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**MEMORANDUM NOTE DE SERVICE
PREPARED BY SELWYN A. PIETERS**

DATED: 20th April, 2022

**SUBJECT: Legal Opinion on Appointment of the Acting Commissioner of Police,
Clifton Hicken, in Guyana under the Common Law Doctrine of Necessity**

1. I am pleased to provide my opinion and overview of the issues of surrounding the recent appointment of Mr. Clifton Hicken as acting Commissioner of Police by His Excellency Mohamed Irfaan Ali, President of Guyana. My opinion letter is divided into five categories:

- I. Assumptions and Qualifications
- II. Relevant Facts
- III. Issues and The Law
- IV. Conclusions
- V. Recommendations and Comments.

I. ASSUMPTIONS AND QUALIFICATIONS

2. I have been asked to advise on whether the President of Guyana can appoint an Acting Commissioner of Police (COP) using the common law doctrine of “Necessity” in the absence of abiding by the law stated under the Constitution,¹ a sitting Leader of the Opposition and in the absence of a constitutionally appointed Police Service Commission.

3. In rendering my opinion, I have assumed the following:

- i. the genuineness of all signatures, the authenticity of all documents submitted to us (whether originals or copies), and the conformity to original

¹ Constitution of the Cooperative Republic of Guyana, Cap 1:01.

- documents of all documents submitted to us as copies, whether facsimile, photostatic, certified or otherwise.
 - ii. the accuracy, completeness and truthfulness of all statements, allegations, recollections and interpretations contained in all submitted material.
4. After considering documents and the facts provided, the relevant statutes and case law, my advice is as follows:
- i) The common law doctrine of necessity was not available in the circumstances.
 - ii) Articles 211(1) and/or 211(2) of the Constitution was in fact breached as the processes under it were disregarded to allow for an improper appointment.

II. RELEVANT FACTS

5. The A Partnership for National Unity/Alliance For Change (APNU/AFC) coalition won the 2015 General Elections and held power from May 16, 2015 to August 2, 2020 under the leadership of Brigadier (Retd) David Arthur Granger, MSM, MSS, President of the Cooperative Republic of Guyana.²
6. At the 89th Sitting of the National Assembly at the Eleventh Parliament of Guyana, held on Monday, 25th June, 2018 “the National Assembly adopted the Eleventh Report of the Standing Committee to address matters relating to the appointment of Members of Commissions established under the Constitution, and signify to the President that the following persons: (i) Mr. Paul Esmond Slowe, DSM, Retired Assistant Commissioner of Police; (ii) Mr. Clinton Andrew Conway, Retired Assistant Commissioner of Police; (iii) Ms. Vesta Geneva Adams, Retired Woman Assistant Commissioner of Police; and (iv) Ms. Claire Alexis Jarvis, Retired Woman Assistant Commissioner of Police, who have been nominated in accordance with article 210 (1)(c) of the Constitution, be appointed members of the Police Service Commission.”³
7. As the Hansard reflects, both the Association of Former Members of the Guyana Police Force and the Guyana Police Association nominated Paul E. Slowe. Mr. Paul E. Slowe was thereafter appointed Commissioner and Chairman of the Police Service Commission by then President David A. Granger.
8. The Police Service Commission is an independent commission created by Article 137 of the Constitution.
9. The last sitting Police Service Commission was appointed on August 09, 2018. It was chaired by Paul E. Slowe, DSM, former Assistant Commissioner of Police.
10. The last substantive Commissioner of Police Leslie Albert James, DSS, DSM, was appointed on August 30, 2018. Four Deputy Commissioners were also appointed that date, Mr. Lyndon Alves, Ms. Maxine Graham, Mr. Nigel Hoppie and Mr. Paul Williams. These appointments followed consultations between President David Arthur Granger and the Leader of the Opposition, His Excellency Dr. Bharrat Jagdeo, as the Constitution mandates,

² Neil Marks, "Guyana swears in new president after multiracial bloc wins vote", Reuters, 16 May 2015.

<<https://www.reuters.com/article/us-guyana-president-idUSKBN0O10VO20150516>>

³ "Official Report, Proceedings and Debates of the National Assembly of the First Session (2015-2018) of the Eleventh Parliament of Guyana Under the Constitution of the Co-Operative Republic of Guyana Held in the Parliament Chamber, Public Buildings, Brickdam, Georgetown" (June 25, 2018), online: <https://parliament.gov.gy/documents/hansards/89th_sitting_-_eleventh_parliament_2.pdf>.

