

**Olive Casey Jaundoo in her capacity as Executrix
of the Estate of William Arnold Jaundoo** – – – *Appellant*
v.
The Attorney General of Guyana – – – *Respondent*

FROM

**THE COURT OF APPEAL OF THE
SUPREME COURT OF JUDICATURE OF GUYANA**

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF
THE PRIVY COUNCIL, DELIVERED THE 4TH MAY 1971

Present at the Hearing:

LORD GUEST
LORD DONOVAN
LORD WILBERFORCE
LORD PEARSON
LORD DIPLOCK

[*Delivered by* LORD DIPLOCK]

The appellant, in her capacity as executrix of the estate of William Arnold Jaundoo, deceased, is the owner of an area of land in Guyana. It is convenient to refer to her as "the Landowner" and to that area of land as "the Land". In July 1966 she was apprehensive that one of the fundamental rights to which she claimed to be entitled under the Constitution of Guyana was likely to be contravened by the Ministry of Works and Hydraulics who were threatening to construct a new road upon part of the Land where there were then growing crops and a sand-pit. Accordingly on 20th July 1966 she applied to the High Court for redress under Article 19 of the Constitution. She did so by Notice of Motion.

The construction of the new road upon the Land has long since been completed. Whether or not this was in contravention of the Landowner's fundamental rights under the Constitution has not yet even been considered by the High Court for Guyana or by the Court of Appeal. The only matters which have been so far considered are two questions of procedure. The first is whether the application was properly made by Originating Notice of Motion instead of in some other form. The second is whether the relief sought in the Notice of Motion was of a kind which the High Court had jurisdiction to grant. The High Court (Bollers C.J.) held that an application for redress under Article 19 of the Constitution ought to be made by writ of summons and not by Notice of Motion. He dismissed the application on this ground. The

Landowner's appeal to the Court of Appeal was dismissed by a majority (Sir Kenneth Stoby, Chancellor and Luckhoo, J. A.; Cummings, J. A. dissenting). The Chancellor was of opinion that Notice of Motion was not an appropriate procedure for applying for the particular kind of relief which the Landowner claimed, although it would have been had the applicant sought a prerogative writ. Luckhoo J. A. was of opinion that an Originating Notice of Motion was an appropriate procedure for applying to the High Court for any kind of redress which the court could grant under Article 19 of the Constitution; but held that the redress sought by the Landowner was of a kind which the High Court had no jurisdiction to grant. Cummings J. A. would have remitted the case to the High Court for hearing on its merits.

These procedural questions which have resulted in such diversity of opinion in the High Court and the Court of Appeal, have arisen because neither Parliament nor the rule-making authority of the Supreme Court has chosen to exercise the power conferred upon them by Article 19 (6) of the Constitution to "make provision with respect to the practice and procedure of the High Court in relation to the jurisdiction and powers conferred upon it by and under" that Article. If such provisions had been made the Landowner could not have been deprived, for a period which cannot now fail to exceed five years, of a hearing upon the merits of her claim. Their Lordships, however, feel reluctantly compelled to refrain from any determination of the substantive question of Law raised by the Landowner's claim. This might involve their Lordships in an investigation, which could not be confined to constitutional questions, ranging over a wide field of the enacted and the common law of Guyana upon which their Lordships have not had the benefit of the considered views of any Guyanan court.

They will accordingly confine themselves to the procedural questions which alone have been the subject of consideration by the courts in Guyana. They are of great importance in themselves, for Chapter II of the Constitution of Guyana will have a hollow ring unless the fundamental rights which it bestows upon "every person in Guyana" are buttressed by an effective legal remedy.

The relevant facts can be stated briefly. On 9th February 1966, before the Constitution of Guyana came into effect, the Governor in Council purported to make a determination under section 18 (2) of the Roads Ordinance that a new road should be constructed on part of the Landowner's land; and this determination was duly published in the Gazette. Section 20 of the Roads Ordinance provides as follows:

"When the Governor in Council directs that a new road shall be constructed . . . in accordance with section 18 of this Ordinance, the Director and his assistants may enter on any lands through which the new road is to run, with the necessary labourers, servants, or agents, and perform the acts and take all the lands and material necessary for the construction of the new road."

