

WRITTEN ANSWERS TO QUESTIONS

SUPREME COURT – UNDELIVERED JUDGMENTS

(No. B/64) Mr S. Rutnah (Third Member for Piton & Rivière du Rempart) asked the Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the Supreme Court, he will, for the benefit of the House, obtain from the Master and Registrar, information as to the number of judgments pending thereat in respect of cases which have been heard –

- (a) ten years ago;
- (b) five years ago, and
- (c) three years ago, respectively?

Reply: Government is committed to bring reforms to the Judiciary to expedite determination of Court cases and improve the services given to the public by our Court system.

Delays in judicial proceedings may amount to a denial of justice and undermine confidence in the Judiciary, and jurisdictions such as Guyana have gone as far as providing for statutory time limits for Judges to give their decisions. In New Zealand, the High Court and the Supreme Court deliver most of their judgments (over 90%) within 6 months. This is done administratively by the Courts which publish the time within which they expect to deliver judgments and also publish the time taken by Courts to deliver judgments.

As far back as 2006, Lord Mackay recommended that Judges and Magistrates be encouraged to do better case management and that directions may have to be issued by the Supreme Court for that purpose. Further, Judges are enjoined by paragraph 6.5 of the “Guidelines for Judicial Conduct”, to “perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and within a reasonable time.”

With regard to the question of the hon. Member, I am informed that the Chief Justice regularly asks the hon. Judges of the Supreme Court to provide him with a list of undelivered judgments. I am also informed that the last exercise which was effected at the beginning of this year shows that there are only six cases in which judgment has been reserved. Five of these cases are awaiting judgment for four years and one for three years.

JUDICIARY- JUDICIAL COMPLAINTS COMMISSION & VIDEO CAMERA RECORDING

(No. B/65) Mr S. Rutnah (Third Member for Piton & Rivière du Rempart) asked the Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the judiciary, in order to keep a check and balance on judicial conduct, he will state if Government proposes to –

- (a) set up a Judicial Complaints Commission;
- (b) introduce video camera recording of all court proceedings, and
- (c) amend section 74(1) of the District and Intermediate Court (Criminal Jurisdiction) Act 1888 to make it mandatory for all court proceedings to be recorded by technological or other scientific means.

Reply: The Judiciary as one of the three arms of Government is impartial and independent. The principle of separation of powers is enshrined in our Constitution in order to ensure that Judicial Officers discharge their duties independently and without fear or favour. Our system is similar to that of the United Kingdom inasmuch as we are governed by Guidelines for Judicial Conduct which are based on the Bangalore Principles.

I am informed by the Office of the Master and Registrar that presently, all complaints concerning Judicial Officers are directed to the Office of the Master and Registrar and to the Office of the Honourable Chief Justice, and that such complaints are properly investigated by the Master and Registrar, by the Deputy Master and Registrar, or by a Judge nominated by the Honourable Chief Justice who is then apprised of the outcome of any investigation. Should the Honourable Chief Justice consider that the complaint is founded, the matter may be referred to the Judicial and Legal Service Commission for necessary action, or for any other action deemed fit in the circumstances.

Honourable Members may wish to note that several jurisdictions have now provided for an independent mechanism to look into complaints against holders of judicial office. Thus, in the UK, the Judicial Conduct Investigations Office (JCIO) (formerly the Office for Judicial Complaints) supports the Lord Chancellor and the Lord Chief Justice in their joint responsibility for judicial discipline. It seeks to ensure that all judicial disciplinary issues are dealt with consistently, fairly and efficiently. In New Zealand, the Judicial Conduct Commissioner and Judicial Conduct Panel Act 2004 provides a way for people to complain about the conduct of a Judge and to have those complaints assessed. An independent Judicial

Commissioner receives complaints, conducts preliminary investigations and decides what further actions, if any, are to be taken.

Consultations will be held with the Chief Justice to determine whether, with a view to providing a better delivery of service, an independent body should be set up, by law or administratively, to look into complaints made against the Judiciary and advise the Chief Justice on action to be taken.