- at State House.⁴ Meaningful consultation also took place with the Chairman of Police Service Commission as required by the Constitution.
11. On December 21, 2018, the APNU/AFC government lost a vote of confidence in the National Assembly.
 12. Intense litigation followed all the way to the Caribbean Court of Justice. The legality of the vote was upheld.⁵
 13. On August 08, 2019, His Excellency President David Arthur Granger appointed Nigel Hoppie acting Commissioner of Police pursuant to Article 211 (2) of the Constitution.⁶ It is unclear whether there was any meaningful consultation with the Leader of the Opposition, His Excellency Bharrat Jagdeo and/or the Chairman of the Police Service Commission Mr. Paul Slowe.
 14. On March 02, 2020, National and Regional elections were held in Guyana.
 15. Again, a significant period of electoral uncertainty and litigation through the Courts followed all the way to the Caribbean Court of Justice.⁷
 16. Commissioner of Police James proceeded on 274 days pre-retirement leave on July 31, 2020. At the time Commissioner of Police James proceeded on pre-retirement leave the government of the day continued to be led by His Excellency President David A. Granger and the Minister of Public Security was Khemraj Ramjattan.
 17. At the material time Guyana was in the midst of close to five months of electoral uncertainty as well as the COVID19 pandemic.
 18. Deputy Commissioner Nigel Hoppie was made to “perform the duties” of Commissioner during that period, until a substantive Commissioner of Police could be selected and the usual consultations were made.⁸ Deputy Commissioner Hoppie was the most senior of the Deputies, his appointment being effective June 01, 2018.
 19. His Excellency Mohamed Irfaan Ali, who was the Presidential Candidate of the People’s Progressive Party/Civic, was sworn in as the President of the Cooperative Republic of Guyana on August 02, 2020.
 20. The Opposition APNU/AFC refused to recognize the government calling it illegitimate. In turn the government of Mohamed Irfaan Ali refused to hold any “meaningful consultations” with the Leader of the Opposition, Lt. Col. (Retd) Joseph Frederick Harmon, until he and his party recognize the government.⁹
 21. Commissioner Leslie James retired on May 1, 2021. Deputy Commissioner Hoppie continued to “perform the duties” of Commissioner. Deputy Commissioner of Police Nigel Hoppie performed the duties of Commissioner of Police in the absence of an Instrument of Office.

⁴ Leslie James named as new Commissioner of Police, DPI <<https://dpi.gov.gy/leslie-james-named-as-new-commissioner-of-police/>>

⁵ *Christopher Ram et.al. v The AG of Guyana et.al.* [2019] CCJ 10 (AJ), [2019] 4 LRC 554.

⁶ Seal No. 152 of 2019 – The Instrument Appointing a person to act in the Office of Commissioner of Police, Official Gazette dated 8th August, 2019 online <http://parliament.gov.gy/new2/documents/bills/22231/seal_152_of_2019.pdf>

⁷ *Mohamed Irfaan Ali et.al. v Eslyn David et.al.* [2020] CCJ 10 (AJ).

⁸ Top Cop sent on pre-retirement leave; Deputy still on the job, Kaieteur News <<https://www.kaieteurnews.com/2020/08/02/top-cop-sent-on-pre-retirement-leave/>>

⁹ Opposition APNU/AFC ineffective and weak – Attorney Selwyn Pieters <<https://guyanatimesgy.com/opposition-apnu-afc-ineffective-and-weak-attorney-selwyn-pieters/>>

