

WRITTEN ANSWERS TO QUESTIONS

NATIONAL HUMAN RIGHTS COMMISSION – L'AMICALE DE PORT LOUIS - INQUIRY

(No. B/15) Mr O. Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Rt. Hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the inquiry being carried out by the National Human Rights Commission in relation to the case of arson of the gaming house, known as l'Amicale de Port Louis in May 1999, he will, for the benefit of the House, obtain from the Commission, information as to when the inquiry will be completed.

Reply: I am informed by the Chairperson of the National Human Rights Commission that the inquiry it is conducting in the l'Amicale de Port Louis case is expected to be completed by mid-2015.

However, I wish to inform the House that the present inquiry by the National Human Rights Commission started on 14 July 2014 and was expected, as per provisions of Section 4A(3) of the Protection of Human Rights Act, to be completed, as far as practicable, within six months from the receipt of the complaint, that is, by 10 January 2015.

However, as the search for the existence of fresh and compelling evidence for the purpose of determining whether a reference should be made to the Supreme Court under Section 19A (4) of the Criminal Appeal Act, is a complex exercise, counsel of the applicants has been informed and has no objection to the extension in time.

MILITARY ROAD, CITÉ MARTIAL – CANAL ANGLAIS – REPAIRS

(No. B/18) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the “Canal Anglais”, behind the Military Road, Cité Martial, he will state if he is aware of the presence of cracks thereinto resulting into water leakage into houses during rainfall and, if so, will he state if consideration will be given for the urgent repairs and upgrading thereof.

Reply (The Prime Minister): I am informed that as far back as 30 March 2013, the scouring effect during the flash floods damaged the concrete bedding of “Canal Anglais”. Apparently, the detritus stuck on the damaged concrete bedding caused water level to rise and overflow the embankments thereby flooding the house of one inhabitant at Military Road, Cité Martial.

As regards the presence of alleged cracks resulting into water leakage into houses during recent rainfall, I have given instructions to the National Development Unit to cause a survey to be carried out and remedial actions, if warranted, to be taken.

I have also asked the Minister of Local Government, to intervene with Local Authorities to ensure that they maintain canals and drains properly.

E-JUDICIARY PROJECT – CONTRACT

(No. B/34) Mr M. Gobin (First Member for Rivière des Anguilles & Souillac) asked the Minister of Finance and Economic Development whether, in regard to the E-Judiciary project, he will state –

- (a) the name of the company and/or private consultant to whom the contract thereof was awarded, indicating the names of –
 - (i) the directors;
 - (ii) shareholders, and
 - (iii) the beneficial owner thereof
- (b) if the contract thereof was awarded in compliance with the requirements of the Public Procurement Act and, if not, why not, and
- (c) if proper monitoring and internal audit regarding the implementation of the project is being properly effected, especially in relation to liquidated damages clause and, if not, why not.

Reply (The Prime Minister): In regard to parts (a) (i) and (ii) of the question, I am informed by the Master and Registrar of the Supreme Court that the contract for the E-Judiciary Project was awarded to Mauritius Network Services Limited.

The names of the Directors of the Board of Mauritius Network Services Limited are as follows –

- (i) Mr Mohammad OOZEER, Chairman;

- (ii) Mr Bhanu Pratabsingh JADDOO, Vice Chairman;
- (iii) Mrs Aruna Devi BUNWAREE-RAMSAHA, Director, and
- (iv) Mr Vedprakash AUCKALOO, Director.

The Mauritius Network Services Limited is owned by Maurinet which is composed of the following Companies –

- (i) Mauritius Chamber of Commerce and Industry – 35% of shareholding;
- (ii) Mauritius Ports Authority – 22.5% of shareholding;
- (iii) State Investment Corporation Limited – 12.5% of shareholding;
- (iv) Mauritius Telecom, Port Louis Fund and Cargo Handling Corporation – 10% of shareholding each.

Insofar as part (a) (iii) of the question is concerned, the Master and Registrar has informed that the Judiciary is not in presence of such information.

In regard to part (b) of the question, I am informed by the Master and Registrar of the Supreme Court that the contract for the E-Judiciary Project was awarded in compliance with the provisions of the Public Procurement Act, under the Procurement Guidelines of the donor agency, namely, Investment Climate Facility for Africa.

Concerning part (c) of the question, the Master and Registrar of the Supreme Court has informed that proper monitoring of the E-Judiciary Project is being effected ever since its inception by a Steering Committee chaired by an hon. Judge of the Supreme Court and the Judiciary Project Management Team.

