



REPUBLIC OF MAURITIUS

FIFTH NATIONAL ASSEMBLY

**PARLIAMENTARY
DEBATES
(HANSARD)**

**SECOND SESSION
TUESDAY 29 MAY 2012**

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THE CABINET**(Formed by Dr. the Hon. Navinchandra Ramgoolam)**

Dr. the Hon. Navinchandra Ramgoolam, GCSK, FRCP	Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues
Dr. the Hon. Ahmed Rashid Beebeejaun, GCSK, FRCP	Deputy Prime Minister, Minister of Energy and Public Utilities
Hon. Charles Gaëtan Xavier-Luc Duval, GCSK	Vice-Prime Minister, Minister of Finance and Economic Development
Hon. Anil Kumar Bachoo, GOSK	Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping
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Hon. Mrs Sheilabai Bappoo, GOSK	Minister of Social Security, National Solidarity and Reform Institutions
Dr. the Hon. Vasant Kumar Bunwaree	Minister of Education and Human Resources
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Hon. Louis Hervé Aimée	Minister of Local Government and Outer Islands

Hon. Mookhesswur Choonee	Minister of Arts and Culture
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Hon. Yatindra Nath Varma	Attorney General
Hon. John Michaël Tzoun Sao Yeung Sik Yuen	Minister of Tourism and Leisure
Hon. Lormus Bundhoo	Minister of Health and Quality of Life
Hon. Sayyad Abd-Al-Cader Sayed-Hossen	Minister of Industry, Commerce and Consumer Protection
Hon. Surendra Dayal	Minister of Social Integration and Economic Empowerment
Hon. Jangbahadoorsing Iswurdeo Mola Roopchand Seetaram	Minister of Business, Enterprise and Cooperatives
Hon. Mrs Maria Francesca Mireille Martin	Minister of Gender Equality, Child Development and Family Welfare
Hon. Sutyadeo Moutia	Minister of Civil Service and Administrative Reforms

Members

Members

PRINCIPAL OFFICERS AND OFFICIALS

<i>Mr Speaker</i>	Purryag, Hon. Rajkeswur, GCSK, GOSK
<i>Deputy Speaker</i>	Peetumber, Hon. Maneswar
<i>Deputy Chairperson of Committees</i>	Deerpalsing, Ms Kumaree Rajeshree
<i>Clerk of the National Assembly</i>	Dowlutta, Mr R. Ranjit
<i>Deputy Clerk</i>	Lotun, Mrs B. Safeena
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MAURITIUS

Fifth National Assembly

SECOND SESSION

Debate No. 05 of 2012

Sitting of 29 May 2012

The Assembly met in the Assembly House, Port Louis,

At 11.30 a.m.

The National Anthem was played

(Mr Speaker in the Chair)

PAPERS LAID

The Prime Minister: Sir, the Papers have been laid on the Table –

A. Office of the Speaker –

Declaration of Interest by the Honourable First Member for Quartier Militaire and Moka (Mr P. K. Jugnauth) in relation to Parliamentary Question B/160 (*In Original*).

B. Prime Minister's Office –

- (a) Certificate of Urgency in respect of the Foundation Bill (No. X of 2012).
- (b) The Representation of the People (Fees) (Amendment) Regulations 2012 (Government Notice No. 95 of 2012).
- (c) The Maritime Zones (Coordinates of Outer Limits of Extended Continental Shelf in the Mascarene Plateau Region) Regulations 2012 (Government Notice No. 96 of 2012).
- (d) The Civil Establishment Order (No. 2) 2011 (Government Notice No. 97 of 2012).
- (e) The Civil Establishment (Rodrigues Regional Assembly) Order (No. 2) 2011 (Government Notice (Rodrigues Regional Assembly) No. 1 of 2012).
- (f) The Annual Report of the Mauritius Oceanography Institute for the period July 2009 to December 2010.

C. Ministry of Finance and Economic Development –

- (a) The Public Sector Performance – Development Policy Loan No. 8138-MU (*In Original*).
- (b) The Private Sector Competitiveness – Development Policy Loan No. 8139-MU (*In Original*).

D. Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping –

The Road Traffic (Crop Season) Regulations 2012 (Government Notice No. 98 of 2012).

E. Ministry of Social Security, National Solidarity and Reforms Institutions

–

The Report of the Director of Audit on the Financial Statements of the Non-Governmental Organisation Trust Fund for the period ended 31 December 2010
(In Original).

F. Ministry of Agro Industry and Food Security –

The Tobacco Production and Marketing (Import Licence) (Amendment No. 2) Regulations 2012 (Government Notice No. 99 of 2012).

G. Ministry of Industry and Commerce and Consumer Protection –

- (a) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 9) Regulations 2012 (Government Notice No.100 of 2012).
- (b) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 10) Regulations 2012 (Government Notice No.101 of 2012).
- (c) The Annual Report 2009 – 2010 of the Mauritius Standards Bureau.

ORAL ANSWERS TO QUESTIONS

Mr Speaker: The Table has been advised that Parliamentary Questions No. B/156 and No. B/167 have been withdrawn. P Q No. B/181 addressed the hon. Vice-Prime Minister, Minister of Finance and Economic Development will be replied by Dr. the hon. Prime Minister.

PRIVATE TELEVISION - OPERATION - LEGISLATION

(No. B/154) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the proposed amendments to be brought to the existing legislation for the operation of private television, he will state where matters stand.

The Prime Minister: Mr Speaker, Sir, first of all, let me remind the hon. Member that it is my Government which introduced legislation during my first mandate for private radios and private television. The Bill was passed in the National Assembly on 08 August 2000.

As soon as we enacted the law, we wasted no time in incorporating the MultiCarrier (Mauritius) Ltd on 11 August 2000, with the exclusive right to carry on the business of transmission of terrestrial broadcasting.

So, Mr Speaker, Sir, the law and the mechanism for transmission were already there in 2000. There was nothing else, therefore, that the Government then had to do, as Parliament had already passed the necessary legislation.

Although the law was there from 2000 to 2005, nothing further occurred. Nobody came forward to set up a private television channel.

In my reply to Parliamentary Question No. B/954 of 13 December 2011, I indicated that the factor which appears to be delaying the advent of private television is the restriction in section 19 of the Independent Broadcasting Authority Act, which limits foreign shareholding in a company applying for a licence to 20% only. So, Government is proposing to bring the appropriate amendment to the IBA Act.

However, Mr Speaker, Sir, I understand that recently a group has indicated that it is prepared to go ahead with a project for private television on the basis of the actual legislation.

I am informed by the Director of the Independent Broadcasting Authority that the IBA Board will, at its next meeting, consider inviting Expressions of Interest from potential private television operators for the setting up of private television channel or channels.

I wish to reiterate, Mr Speaker, Sir, that this exercise will be carried out in a totally transparent manner, and it would have to be done within the legal framework.

Mr Ameer Meea: Mr Speaker, Sir, the hon. Prime Minister stated that one of the restrictions is that it limits 20% of shareholding to foreigners. This has been the case since the introduction of the law, and...

Mr Speaker: The hon. Member is making statement. He should put his question.

Mr Ameer Meea: Can I ask the hon. Prime Minister when the law will be changed? Because this has been announced in...

Mr Speaker: Okay. When the law will be changed!

Mr Ameer Meea: The electoral manifesto since 2005, 2010 and 2012.

Mr Speaker: The hon. Member asked the hon. Prime Minister when the law will be changed. Please, sit down! The hon. Prime Minister will answer. Last week, only four questions were reached on the Order Paper because of an abuse of supplementary questions. The question has been put. Let the hon. Prime Minister answer!