22. In or around August 08, 2021, the Police Service Commission's (the PSC's) term expired. It must be noted that it was unconstitutionally suspended by the President in June 2021 and that suspension remains the subject of litigation in the Supreme Court of the Judicature.
23. The Cooperative Republic of Guyana effectively was without a Constitutionally appointed Commissioner of Police since May 1, 2021.
24. By virtue of the Constitution, there is supposed to be an appointed Commissioner of Police via the processes outlined in the *Constitution and Police Act, Chapter 16:01*.
25. Mr. Hoppie who turns 55 years old in December 2022 proceeded on pre-retirement leave on March 27, 2022.¹⁰
26. Shortly thereafter, and in private, the President of Guyana, His Excellency Mohamed Irfaan Ali chose to appoint a Commissioner of Police, in the name of Mr Clifton Hicken.
27. Mr. Clifton Hicken, was born on 22nd July 1968. He enlisted in the Guyana Police Force on 1st May 1988. He was promoted to Assistant Commissioner of Police on January 01, 2015. Mr. Hicken was Commander of two of Guyana's Largest divisions A and B Division.
28. Mr. Hicken date of appointment as an "acting Commissioner of Police" was made effective on March 30, 2022.
29. Prior to this appointment Mr. Hicken performed the duties of Deputy Commissioner of Operations and was the longest serving substantive Assistant Commissioner of Police, at the material time
30. His Excellency Mohamed Irfaan Ali, President of Guyana, appointed Mr Hicken as acting Commissioner of Police without any requisite consultation.
31. There has been no publication in the Official Gazette or any other published legal document which attests to or substantively proves that Mr. Hicken the "appointed" acting Commissioner of Police is in fact legally in office.
32. The office of the Leader of the Opposition became vacant as Mr. Joseph Harmon resigned as Opposition Leader on January 26, 2022. However, as indicated above, no consultations on any appointments to any constitutional bodies or offices took place between August 03, 2020 to January 26, 2022 when there existed a Leader of the Opposition.
33. His Excellency President Ali explained his decision to appoint Mr. Hicken as follows:

President Ali made the statement Monday evening, while engaging journalists on the sidelines of the launch of the master's degree programme in strategic development studies, at the University of Guyana, Turkeyen Campus, Georgetown.

"There is something called the doctrine of necessity, should I allow the country to function without an acting commissioner?"

There is a doctrine of necessity and in the doctrine of necessity, I appointed an acting commissioner," Dr. Ali emphasised.¹¹

¹⁰ President Ali appoints Hicken as Police Commissioner (ag) DPI, March 28, 2022

<<https://dpi.gov.gy/president-ali-appoints-hicken-as-police-commissioner-ag/>>

¹¹ Appointment of acting commissioner; a doctrine of necessity – President Ali, DPI, March 28, 2022

<<https://dpi.gov.gy/appointment-of-acting-commissioner-a-doctrine-of-necessity-president-ali/>> (Online)

34. In the Guyana context, history will show that where there exist a sitting Deputy Commissioner the acting appointment would have taken place based on seniority and not based on common law principles.
35. History has also never witnessed an appointment such as this without said consultation. However, there existed at the material time when Mr. Hoppie proceeded on leave no Police Service Commission nor leader of the Official Opposition, the two constituent constitutional Office holders to which consultations would have been initiated and taken place.
36. The above facts are the only facts provided within my knowledge at the time of the drafting of this opinion, therefore the following assumptions were made:
- i. That the Guyana Police force was without a Constitutionally appointed Commissioner of Police or acting Commissioner of Police when both a Leader of Opposition and Chairman of the Police Service Commission were in place.
 - ii. That no Consultations took place between the President and the Leader of Opposition on any constitutionally mandated appointments including that of the Commissioner of Police, Judicial Service Commission, Chair of the Police Service Commission, Teaching Service Commission, amongst other Constitutional bodies and office holders for which “meaningful consultation” was necessary between August 2020 and January 2022.
 - iii. That the absence of a Leader of the Opposition and a Police Service Commission as the stated basis on which the President of Guyana said he acted in March 2022 is not borne out in light of his actions between August 03, 2020 and January 25, 2022.
 - iv. The legitimacy of the Doctrine of Necessity as a tool to override the sanctity of the *Constitution* is therefore a matter for the Supreme Court of the Judicature and higher Courts to determine in light of the factual matrix as above.

III. ISSUES AND THE LAW

37. There are two issues in respect to this acting appointment:
- i. Whether the President through the Doctrine of Necessity could have appointed an Acting Commissioner of Police?
 - ii. Whether the Constitution was in fact breached as the processes under it were disregarded to allow for an improper appointment?

- i. Whether the President through the Doctrine of Necessity could have appointed an Acting Commissioner of Police?

