

The ARCHITECTS of the JAMAICAN CONSTITUTION 1962

The Jamaica Constitution 1962 is the most fundamental legal document in the country, guaranteeing the freedom, rights and privileges of every Jamaican citizen. The Constitution reflects the country's independence as a nation state and, to this day, remains the cornerstone of the island's legal systems and institutions.

The Constitution took effect on August 6, 1962 when Jamaica gained political independence from Britain, after more than 300 years of British colonial rule. While being the first constitution for the politically independent nation, it was not the first legal framework for the island.

Following Emancipation in 1834, black Jamaicans struggled against the harsh realities of being a colony of Britain and their dissent grew louder in the 1930s.

In 1938 a royal commission was appointed to investigate the working conditions as well as other political and social conditions that were affecting the society. The investigations and reports led to the crafting and adoption of a new constitution on November 20, 1944 which ensured universal franchise for all Jamaicans regardless of race and class.

By the 1950s there was a growing urgency and push for political independence as well as a burst of nascent nationalism across the British Caribbean territories. The turning point came on January 3, 1958 when Jamaica and nine other British West Indian colonies entered into an internal self-governing, federal state with the goal of gaining Independence; the West Indian Federation was born. But Jamaica withdrew its membership in September 1961, when by the referendum, "Should Jamaica Remain in the West Indies Federation?", the people voted that Jamaica leave the Federation.

Afterwards, Jamaica began to push for its own independence and, from October 1961 through to January 1962, a joint committee of the House of Representatives and the Legislative Council worked to draft the Jamaican Constitution. It was approved by the United Kingdom (UK) and included as the Second Schedule of the Jamaica (Constitution) Order in Council, 1962 under the West Indies Act, 1962. The Constitution came into force with the Jamaica Independence Act, 1962 which granted Jamaica political independence.

The Jamaican Constitution

At the centre of the Constitution are the principles upholding the rights and freedoms of all Jamaicans, ensuring the right to "equitable and humane treatment". These rights and freedoms are guaranteed regardless of race, colour, place of origin, class, gender, religion or political opinion. The Constitution is divided into ten chapters, each of which addresses separate aspects of Jamaica's governance. The ten chapters are:

1. Interpretation and Effect
2. Citizenship
3. Fundamental Rights and Freedoms
4. The Governor-General
5. Parliament
6. Executive Powers
7. The Judicature
8. Finance
9. The Public Service
10. Miscellaneous

The Constitution also outlines the procedures for amendments to its provisions. In cases where the provision under question is not of significant national importance, amendments can be approved with a majority decision in both houses of Parliament. If the provision is considered to be of significant importance then the amendment has to be approved by two-thirds of all the members in both houses of Parliament.

THE ARCHITECTS OF THE CONSTITUTION

The foundation of the political landscape of Jamaica has been shaped by many Jamaicans and, in particular, our National Heroes whose work provided the philosophical basis for an independent society.

From as early as 1932, the Right Excellent Marcus Garvey made the first definitive call for self-governance and shared his vision for what he called the 'new Jamaican'. In the debut editorial of his publication of the same name, Garvey explained his dream for Jamaica: *"We want the spirit of national comradeship... Let us unite to accomplish this and Jamaica shall indeed become a better place for all of us."*

Garvey's vision of self-governance was captured and made a reality by the founding fathers - the Right Excellent Norman Manley who had a passion for equity and justice and the Right Excellent Sir Alexander Bustamante, Jamaica's first Prime Minister, who was a staunch advocate for workers' rights.

The philosophies of these National Heroes and the many who worked alongside them, helped to shape the Constitution.

The legacy of the Jamaican Constitution was drafted by the members of the bi-partisan committee of Parliament - the Joint Independence Constitution Committee. Their work ensured that the Constitution would be the bastion to ensure equality and justice for every citizen of the nation.

For their contribution to the Constitution and other areas of national development, the seventeen (17) Parliamentarians have been conferred various national honours and awards. The team who served with distinction includes one woman and sixteen (16) men, some of whom went on to serve as Governors-General and Prime Ministers of Jamaica.



Photo courtesy of Jamaica Information Service (JIS)



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The Hon. Vernon Arnett, OJ

The Hon. Vernon Leonard Arnett gained national notoriety during the early 1930s as Director of City Printery Ltd, publishers of the 'Public Opinion' newspaper, which highlighted the social ills facing the working class. Arnett, a member of the People's National Party (PNP), was elected to the House of Representatives in 1959, representing the St. Andrew Central constituency. He acted as Minister of Finance from 1959-1962.