Mr Ameer Meea: I haven't finished!

Mr Speaker: In my view, you have finished!

(Interruptions)

Order!

The Prime Minister: The question was when the law will be changed. As I said, Mr Speaker, Sir, I take it - because I was not in Government between 2000 and 2005 - that it is the same reason, that is, nobody came forward between 2000 and 2005. I take it that was the same problem; and the same problem occurred between 2005 and 2010. That is why I said, from what I understand, that companies are saying that this restriction of 20% is what is causing the problem. That is why we said we are proposing to amend this. In the meantime, there is a group which has indicated that it is prepared to go ahead with the actual legislation as it is. So, I am allowing the IBA to carry on, as I said, and at its next meeting it is going to invite Expressions of Interest.

(Interruptions)

They say that they are going to invite Expressions of Interest. In a sense, that allows them. I am not going to amend the law at this point. Let them do the Expressions of Interest, and see what happens.

Mr Ameer Meea: Can I ask the hon. Prime Minister what is the name of the group which has expressed interest in setting up private television, and also how many applicants have expressed their interest to the IBA?

The Prime Minister: My understanding is that it is only one applicant so far, Mr Speaker, Sir. As I said, at their next meeting, they are going to invite Expressions of Interest. I understand that it is a local group.

Mr Bhagwan: Can the hon. Prime Minister inform the House whether he has been made aware that people of the IBA have benefited foreign trips in connection with the setting up of private television?

Mr Speaker: This question does arise out of this question!

(Interruptions)

No, I am sorry. The hon. Member has to come with a substantive question. Hon. Bodha!

(Interruptions)

I am sorry. We cannot make an abuse. We have to put order.

Mr Bodha: Mr Speaker, Sir, may I ask the hon. Prime Minister whether the technology to be used by this company which is interested in broadcasting will be digital?

(Interruptions)

Mr Speaker: Order!

Mr Bodha: I would like to know whether the technology will be digital or the company is going to use one of the analogue channels.

The Prime Minister: I can't say the details, Mr Speaker, Sir. I would have thought it would be digital, because that is what they are doing. They are changing from analogue to digital.

Mr Fakeemeeah: Mr Speaker, Sir, will the hon. Prime Minister assure the House that everyone will get a fair chance to present their project, and that not only blue eyed boys are privileged for this democratic project?

(Interruptions)

Mr Speaker: I am sorry! The hon. Prime Minister has answered that this exercised will be carried out in all transparency. Once the exercise has been carried out in all transparency, if the hon. Member is not satisfied, he can come with a substantive question.

(Interruptions)

Next question, hon. Ameer Meea!

BELLE TERRE - MR H. B - INCIDENT

(No. B/155) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the incident which occurred, on or about 01 March 2011, at the residence of Mr H. B. at Belle Terre, in which two vehicles were destroyed by fire, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand as to the police inquiry carried out thereinto.

The Prime Minister: Mr Speaker, Sir, I refer the hon. Member to my reply to the Private Notice Question at our sitting on 22 March 2011, wherein I gave information on the incident which occurred at the residence of Mr H. B., on 01 March 2011, and the status of the police inquiry at that time.

While conducting the enquiry, the police, Mr Speaker, Sir, received further information which might be material. An application for a Judge's Order was, therefore, made by the Commissioner of Police to the Director of Public Prosecutions to direct telephone operators to disclose certain information required by the police.

The information made available by the telephone operators is helping the police to pursue their investigation further.

Enquiry is ongoing.

HOMICIDE CASES - POLICE INQUIRY

(No. B/156) Mr S. Soodhun (Second Member for La Caverne & Phoenix) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the reported cases of homicide, since the beginning of the year to date, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand as to the police inquiry carried out thereinto, in each case.

(Withdrawn)

MAURITIUS DUTY FREE PARADISE CO. LTD - MR V. C. - HR MANAGER

(No. B/157) Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to Mr V. C., Human Resources Manager of the Mauritius Duty Free Paradise Limited, he will, for the benefit of the House, obtain from the company, information as to

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- (a) if the Board thereof had taken any decision against him during his first tenure of office thereat, prior to his dismissal therefrom and, if so, indicate the -
 - (i) date thereof and
 - (ii) reasons therefor ,and
- (b) the date on which he was re-appointed, indicating his present terms and conditions of appointment.

The Prime Minister: Mr Speaker, Sir, I would like to refer the hon. Member to the reply I gave to Parliamentary Question No. B/828 on 08 November 2011, wherein I mentioned that the Mauritius Duty Free Paradise Co. Ltd., as any company governed by the Companies Act, and its constitution, has its own internal procedures to recruit its personnel. The management of the company is vested in its Directors and its Management. It would, therefore, not be appropriate to embark on a debate about human resource or labour issues in the company, which fall under the responsibility of senior management and the Board of Directors.

Mr Jhugroo: Can the hon. Prime Minister confirm whether, Mr Viren Coomaren has been found guilty of forgery under five charges by the Disciplinary Committee set up by the Mauritius Duty Free Paradise?

The Prime Minister: Mr Speaker, Sir, I can answer the question. There have been so many falsehood and insinuations being made against Mr V. C. Let me just say, Mr Speaker, Sir, that he was suspended on 08 June 2010. He had then made an appeal to the Board. The Board sat and on the appeal agreed to what was said. Let me just say what they said, Mr Speaker, Sir.

It was terminated on the grounds related not to what people are saying outside. I heard some hon. Members saying that he has committed fraud and all those things. In fact, his employment contract was terminated on the grounds related to disregard of procedures for approving changes to

the ex-Chief Executive Officers contract of employment and not to any fraud or dishonesty on his part. Or for his benefit.

He had, in fact, Mr Speaker, Sir, amended the contract of the ex-Chief Executive Officer upon express instructions of the then Chief Executive Officer and the Board decided then, on appeal; they realised that his version - he had approved these changes - is supported by another witness and that, in fact, unknowingly we can say, it was not totally his fault. He was told that the Board has approved this and he has to sign it and he had signed it. And on that basis, he was re-employed.

Mr Jhugroo: Can the hon. Prime Minister table a copy of the report of this Disciplinary Committee which was set up at that time?

The Prime Minister: I don't know whether it is proper for me to set up a report of the Disciplinary Committee, Mr Speaker, Sir, but I can look into the matter. If there is no impediment to that, I will do it.

(Interruptions)

Mr Speaker: Hon. Mrs Radegonde! The Chair is satisfied that the matter has been fully replied.

(Interruptions)

This is my ruling! If the hon. Member is not happy, he comes to see me.

LE MORNE AND BEL OMBRE – LAGOONS - SPEED LIMIT SIGNS-

(No. B/158) Mrs J. Radegonde (Fourth Member for Savanne & Black River) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the lagoons of Le Morne and Bel Ombre, he will, for the benefit of the House, obtain from the National Coast Guard, information as to if they have been informed that the speed limit signs thereat are broken and are no longer visible to the boaters, and if so, indicate if remedial measures have or will be taken.

The Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Police that on 03 March 2011, the National Coast Guard reported that the speed limit buoys at Le Morne and Bel Ombre were missing at their respective locations probably due to rough seas.

The Tourism Authority and the Ministry of Tourism and Leisure were requested to replace the speed limit buoys at the earliest for the proper monitoring of pleasure craft plying in the region and to ensure their safety and security.

The Ministry of Tourism and Leisure has, in November 2011, replaced four speed limit buoys at Le Morne.