38. The Doctrine of Necessity is rooted in the Common Law.

39. In *Mitchell v. Director of Public Prosecutions*, Haynes P of the Court of Appeal of Grenada set out the conditions precedent to exercising the Doctrine of Necessity as follows:¹²

- (i) an imperative necessity must arise because of the existence of exceptional circumstances not provided for in the Constitution, for immediate action to be taken to protect or preserve some vital function to the State;
- (ii) there must be no other course of action reasonably available;
- (iii) any such action must be reasonably necessary in the interest of peace, order, and good government; but it must not do more than is necessary or legislate beyond that;
- (iv) it must not impair the just rights of citizens under the Constitution;
- (v) it must not be one the sole effect and intention of which is to consolidate or strengthen the revolution as such

40. The test set out in *Mitchell* was adopted as the governing principles in *Prasad v Republic of Fiji* [2001] NZAR 21; [2001] 1 LRC 665.

41. In the Guyana context the treatment of the constitutionally appointed Police Service Commission by His Excellency the President was unconstitutional, oppressive and appeared to not respect the division of powers as set out in the Constitution.

42. The refusal to “meaningfully consult” with the Leader of the Opposition between August 03, 2020 and January 26, 2022 on vacancies in several constitutional offices and the insistence that the Opposition must “recognize” the government before any consultation or meeting could take place has a meaningful impact on how the exercise of the purported necessity has to be evaluated and analyzed.

43. The President provided no basis for the acting appointment except to say “There is something called the doctrine of necessity, should I allow the country to function without an acting commissioner? There is a doctrine of necessity and in the doctrine of necessity, I appointed an acting commissioner.”

44. There was no acting/substantive Commissioner of Police between August 03, 2020 to March 30, 2022. Mr. Hoppie was simply performing the functions of the Commissioner of Police as per the usual convention and practice and no attempts were made to appoint Mr. Hoppie or Mr. Hicken or some other qualified person as acting or substantive Commissioner of Police.

45. I pause at this stage to set out how a person performing the functions of the Commissioner of Police has been discussed and described by Seelall Persaud, DSM, who was Commissioner of Police in 2017:

¹² [1986] LRC (Const) 35, 88-89.

Mr. Pieters: Okay very well. Section 6.1 speaks about the role of the Commissioner of Police. Would you agree?

Mr. Persaud: Yes.

Mr. Pieters: Section 7.1 speaks about the role of the Deputy Commissioner.

Mr. Persaud: Yes.

Mr. Pieters: And section 8.1 Speaks about the roles of Assistant Commissioners.

Mr. Persaud: Yes.

Mr. Pieters: Right. In terms of the hierarchy of the force, tell us who is the number one, number two, and numbers three in the force as it stands on March 29, 2017.

Mr. Persaud: The seniority would be Deputy commissioner of Police number one, Assistant Commissioner Ramnarine number two and I think Assistant Commissioner Griffith number would have been number three, at the time I also believe think he was pre-retirement leave and that would mean...We have Assistant Commissioner Joseph, who is also on pre-retirement leave I am not sure if he has retired yet if he hasn't then he would have been the next person and that is number four, then number five Assistant Commissioner Hickens. Given that those two officers were on pre-retirement leave in their functional capacity would have been Assistant Commissioner Hickens at number three.

Mr. Pieters: Okay let's say number one and number two, would you agree that Assistant Commissioner Ramnarine was the functional Deputy Commissioner, given that he was number two, he was he acting in the position as a Deputy Commissioner?

Mr. Persaud: No, Deputy Commissioner is a rank, and it's a rank that is appointed by the President, so there is no one holding the rank as Deputy Commissioner.

Mr. Pieters: Is there anyone acting in the capacity, unofficial line or however you determine?

Mr. Persaud: There is no acting in the public service when you act you get payment, an allowance for that acting, and no one has received that allowance, so no one has been acting.

Mr. Pieters: Alright, let's clarify the structure, you are the Commissioner of police and you are a constitutionally appointed position.

Mr. Persaud: Yes.

Mr. Pieters: You testified the Mr. Ramnarine is your number two.

Mr. Persaud: Yes.

Mr. Pieters: And now you tell the panel, sorry, you tell the Commissioner, sent that is a single member panel, you tell the commissioner what are the functions that you see it of David Ramnarine.

Mr. Persaud: His functions as the Assistant Commissioner in charge of Administration of the force and while I am away he assume duties of the commissioner as well.

Mr. Pieters: So apart from that, what is the process that takes place when you go on leave and Assistant Commissioner Ramnarine assumes your role.