Photo courtesy of Jamaica Information Service (JIS)

The Right Excellent Sir Alexander Bustamante, GBE

National Hero, the Right Excellent Sir Alexander Bustamante, rose to national prominence in the early 1930s after writing several scathing letters, published in the Daily Gleaner, highlighting the harsh social conditions facing Jamaica's working

class. After agitating on behalf of low-income worker groups across the island for several years, Bustamante in 1938 formed the Bustamante Industrial Trade Union, organising his labour supporters into a unified advocacy group.

In 1943, he formed the Jamaica Labour Party (JLP), laying the foundation for the two-party system in Jamaica. Bustamante was part of the bi-partisan Joint Select Committee that drafted the Jamaican constitution, as well as the Government delegation that negotiated the terms of Jamaica's political Independence with the British Government in 1961. Bustamante became independent Jamaica's first Prime Minister after the 1962 general elections, and served until 1967 when he retired from public service.



Photo courtesy of Jamaica Information Service (JIS)

Sir Neville Noel Ashenheim, CBE

Sir Neville Noel Ashenheim was a successful entrepreneur, who also gave dedicated service to the public sector. Ashenheim was a member of the Legislative Council from 1959 to 1962. He was appointed Minister without portfolio and Jamaica's first Ambassador to the United States during the Jamaica Labour Party administration of 1962-1967. He was reappointed a Minister without portfolio and Leader of Government Business in the Senate from 1967 to 1972.

During his lifetime Ashenheim had affiliations with numerous successful local enterprises, including The Gleaner Company, Chemical Industries Limited, Blinds and Furnishings Limited and Fred L. Myers & Son Ltd. He was knighted on January 1, 1963 by Her Majesty Queen Elizabeth II.



Photo courtesy of the National Library of Jamaica (NLJ)

Rudolph Burke, MLC, JP

Rudolph Burke spent the majority of his public career in service to agriculture. He held several high ranking positions in the sector, including, President of the Jamaica Agricultural Society between 1944 and 1962, as well as member of the St. Thomas Parochial Board and the St. Thomas Land Settlement Board. He was a member of the 1951 Legislative Council and also a former Director of Jamaica Welfare Limited, which assisted Jamaicans in rural areas to improve their social circumstances.

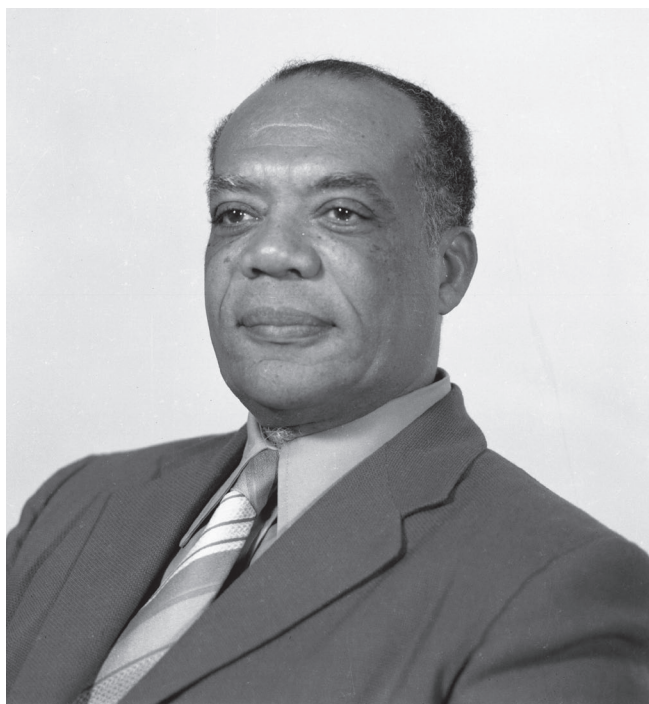


Photo courtesy of Jamaica Information Service (JIS)

The Most Hon. Sir Howard Cooke, ON, GCMG, GCVO, CD

The Most Honourable Sir Howard Cooke began his career in public service as a teacher in his early twenties. He was also a keen supporter of the nationalist movement of the early 1930s and a founding member of the People's National Party.

Cooke's career in representational politics began in 1958, when he was elected to the West Indies Federal Parliament as representative for St. James. He became a Government Senator in 1962 serving until 1967. He then served in the House of Representatives until 1980, as a Minister of Government holding, at different times, the portfolios of Education, Pension and Social Security, and Labour and the Public Service. He became Governor-General on August 1, 1991 and served in this capacity for almost 15 years.