I am informed by the Ministry of Tourism and Leisure that in the context of its zoning of lagoon programme, several zones have been demarcated around the island, namely snorkelling zone, swimming zone and speed limit zone. A survey is being carried out to assess areas where speed limit buoys are missing and remedial action will be taken in due course.

In the meantime, the National Coast Guard is conducting patrols to prevent speeding in the vicinity of Bel Ombre.

Mrs Radegonde: Mr Speaker, Sir, from my information the speed limit sign for watercraft at Le Morne has been replaced when I asked a PQ and that a year after it was broken, and the one at Bel Ombre has still not been replaced. May I ask the hon. Prime Minister to obtain the correct information so as to ensure the security and safety of the public and the boaters?

The Prime Minister: In fact, Mr Speaker, Sir, to give the information that I have, it is on 03 March 2011, that it was reported by the National Coast Guard that the speed limit buoys at Le Morne and Bel Ombre which was positioned, as I said, for reducing the speed limit, were missing and they think that it is probably due to rough seas - that was not because the hon. Member asked the question, but that was brought to our attention then.

And then in November 2011, the four speed limit buoys at Le Morne were replaced. However, it is true that the other one at Bel Ombre have not been replaced yet because, as I said, Mr Speaker, Sir, they are looking at the context of the zoning of the lagoon programme and several zones are being re-demarcated and therefore, the survey is being carried out to assess areas where speed limit buoys are missing and remedial action would be taken after this survey has been carried out.

Mr Speaker: Next question, hon. Mrs Radegonde!

BEL OMBRE, LA PRAIRIE & LE MORNE
– LAGOONS - SWIMMING

(No. B/159) Mrs J. Radegonde (Fourth Member for Savanne & Black River) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the lagoons of Bel Ombre, La Prairie and Le Morne where swimming is prohibited, he will, for the benefit of the House, obtain from the National Coast Guard, information as to the measures taken to ensure that members of the public do not venture thereat to prevent the risk of injury or drowning.

The Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Police that the Beach Authority installs “Dangerous Bathing” sign Boards at conspicuous places on Public Beaches where swimming is dangerous.

Such sign Boards have been placed at five locations at Le Morne, two at La Prairie and one at Bel Ombre in order to warn members of the public against venturing in these sea areas.

The Officers of the Bel Ombre and Black River National Coast Guard Posts carry out regular foot and mobile patrols along the beach and a float patrols over the sea areas to ensure that the public takes due heed of these sign Boards.

During community policing forums, the Police also sensitize the members of the public on the risk of injury at sea or of drowning.

Furthermore, the regular Police, the Emergency Response Service (ERS), and the Divisional Supporting Unit (DSU) conduct regular patrols at these Public Beaches and dangerous bathing zones in order to ensure safety and security of beach users, sea goers and swimmers, including tourists.

The Beach Authority also sensitizes the public through media on safety and security of beach users, especially during special occasions such as Ganga Asnan and Easter Monday when people then to crowd the Public Beaches.

Mrs Radegonde: May I ask the hon. Prime Minister, if consideration can be taken to demarcate the swimming zones in Bel Ombre through the installation of red coloured buoys and floats as it is the case in Flic en Flac? This has been adopted by the hotels in Le Morne and Bel Ombre, but not on the public beaches. So, if consideration can be taken.

The Prime Minister: I think that is a good suggestion. I would certainly pass on this to the Police. In fact, I know that the Police have made a request, Mr Speaker, Sir, to the Beach Authority

for appropriate regulations to be passed under the Beach Authority Act, in fact preventing any person from swimming in pre-identified dangerous zones. That is a good suggestion and I will pass it on to them.

RS 144 MILLION ISSUES - MEETING

(No. B/160) Mr P. Jugnauth (First Member for Quartier Militaire and Moka) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, he will state the specific issues in relation to the Rs 144 million discussed at the meeting over which the Hon. Prime Minister presided on 18 June 2010.

The Prime Minister: Mr Speaker, Sir, if, by referring to “Rs144 million”, the hon. Member is referring to what is now known as the Med Point *saga*, then I am advised that it would not be appropriate for me to make any comment thereupon as the Cabinet record of matters discussed at the Cabinet Meeting of 18 June 2010 is the precise subject of an application, by the hon. Member himself, for a disclosure order pending before the Supreme Court. The matter was mentioned before the Supreme Court on 23 May 2012 and will be mentioned anew before the Court today itself.

In fact, Mr Speaker, Sir, I have just been informed this morning that in Court today the State Law Office has filed a demand of further and better particulars following arguments last week as to whether, there is any live issue remaining in the case in the light of the stand taken by the Secretary to the Cabinet.

However, let me also make it clear that I did not, I repeat, I did not, on 18 June 2010, preside any meeting pertaining to Rs144 m.

Mr Jugnauth: The hon. Prime Minister while replying to the PNQ of the 08 May 2012 stated that questions about why prices have been increased from whatever it was to Rs144 m. practically doubled. May I know from the hon. Prime Minister, how he came to the conclusion that the price had doubled, whether he had been communicated any report at that time with regard to the doubling of the price?

The Prime Minister: No, Mr Speaker, Sir, the question was about 18 June, I answered vaguely. In fact, I know that when the price was doubled, questions were asked in various quarters including the press, Members on both sides of the House and the hon. Leader of the Opposition.

Mr Jugnauth: The hon. Prime Minister is saying that there is a case pending before the court, true it is, but the hon. Prime Minister should be aware also that, in this case, the document relating to the meeting had been filed in open court. Therefore, it is part of the brief today and it is available and accessible to any Mauritian. Will the hon. Prime Minister say - and especially with regard to the reply that he has made to the PNQ - on what he based himself to say at that time, the price had doubled. That is a simple question.

Mr Speaker: I think I will have to intervene here. My office has been informed by the Secretary to the Cabinet that there is a case which is right now pending before the Supreme Court where this issue of 18 June 2010 has been invoked in that case. In fact, when I look at the prayer of the Plaintiff with Summons, it is asking for the court to order that the Cabinet Paper or whatever be published to the co-defendant and the co-defendant is the ICAC in this case. Now I must state the Rule which applies for the *sub judice* matter. According to the Rule, we have at 22(1)(f) of our Standing Orders that when a matter is pending before the Supreme Court awaiting a judicial decision, this matter is *sub judice*, but the *sub judice* Rule has to be applied very strictly. I have looked into the matter and I have come to the conclusion that normally, in a civil matter, the *sub judice* Rule applies only when the matter is awaiting trial. True it is that, in this matter, the case is not yet completed; pleadings have not been completed and it is not awaiting trial. However, the Speaker has the discretion if there is real and substantial danger that the answer to the question is going to impact or prejudice the outcome of the case, then it is *sub judice*. I see that the subject matter of the question and the case are the same. I, therefore, rule that the matter is *sub judice*. I will not allow any further question on the issue.

Mr Jugnauth: May I ask for a clarification? The hon. Prime Minister has just said that the defendants have stated that there is no live issue; that is the contention of the defence. This is what I heard the Prime Minister saying, that there is no live issue. Secondly, the document relating to the meeting of 18 June 2010 has already been produced in open court and forms part of the brief today. Anybody, as you well know, Mr Speaker, yourself, has now access to this document. It has become a public document. That is why now the issue of *sub judice* does not, in fact, arise. May I ask for clarification from the Chair with regard to whether I can put further questions on this?