The Roads Ordinance, which dates from 1909, contains no provision requiring the payment of any compensation to the owner of lands taken by the Director (of Public Works) under that section. It has, however, been the practice to pay compensation *ex gratia*.

In June 1966, after the Constitution had come into effect, the Landowner's lawyer wrote to the Roads Division of the Ministry of Works and Hydraulics asking how much compensation the Government intended to pay. He was informed on 11th July 1966 that the "Compensation Committee's assessment of compensation . . . will not be available before September, 1966. The Committee's recommendations will have to be presented to the Cabinet for ratification before payment is effected."

On 19th July, upon learning that the commencement of work upon her land was imminent, a further letter was written by the Landowner's lawyer requesting that all operations on the land should be deferred until she was told of the amount of compensation recommended. She herself estimated this as being in the vicinity of \$250,000. This request was not complied with and the Ministry continued with its preparations to start construction work on the land forthwith.

The Landowner took the view that the threatened action would constitute a contravention of her fundamental rights under Article 8(1) of the Constitution of Guyana which, so far as is relevant, is in the following terms:

"No property of any description shall be compulsorily taken possession of, and no interest in or right over property of any description shall be compulsorily acquired, except by or under the authority of a written law and where provision applying to that acquisition or taking of possession is made by a written law—

- (a) requiring the prompt payment of adequate compensation; and
- (b) giving to any person claiming such compensation a right of access, either directly or by way of appeal, for the determination of his interest in or right over the property and the amount of compensation, to the High Court."

Article 8 is one of eighteen Articles (3 to 20) contained in Chapter II of the Constitution under the heading "Protection of Fundamental Rights and Freedoms of the Individual". The introductory Article 3, after reciting that every person in Guyana is entitled to certain specified fundamental rights and freedoms of the individual, goes on to provide:

"the following provisions of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms 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 or the public interest."

Their Lordships would observe in passing that Article 18 contains an exception in respect of anything done under the authority of an "existing law", *i.e.*, a law

"that had effect as part of the law of the former Colony of British Guiana immediately before 26th May 1966, and has continued to have effect as part of the law of Guyana at all times since that day".

It is upon this Article that the Attorney General would have sought to rely as justifying the action taken by the Ministry under the Roads Ordinance had the matter ever reached the stage of a hearing on the merits. For reasons already mentioned, their Lordships have heard no argument about it. They have confined themselves to the procedural questions which have alone been dealt with in the courts of Guyana. These arise under Article 19 which needs to be set out in full.

"19.—(1) Subject to the provisions of paragraph (6) of this article, if any person alleges that any of the provisions of articles 4 to 17 (inclusive) of this Constitution has been, is being or is likely to be contravened in relation to him (or, in the case of a person who is detained, if any other person alleges such a contravention in relation to the detained person), then, without prejudice to any other action with respect to the same matter which is lawfully available, that person (or that other person) may apply to the High Court for redress.

(2) The High Court shall have original jurisdiction—

- (a) to hear and determine any application made by any person in pursuance of the preceding paragraph;
- (b) to determine any question arising in the case of any person which is referred to it in pursuance of the next following paragraph,

and may make such orders, issue such writs and give such directions as it may consider appropriate for the purpose of enforcing or securing the enforcement of any of the provisions of articles 4 to 17 (inclusive) of this Constitution:

Provided that the High Court shall not exercise its powers under this paragraph if it is satisfied that adequate means of redress are or have been available to the person concerned under any other law.

(3) If in any proceedings in any court subordinate to the High Court any question arises as to the contravention of any of the provisions of articles 4 to 17 (inclusive) of this Constitution, the person presiding in that court shall refer the question to the High Court unless, in his opinion, the raising of the question is merely frivolous or vexatious.

(4) Where any question is referred to the High Court in pursuance of paragraph (3) of this article, the High Court shall give its decision upon the question and the court in which the question arose shall dispose of the case in accordance with that decision or, if that decision is the subject of an appeal under this Constitution to the Court of Appeal or to Her Majesty in Council, in accordance with the decision of the Court of Appeal or, as the case may be, of Her Majesty in Council.

(5) Parliament may confer upon the High Court such powers in addition to those conferred by this article as may appear to Parliament to be necessary or desirable for the purpose of enabling the High Court more effectively to exercise the jurisdiction conferred upon it by this article.