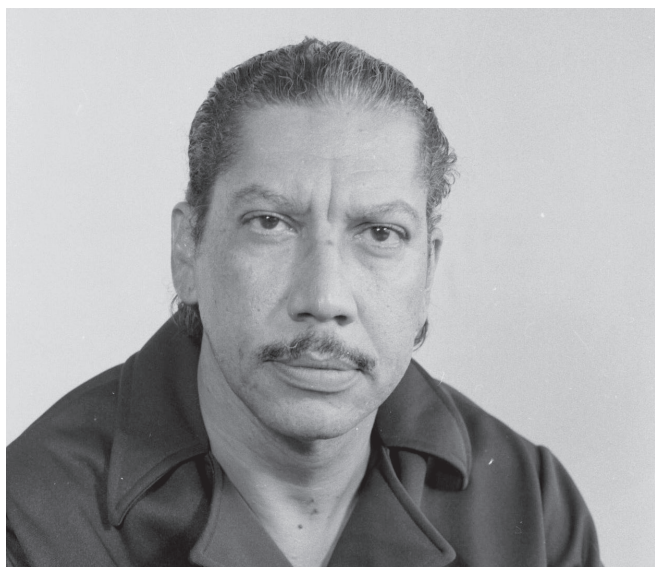


Photo courtesy of Jamaica Information Service (JIS)

The Hon. David Coore, OJ, QC

The Hon. David Coore was a distinguished public servant for almost two decades, contributing much of his life to Jamaica's early political, economic and social development. He entered public life in 1959 when he became a Member of the Legislative Council. He was elected to the House of Representatives following the 1967 and 1972 elections, representing the St. Andrew West Central constituency, and again in 1976 representing the St. Andrew Western constituency.

Coore served as a Member of Parliament, Senator, Minister of Finance and Planning, and Deputy Prime Minister from 1972 through to 1978. In 1978 he resigned from the Cabinet to take up a job with the Inter-American Development Bank (IDB) as its representative in the Dominican Republic and Barbados; a position he held until 1986. In 1989 he returned to Jamaica and was appointed Minister of Foreign Affairs and Foreign Trade. And, from 1993 to 1995 David Coore served as Minister of Legal Affairs and Attorney General

The Hon. Douglas Fletcher, OJ

Prominent solicitor and social welfare worker, the Hon. Douglas Valmore Fletcher, is recognised as one of Jamaica's premier public servants. A former member of the Jamaica Football Council and Assistant Secretary for Melbourne Cricket Club, Fletcher served as chairman of the Jamaica Broadcasting Corporation in 1958, and from 1959 to 1962 was Minister without portfolio in the administration of Premier, Norman Manley. Fletcher also served as a Senator from 1962 to 1967, and was Leader of Government Business in the chamber. He was Jamaica's Ambassador to the United States and to the Organization of American States (OAS) from 1972 to 1975. On returning to Jamaica, he served as chairman of the Workers' Savings and Loans Bank from 1975 to 1977 and the National Commercial Bank from 1977 to 1980.



Photo courtesy of Jamaica Information Service (JIS)



Photo courtesy of Jamaica Information Service (JIS)

John Percival Gyles, JP

John Percival Gyles dedicated most of his public life to the development of Jamaica's agricultural sector. His many appointments included the Chairmanship of the Jamaica Agricultural Society and the Linstead Branch Citrus Growers' Association. He was also a member of the St. Catherine Parochial Board. Gyles served as Minister of Agriculture and Lands from 1962-67. He represented the St. Catherine North Eastern constituency as Member of Parliament after the 1959 and 1962 elections, and St. Catherine Northern after the 1967 elections.



Photo courtesy of Jamaica Information Service (JIS)

The Most Hon. Sir Florizel Augustus Glasspole, ON, GCMG, GCVO, KStJ, CD

Former Governor-General of Jamaica, the Most Honourable Sir Florizel Glasspole, dedicated much of his working life to the improvement of social conditions for the island's poor. During the 1930s, he became affiliated with several trade unions representing low income workers. His work as a trade unionist earned him the title 'Dean of the Labour Movement'. He was also active in the nationalist movement and one of the key founding members of the PNP in 1938.

In the 1944 elections, the first under Universal Adult Suffrage, Glasspole was one of the four PNP candidates to win a seat in the House of Representatives. He successfully retained his seat until 1973, when he assumed duties as Governor-General. From 1952 to 1962, Glasspole served as Minister of Education. He served for another 18 years as Governor-General before retiring from public life. To date, he is the longest serving Governor-General of Jamaica.