With regard to parts (b) and (c), hon. Members will be aware that judicial officers are already bound by the Guidelines for Judicial Conduct, made in 2002, which establish standards of ethical conduct for Judges. It is considered that complaints against the Judiciary may be adequately and satisfactorily dealt with by such independent mechanism as may be set up, after consultation with the Chief Justice. The number and nature of complaints against the Judiciary are not such as would justify the video recording of all court proceedings in Mauritius for the purpose of keeping a “check” on judicial conduct. The Court record should and does speak for itself. It is the view of this Government that it is for the Chief Justice, and not for the executive to ensure that all judicial officers adhere by the Guidelines for Judicial Conduct.

Having said this, there are obvious advantages to having Court proceedings recorded simultaneously and transcribed diligently. Government will extend its assistance to the Judiciary in enhancing the digital recording system for the benefit of the public at large as well as our Court system.

CAMP CAROL, GRAND' BAIE & PEREYBERE - DRAINS

(No. B/66) Mr S. Rughoobur (Second Member for Grand'Baie & Poudre d'Or) asked the Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the flood prone areas, he will, for the benefit of the House, obtain from the National Development Unit, information as to if, in collaboration with Greek experts, it had commissioned a report in relation thereto in 2013 and, if so, indicate –

- (a) if Camp Carol, Grand Bay and Pereybere were among the regions identified for the carrying out of urgent drain and related infrastructure works, and
- (b) the urgent remedial measures that are being taken in relation thereto, if any.

Reply: I am informed that an international tender was launched for Consultancy Services for Land Drainage and Watershed Management Study in November 2010 by the NDU. The contract was awarded on 29 January 2013 to the consortium Z & AP Antonaropoulos & Associates S.A in association with Desai & Associates.

The Terms of Reference for the Consultancy Services, funded by the World Bank, was confined to specific parts of Mauritius defined in relation to major drainage basins. The study focused on major catchments which are highly vulnerable to floods/where severe flooding are experienced across Mauritius.

In reply to Part (a) of the question, I am informed that Camp Carol, Grand Baie and Pereybere were, *inter alia*, part of the study.

In respect to part (b) of the question, I am further informed that the preliminary design reports submitted by the Consultant to the NDU in April 2014, highlight that in the region of Grand'Baie, there are a number of wetlands which have started disappearing with the advent of development. Moreover, the lack of stringent controls by the Authorities in ensuring that the wet lands are preserved has further aggravated the drainage of storm water. The rapid development has also encroached on the few natural water courses that existed, thus leaving the surface storm water to find its way through built up areas and causing flooding and ponding during and after the downpour.

As for Camp Carol, the main reasons for flooding are attributed to, *inter alia* –

- (i) low lying areas where the surface water has no outlet to discharge;
- (ii) inexistence of storm water network in many places or the inadequacy of the existing network to carry the flows;
- (iii) obstruction in the storm water network due to overlying developments/constructions, and
- (iv) backfilling of wetlands.

As regards Pereybere, the main issue highlighted in the report is the disposal of surface water run-off from storm events due to lack of properly designed storm water channels and road side drains in many places.

The solutions proposed by the Consultants for Camp Carol, Grand Baie and Pereybere are, *inter alia*, the construction of a storm water network, a main cut-off drain canal in the perimeter of the area where flooding problems have been identified and a road reprofiling in Pereybere.

In consultation with the Ministry of Local Government and all other Authorities concerned, appropriate remedial action will be taken.

ABERCROMBIE – POLICE DIVISIONAL HEADQUARTERS - CONSTRUCTION

(No. B/67) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the proposed construction of a new and modern Divisional Headquarters at Abercrombie, he will, for the benefit of the House, obtain from the Commissioner of Police –

- (a) a list of the offices that will be housed therein, and
- (b) information as to
 - (i) if the present occupiers of the existing Police quarters at Abercrombie will have been vacated and, if not, why not, and
 - (ii) where matters stand as to the proposed construction, indicating the expected start and completion dates thereof.