Mr. Persaud: There is a letter from the Minister approving leave and that same letter will indicate that Assistant Commissioner Ramnarine will act.

Mr. Pieters: And whose decision is it that Ramnarine will act?

Mr. Persaud: The Minister of Public Security, I don't know if it goes further than that in the Government structure.

.....

Mr. Pieters: Has Mr. Ramnarine ever given you cause to doubt his suitability to Act in the appointment of Commissioner when you proceeded on leave whatever the form the leave takes?

Mr. Persaud: The suitability to act will be the next most senior officer and no, he was the most senior officer.

Mr. Pieters: So he didn't give you any cause to doubt his suitability to act in your position?

Mr. Persaud: Given that he is the next most Senior officer. It's the only consideration.

Mr. Pieters: Well personally have you ever had cause to doubt his suitability to act in your position?

Mr. Persaud: The qualification for that is that he is the next most senior officer, I have no doubt that he was the next most senior officer.¹³

46. The evidence under oath of Commissioner of Police Seelall Persaud remains important as it sets out the process and convention that exist at the time to ensure that the Guyana Police Force continues to function with someone at the helm.
47. In the circumstances, Paul Williams, DSM, the sole Deputy Commissioner of Police was next in line to perform the duties of Commissioner of Police upon the departure of Nigel Hoppie on pre-retirement leave and Rule 35 of the Public Service Commission Rules would have applied, in any event.
48. If Paul Williams was somehow not available or alternatively unable to perform the duties of Commissioner of Police then an Assistant Commissioner, Clifton Hicken being the most senior could have been instructed to perform the functions.
49. In March 2022, "the existence of exceptional circumstances not provided for in the Constitution, for immediate action to be taken to protect or preserve some vital function to the State" did not exist.
50. Acting Commissioner of Police Clifton Hicken's appointment was not "reasonably necessary in the interest of peace, order, and good government..."
51. The common law doctrine of necessity was not available in the circumstances.
52. Therefore, the appointment of Clifton Hicken as acting Commissioner of Police was not lawful, even when the Doctrine of Necessity is considered.

¹³ Transcript of Evidence of Seelall Persaud, Dated July 29, 2017, pages 26, 27 and 29.

- ii. Whether the Constitution was in fact breached as the processes under it were disregarded to allow for an improper appointment?

53. The relevant provisions of the Constitution of Guyana are Articles 211 (1), (2), (3), (4), 212, 225.

54. Article 211 (1) of the Constitution of Guyana states the following:

211 (1) The Commissioner of Police and every Deputy Commissioner of Police shall be appointed by the President acting after meaningful consultation with the Leader of Opposition and Chairperson of the Police Service Commission after the Chairperson has consulted with the other members of the Commission”.

55. Article 211(2) makes the appointment of an acting Commissioner subject to the same constitutional requirements as the Commissioner.

56. The Constitution is silent as to what takes place when and where there is no Police Service Commission and/or Leader of Opposition in office to ensure “meaningful consultation”. However, what is known and has to be factored into the mix is when there existed a Police Service Commission and a Leader of the Opposition, the President was at odds with the Police Service Commission which he illegally and unconstitutionally suspended and he blatantly refused to meaningfully consult with the Leader of the Opposition, at all.¹⁴ Therefore, in the unusual circumstances here and the opportunity that presented itself, in the absence of the two Constitutional mandated offices to which the President was required to consult, it can be assumed that the President opportunistically placed reliance on common law doctrines outside of what the Constitution allows.

57. As held in *Ghana Bar Association and Others v Attorney General and Another Sky v Attorney General, Danso-Acheampong v Attorney General* [2016] 5 LRC 443:

29. The cardinal principle on which appointments were made to the Supreme Court under art 144(2) of the *Constitution* was based on the common law principle that, as well as being professionally competent, a judge ought to be impartial and be capable of being regarded as such by the public, which was exemplified by the requirement in art 128(4) that appointees to the Supreme Court be 'of high moral character and proven integrity'. It was also important that judges were independent and were seen to be independent in discharging their duties. Article 144 was therefore to be construed so as to ensure that as far as possible the image of justices of the Supreme Court was one of 'indubitable impartiality' (see pp 452, 454, 460, below).