The Hon. Willis O. Isaacs, OJ, CD

The Honourable Willis Ogilvy Isaacs served as Minister of Trade and Industry and Deputy Mayor of Kingston. Isaacs was

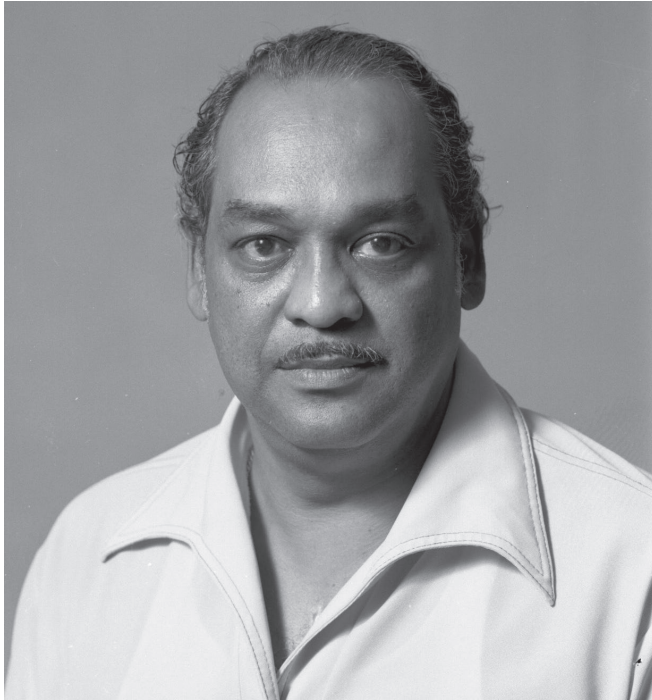


Photo courtesy of Jamaica Information Service (JIS)

also a Member of Parliament for three constituencies at different times – Kingston Central, Kingston East Central and St. Ann North Eastern. Isaacs also rose through the ranks of the PNP to serve on its Executive Council.

Iris King, CD

Iris King, the only woman who served on the Joint Independence Constitution Committee, achieved political history when she was elected the first female Mayor of Kingston in 1958. King entered politics in 1947 and won a seat on the



Photo courtesy of Jamaica Information Service (JIS)

Kingston and St. Andrew Corporation (KSAC), serving from 1947-50, and again from 1956-59. She was elected Member of Parliament for West Central Kingston in 1959 and served up to 1962.



Photo courtesy of Jamaica Information Service (JIS)

The Hon. Robert Lightbourne, OJ

The Honourable Robert Lightbourne entered the political arena in 1958 when he was elected to the Federation of the West Indies Parliament. After the dissolution of the Federation, he was elected to the House of Representatives in 1959 as the JLP representative for the West St. Thomas. Lightbourne held this seat for 17 years and five months, which included the period he ran and won the seat as an Independent Member of Parliament in 1974.

Lightbourne was included in the first Cabinet of independent Jamaica, serving as Minister of Trade and Industry. Under his leadership, Jamaica witnessed significant development in several of its industries, particularly within the hotel and the bauxite/alumina mining industries. Lightbourne is best remembered by Jamaicans for composing the music for the Jamaica National Anthem.

The Right Excellent Norman Washington Manley, MM, QC

National Hero, the Right Excellent Norman Washington Manley, was the chief architect of Jamaica's independence, spearheading the movement towards self-government after Jamaicans voted to leave the West Indies Federation. As the island's



Photo courtesy of Jamaica Information Service (JIS)

first elected Premier, Manley, in 1961, spearheaded Jamaica's transition to full political Independence. He served as the Chairman of the Joint Independence Constitution Committee to draft the Constitution and led the final negotiations with the British Government on the terms of Jamaica's Independence.

In 1944, Manley played a key role in the reform of Jamaica's constitution allowing for Universal Adult Suffrage and in 1954 he led further constitutional reform, shifting executive authority from the Colonial Governor to a Cabinet of Government Ministers.

A prominent barrister and founding member of the People's National Party (PNP), Manley achieved national acclaim in 1938, after successfully negotiating the release of the island's labour leader, The Right Excellent Sir Alexander Bustamante, from detention following his arrest on sedition charges.