Mr Speaker: I have made my judgment on the document which has been filed in front of me which is the Plaintiff with Summons and I see that there had been exchanges, demand of particulars and the rest. As I say, when I look at the prayer and I look at the question, the subject

matter is the same. In view of the document that has been placed in front of me and of the practice which is obtained in the House of Commons, I have come to the conclusion that there is a real and substantial danger of prejudice to the case if the matter is pressed further. I have decided that this is *sub judice*.

Mr Jugnauth: Can I produce this brief which is subject matter of the case whereby it contains the relevant extract of the minutes of proceedings of 18 June 2010 which has become public now. Can I produce it to Mr Speaker, Sir? It is at page 71.

Mr Speaker: This is construction of hospitals following statement made etc, but the case which is in front of the court right now concerns the Med Point Clinic. If you read paragraph 20 of the Plaint with Summons, it is clearly stated that it was the Med Point clinic on 8 June 2010 as regards the subject when the name of Med Point Clinic was mentioned. The Prime Minister is saying that these Rs144 m. relate to the Med Point Clinic and, therefore, being given that this matter is being thrashed out before the Supreme Court, I, according to the practice obtainable in the House of Commons – I have checked it is the practice of not only the House of Commons, but even in the House of Commons in Canada it is the same - have decided to rule to let the matter be thrashed out before the Supreme Court as quickly as possible.

Mr Jugnauth: May I, with your permission, Mr Speaker, Sir, say that the issue of the Rs144 m. is not being subject before the court. There are other issues which are subject matter before the court. The court is not going to adjudicate anything with regard to the doubling of the price Rs244 m.

Mr Speaker: In the light of the answer which the Prime Minister has given, he has stated that the Rs144 m. relate to the Med Point Clinic. If this is the contention between Government, the Secretary to the Cabinet and the hon. First Member for Quartier Militaire and Moka, the line is so thin that I have to see to it that there is no prejudice which is caused to the case. This is my ruling, I am sorry. Next question, hon. Bhagwan!

MBC – INDUSTRIAL COURT JUDGMENT

(No. B/161) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the Mauritius Broadcasting Corporation, he will, for the benefit of the House, obtain from the Board thereof, information as to if, following the Industrial Court

judgment in the case of the Principal Labour & Industrial Relations Officer v/s the Mauritius Broadcasting Corporation, which found the Mauritius Broadcasting Corporation guilty as charged on the three counts –

- (a) if the fines imposed have been paid, and
- (b) the actions taken, if any, against the Director General thereof.

The Prime Minister: Mr Speaker, Sir, in regard to part (a) of the question, I am informed by the Director-General of the MBC that the fines imposed on the Corporation by the Industrial Court were paid on 14 March 2012.

As regard to part (b) of the question, I am informed by the Director-General of the MBC that the stand of the Corporation in the matter was grounded in the legal advice which he had throughout sought and obtained from the Corporation's legal advisers.

The mere fact that the Industrial Court has found that the acts of the Corporation were in breach of the provisions of the Employment Rights Act of 2008 does not *per se* imply that action should be taken against the Director-General, the more so as he and the Corporation have throughout been acting on legal advice and guidance from the Corporation's legal Counsel.

Mr Bhagwan: Sir, the Prime Minister is informing us that the MBC has paid this Rs30,000 fine. Can I know from the Prime Minister, above the Rs30,000 fine which is being paid out of our Rs100 contribution, how much had been paid, in that particular case, to the legal advisers assisting Mr Callikan?

The Prime Minister: The fees paid to the legal advisers amounted to Rs172,500 to Mr d'Unienville and Rs201,250 to Mr Mardemotoo. That is normal, they should be paid, Mr Speaker, Sir. If there is a case in court, you have to pay your barrister; you can't say you won't pay. You have to pay.

Mr Bhagwan: I am tabling a copy of the judgement for the information of hon. Members. Is the Prime Minister aware the Vice-President of the Industrial Court stated that by its attitude, the MBC represented flouted the authority of the institution and the accused – the accused is *Mr Ciseau*, Mr Callikan, he is not here; I am very unhappy that he is not here...

Mr Speaker: No, I'm sorry, please.

Mr Bhagwan: He has failed to collaborate with the Permanent Secretary. Can the Prime Minister inform the House, the country and the nation and those hundreds of thousands of people

who pay Rs100 - now we are spending more than Rs200,000 - that that person, Mr Callikan, being close to the Prime Minister, is making as if *la pluie et le beau temps* at the MBC/TV?

Mr Speaker: This is an imputation of motive on the Prime Minister saying that he is close to; I will ask the hon. Member to withdraw that.

Mr Bhagwan: He is close, Sir.

Mr Speaker: No. I am sorry, this is an imputation.

(Interruptions)

Mr Bhagwan: I am not imputing motives.

(Interruptions)

Mr Speaker: Order! Order!

(Interruptions)

Order! The hon. Member cannot impute motives.

(Interruptions)

Order! Hon. Bhagwan, you are imputing that the Prime Minister...

(Interruptions)

You are saying that being given that he is close to the Prime Minister, the Prime Minister is refusing to take action, is this not an imputation of motive?

Mr Bhagwan: I am asking the question now.

Mr Speaker: I am asking you, because you said that because he is close to the Prime Minister, he is not taking action.

(Interruptions)

Mr Bhagwan: Very, very close, we all know.

Mr Speaker: Yes, everybody knows, but the hon. Member should not link it with the fact that the hon. Prime Minister is not taking action because of that. That is the point.

(Interruptions)

The hon. Member should rephrase his question.

Mr Bhagwan: I am asking the question again now. Being given that he is very close to the Prime Minister and everybody knows, the whole country knows, can the Prime Minister inform the House what action he is contemplating to take against Mr Callikan for the way he acted in that particular case, against the interests of the MBC, against the interests of those paying Rs100.

The Prime Minister: First of all, I should remind the hon. Member that – he has talked about Mr Callikan being close to me, but does he not know he worked for the former Prime Minister, former President, he was close to him.

(Interruptions)

Mr Speaker: Order!

The Prime Minister: So, that was o.k then? Not now! Then, it was o.k.!

(Interruptions)

Come on!

(Interruptions)

Mr Speaker: Order!

(Interruptions)

The Prime Minister: People have their eyes open.

(Interruptions)

No! One day you will answer.

(Interruptions)

Mr Speaker: Order, now! Order, please!

(Interruptions)

Order! Order!

The Prime Minister: And secondly, Mr Speaker, Sir, perhaps the hon. Member should know ...

(Interruptions)

Mr Speaker: Order! Order!

The Prime Minister: Mr Speaker, Sir, either the hon. Member wants to listen to the answer...

(Interruptions)

Mr Speaker: I said order! This cannot continue! If you have been elected to this House, you must know how to behave.

(Interruptions)

Order, I said. Yes!

The Prime Minister: Perhaps the hon. Member should also know that the legal advisers of the MBC, upon that judgment, they advised the Corporation to appeal against the ruling. They were convinced that the Supreme Court would give a favourable interpretation of the constitutional points raised by them. However, the Corporation decided not to proceed with the appeal. And, therefore, as I said, he has always acted under the advice of the legal advice that he obtained, they lost the case in court, he was advised to go on appeal, but he decided he will not appeal, perhaps that is relevant.

Mr Speaker: Time is over! Questions addressed to hon. Ministers! Hon. Dr. Sorefan!

ST JEAN FLYOVER-COLVILL DEVERELLE BRIDGE - THIRD LANE - CONTRACT

(No. B/170) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix) asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the third lane running from the St Jean flyover to the Colvill Deverelle bridge, he will state –

- (a) the name of the contractor therefor;
- (b) the contract value thereof
- (c) if the tarring thereof has been carried out as per the specifications, and
- (d) if the enlargement of the Colvill Deverelle bridge forms part of the contract.

The Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Mr Speaker, Sir, the answer is as follows –

- (a) The contractor's name is Gamma Civic Ltd;
- (b) The contract amount is Rs238,954,579.65;
- (c) The answer is in the affirmative.
- (d) No.

Dr. Sorefan: Mr Speaker, Sir, if it is in the affirmative that it has been done according to specification, may I know why we have humps and bumps and unevenness down the road? I would also like to know whether the humps and bumps form part of the specification.

Mr Bachoo: Mr Speaker, Sir, I can assure the House that the work was undertaken under the supervision of my competent engineers and all the specifications have been strictly adhered to and the road had passed its test.

Dr. Sorefan: Mr Speaker, Sir, from the answer of the hon. Minister, I will invite, not Members of the Parliament, but the Prime Minister to go and see the humps and bumps on that road.

Mr Bachoo: Mr Speaker, Sir, once again, I will request the hon. Member not to cast aspersions on our roads; don't cast evil eyes on our roads. Things are moving very well.

Mr Speaker: Next question!

SORÈZE TO TUNNEL - CIRCULAR ROAD – CONTRACT COST

(No. B/171) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix) asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the circular road phase I running from Sorèze to Tunnel, he will state the contract cost thereof, indicating –

- (a) if there have been variations works and if so, the cost thereof, and
- (b) when it will be operational.

The Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Mr Speaker, Sir, I assume that the hon. Member is referring to Port Louis Ring Road Project Phase 1 from Montebello to Guibies. For this project the contract has been awarded for the sum of Rs1,159,766,870.57, inclusive of VAT.

Mr Speaker, Sir, with regard to part (a) of the question, the contract provides for variations and a price adjustment mechanism. The site being on a difficult mountainous terrain, additional works had to be undertaken to stabilise slopes where landslide problems have been identified and to control floods at these locations. The additional works also include foundation stabilisation for bridges, restoration of accesses and diversion of existing services, amongst others. The total increase in cost in the value of works, mainly due to landslide issues, is estimated at Rs150 m., representing about 13% of the initial contract price.

With regard to part (b) of the question, the project is expected to be completed by 31 January 2013 after which the road will become operational.

Dr. Sorefan: Mr Speaker, Sir, may I know if the Sorèze diversion forms part of the contract?

Mr Bachoo: Yes, Sir.

Dr. Sorefan: If so, who designed it?

Mr Bachoo: Mr Speaker, Sir, first of all, it was designed by - that is the Ring Road Phase I - CES, the Consulting Engineering Services of India, but that Sorèze part we had the support of the engineers, the Egyptians as well as the Mauritian engineers together.

Mr Speaker: Let me go to hon. Lesjongard.

Mr Lesjongard: Mr Speaker, Sir, the hon. Minister mentioned landslide on the alignment of that road. May I ask the hon. Minister whether soil investigation or soil tests were not carried out prior to the signature of the contract?

Mr Bachoo: Mr Speaker, Sir, this is the first time, in the history of Mauritius, such a work has been undertaken. Geological test, boreholes were drilled at specific locations, but we had indicative picture of the full sight. When actual construction work normally starts, then you have got new and unforeseen problems that can crop up and this is common in all construction works of such sites, particularly when the site is extremely difficult and these difficulties were compounded with the heavy flash floods that we witnessed over the past few months. And during the construction of the bridge also, geological tests were carried at the time of construction in order to confirm that the soil conditions and adjustments are made to the design. In addition to all these, we are working on the mountain flanks, cutting the mountain site and the bedrock is so tough, but I am informed that even machines failed and that is the reason why we had even recourse to blasting. Being given that it is an extremely difficult site, working on the mountain and that too cutting and to make matters worse, the heavy floods, all these things complicated the issue, but despite it we have been able to overcome those difficulties and I can assure the House that the work is going on very well.

Mr Ameer Meea: Can I ask the hon. Minister who is the contractor for this project and also who authorised the variations that have been made to the project and if there is any report for the variations and, if yes, can he table the report?

Mr Bachoo: Mr Speaker, Sir, the contract was awarded to Joint Venture Rehm-Grinaker in partnership with Colas. Yes, we have two contractors, Rehm-Grinaker and Colas. Secondly, all these variations were approved by the Egyptian consultants in collaboration with the technicians under supervision of my Ministry. I am ready to lay a copy of all the details whatever is available to me.

Mr Bhagwan: Is the Minister aware that although the work has not been completed the way out on the motorway that vehicles are using - apart from the contractors - private vehicles are using, are coming from the new site to the motorway which is a real danger?

Mr Bachoo: Mr Speaker, Sir, in fact, we have prevented them from doing so, but they are doing it at their own risk. I will try to see to it that we have to put certain blocks so that that may prevent them from going in.

Mr Lesjongard: Can the hon. Minister confirm that the first phase of that Ring Road that we are constructing now will end with the mountain, that is, a dead end and we have no indication when the second phase will start?

Mr Bachoo: Mr Speaker, Sir, earlier, I had answered a question regarding the PPP. In fact, the evaluation exercise is on regarding Ring Road phase II. I would request the hon. Member to bear with us, within a month that evaluation will be completed and probably, we are going to start the mechanism for the construction of the second phase of the Ring Road.

Mr Uteem: Mr Speaker, Sir, as a follow-up to this question, may I know from the hon. Minister whether the path for the Ring Road phase II has already been finalised?

Mr Bachoo: Well, technicians are working on that together with the land surveyors of the Ministry of Housing and Lands.

Dr. Sorefan: Mr Speaker, Sir, may I know from the hon. Minister when the tunnel work will start, if any contract has been awarded or tender launched because if this will take time, then all that money spent for the first phase will be waiting for another one or two years?

Mr Bachoo: Mr Speaker, Sir, I get the feeling that the hon. Member hardly understands what he is telling. I have just answered that evaluation for the second phase is on and he has to bear with us for at least one month, after that we will be able to say what is the position. Despite it, whatever we have done, we have done for the good of this country.

Mr Ameer Meea: Mr Speaker, Sir, can I ask the hon. Minister if there has been any compulsory acquisition of land for this project, and if yes, what is the amount of land that has been compulsorily acquired and does it form part of the project cost?

Mr Bachoo: Definitely, because part of the land had been acquired, and that was the reason, probably, that caused the delay in the start of the work. The land had been acquired, but, in fact, the matter went to the Supreme Court and we were able to find a solution to the problem. If

the hon. Member comes with a substantive question, I will tell him the amount that had been paid for the land acquisition.

FRANCE – SWIMMERS -TRAINING CAMP

(No. B/172) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the training camp held in April 2012 in France for the swimmers of the Trust Fund for Excellence in Sports under the supervision of the Directeur Technique National (DTN), he will, for the benefit of the House, obtain from the Trust Fund, information as to the -

- (a) duration thereof;
- (b) detailed costs thereof ;
- (c) plan of work of the DTN before leaving therefor ;
- (d) amount of cash handed over to the DTN, indicating if the latter has reported the loss of part thereof, and
- (e) if the DTN has submitted a report in relation thereto and if so, table copy thereof.

Mr Ritoo: Mr Speaker, Sir, I wish to inform the House that no swimmer or any other athlete belongs to the Trust Fund for Excellence in Sports. In fact, athletes are licensees of their respective sports federations. The athletes have the choice to join the *sport/études* program run by the Trust Fund.