Quarterly reports are regularly submitted to Investment Climate Facility and to the Ministry of Finance and Economic Development. In addition, an Investment Climate Facility team regularly visits Mauritius for the monitoring of the project.

The audit is being done at three levels –

Firstly, at the level of the internal control of the Ministry of Finance and Economic Development;

Secondly, at the level of the National Audit Office, and

Thirdly, by the Audit team of the donor agency.

In October 2014, an acceptance letter was delivered by the Judiciary to Mauritius Network Services Limited subject to the condition that certain changes be made to the system. The Mauritius Network Services Limited is currently working on these changes.

As far as the liquidated damages clause is concerned, I am informed by the Master and Registrar that the advisability or otherwise of applying the provisions of the latter clause will be considered in the light of the changes to be brought to the E-Judiciary System, as requested by the Judiciary from Mauritius Network Services Limited.

CANAL DAYOT – FLASH FLOODS – CLEANING WORKS

(No. B/37) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the work being carried out at Canal Dayot, Grand River North West, he will state where matters stand, indicating if there has been any consultation with the inhabitants in relation thereof.

Reply (The Prime Minister): I am informed that, following the flash floods of 30 March 2013, the National Development Unit undertook the following under Emergency Procurement –

- (i) cleaning works in April 2013, and
- (ii) construction of rock revetment at Canal Dayot, Grand River North West in November 2013.

The works were completed on 15 August 2013 and 31 December 2013 respectively.

Consultations were held with the inhabitants.

SABLE NOIRE – DRAINS

(No. B/41) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Minister of Public Infrastructure and Land Transport whether, in regard to work being carried out at Sable Noire, Grand River North West, he will state where matters stand, indicating if the inhabitants thereof have been consulted in relation thereto.

Reply (The Prime Minister): I am informed that the construction of the outlet drains from Industrial Zone to sea outlet, Bell Village and the reconstruction of existing drain to a bigger size at Sable Noire was effected by National Development Unit under Emergency Procurement as from May 2013 and was completed on 30 May 2014.

I am also informed that to further ease the evacuation of flood water, a new box culvert with greater cross sectional area is presently under construction at Sable Noire and is scheduled for completion by the end of May 2015.

In respect of both projects the inhabitants of the region were consulted. I am given to understand that it is upon the request of inhabitants and *Force Vives* of Sable Noir that the new box culvert is being constructed.

MBC - FORMER DIRECTOR GENERAL - LUMP SUM

(No. B/43) Mr S. Fowdar (Third Member for Grand' Baie & Poudre d'Or) asked the Minister of Technology, Communication and Innovation whether, in regard to the former Director General of the Mauritius Broadcasting Corporation, he will, for the benefit of the House, obtain from the Corporation, information as to if he was paid a lump sum upon his resignation in December 2014 and, if so, will he state if the amount paid was in conformity with the terms and conditions of his contract and, if not, indicate the legal actions that are being taken in relation thereto.

Reply: I am informed that the former Director General of the Mauritius Broadcasting Corporation, was paid a net amount of Rs4,574,660.78 (after deduction of Rs786,014.74 as PAYE) after his resignation on 11 December 2014. The payment had initially been effected on 11 December 2014 through direct debit. The State Bank of Mauritius was instructed to process the payment on the 11th December 2014.

However, in view of the fact that the former Director General was not entitled to payment of gratuity and of passage benefits, he was requested to refund an amount of Rs321,045.37.

With regard to second part of the question, I am informed that the former Director General was paid a sum of Rs4,253,615.47 as compensation.

The compensation paid equivalent to 18 months' salary is pursuant to clause x(e) of the contract of employment of the former Director General.

Clause x(e) of the contract of the former Director General of the Mauritius Broadcasting Corporation, which was drawn on 25 June 2014, states, I quote -

“Your appointment may be determined by you at any time when you consider that you cannot in good conscience continue to serve as Director-General, in which case you will be paid eighteen months' salary.”

The term of the contract of the former Director General with regard to termination is currently being investigated by the Ministry of Financial Services, Good Governance and Institutional Reforms. Further action will be taken in the light of the findings.

PRIMARY SCHOOLS - SUBJECT TEACHING

(No. B/44) Mr S. Fowdar (Third Member for Grand' Baie & Poudre d'Or) asked the Minister of Education and Human Resources, Tertiary Education and Science Research whether she will state if her Ministry is considering the introduction of subject teaching at the primary level.