(6) Parliament may make provision with respect to the practice and procedure—

- (a) of the High Court in relation to the jurisdiction and powers conferred upon it by or under this article;
- (b) of the High Court and the Court of Appeal in relation to appeals to the Court of Appeal from decisions of the High Court in the exercise of such jurisdiction;
- (c) of subordinate courts in relation to references to the High Court under paragraph (3) of this article;

including provision with respect to the time within which any application, reference or appeal shall or may be made or brought; and, subject to any provision so made, provision may be made with respect to the matters aforesaid by rules of court.

As no steps had been taken by Parliament or by the rule-making authority under paragraph (6) to regulate the practice or procedure to be followed upon applications to the High Court for redress under paragraphs (1) and (2), the Landowner on 20th July 1966 applied to the High Court by Originating Motion naming the Attorney General for Guyana as respondent. She sought redress in the following terms:

“(1) the Government of Guyana be restrained from commencing or continuing road building operations either by themselves or by

persons employed by them for that purpose on the following described property, to wit:

.....
 unless and until adequate compensation in the sum of \$250,000 (two hundred and fifty thousand dollars) or such other sum as the Court may consider just is paid to the applicant in respect of the compulsory acquisition by the Government of Guyana of part of the said property;”

“(2) a survey to be undertaken on behalf of the applicant and the Government of Guyana jointly of crops growing on the said property and being part of the assets of the estate of the said *William Arnold Jaundoo*, deceased, with the right of the representatives of the applicant and the Government of Guyana to submit separate reports to the Court;”

“(3) Payment be made by the Government of Guyana to the applicant promptly of such compensation as may be assessed by the Court in respect of the compulsory acquisition of the said land;”

“(4) such further or other orders and/or directions as the Court may make or give to enable the applicant to be promptly paid adequate compensation in respect of that part of the aforesaid property being compulsorily acquired by the Government of Guyana and before any evidence of crops or other assets on the said property is destroyed by road building operations; and ”

“(5) the Government of Guyana do pay to the applicant her costs of this motion.”

The substance of the relief claimed by the Landowner is an injunction to restrain the Government of Guyana from taking possession of any part of the land *until compensation in the sum demanded by her or assessed by the High Court has been paid to her*. Possession of the land had not been taken at the date of the issue of the Notice of Motion or the hearing of the Motion by the High Court. In their Lordships' view the relief claimed shows a misunderstanding of the Landowner's constitutional rights under Article 8. The Roads Ordinance was not a written law requiring the prompt payment of adequate compensation within the meaning of Article 8. Assuming, as one must for the purpose of deciding the preliminary questions of procedure, that the taking of the land was not justified under Article 18 on the ground that the Roads Ordinance was an “existing law”, the Landowner's constitutional right was a right not to have her land taken without her consent at all; it was not a right to be paid compensation if the land should be taken without her consent. No doubt the Landowner might, as a matter of agreement with the Government, give her consent to the taking of her land conditional upon the prior payment to her of compensation, as she had sought to do before issuing her Notice of Motion. But land acquired pursuant to such an agreement would not be acquired compulsorily within the meaning of Article 8.

To deal first with the method of application by Originating Motion which the Chief Justice and the Chancellor rejected as impermissible. The right to apply to the High Court for redress is by paragraph (1) of Article 19 conferred upon any person who “alleges that any of the provisions of articles 4 to 17 (inclusive) of this Constitution has been, is being or is likely to be contravened in relation to him”. That right is expressed to be subject only to the provisions of paragraph (6). So long as nothing has been done by Parliament, or by the rule-making authority under the Supreme Court of Judicature Ordinance, to regulate

the practice or procedure upon such applications, the right to apply to the High Court under paragraph (1) remains, in their Lordships' view, unqualified.