As regards parts (a) and (b) of the question, the training camp was held from 06 to 20 April 2012 and the cost implications were Rs1.2 m.

Concerning part (c) of the question, the National Technical Director has, in consultation with the Trust Fund, established a plan of continuous systematic training as follows -

8 times training per week – 4 in the morning and 4 in the afternoon during school period, and
during school holidays, 10 times training per week – 5 morning sessions and 5 afternoon sessions.

As regards parts (d) and (e) of the question, an amount of Euro 10,300 was handed to the National Technical Director to meet expenses related to board and lodging in France. Unfortunately, he lost part of that amount together with his personal belongings.

I am tabling a copy of the report made by the National Technical Director on his return from the training camp.

Mr Quirin: M. le président, doit-on déduire que le ministre et ses officiers n'ont pas retenu la leçon en ce qui concerne ce qui s'était passé en 2011 avec l'haltérophilie, où le DTN Bulgare Stoychef a brusquement disparu de la circulation avec plus de R 400,000 ? Cela a une relation, M. le président. Cette fois-ci c'est un DTN français qui part en France avec une équipe de jeunes et qui se fait voler. A l'époque, quand on avait posé la question, M. le ministre avait confirmé que dans le cas du DTN d'haltérophilie, c'était un cas exceptionnel. Dois-je déduire que ...

Mr Speaker: The hon. Member is going too far!

Mr Ritoo: Mr Speaker, Sir, first of all the hon. Member is very well aware of the prevailing situation in the swimming whereby the Federation has been derecognised for not being in compliance with the laws of this country. And hence, the National Technical Director is operating without the federation. As far as an official of my Ministry is concerned, I must tell the hon. Member that I do not find the necessity of sending an official of my Ministry so far as the 14 swimmers are minors. *Les 14 nageurs sont des mineurs et le cas du Bulgare était un cas exceptionnel. Mais dans ce cas précis, on ne devait pas envoyer un autre officier du ministère parce que cela va nous coûter très cher.* Mr Speaker, Sir, the National Technical Director being a French national and they were proceeding to France, so, obviously we gave him the money and he made a *déclaration de vol* and he even lost his passport, his driving licence, residence permit and his money.

Dr. S. Boolell: I would like to ask the hon. Minister in view of the fact that I just heard that these swimmers were minors, would he not believe that this was an indication to have at least somebody from his Ministry to oversee everything?

Mr Ritoo: I stated, Mr Speaker, Sir, it would have been an additional expense for my Ministry and the fact that the National Technical Director is working with my Ministry, he has a contract with my Ministry and he has been accompanying in at least many training camps, so, obviously, we were confident that he could handle the situation.

Mr Quirin: M. le président, peut-on savoir si pour le ministère des sports, la natation se résume au *Trust Fund for Excellence in Sports*, ou est-ce que le *Trust Fund for Excellence in Sports* est la Fédération Mauricienne de Natation bis?

Mr Ritoo: Mr Speaker, Sir, the Trust Fund for Excellence in Sports is a very separate entity. It is under the aegis of my Ministry taking care of all the young promising athletes who might be representing the country in the future events more so in the Indian Ocean Island Games at Ile de la Réunion in 2015.

Mr Quirin: Peut-on savoir, M. le président, quel était l'objectif de ce stage et si les nageurs ont tous reçu leur argent de poche?

Mr Ritoo: Firstly, Mr Speaker, Sir, *argent de poche* is not given for training camp, it is only met for competitions and secondly, the athletes went for a training camp, *c'est normalement la pratique, M. le président, que les athlètes aient des frottements avec les étrangers, c'est surtout contre ceux qui sont plus forts et à partir de là, ils sont obligés de fournir des efforts additionnels afin d'améliorer leur performance. Donc, de ce fait, dans l'optique des jeux des îles 2015 à l'île de la Réunion, nos athlètes doivent aller régulièrement dans des training camps.*

Mr Quirin: M. le président, d'après les informations que j'ai reçues, il n'y a pas eu de 'frottement' avec les étrangers. Aucun frottement, aucune compétition, aucun entraînement avec des nageurs étrangers. C'était des entraînements comme cela se passe ici, le même entraîneur, les mêmes conditions d'entraînement.

(Interruptions)

Aucun frottement!

Mr Ritoo: Mr Speaker, Sir, let me remind the hon. Member, I don't think he was present in France at that time, but there were a lot of swimmers present and we must not forget the 12 medals that we won in the African Championship, 11 were won by those athletes who were at the training camps two weeks prior to this competition. So, this gives an indication.

COSAFA CUP 2012 – CLUB M

(No. B/173) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the preparation of the Club M for the forthcoming COSAFA Cup 2012, he will state the name of the national coach therefor, giving details of the training sessions and of the matches held in connection therewith, since September 2011 to-date.

Mr Ritoo: Mr Speaker, Sir, I am informed by the Mauritius Football Association (MFA) that Mr Ackbar Ebrahim Patel, national coach, is responsible for the preparation of Club M for the

forthcoming COSAFA Cup 2012. No training sessions and no matches have been played by Club M since September 2011 as all the players forming part of the national squad are actively involved in the Premier League Tournament 2011-2012 for which some matches are also being played during weekdays. Consequently, the players are presently training at club level.

I am further informed that training sessions for Club M will start by the first week of June 2012 after the end of the Premier League Tournament. Training sessions will be held three times a week and the frequency will increase during the month of July 2012.

Mr Quirin: M. le président, le ministre peut-il nous dire combien de fois il a rencontré les dirigeants de la MFA en ce qui concerne les projets liés au Club M?

Mr Ritoo: We have regular meetings in my office.

Mr Quirin: Le ministre peut-il nous dire, M. le président, quand pour la dernière fois son ministère a financé un déplacement du Club M à l'étranger?

Mr Ritoo: The last time when they participated in the Indian Ocean Island Games in Seychelles.

Mr Quirin: M. le président, le ministre parle de relance du foot, mais il ne finance plus les déplacements. Peut-il indiquer à la Chambre s'il a un projet pour recruter un entraîneur étranger pour le Club M, et peut-il aussi nous dire quels sont les entraîneurs qui ont été contactés par rapport à ce projet?

Mr Ritoo: Mr Speaker, Sir, the hon. Member knows very well that when we have a competition, then we'll have the national team to participate. We can't just keep on playing without any competition in future.

Mr Bhagwan: Mr Speaker, Sir, all Mauritians are very upset concerning our performance in football, our national team, for the past years. And somebody was laughing when I said "*medaille ferraille*" the last time.

Mr Speaker: Alright! Yes.

Mr Bhagwan: Can the hon. Minister inform the country what he is planning, as Minister of Youth and Sports and also a former international football player, with regard to the future of our football and in view of the Indian Ocean Islands Games? What does the country expect as far as our participation and winning medals are concerned?

Mr Ritoo: Mr Speaker, Sir, last year, for the Indian Ocean Islands Games in Seychelles, we won the silver medal. Now we are preparing the team for 2015. I am still proposing, in consultation with the Mauritius Football Association, to recruit a foreign coach for the national team.

INCINERATORS - TENDERS

(No. B/174) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue) asked the Minister of Local Government and Outer Islands whether, in regard to the launching of a tender for the design, manufacture and installation of incinerators and the construction of buildings to house the incinerators, he will state where matters stand.

The Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Mr Speaker, Sir, with your permission, I shall answer this question, as the National Development Unit (NDU) has taken over this project.

