

CONSTITUTION OF THE CO-OPERATIVE
REPUBLIC OF GUYANA ACT, 1980

Act 2 of 1980

I assent,
A. Chung,
President.

20th February, 1980.

AN ACT to enact a new Constitution of the Co-operative Republic of Guyana, to repeal the Guyana Independence Act 1966, the Guyana Independence Order 1966, and the existing Constitution, and to provide for matters incidental thereto or connected therewith.

Enacted by the Parliament of Guyana:--

1. This Act may be cited as the Constitution of the Co-operative Republic of Guyana Act 1980.

CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA

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PREAMBLE

WE THE PEOPLE OF THE CO-OPERATIVE REPUBLIC OF GUYANA, the proud heirs of the indomitable spirit and unconquerable will of our forefathers who by their sacrifices, their blood and their labour made rich and fertile and bequeathed to us as our inalienable patrimony for all time this green land of Guyana,

SALUTING the epic struggles waged by our forefathers for freedom, justice and human dignity and their relentless hostility to imperialist and colonial domination and all other forms and manifestations of oppressions;

ACCLAIMING those immortal leaders who in the vanguard of battle kept aloft in the banner of freedom by the example of their courage, their fortitude and their martyrdom, whose names and deeds being forever enshrined in our hearts we forever respect, honour and revere;

INSPIRED by the glorious victory of 26th May, 1966, when after centuries of heroic resistance and revolutionary endeavour we liberated ourselves from colonial bondage, won political independence and became free to mold our own destiny;

CONSCIOUS of the fact that to bring about conditions necessary for the full flowering of the creative genius of the people of Guyana formal political sovereignty must be complemented by economic independence and cultural emancipation;

HAVING ESTABLISHED the Republic on 23rd February, 1970, to reinforce our determination to chart an independent course of development in conformity with our historical experience, our cultural heritage and our common aspirations;

PLEDGED to defend our national sovereignty, to respect human dignity and to cherish and uphold the principles of freedom, equality and democracy and all other fundamental human rights;

DEDICATED to the principle that the people of Guyana are entitled as of right to enjoy the highest possible standard of living and quality of life consistent with their work and the possibilities of the country's resources;

CONVINCED that the organisation of the State and society on socialist principles is the only means of ensuring social and economic justice for all of the people of Guyana; and, therefore,

BEING MOTIVATED and guided by the principles of socialism;

BEING OPPOSED to all social, economic and political systems which permit the exploitation of man by man; and

ACKNOWLEDGING our common purpose of national cohesion and our common destiny as one people and one nation,

DO SOLEMNLY

RESOLVE to establish the State on foundations of social and economic justice, and accordingly by popular consensus, after full, free and open discussion, debate and participation,

DO ADOPT the following -

CONSTITUTION
OF THE CO-OPERATIVE REPUBLIC OF GUYANA

[20th February, 1980.]

CHAPTER I
THE STATE AND THE CONSTITUTION

1. Guyana is an indivisible, secular, democratic sovereign state in the course of transition from capitalism to socialism and shall be known as the Co-operative Republic of Guyana.
2. The territory of the State comprises the areas that immediately before the commencement of this Constitution were comprised in the area of Guyana together with such other areas as may be declared by Act of Parliament to form part of the territory of the State.
3. The capital of the State is the city of Georgetown.
4. The national flag of the State is the flag known as "The Golden Arrow Head".
5. The coat of arms of the State is that in use at the commencement of this Constitution.
6. The national anthem of the State is the anthem known as "Green Land of Guyana".
7. It is the duty of every citizen of Guyana wherever he may be and of every person in Guyana to respect the national flag, the coat of arms, the national anthem and the Constitution of Guyana, and to treat them with due and proper solemnity on all occasions.
8. The Constitution is the supreme law of Guyana and, if any other law is inconsistent with it, that other law shall, to the extent of the inconsistency, be void.

CHAPTER II
PRINCIPLES AND BASES OF
THE POLITICAL, ECONOMIC AND SOCIAL SYSTEM

9. Sovereignty belongs to the people, who exercise it through their representatives and the democratic organs established by or under this Constitution.
 10. The right to form political parties and their freedom of action are guaranteed. Political parties must respect the principles of national sovereignty and of democracy.
 11. Co-operatives, trade unions and all socio-economic organisations of a national character are entitled to participate in the various management and decision making processes of the States and particularly in the political, economic, social and cultural sectors of national life.
- *Validation - Act No 1 of 1988 :
6. Any written law passed or made on or after 6th October, 1980 and before the date on which the Bill for this Act received the assent of the President, and anything done, or any action taken, under any such written law shall be deemed to be void, or ever to have been void, only on the ground that

any consultation, or any participation in any management or decision making process, pursuant to article 11 or any other provision of Chapter II of Part 1 of the Constitution, has not taken place, and every such written law shall, subject to the provisions of Title 1 of Part 2 of the Constitution and to the power of the Parliament to repeal or amend it, continue in force:
Provided that this section shall not be deemed to validate section 28C inserted in the Labour Act of the Labour (Amendment) Act 1984 or section 7 of the latter Act.