(Withdrawn)

STATE LANDS - LEASE

(No. B/45) Mr S. Fowdar (Third Member for Grand' Baie & Poudre d'Or) asked the Vice-Prime Minister, Minister of Housing and Lands whether, in regard to the lease of State lands, he will -

- (a) state if his Ministry intends to come up with a more transparent set of procedures for the allocation thereof, and
- (b) table a list thereof from July 2005 to date, indicating in each case the -
 - (i) name of the lessee;
 - (ii) purpose thereof, and
 - (iii) extent thereof.

Reply: In regard to part (a) of the question, I wish to inform the House that I have set up a dedicated working group, which I am personally chairing, to examine in-depth the whole process governing State land allocation. The exercise has reached quite an advanced stage already and, very shortly, a review of the Policy Framework would be made. I can inform hon. Members that the new system which will be put in place will very rigorously subscribe to the principles of fairness, transparency and accountability so that we ward off once for all instances of arbitrariness and discrimination.

Concerning part (b) of the question, the information is being compiled and will be placed in the Library of the National Assembly in due course.

EBENE - SICOM TOWER - LEASE AGREEMENT

(No. B/47) Mr S. Rughoobur (Second Member for Grand' Baie & Poudre d'Or) asked the Minister of Finance and Economic Development whether, in regard to SICOM Tower at Ebene, he will state if -

- (a) the original lease agreement between the Business Park of Mauritius Ltd. (BPML) and Arushi Development Ltd. had been revised subsequently to enable commercial development thereat, indicating whether the decision was approved by the Board of Directors of the BPML;
- (b) tenders were launched by SICOM for the purchase of property at Ebene and, if not, why not and, if so, give details of the -
 - (i) list of bidders;
 - (ii) the name of the members of the tender evaluation panel and;
 - (iii) the bid evaluation reports thereof, and
- (c) there are fixed and floating charges in the property currently known as SICOM Tower in favour of any other party apart from SICOM Ltd.

(Withdrawn)

TERRE ROUGE VERDUN M3 ROAD – GEOTECHNICAL REPORT

(No. B/49) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the Terre Rouge Verdun M3 Road, he will state –

- (a) the status thereof as at to date;
- (b) the content of the report of the Geotechnical expert of Mr P., indicating if a copy thereof will be tabled, and
- (c) if there has been any change from the original design and, if so, why.

Reply: With regard to part (a) of the question, I am informed that the Terre Rouge-Verdun Road (M3) is a dual carriageway which was opened to traffic in December 2013. On 18 January 2015, cracks were observed on the fill area about 400m before Valton roundabout. A monitoring of the cracks revealed signs of a potential landslide and it was decided to close the section of road between Valton and Ripailles completely as from 21st January 2015.

The advice of experts namely, the Expert Team of the Japan International Corporation Agency, Dr. E Saldivar, Geotechnical Engineer of Geotechnical Services Limited (Mauritius), whose services have been retained by the RDA, and ARQ (South Africa),

Consulting Engineer for Joint Venture Rehm Grinaker -COLAS, have been sought and they all share the opinion that the excessive accumulation of water to a high level in the embankment, resulting from the recent torrential rainfalls, has triggered the incident. In-depth investigations and tests will be conducted for the identification of the precise causes of the embankment failure and the appropriate remedial measures.

With regard to part (b) of the question, I am informed that Mr Plotto was an expert appointed by the Consultant, Egis International Ltd to prepare the geotechnical study at the project design stage. When the first signs of instabilities were identified in 2010, Mr Plotto carried out a visit and submitted a mission report on 6 July 2010 with some recommendations relating to slope stabilisation. Following new problems that cropped up in the same region, Mr Plotto was called upon by the Consultant to field a second mission in December 2011. He made further recommendations for solving slope instabilities permanently using appropriate and more expensive technologies which included nailing, piling, shotcreting, retaining walls and sub-soil drainage to minimise risks of further landslides.

I am tabling a copy of each of the reports.

With regard to part (c) of the question, I am advised that there has been no change in the original design of the road.

RING ROAD PHASE I - REPORTS

(No. B/50) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the Ring Road Phase I, he will state where matters stand as to the reports and the recommendations of the various experts thereon, indicating the amount of money paid to them.

Reply: I am informed that the Port Louis Ring Road project was conceived to be implemented in three phases under the Road Decongestion Programme. The contract for the construction of Phase 1 was awarded to Joint Venture Rehm Grinaker-COLAS, following an international bidding exercise. The RDA had recourse to Arab Consulting Engineering from Egypt for the supervision of the works.