Reply: I am informed by the Commissioner of Police that the project for the construction of a new and modern Divisional Headquarters at Abercrombie is planned for the Financial Year 2016. The plot of land where the Police Quarters at Abercrombie is presently located has been identified and earmarked for this project.

In regard to part (a) of the question, the proposed building to be constructed will cater for usual requirements for a typical District Headquarters. It will comprise offices for administration, public and emergency services as well as offices for specialised units and other associated facilities.

The following offices will be included, just to mention a few main ones –

- Police Station to cover the Abercrombie region;
- Passport and Immigration sub-office;
- Family Protection Unit;
- Brigade de Mineurs;
- Emergency Response Unit;
- Police du Tourisme;
- Divisional Traffic Police;

- Police de l'Environnement;
- Divisional Support Unit;
- Crime Investigation Division;
- Prosecution Unit;
- Anti Drug and Smuggling Unit;
- Revenue Clerk/Cashier.

In regard to part (b) (i) of the question, presently two Police Quarters are occupied by serving members of the Police Force. The latter have been requested to vacate the said quarters since 13 December 2013, with the option for reallocation of quarters in other regions. The occupants have requested for permission to allow them to continue occupying these quarters while they make necessary arrangements to move to a permanent dwelling of their own. However, they will have to vacate these quarters before the start of demolition works of the existing structures.

With respect to part (b) (ii) of the question, the Architectural Section of the Ministry of Public Infrastructure and Land Transport is presently working on the structural design of the proposed building. Construction works are expected to start in March 2016 and to be completed by April 2017.

SOLID WASTE SOLID SCAVENGING SERVICES - PROCUREMENT

(No. B/92) Mr S. Rutnah (Third Member for Piton & Rivière du Rempart) asked the Minister of Local Government whether, in regard to the procurement of solid waste solid scavenging services for villages SWM1, including carting away of post cyclonic waste – CPB56/13 and solid waste solid scavenging services for villages SWM2, including carting away of post cyclonic waste – CPB57/13, he will state the -

- (a) number of potential bids received, and
- (b) names of the -
 - (i) determined substantial responsive bidders, and
 - (ii) bidder to whom the contract was awarded, indicating the basis on which the bid was determined.

Reply: I am advised that the tender for the contracts “Solid Waste Scavenging Services for Villages SWM 1 including carting away of Post Cyclonic Waste” – CPB/56/2013 and the contract for “Solid Waste Scavenging Services for Villages SWM 2, including carting away of Post Cyclonic Waste” – CPB/57/2013, were launched on 07

January 2014. The bids were received and opened at the Central Procurement Board (CPB) on 18 February 2014 (for SWM 2) and on 19 February 2014 (for SWM 1) respectively.

In regard to part (a) of the question, four bids were received for the SWM 1 contract (CPB56/13) and three bids were received for SWM 2 contract (CPB57/13).

In regard to part (b)(i) and (b)(ii) of the question, I wish to inform the House that the whole evaluation exercise was carried out by the Central Procurement Board. The names of the substantially responsive bidders are as follows -

For SWM 1	For SWM 2
Maxiclean Co. Ltd	Maxiclean Co. Ltd
Atics Ltd	Atics Ltd
CRSE Ltée	

After evaluation of the bids, the Central Procurement Board approved the award of contract as follows -

SWM 1 [CPB/56/13]	Lot 1 (Mahebourg)	Atics Ltd
	Lot 2 (Trou D'Eau Douce Coastal Village)	CRSE Ltée
	Lot 3 (Flacq Village)	Maxiclean Co. Ltd
SWM 2 [CPB57/13]	Lot 1 (All coastal village from Anse la Raie to road linking Chemin Vingt Pieds to Grand Bay Police Station)	Maxiclean Co. Ltd
	Lot 2 (All coastal village from Le Goulet to the road linking Chemin Vingt Pieds to Grand Bay Police Station)	Maxiclean Co. Ltd

On 16 April 2014, my Ministry issued Letters of notification of award to the above successful bidders. However, on 21 April, 2014, one aggrieved bidder filed a challenge to the Ministry. Subsequently, the aggrieved bidder made an application for review before the Independent Review Panel. The case is currently before the Supreme Court and came for mention on 23 February 2015.

