** I merely mentioned that because I do not see the necessity for having photographs. It is an additional expenditure which I do not think is necessary. I know some hon.

Members have very handsome faces but I do not think —

**The Attorney General:** A Solomon among the prophets!

**Dr. Jagan:** I will not object to that, as provision has been made for it.

**Mr. Roth:** As regards the photographs, I trust candidates will smile in their photographs. Knowing the psychology of the people. I fear they may contend they do not like the face in the photograph and vote accordingly.

**Mr. Macnie:** One photograph only is to be on the ballot box. Who will be producing the required number?

**The Attorney-General:** They must be unmounted photographs of the size of 2½ by 2 inches. My own recollection is that the candidate's photograph must be certified by a Magistrate, Barrister or Minister of religion.

**Mr. Fernandes:** What is worrying me is the reproduction of photographs. In some districts some 30 prints will be needed and I think Government will have to be very careful with the reproductions of those photographs if not in some instances the candidate is likely to look very horrible in comparison to the original. My own view is that the candidate should supply the requisite number of photographs and then there would be no doubt about reproductions not being as good as they should be because candidates would see to it that they supplied only those which were to their satisfaction and in the manner they would like to appear. If Government is to undertake the reproduction of these photographs much care will have to be exercised if not Government will open itself to accusations that special preference is given to certain

candidates whose reproductions were identical to what they were like, while others were made to look horrible. Ever since I saw this Bill, I did not like the idea of the photographs, I nevertheless accepted it but I do think something should be done about this question of reproduction.

**Dr. Jagan:** In view of the remarks on this question of photographs I can see that a person will, in the circumstances, be able to recognise the symbol much better than the photographs which may not always be recognisable and as descriptive as the owner would like to appear.

**Mr. Luckhoo:** I will ask the hon. Member for Central Demerara not to proceed with that line of argument because the voters may more readily recognise the photograph of their candidate than know what the symbol is.

**Mr. Fernandes:** The importance of care being exercised with the reproduction of photographs lies in the fact that one or two people may appear alike and a casual look by a voter may cause him to mistake one for the other. That, of course, is where the symbol is useful, to assist people who do not know their candidates well enough to recognise them rapidly among others. I am fortunate in that I am very easy to be recognised among the other candidates in my area. So that in cases where the people cannot distinguish his photograph from that of another, then the symbol will work. But where the candidate is very well known, the photograph is better than the symbol. I will like to feel sure that the photographs will be reproduced as nearly identical as is possible to the original submitted by the candidate.

**Dr. Jagan:** You cannot ensure proper reproduction if in the printing you have to make blocks from them.

**Mr. Fernandes:** A picture will be taken from the original photograph and the required number of prints made from that.

**Dr. Jagan:** What happens where a negative can only produce one half or two dozen prints?

**Mr. Macnie:** Block-making is only necessary if the reproduction is for the newspapers. I have some knowledge of it and I can see no reason why the suggestion from the hon. Member for Georgetown Central should not be followed. This law provides that after the candidate has provided the Registration Officer with one copy of himself, the Officer makes copies of so many more identical to the one he supplied.

**The Chairman:** I think we had better leave the Clause in the Committee stage so that the Attorney General can work out something on its solution.

**The Attorney-General:** Hon. Members will appreciate that this matter of photographs was as a result of discussions and suggestions made by hon. Members themselves some time ago.

**Mr. Kendall:** What is the reason for wanting to postpone the Clause?

**The Chairman:** In order that the hon. Attorney General may redraft it.

**The Attorney-General:** The idea is to ensure that every person gets a proper reproduction as regular in every respect without any difference. We have to ensure that the photograph submitted is reproduced identically and placed on the ballot box.

**Mr. Luckhoo:** The order is that each hon. Member will supply the Registration Officer with a recent photograph of himself 2½" x 2" duly certified to be a true photograph of himself and as many duplicates as the Returning Officer will require.

**The Attorney-General:** It must also be appreciated that if the candidate is to produce the number of pictures required, it means that the Registration Officer must know at the time the number of polling booths which would necessitate the use of those particular photographs so as to enable him to tell the particular candidate how many he must submit.

**Mr. Luckhoo:** As many as would be required by the Registration Officer.

**The Attorney-General:** The point for consideration as I understand it is where the candidate submits one photograph of a certain size and then subsequently when required to do so he submits a number of other prints not quite in keeping with the original print. That is a matter which I will have to put into proper form.

**Mr. Fernandes:** I suggest the candidate should supply this on Nomination Day. Perhaps we could take the other clauses while the hon. the Attorney General drafts the amendment.