30. The purpose of the three-tier appointment process in art 144(2), of advice of the Judicial Council, consultation with the Council of State and approval of Parliament, was part of the constitutional checks and balances under the separation of powers, which was designed to insulate the

¹⁴ *Zulfikar Mustapha v Attorney General of Guyana and the Chairman of the Guyana Election Commission* [2019] CCJ 9 (AJ) has an excellent discussion on the content of the duty to meaningful consult and to provide reasons for decision.

appointment process against excessive executive control and inter-meddling and to act as a restraint on the President's power of appointment and prevent improper appointments (see pp 452–454, 457, 459–460, below.)(emphasis mine)

31. In this matter, the President was required to seek the advice of the **Judicial Council and consult with the Council of State in the appointment of Supreme Court judges**, but the opinions and advice of the Councils were not binding on the President. The President, as the appointing authority, was not obliged to appoint a person recommended by the Judicial Council **but, on the other hand, he could not go outside the recommendations of the Judicial Council when making an appointment to the Superior Courts**. Moreover, the Judicial Council, the Council of State and the President were required by art 296 not to be arbitrary, capricious or biased, whether by resentment, prejudice or personal dislike, and to act in accordance with due process of law when carrying out their respective constitutional duties to advise, consult and appoint Superior Court judges (see pp 454–455, 457–460, below.) Dicta of Sowah JSC in *Hansen v Ankrah* [1987–88] GLR 639 at 667 and of Amua-Sekyi JSC in *New Patriotic Party v Inspector General of Police* [1993–94] 2 GLR 459 at 469 and in *Wuaku v A-G* [1993–94] 2 GLR 393 at 396 and Date-Bah Reflections on the Supreme Court of Ghana (2015) at pp 128–129, 201, 211, 212 considered.

58. As noted above, the conditions precedence to the invocation of the Common Law Doctrine of Necessity was not met in the context of the pre-retirement leave of Deputy Commissioner Nigel Hoppie, who was performing the functions of the Commissioner of Police, that required or necessitated the departure from the conditions set out in Article 211(2) of the *Constitution* for the appointment of an Acting Commissioner of Police.

IV. CONCLUSION

59. The factual context including the social, economic, political and legal context had significant bearing on the conclusion I have reached in this matter.
60. The President of Guyana cannot rely on the Doctrine of Necessity as case law has supported protection and preservation of a country's *Constitution*. While the Constitution of Guyana is silent as to the processes to undertake in the absence of constitutional office holders imperative to such an appointment process contemplated in Article 211 of the Constitution, the evidence reveals that the President had no interest in consulting with the Leader of the Official Opposition whilst one was in place between August 2020 and January 2022 and his unconstitutional actions in suspending the Police Service Commission as autocratic, therefore the resort to the doctrine of Necessity in making this appointment, in the absence of a functioning Police Service Commission and the vacancy of the Leader of the Opposition, was opportunistic, ill-advised, in bad faith¹⁵ and not captured by circumstances

¹⁵ As defined in Black's Law Dictionary (St. Paul, Minn.: West Publishing Co., 7th ed. 1999) "...generally implying or involving actual or constructive fraud, or a design to mislead or deceive another, or a neglect or refusal to fulfil some duty or some contractual obligation not prompted by an honest mistake as to one's rights or duties but by some interested or sinister motive. Bad faith is not simply bad judgment or

that would support the invocation and use of the doctrine of necessity to make the appointment of acting Commissioner of Police.

61. I so advise.

V. RECOMMENDATIONS AND COMMENTS

62. The appointment of the acting Commissioner of Police, in my respectful opinion, is manifestly *ultra vires* Article 211 (2) of the Constitution, unlawful, illegal, premature and of no legal force, import or effect.¹⁶ Given the unconstitutional appointment has been made, in the absence of a resignation, it is for a Court of competent jurisdiction to adjudicate. An application in the nature of judicial review would be recommended in the circumstances.

63. These matters, as past history would dictate, are complex, time—consuming, expensive and uncertain.

64. In the meantime, please contact me directly in the event you would like to discuss the above or any collateral matters.

negligence but rather it implies the conscious doing of a wrong because of dishonest purpose or moral obliquity; it is different from the negative idea of negligence in that it contemplates a state of mind affirmatively operating with furtive design or ill will.

¹⁶ See for example *Zulfikar Mustapha v Attorney General of Guyana and the Chairman of the Guyana Election Commission* [2019] CCJ 14 (AJ)