Since the matter is *sub judice*, I am not in a position to provide any further information at this point in time.

MINISTRY OF HEALTH & QUALITY OF LIFE - RECRUITMENT

(No. B/93) Mr S. Rughoobur (Second Member for Grand' Baie & Poudre d'Or) asked the Minister of Health and Quality of Life whether, in regard to his Ministry, he will state the number of officers recruited therefor, since January 2014 to date category-wise and grade-wise, indicating if the recruitment procedures were strictly complied with and, if not, indicate the remedial measures that will be taken in relation thereto.

Reply: The information regarding the first part of the question is being compiled and will be placed in the Library of the National Assembly as soon as the exercise is completed.

With regard to the second part of the question, I am informed that all recruitment procedures in line with the PSC Regulations and other prevailing Regulations, including those under delegated power by the PSC, were complied with.

ANSE LA RAIE - YOUTH TRAINING CENTRE - RENOVATION WORKS

(No. B/94) Mr S. Rughoobur (Second Member for Grand' Baie & Poudre d'Or) asked the Minister of Youth and Sports whether, in regard to the Youth Training Centre at Anse La Raie, he will state if renovation works will be carried out thereat, indicating if consideration will be given for the acquisition of additional land in the vicinity thereof for the

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- (a) extension of parking facilities thereat, and
- (b) conversion thereof into a modern Youth Residential Training Centre with all the required amenities.

Reply: I have to inform the House that upgrading of the dormitories at the Youth Training Centre at Anse La Raie are ongoing.

Furthermore, a request has been made to the Ministry of Housing and Lands for additional State Land to the extent of around 13 Acres, adjacent to the Training Centre, to be vested in my Ministry for the setting up of a modern residential Youth and Sports Training Centre as announced in the Government Programme 2015-2020.

The centre will be provided with all modern amenities as well as the required parking facilities.

The House may wish to know that a plot of land to the extent of 1 Acre 9 Perches was excised from the existing 8 Acres and 20 Perches to be given to one of the “*Petit Copains*” of the outgoing Government in the context of the “*State Land Saga*”. This excised plot of land would have given direct access to the beach to Tirupa Tourism Enterprises Ltd represented by one Mr L. N. who forms part of the clic de “*Petits Copains*”, in the context of his Four-Star luxury hotel project for which he had already benefited 11 Acres and 85 Perches of State Land. The project has up to now not materialised. Hence, the request for the plot of land allocated to Tirupa Tourism Enterprises Ltd to be vested in my Ministry for the construction of a modern Youth and Sports Training Centre with all the required amenities.

SAINT BRANDON ARCHIPELAGO - WRECKSHIP FV KHA YANG

(No. B/95) Mr E. Jhuboo (Third Member for Savanne & Black River) asked the Minister of Ocean Economy, Marine Resources, Fisheries, Shipping and Outer Islands whether, in regard to the wreckship FV Kha Yang, presently grounded on the shores of the Saint Brandon Archipelago, he will state -

- (a) the ecological consequences of the oil spill and irreversible damages caused to the reef barrier resulting thereof;
- (b) the measures taken, if any, for the removal thereof and the timeframe set therefor;
- (c) if it held the required authorization to fish around the Archipelago, and
- (d) if Government will consider introducing legislation to protect this last pristine piece of the Mauritian territory.

(Withdrawn)

QUATRE BORNES – SEWERAGE PROJECT

(No. B/96) Mr K. Ramano Third Member for Belle Rose and Quatre Bornes) asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Plaine Wilhems Sewerage Project, he will, for the benefit of the House, obtain from the Waste Water Management Authority, information as to the expected completion dates of the works in relation to Quatre Bornes, indicating as at to date, the number of –

- (a) roads resurfaced, and

(b) drains reinstated.

Reply: The Plaines Wilhems Sewerage project comprises two projects which encompass Quatre Bornes. Lot 2 covering regions of Central Quatre Bornes, Belle Rose and Sodnac was substantially completed in September 2014.