To "apply to the High Court for redress" was not a term of art at the time the Constitution was made. It was an expression which was first used in the Constitution of 1961 and was not descriptive of any procedure which then existed under Rules of Court for enforcing any legal right. It was a newly created right of access to the High Court to invoke a jurisdiction which was itself newly created by Article 13 (2) of the 1961 Constitution now replaced by Article 19 (2). These words in their Lordships' view, are wide enough to cover the use by an applicant of any form of procedure by which the High Court can be approached to invoke the exercise of any of its powers. They are not confined to the procedure appropriate to an ordinary civil action, although they would include that procedure until other provision was made under Article 19 (6). The clear intention of the Constitution that a person who alleges that his fundamental rights are threatened should have unhindered access to the High Court is not to be defeated by any failure of Parliament or the rule-making authority to make specific provision as to how that access is to be gained. What Warrington, J. said in *In re Meister Lucius and Brüning (Limited)* (1914 31 T.L.R. 28 at page 29) is in their Lordships' view applicable also to the instant case: viz. "Where the Act (s.c. Constitution) merely provides for an application and does not say in what form that application is to be made, as a matter of procedure it may be made in any way in which the Court can be approached."

There is only one qualification needed to this statement. It is implicit in the word "redress". The procedure adopted must be such as will give notice of the application to the person or the legislative or executive authority against whom redress is sought and afford to him or it an opportunity of putting the case why the redress should not be granted. This would not, however, prevent the court from making conservatory orders *ex parte* pending the giving of such notice, if the urgency of the case so required.

An Originating Motion is one of the ways by which the court can be approached. That it is not the method by which proceedings are initiated to obtain the ordinary remedy by way of judgment in a civil action, does not make it any the less an application to the High Court. The Notice of Motion was served upon the Attorney General of Guyana as the legal representative of the Government of Guyana against whom the redress claimed by the Motion was sought. In their Lordships' view this was an appropriate procedure for invoking the original jurisdiction of the High Court under Article 19 (2) of the Constitution.

The Chief Justice was in error in dismissing the Motion on this ground.

To turn next to the nature of the relief sought by the Landowner, a distinction is to be drawn between the circumstances existing at the time of the application to the High Court in July 1966, and those existing in January 1968, when the appeal came on for hearing in the Court of Appeal. For this purpose too, since there has so far been no hearing on the merits, it has to be assumed that the taking of the Land under section 20 of the Roads Ordinance without payment of compensation as of right was not made lawful under Chapter II of the Constitution by the provisions of Article 18 about existing laws.

At the time of the application to the High Court the Land had not yet been taken by the Director of Roads on behalf of the Government of Guyana, but its taking was imminent. The only ground on which the Landowner was then entitled to apply to the High Court for redress

under paragraph (1) of Article 19 was because she alleged that the provisions of Article 8 of the Constitution were "likely to be contravened in relation to" her. The High Court, under paragraph (2) had jurisdiction to "make such orders, issue such writs and give such directions as it may consider appropriate for the purpose of enforcing or securing the enforcement of" Article 8 of the Constitution in relation to the Landowner.

As their Lordships have already pointed out the Landowner's only fundamental right under Article 8(1) of the Constitution was that her Land should not be taken. This was her right which the Court had jurisdiction to enforce. She had no right to require and the court had no jurisdiction to order the Government to take the land upon payment of compensation; nor had the court any jurisdiction under Article 19 to assess what compensation ought to be paid for its acquisition nor to make any order for payment either of the sum of \$250,000 claimed in the Notice of Motion or of any alternative sum to be assessed by the court. Even if the Notice of Motion could be construed as incorporating an offer by the Landowner to submit to the taking of the Land conditional upon payment of compensation in an amount to be assessed by the High Court, the court would still have no jurisdiction under Article 19 to assess compensation or to order payment. As already stated, it could not compel the Government to accept the Landowner's offer, while if the Government did so voluntarily any acquisition pursuant to such acceptance would not be compulsory and thus would not fall within the ambit of Article 8 of the Constitution at all.

Thus at the stage at which the Motion was heard in the High Court the relief claimed in paragraphs (2) to (5) of the Notice of Motion was, in their Lordships' view, misconceived. There remains, however, the claim for an injunction under paragraph (1). This does ask for an order of the High Court directed to preventing the acquisition of the Land. The question is whether an injunction was a remedy which the court had jurisdiction to grant against "the Government of Guyana", which is the only entity against whom the injunction was sought.

This expression connotes the person or, if there is more than one, those persons collectively, in whom the executive authority of the sovereign democratic State of Guyana is vested under the Constitution. At the time of the hearing in the High Court and in the Court of Appeal, Guyana was still a constitutional monarchy and part of Her Majesty's Dominions—a circumstance which imported into the public law of Guyana the common law concepts derived from the historic position of the Crown within those Dominions, except in so far as these had been modified by the written Constitution itself or by any other law of Guyana.