The construction works for Phase 1 started in January 2010 and was substantially completed in January 2013. There was a defects liability period of 1 year.

Before the expiry of the defects liability period, part of the Ring Road collapsed. That part of the Ring Road was on a 'Design and Build' basis by Joint Venture Rehm Grinaker-COLAS. I am advised that the cause of the collapse is attributable to the fact that the sub-soil strata was too weak to support the fill and the reinforced earth structure.

As per the provisions of the Contract, the Contractor is totally responsible for its design and construction.

The Contractor has consequently appointed Messrs ARQ (Pty) Ltd Consulting Engineers from South Africa to carry out the reconstruction design and the supervision on its behalf.

The expert recommendation to overcome the slip which occurred consists of reinforcing the soil strata below using support piles up to bedrock and inclined tendons embedded therein prior to the actual construction of the reinforced earth wall itself.

The final reconstruction design has been reviewed and approved by the Geotechnical Expert of the Consultant, Arab Consulting Engineers.

The costs relating to the assignment of ARQ (Pty) Ltd Consulting Engineers are being borne by the Contractor directly whereas costs relating to the services of the Geotechnical Expert of Arab Consulting Engineers, to the tune of USD 5170, have been paid from the forfeited amount of the contractor's performance bond.

The services of an independent Geotechnical Expert from South Africa, has now been obtained and he is expected to be in Mauritius on 15 February 2015. He will advise my Ministry, inter-alia, on the efficacy and technical soundness of the remedial works proposed by the contractor. The cost of the assignment is around Rs1.6m.

LIGHT RAIL PROJECT - FUNDS EARMARKED

(No. B/51) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the Light Rail Project, which has now been shelved, he will state how the funds earmarked therefor by the Government of India will be allocated for other projects, if any.

Reply: The Mauritius Light Rapid Transit (MLRT) project was initiated as far back as 2011, through a Government to Government Agreement with the Singapore Government, through the Singapore Cooperation Enterprise (SCE). The project was conceived on a Design

and Construct model and was to be partly financed by way of a line of credit obtained from the Government of India and partly through loans. The total cost of the project would have amounted to some USD 830 million.

In view of the huge investment required and the need to attend to other priority projects, this Government has decided to shelve the Light Rapid Transit project and to explore alternative solutions with a view to improving and modernising the transport system.

I am informed that The Ministry of Finance and Economic Development is currently working on the Public Sector Investment Programme (PSIP) and a priority list of projects will be announced in the forthcoming budget. Accordingly, Members of the House will be informed in due course of the projects which will be funded out of the Line of Credit obtained from the Government of India.

RIPAILLES – SINOHYDRO – WORKS COMPLETION

(No. B/52) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix) asked Minister of Public Infrastructure and Land Transport whether, in regard to the contract awarded to Sinohydro for the completion of works at Ripailles where landslide has occurred, he will state if works will continue to be carried out thereat in the light of the actual state of the M3 Road between Ripailles and Valton roundabouts.

Reply: I am informed that during the construction of the Terre Rouge-Verdun Link Road, landslide problems occurred in the cut section over 3km at Ripailles. Following an international bidding exercise, Sinohydro Corporation Limited has been selected for the slope stabilisation works.

As the House is aware, an embankment failure was identified in the segment of the Terre Rouge-Verdun Link Road at about 1km away from the cut section where the slope stabilisation works are currently being carried out.

With a view to identifying the cause/s of the embankment failure, it has been decided that in-depth geotechnical investigations and tests be carried out along the road segment in order to come up with an appropriate design for durable remedial works along the whole stretch of the road, wherever needed.

I have been accordingly advised that it would be more appropriate that the on-going stabilisation works be stopped temporarily pending the completion of the geotechnical investigations and tests.

DOCTORS – PRE-REGISTRATION TRAINING

(No. B/53) Mr P. Jhugroo (Second Member for Mahebourg & Plaine Magnien) asked the Minister of Health and Quality of Life whether, in regard to the Pre-Registration Training for new qualified doctors, he will –

- (a) give a list thereof awaiting training, indicating in each case, the date of registration, and
- (b) state when they will be enlisted, indicating the number thereof that will be enlisted

Reply: With regard to part (a) of the question, the list requested in respect of applications from newly qualified doctors together with the relevant information is being placed in the Library.

With regard to part (b) of the question, procedures are under way for the enlistment of 63 Pre-Registration House Officers.