Lot 1 A covers Stanley, Trefles and Hugnin as well as La Source, Palma and Bassin. Works started in May 2010.

Under Lot 2, 99.4 kms of streets and 1.5 kms of drains were reinstated. Under Lot 1 A, 38 kms of roads and 50 metres of drains have been reinstated.

POINTE DES LASCARS - HIGH-END LUXURY HOTEL

(No. B/97) Mr K. Ramano Third Member for Belle Rose and Quatre Bornes) asked the Deputy Prime Minister, Minister of Tourism and External Communications whether he will state if his Ministry is in presence of an application for the construction of a seven star hotel in Pointe des Lascars and, if so, indicate the –

- (a) name of the promoter thereof
- (b) proposed room capacity thereof, and
- (c) estimated cost thereof.

Reply: I am informed by the Board of Investment that a proposal for the implementation of an Integrated Resort Scheme (IRS) which includes the construction of a high-end luxury hotel at Pointe des Lascars has been received.

With regard to parts (a), (b) and (c) of the question, I am informed by the Board of Investment that -

- (i) the Promoter of the IRS project is Blue Sky Real Estate Domaine de l'Hermitage Ltd, and
- (ii) the proposed room capacity of the hotel is 100 at an estimated cost of Rs4.1 billion.

I am further informed as follows -

- (i) so far, a letter of approval for an IRS Certificate has been issued to the promoter;

- (ii) the hotel is planned to be on the market in 2018 and will be operated by the Jumeirah International LLC of Dubai, and
- (iii) although preliminary consultations have been held at the level of my Ministry, no formal application in respect of the hotel has yet been received.

CEB - ST LOUIS POWER STATION PROJECT – APPEAL

(No. B/98) Mr B. Jahangeer (Third Member for Rivière des Anguilles and Souillac) asked the Minister of Finance and Economic Development whether, in regard to the Redevelopment of the St Louis Power Station Project for the Design, Supply, Installation and Commissioning of 4 x 15 MW Diesel Generating Set, he will, for the benefit of the House, obtain from the Independent Review Panel, information as to if it is in presence of an appeal from the Burmeister & Wain Scandinavian Contractors and, if so, if the appeal has been entertained, giving details thereof.

(Withdrawn)

CEB - ST LOUIS POWER STATION PROJECT - CONTRACT

(No. B/99) Mr B. Jahangeer (Third Member for Rivière des Anguilles and Souillac) asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Redevelopment of the St Louis Power Station Project for the Design, Supply, Installation and Commissioning of 4 x 15 MW Diesel Generating Set, he will, for the benefit of the House, obtain from the Central Electricity Board, information as to if it had been instructed to start negotiations with Burmeister & Wain Scandinavian Contractors, albeit their bid had been rejected by the Central Procurement Board for non-compliance, indicating the number of contracts the CEB has awarded thereto over the past ten years, indicating in each case –

- (a) the contract value thereof
- (b) the local partner thereof, and
- (c) if they had manufactured the equipment supplied.

(Withdrawn)

BEAU BASIN - ORANGE MOBILE NETWORK - COVERAGE

(No. B/100) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Technology, Communication and Innovation whether, in regard to the Orange Mobile Network, he will state if he is aware of the very bad coverage thereof in Beau Bassin, mainly in Chebel, Maingard, Barkly and Mont Roches and, if so, indicate if remedial measures will be taken in relation thereto.

Reply: I have requested Mauritius Telecom and the ICT Authority to look into the issue of mobile network coverage in the region of Beau Bassin and to come up with remedial measures to address same.

CANOT - FOOTBALL GROUND - CONSTRUCTION

(No. B/101) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Local Government whether, in regard to the proposed construction of a football ground at Canot, he will state where matters stand.

Reply: I am informed by the District Council of Black River that from information gathered from Medine S.E. Ltd, a portion of land has been vested into Government by the latter, under the 800 Arpents Land Release Scheme, for the construction of a football ground at Canot along the Albion Approach Road.

I am further informed that since the District Council is facing financial difficulties, I am examining, along with my colleagues, an appropriate mechanism for the financing of the project.