At the relevant time, the executive authority of Guyana was vested in Her Majesty and exercised by the Governor-General on her behalf under Article 33 of the Constitution. At the time of the hearing of the Motion in the High Court an injunction against the Government of Guyana would thus have been an injunction against the Crown. This a court in Her Majesty's Dominions had no jurisdiction to grant. The reason for this in constitutional theory is that the court exercises its judicial authority on behalf of the Crown. Accordingly any orders of the court are themselves made on behalf of the Crown and it is incongruous that the Crown should give orders to itself.

Where the coercive order takes the form of an injunction, there is an additional objection to its being granted against an entity described as "the Government of Guyana". If at the time of the hearing of the Motion this meant more than Her Majesty in whom the executive

authority of Guyana was then vested and in whose service all public officers were engaged, it failed to identify the persons intended to be bound by the order. This an injunction must always do. In the instant case, the order sought was one restraining "the Government of Guyana from commencing or continuing road building operations either by themselves or by persons employed by them" upon the Land. How far down the official hierarchy of public service or up it to Her Majesty does an injunction in these terms extend? If road construction operations were commenced or continued despite the injunction, would everyone from the Cabinet downwards who could have given instructions that the operations should not be carried out be liable to committal or attachment for breach?

These objections to the nature and form of the order sought, viz. an injunction against "the Government of Guyana" as such are not in their Lordships' view removed by the subsequent amendment of the Constitution under which the executive authority of the Crown and the executive functions of the Governor-General are merged and transferred to the President and the public officers of Guyana are no longer referred to as being in the service of the Crown but as being in the service of "the Government of Guyana" itself.

A form of relief which would not have been open to these objections would have been a declaration of the Landowner's right not to have her Land taken. This could properly be made against the Government of Guyana as such.

A declaration of rights unlike an injunction, however, is not a suitable form of interim relief pending final determination of the Landowner's application. But if the matter were urgent, it would have been open to the Landowner to add, as an additional party to the Motion, the Director of Works or the Minister in whom the powers of the Director of Works under the Roads Ordinance are now vested, and to claim an injunction against him. This would give the Court jurisdiction to grant an interim injunction if the urgency of the matter so required. This was the course adopted in the Canadian case of *Carlic v. The Queen and Minister of Manpower and Immigration* (65 D.L.R. 633), although their Lordships do not accept as correct that the interim injunction granted in that case should have been expressed to be against both defendants instead of against the Minister to the exclusion of the Queen.

In the instant case, however, the Landowner did not seek any declaratory relief and did not join any party against whom the Court could grant the injunction which the Landowner claimed. The Chief Justice would in strict law have been entitled to dismiss the Motion upon this ground. But their Lordships would observe that the Chief Justice would have had a discretion under the Rules of the Supreme Court to allow an amendment of the Motion to include a claim for a declaration and also to allow the joinder as an additional respondent of a person against whom an injunction, whether interim or final, could be obtained. Taking, as he did, the view that the procedure by way of Originating Motion was wholly misconceived the question of amendment never arose. If it had, it would in their Lordships' view have been a proper exercise of discretion to allow and, if necessary, to suggest, such an amendment and joinder of parties. The application was the first to be made under Article 19 of the Constitution, and in the absence of specific provisions as to the procedure to be followed the discretion of the court ought to be exercised liberally in aid of an applicant applying for redress against contravention of fundamental rights granted by the Constitution.

By the time when the Landowner's appeal was heard by the Court of Appeal, the circumstances had changed. Construction of the new road on the Land had been completed. What had been done, even if it were unlawful, could not be undone. In those circumstances, a money payment to the Landowner by way of compensation or damages for the loss caused to her by the Government's action was an appropriate and, indeed, the only practicable form of "redress".

In the Notice of Motion payment of compensation by the Government of Guyana had been claimed in paragraph (3), although at the date of the Notice this claim was closely related to, if not wholly dependent upon, the claim to an injunction in paragraph (1). At the hearing before the Court of Appeal it would seem that the change in circumstances was left out of account and the argument confined to whether or not the relief by way of injunction originally sought in the High Court ought to have been granted at the time of the hearing of the Originating Motion. For the reasons already expressed, which are substantially in agreement with those of Luckhoo J.A. their Lordships are of opinion that the injunction could not have been granted by the High Court against the Government of Guyana. But that question was by then academic. The real question in issue was whether the Landowner was entitled to redress against the Government of Guyana in the form of a money payment as claimed in paragraph (3) of the Notice of Motion.