Tender for the construction of buildings to house incinerators was launched on 18 April 2012 and closed on 22 May 2012. Fifteen bids have been received during this exercise, and the Bid Evaluation Committee has already started evaluation thereof.

With regard to the supply, installation and commissioning of incinerators, bidding document is being finalised, and tender will be launched by next week.

Mr Lesjongard: Can I ask the hon. Minister why tenders launched during the month of June 2011 were cancelled?

Mr Bachoo: Mr Speaker, Sir, being Minister responsible for the NDU, this dossier was sent to me, and I am responsible for the exercise that is being conducted actually. As Minister responsible for the NDU, I have answered the question, namely that we have already started the procedures.

(Interruptions)

I was not involved in those decisions, and it is difficult for me to answer.

(Interruptions)

Mr Lesjongard: Mr Speaker, Sir, I put my question to the Minister responsible for Local Government because since that tender had been launched in 2009, the Minister responsible was the Minister for Local Government. If the hon. Minister is willing to answer, he has to answer from 2009 until today.

Mr Bachoo: Mr Speaker, Sir, as I have just mentioned, the question should be addressed to the Ministry of Local Government on that issue because at that particular moment the responsibility for tender was for the Ministry of Local Government. I have answered the question that was addressed to me.

(Interruptions)

Mr Jugnauth: Mr Speaker, Sir, on a point of clarification. The hon. Minister said that he is now responsible for this dossier. Now is he saying that if we have to ask questions relating to the past, we have to go to the Minister of Local Government? This is not in order, Mr Speaker, Sir.

Mr Speaker: Yes, it is good that the hon. Member has raised this matter as a matter of clarification. Let me explain the position of the Chair. The Chair is not responsible for the transfer of questions by the Executive. The hon. Minister answered that he has information only since he has taken charge...

(Interruptions)

Insofar as the other question asked by the hon. Member as to why there was cancellation is concerned, the hon. Minister can just say that he is going to look for the answer and give it.

(Interruptions)

Mr Lesjongard: May I ask the hon. Minister to confirm whether that tender had been cancelled on three occasions?

Mr Speaker: No, rephrase your question. You cannot ask for confirmation.

Mr Lesjongard: May I then ask the hon. Minister how many times this tender has been cancelled?

Mr Bachoo: Mr Speaker, Sir, if the hon. Member comes with a substantive question, I am going to answer.

(Interruptions)

Mr Speaker: To be fair to the hon. Member, this question was addressed to the Minister of Local Government, and I think that the hon...

(Interruptions)

Let me sort out! Let the Minister come with a statement to the House and give all the information, instead for the hon. Member to put a substantive question!

Mr Bachoo: I will come with a statement.

Mr Speaker: All right. Next question hon. Mrs Dookun-Luchoomun!

EX-CHA HOUSES – SALE

(No. B/175) Mrs L. D. Dookun-Luchoomun (Second Member for Quartier Militaire & Moka) asked the Minister of Housing and Lands whether, in regard to the 2005 Government decision to sell the ex-CHA houses and the plots of land on which the houses stand, he will state the number of -

- (a) houses sold to the occupants thereof, and
- (b) land acquired by the occupants of the housing estate at Circonstance, St Pierre and Quartier Militaire respectively.

Dr. Kasenally: Mr Speaker, Sir I wish to inform the House that the State Land Act was amended in 2007 to allow owners of ex-CHA houses to purchase the plot of State Land on which stands their housing units at a nominal price of Rs2,000. As at date, some 8954 owners of ex-CHA housing units have become owners of their respective plots of land.

Mr Speaker, Sir with regard to part (a) of the question, I am informed that all the ex-CHA houses have been sold to their owners.

Regarding part (b) of the question, Mr Speaker, Sir, Circonstance housing estate, also known as L'Agrement "A" and L'Agrement "B" housing estate, comprises 196 housing units. The land cannot be sold for the time being, as the title of the land has not yet been transferred to the State. My Ministry has already initiated procedures for the title deed to be finalised with the sugar estate, Espitalier Noel Ltd (ex Mon Desert Alma). Upon obtention of the deed, Government will eventually sell the land to the individual owners of the ex-CHA housing unit.

Mr Speaker, Sir, out of the 123 owners of ex-CHA housing units at St. Pierre, 75 owners have already purchased their plot of land. At Quartier Militaire, out of the 66 owners, 52 have already purchased their plot of State land.

Mr Speaker, Sir, I also wish to inform the House that, in regard to owners of ex-CHA housing units found on private land, who have applied for the purchase of their plot of land and which cannot be sold for the time being, my Ministry is, since January 2011, claiming a nominal rental of Rs10 per annum. This measure will be applicable until the eventual sale of the land to the applicants.

Mrs Dookun-Luchoomun: May I ask the hon. Minister the time frame for the obtention of the deeds for these plots of land from the sugar industry?

Dr. Kasenally: Mr Speaker, Sir, I am not in a position to say the exact time frame, but I am pressing my Ministry to have direct talks with Espitalier Noel Group to expedite matters.

Mrs Hanoomanjee: Can the hon. Minister say whether there are ex-CHA houses which are found *Pas Géométriques* and, if so, whether any decision has been taken regarding these occupants?

Dr. Kasenally: No, land on *Pas Géométriques* cannot be sold for the time being. A survey has been made to see how much of the land are actually in the state in what they were. It appears - I don't have the complete data - that some of the land on the *Pas Géométriques* where there were CHA houses has been transformed in villas. I think there are some legal procedures to sell the land to these people who are obviously speculating.

Mr Jugnauth: Concerning the L'Agreement cases, will the hon. Minister say what are the problems with regard to the transfer of the title from the sugar estate to those people?

Dr. Kasenally: Mr Speaker, Sir, the major problem is that of heirs and succession; they cannot agree. A few were not aware that they could purchase their respective plot of land during the survey held on the 28th, and they were willing to purchase the plot of land. They have been informed of the procedure. In fact, what happened over the years is that we have sent officers of my Ministry to inform all those who had not applied. Some of them do not want to apply, some of them are old enough and say that they are not prepared to spend about Rs6000 or Rs7000, as they are currently paying Rs10 per year. I think that they do not want to get involved. Some are just not willing at all for whatever reason.

Mr Ganoo: To come back to the question of the ex-CHA houses situated on the *Pas Géométriques*, the two cases of Riambel and Rivière des Galets are two good instances. Can I ask the hon. Minister to look into these two particular cases because up to now no sale has been effected in these two estates.

Dr. Kasenally: I will certainly look into that, Mr Speaker, Sir.

Mrs Dookun-Luchoomun: Mr Speaker, Sir, I just heard the hon. Minister say that the problem with Circonstance, St. Pierre, ex-CHA houses was that the plots of land were still in the name of the sugar industry, and that there were some impediment to transfer these lands to the Government prior to their being given to the occupants. May I ask the hon. Minister what are the impediments that are preventing the transfer of the deeds for these plots of land from the sugar industry to Government?

Dr. Kasenally: Mr Speaker, Sir, there are problems with all private lands on which CHA houses are. Some of them don't want to sell it, we have to proceed to compulsory acquisition, which will take a long time, but we have been trying to negotiate with some of them. Some of them are just not prepared and I think the matter is in court.

Mr Jhugroo: Can the hon. Minister confirm that no lands on *Pas Géométriques* have been sold?

Mr Speaker: Rephrase your question, please!

Mr Jhugroo: Will the hon. Minister say that no lands on *Pas Géométriques* have been sold, up to now?

Dr. Kasenally: It is obvious from my answer, Mr Speaker, Sir.