Photo courtesy of Jamaica Information Service (JIS)

The Most Hon. Sir Donald Sangster, ON, KCVO

Former Prime Minister, the Most Honourable Sir Donald Sangster, joined the public service at the age of 21 after winning a seat on the St. Elizabeth Parochial Board in 1933. In 1949 he joined the JLP and won the seat for South St. Elizabeth in the general elections that year. He was appointed First Deputy to the party leader, the Right Excellent Sir Alexander Bustamante, and Minister for Social Welfare in 1951.

Sangster later served as Leader of the House and Minister of Finance. Following Bustamante's illness in 1964, after the JLP's victory in the 1962 elections, Sangster acted as Prime Minister until 1967 when he was sworn in as leader of the JLP. He led the JLP to victory in the 1967 elections and was sworn in as Jamaica's second Prime Minister on February 22 that year. His tenure was cut short due to his untimely death on April 1, 1967. The Sir Donald Sangster International Airport is named in his honour.

The Most Hon. Edward Seaga, ON, PC

Former Prime Minister, the Most Honourable Edward Seaga, entered public service in 1959 when he was elected to the Legislative Council. He entered the House of Representatives in 1962, representing the Kingston Western constituency, which he held until his retirement from politics in 2005. Seaga was Minister of Development and Welfare from 1962 to 1967, and served as Minister of Finance between 1967 and 1972. He was elected leader of the JLP in 1974 and was sworn in as Jamaica's fifth Prime Minister after his party's victory in the 1980 elections. He served as Leader of the Opposition from 1989 to 2005.



Photo courtesy of Jamaica Information Service (JIS)

Seaga has been credited with building the island's financial and planning infrastructure as well as developing the arts and crafts, and increasing awareness of the nation's heritage. Since his retirement from representational politics he has served as Fellow of the Institute of Jamaica, Distinguished Fellow at the University of the West Indies and Pro-Chancellor at the University of Technology.

Claude Stuart, OD

Claude Stuart gave several years of distinguished service to Jamaica as Minister of Health between 1955 and 1959 and Member of Parliament for the St. Mary Western constituency between 1955 and 1962. He was a leading figure in the Jamaica Agricultural Society (JAS) and spent many years representing the parish of St. Mary on the JAS board. Stuart was also a founding member of the Citrus Growers Association of Jamaica and the 4-H Clubs of Jamaica, dedicating several years to entrenching both organisations within rural communities island wide.

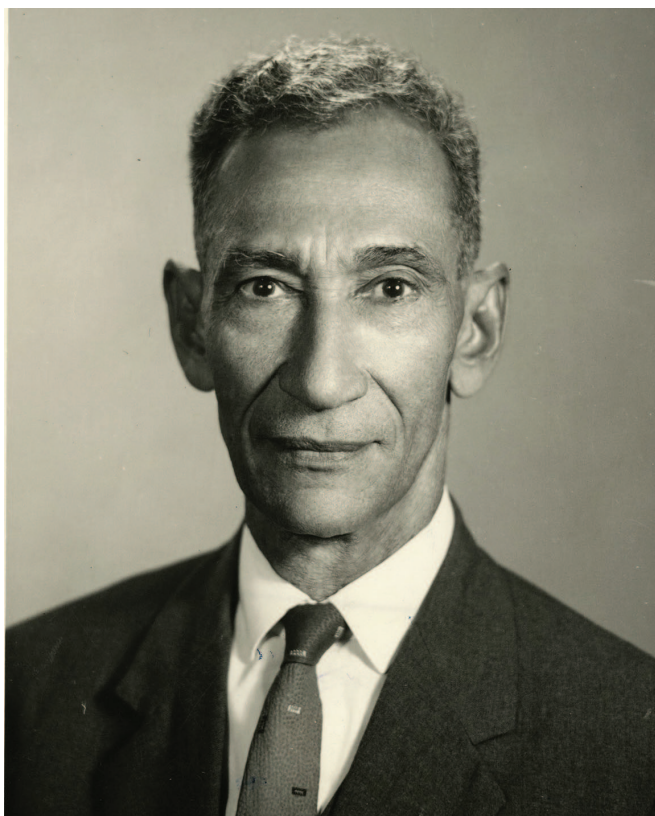


Photo courtesy of Jamaica Information Service (JIS)

David Clement Tavares, CD

David Clement Tavares Jr. gave several years of distinguished service to Jamaica as Minister of Housing from 1962 to 1967. He was Member of Parliament for St. Andrew South Western from 1959 to 1967. He was a solicitor by profession.



Photo courtesy of Jamaica Information Service (JIS)

In 1987 the Government of Jamaica posthumously awarded Tavares the Order of Jamaica Commander Class for contribution to public and political service.