Both of the Justices of Appeal who held that an Originating Motion was an appropriate procedure for applications for redress under Article 19 of the Constitution appear to have accepted that the High Court had jurisdiction to assess and award compensation or damages to be paid by the Government of Guyana to the Landowner for any contravention of her fundamental rights under the Constitution. Cummings J.A. would have remitted the case to the High Court for hearing upon the merits. He made what he emphasised were only suggestions as to joinder of the appropriate authority under the Roads Ordinance as an additional party and as to the form of the relief which might be granted. Luckhoo J.A., however, limited his consideration to the remedies originally sought. He regarded these as coercive and beyond the powers of the Court to grant against the Government of Guyana as such. He did not deal with paragraph (3) of the Notice of Motion separately and thought that it should be left to the ingenuity of the Landowner's counsel to start fresh proceedings claiming appropriate relief.

In their Lordships' view the course proposed by Cummings J.A. in the Court of Appeal should have been adopted. The case should have been remitted to the High Court for hearing on the merits of the Landowner's claim to monetary redress under paragraph (3) of the Notice of Motion. They do not, however, endorse the suggestions of Cummings J.A. as to the amendment of the proceedings. Counsel for the Landowner has expressly conceded before their Lordships that in view of the fact that the new road has long since been constructed on the land she no longer claims an injunction. In these circumstances their Lordships see no reason why any additional party should be joined as respondent to the Motion.

The only claim that now remains is for an order that "payment be made by the Government of Guyana to the applicant promptly of such compensation as may be assessed by the Court". Their Lordships accept that if the Landowner is successful on the merits in establishing her claim that her fundamental rights under Article 8 of the Constitution have been contravened, any order for redress to be made by the High Court against "the Government of Guyana" ought not to be in form,

as it can not be in substance, coercive. There is more than one way in which this could be avoided. The order could be declaratory in form and declare the right of the Landowner to be paid by the Government of Guyana the amount assessed by the Court as appropriate redress by way of compensation or damages. Alternatively, following the precedent of the Crown Liabilities Act 1888 of South Africa and the Crown Proceedings Act 1947 of the United Kingdom, the High Court could make an order for payment against the Government of Guyana, but accompanied by a further order that "no execution or attachment or process in the nature thereof shall be issued out of any court for enforcing the payment by the Government of Guyana of any such money or costs". Their Lordships have no doubt that an order in either of these forms would be complied with by the Government of Guyana.

Their Lordships, however, cannot part with this appeal without again drawing attention to the urgent need which it has disclosed for specific provision to be made under Article 19(6) for the practice and procedure to be followed in applications and references to the High Court under Article 19(2). The absence of such provisions has had the result in the instant appeal that the parties have been put to the expense of three stages of interlocutory proceedings, and the applicant's claim still remains to be heard on the merits nearly five years after the proceedings began.

Their Lordships will humbly advise Her Majesty that the order of the Court of Appeal for Guyana dated 6th June 1968 be set aside and that the Motion be remitted to the High Court for Guyana to hear and determine whether the appellant is entitled under or by virtue of Articles 8 and 19 of the Constitution of Guyana to payment of compensation or damages in respect of the matters complained of in her Notice of Motion herein dated 20th July 1966, and if the appellant be held to be so entitled, to assess such compensation or damages or to make such order and give such directions for the assessment thereof as the High Court shall consider appropriate and to make such order as to payment thereof and as to costs and to give such other directions as may be just and proper.

The respondent must pay to the appellant her costs of appeal to the Court of Appeal for Guyana and to this Board and one half of her costs of the hearing of the Motion in the High Court for Guyana on 29th July 1966.



In the Privy Council

OLIVE CASEY JAUNDOO IN HER
CAPACITY AS EXECUTRIX OF THE
ESTATE OF WILLIAM ARNOLD
JAUNDOO

v.

THE ATTORNEY GENERAL OF
GUYANA

DELIVERED BY
LORD DIPLOCK