**The Attorney General:** In order to avoid any difficulty, or any possibility of an accusation of treatment to the detriment of a candidate, I think it would be better if the negative were supplied. I think that would meet all objections.

**Mr. Macnie:** In this country three prints of a photograph have been entirely different, and one could hardly recognize one person on the same negative.

**The Attorney General :** Whichever reproduction from a negative is approved by the candidate that would be the photograph used.

**Mr. Lee :** That would cast the burden on the Registration Officer to have the negative printed. The burden of supplying certified photographs should be on the candidate.

**The Attorney General :** The photographs will be reproduced by the Lithographic Co. It is a question of the type of paper to be used for the printing of the photographs to be placed on the ballot boxes. The quality of the paper used by the various photographers may not make it easy for the photographs to be affixed to the top of the ballot boxes. I would prefer to have this clause deferred for further consideration, so as to arrive at the best possible way of meeting the views of hon. Members.

**Mr. Fernandes :** I agree with that but I would suggest that the original photograph be placed on the ballot box, because I would warn Government that the reproduction of photographs is a very dangerous matter. I would not like anyone to accuse the Registration Officer of giving his opponent a better reproduction of his photograph.

**The Attorney General :** I ask leave to defer the clause.

**Mr. Macnie :** I would remind the hon. the Attorney General not to overlook the first amendment I proposed—the insertion of a date not later than the 18th of March.

**The Attorney General :** It would have to be a date prior to the 18th of March, because the 18th is the date when applications close.

Clause 5 deferred.

Clause 8.—*Allocation of a common symbol to six or more candidates.*

**Mr. Lee :** If a number of candidates agree to adopt a common symbol it can be allocated without being drawn for.

**Mr. Fernandes :** I do not agree with the hon. Member. Every symbol must be drawn for in the first case, but if a Party paid deposits for six candidates and drew a common symbol, any additional candidate who joined the Party subsequently could adopt the same symbol.

Clause 8 put and agreed to.

Clause 9.—*Register of candidates, symbols and colours.*

**Mr. Fernandes :** May I ask who will cause this registration to be made? The clause does not state who are to present their names for registration.

**The Attorney-General :** It is desirable that the register should be kept by the Colonial Secretary for record. The Registration Officer shall submit it. I will put in something like that.

**Mr. Fernandes :** I do not want it put in.

**The Attorney-General :** It is provided that the Colonial Secretary shall keep a record for the purpose of administration.

Clause 9 passed.

Clause 10—*Forfeiture of deposit.*

**Mr. Macnie :** I am sorry I find myself confused with the use of the word "candidate", especially when it comes to this clause. In clause 3 (1) a candidate is defined as a person desirous of being nominated at the first

election of Members of the House of Assembly to whom a symbol has been allocated. Then there is the candidate who is nominated. There are obviously two kinds of candidates.

**The Attorney-General:** That really is illogical, following upon what we were discussing earlier this evening. In the first place he is desirous to have a symbol allocated to him and puts down his money for the purpose of nomination. He is a candidate for that purpose under the provisions of clause 3 (1). The provision opens with the emphasis on "Every person desirous of being nominated," and then it provides a certain procedure with which he must comply, the objective being nomination. When he gets to the final point in regard to his nomination he is a candidate for election.

**Mr. Macnie:** I am not questioning the clause at all, but just the two words. I am wondering whether we should not delete the first word "candidate" where it occurs and substitute the word "person."

**The Attorney-General:** It is only repetition for the purpose of emphasis.

**Mr. Roth:** There is a difference between a candidate and a nominated candidate. That is all it shows.

**The Attorney-General:** The person to whom a symbol is allocated is a can-

didate, but if he fails to be nominated then this clause provides for what is to happen.

Clause 10 passed.

*Clause 11—Commencement.*

**The Attorney-General:** It was originally intended to cover the hon. Member for North Western District who was proposing to leave Georgetown to go through that constituency.

**Mr. Fernandes:** We are not going to object to that.

Clause passed.

Council resumed.

**The President:** I do not know what hon. Members feel about tomorrow. Do Members want to come back for this Bill only or to do other work?

**Mr. Fernandes:** I would like to finish all the work on the Order Paper. I am willing to come back and get through the work.

**The President:** I am only asking because we have a meeting of the Executive Council tomorrow. After tomorrow's meeting it is my intention to adjourn *sine die*.

Council adjourned to 2 p.m. the next day, Tuesday, 3rd March, 1953.