13. The principle objective of the political system of the State is to extend socialist democracy by providing increasing opportunities for the participation of citizens in the management and decision making processes of the State.

14. The supreme goal of the economic system which is being established in the State is the fullest possible satisfaction of the people's growing material, cultural and intellectual requirements, as well as the development of their personality and their socialist relations in society.

27. Every citizen has the right to a free education from nursery to university as well as at non-formal laces share opportunities are provided for education and training.
28. Every young person has the right to ideological, social, cultural and vocational development and to the right of the socialist order of society.

29.- (1) Women and men have equal rights and the same legal status in all spheres of political, economic and social life. All forms of discrimination against women on the basis of their sex is illegal.
(2) The exercise of women's rights is ensured by according women access with men to academic, vocational and professional training, equal opportunities in employment, remuneration and promotion, and in social, political and cultural activity, by special labour and health protection measures for women, by providing conditions enabling mothers to work, and by legal protection and material and moral support for mothers and children, including paid leave and other benefits for mothers and expectant mothers.

34. It is the duty of the State to enhance the cohesiveness of the society by eliminating discriminatory distinctions between classes, between town and country, and between mental and physical labour.

35. The State honours and respects the diverse cultural strains which enrich the society and will seek constantly to promote national appreciation of them at all levels and to develop out of them a socialist national culture for Guyana

FUNDAMENTAL RIGHTS AND FREEDOMS OF THE INDIVIDUAL CHAPTER III

40.- (1) Every person in Guyana is entitled to the basic right to a happy, creative and productive life, free from hunger, disease, ignorance and want. That right includes the fundamental rights and freedoms of the individual, that is to say, the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, namely -
(a) life, liberty, security of the person and the protection of the law.
(b) freedom of conscience, of expression and of assembly and association; and

(c) protection for the privacy of his home and other property and from deprivation of property without compensation.

(2) The provisions of Title 1 of Part 2 shall have effect for the purpose of affording protection to the aforesaid fundamental rights and freedoms of the individual subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any individual does not prejudice the rights and freedoms of others in the public interest.

...

CHAPTER VII LOCAL DEMOCRACY Local Democratic Organs

74.- (1) It shall be the primary duty of local democratic organs to ensure in accordance with law the efficient management and development of their areas and to provide leadership by example.

(2) Local democratic organs shall organise popular co-operation in respect of the political, economic, cultural and social life of their areas and shall co-operate with the social organisations of the working people.

(3) It shall be the duty of local democratic organs to maintain and protect public property, improve working and living conditions, promote the social and cultural life of the people, raise the level of civic consciousness, preserve law and order, consolidate socialist legality and safeguard the rights of citizens.

PART 2 SPECIFIC RULES

TITLE 1

PROTECTION OF FUNDAMENTAL RIGHTS AND FREEDOMS OF THE INDIVIDUAL

145.- (1) Except with his own consent, no person shall be hindered in the enjoyment of his of conscience, and for the purposes of this article the said freedom to change his religion or belief, and freedom, either alone or in community with others, and both in public and in private, to manifest and propagate his religion or belief in worship, teaching, practice and observance.

(2) No religious community shall be prevented from providing religious instruction for persons of that community.

(3) Except with his own consent (or, if he is a person who has not attained the age of eighteen years, the consent of his guardian), no person attending any place of education shall be required to receive religious instruction or to take part in or attend any religious ceremony or observance if that instruction, ceremony or observance relates to a religion which is not his own.

(4) No person shall be compelled to take any oath which is contrary to his religion or belief or to take any oath in a manner which is contrary to his religion or belief.

(5) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this article to the extent that the law in question makes provisions -

(a) which is reasonably required -

(i) in the interests of defense, public safety, public order, public morality or public health; or

(ii) for the purpose of protecting the rights and freedoms of other persons, including the right to observe and practice any religion without the unsolicited intervention of members of any other religion; or

(b) with respect to standards or qualifications to be required in relation to places of

education including any instruction (not being religious instruction) given at such places.

(6) References in this article to a religion shall be construed as including references to a religious denomination, and cognate expressions shall be construed accordingly.

146.- (1) Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, that is to say, freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference and freedom from interference with his correspondence.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this article to the extent that the law in question makes provision -

(a) that is reasonably required in the interests of defense, public safety, public order, public morality or public health;

(b) that is reasonably required for the purpose of protecting the reputation, rights, and freedoms of other persons or the private lives of persons concerned in legal proceedings, preventing the disclosure of information received in confidence, maintaining the authority and independence of the courts, regulating the technical administration or the technical operation of telephony, telegraphy, posts, wireless broadcasting or television, or ensuring fairness and balance in the dissemination of information to the public; or

(c) that imposes restrictions upon public officers or officers of any corporate body established on behalf of the public or owned by or on behalf of the Government of Guyana.