Mrs Dookun-Luchoomun: Mr Speaker, Sir, the hon. Minister just mentioned that he had asked some persons from the Mon Desert Alma Sugar Estate to expedite matters regarding the Circumstance CHA houses and plots of land. May I ask the hon. Minister what were the problems specifically with regard to the Mont Desert Alma Sugar Estate?

Dr. Kasenally: I did not get the last sentence, please.

Mrs Dookun-Luchoomun: I am asking the question with regard to Mon Desert Alma Sugar Estate because I have information that they are ready to give their lands to Government and I would like to know the nature of the problem. Why is this transfer not being made?

Dr. Kasenally: Mr Speaker, Sir, initially they were not keen, but now, there are other issues related to their lands, which we have taken compulsorily for the Verdun/St. Pierre bypass. The matter has been resolved and so they are now ready. It has been a long drawn discussion.

Mr Jugnauth: On the same issue, since this matter has been resolved because those people are waiting for quite a long time, will the hon. Minister - I know he will expedite matters - let us have an idea how long probably it might take, so that this is finalised?

Dr. Kasenally: The procedures take a bit of time. I cannot put a timeframe but, honestly, I think before the end of the year. Nevertheless, they are only paying Rs10 per month, so there is no hardship with it.

PUBLIC BEACHES -TRANSAT - PERMITS

(No. B/176) Mrs S. B. Hanoomanjee (Second Member for Savanne & Black River) asked the Minister of Local Government and Outer Islands whether, in regard to the public beaches,

he will, for the benefit of the House, obtain from the Beach Authority, information as to the number of permits delivered for the operation of *transat* thereat, indicating the eligibility criteria for the granting thereof.

Mr Aimée: Mr Speaker, Sir, I am informed by the Beach Authority that 18 traders have been issued with Beach Traders Licences as at date for the renting of 494 mattresses and 226 umbrellas on various public beaches.

With regard to the eligibility criteria established by the Board of the Beach Authority for the issue of these licenses, I am informed that the applicants should be unemployed and should not hold any other commercial/ trade licences.

Mrs Hanoomanjee: Mr Speaker, Sir, is the hon. Minister aware that with the installation of these *transats* on the different beaches of the country, the public beaches can no longer be considered as public beaches, given that those who hold these permits, they considered the spaces on the respective beaches to be their private property?

Mr Aimée: Mr Speaker, Sir, the Beach Traders Licences for renting of mattresses and umbrellas on the public beach are issued in accordance with the Beach Authority Trade License Amendment Regulation of 2008. If need be, I can table a copy.

Mrs Hanoomanjee: Mr Speaker, Sir, the question is not that they are not being issued licenses in accordance to regulation, but the problem is that, I believe the hon. Minister may make a case, so that the criteria is reviewed. The hon. Minister has just given the criteria and we see how scanty the criteria is for the giving of the licenses.

Mr Aimée: We are looking into the Beach Authority Bill, Mr Speaker, Sir, to change the Regulation. I think that in the coming months we will come to the House to amend the Beach Authority Bill.

Mr Bhagwan: Can the hon. Minister inform the House whether he intends to recommend to Government the setting-up of a Commission of Enquiry, presided by an ex-Judge of the Supreme Court, into the allocation of permits for all these *transats* and other things on the beaches since 2005? Because from information received, there is a mafia operating in that sector, where political agents have been given permits since 2005.

Mr Aimée: No, Mr Speaker, Sir!

Mr Ameer Meea: Can I ask the hon. Minister ...

(Interruptions)

Mr Speaker: Order!

Mr Ameer Meea: Can I ask the hon. Minister if he can table a list region-wise on the number of licenses that have been delivered for the *transats* and also, the dates that the licences have been delivered?

Mr Aimée: I don't have the information now, Mr Speaker, Sir, but I will table the list.

Mr Barbier: May I know from the hon. Minister whether there is a clear-cut policy to stop this invasion of *transats* and umbrellas on the beaches, because in the coming days and months, maybe there will be no space for the public?

Mr Aimée: As I said before, Mr Speaker, Sir, I am coming with an amendment to look into the old Bill and to change certain things that are not in order according to criteria.

Mrs Hanoomanjee: Before the permits are issued, can the hon. Minister say whether the Beach Authority consults the Ministry of Environment because it is said that these *transats* can cause a deterioration of the beach with the disappearance of micro-organisms in the sand?

Mr Aimée: Mr Speaker, Sir, mattresses and umbrellas are not only for the private small operators there, it is also for the big hotels.

(Interruptions)

Yes, I am prepared to look into the problem of environment but, up to now, there has not been any complaint pertaining to that.

(Interruptions)

Mr Jugnauth: The hon. Minister has said that he is going to review the Beach Authority Bill, that's surely not an obstacle to reviewing the criteria. Now, can the hon. Minister, at least, consider - as a matter of urgency since the prevailing situation at the public beaches - reviewing the criteria in the meantime?

Mr Aimée: Yes, Mr Speaker, Sir.

Mrs Ribot: Mr Speaker, Sir, since the Tourism Authority ...

Mr Speaker: I am Sorry. I will give the floor to hon. Uteem and then I will come to the hon. Member.

Mr Uteem: Thank you, Mr Speaker, Sir. May I ask the hon. Minister, in the light of the concern raised in this House that -

- (i) all the licences going forward until this new Bill is passed, be frozen, and

- (ii) that clear designated areas be identified on each beach so that there is not a savage propagation of these *transats*.

Mr Aimée: Mr Speaker, Sir, all the licences that have already been given to these small operators are now - as I have said within one month, I am coming with the amendment to the House to change the situation in the Beach Authority Act.

Mr Speaker: Last question, hon. Mrs Ribot!

Mrs Ribot: Mr Speaker, Sir, since the Tourism Authority Bill is being reviewed, can I ask the hon. Minister whether he cannot see to it that it be concluded in the Bill, that the owners of *transats* and umbrellas don't leave their umbrella supports, poles and everything overnight, as these represent a danger for the public?

Mr Aimée: Mr Speaker, Sir, are we talking about the Beach Authority or the Tourism Authority here?

CIVIL SERVANTS -TRAINING

(No. B/177) Mrs S. B. Hanoomanjee (Second Member for Savanne & Black River) asked the Minister of Civil Service and Administrative Reforms whether, in regard to the civil servants, he will state if training has been or will be given thereto to better equip them to provide better service delivery to members of the public.

Mr Moutia: Mr Speaker Sir, training and capacity building is a key performance indicator for my Ministry. We have trained 22,000 public officers over the last 8 years and this year we have planned to train 3,300 officers, although we have only one training room at Fooks House. Most of the courses meant for general services grades have a major components areas such as Customer Care and Interpersonal and Communication Skills with a view to improving the services given to the public.

Mr Speaker, Sir, the training is supplemented by further formal training given to Senior Officers and Confidential Secretaries through an Award Course organised in collaboration with the University of Technology. The officers of the Human Resources Cadre are sponsored to follow the Diploma in Human Resources Management at the University of Mauritius. We even have a sponsorship scheme for those officers pursuing post graduate studies in pre-determined scarcity areas. We give all public officers the opportunity to follow any self-financed course of their choice

and generously allow three weeks leave for revision and examination purposes after giving them around two half days of release per week to follow such courses.

Further, Senior Officials are sent on courses offered by Governments of friendly countries such as India, Australia, France, China, etc. Those Ministries having approved budgets for training such as the Ministry of Health, the Police Department, Ministry of Social Security, Prisons Service and Education do specific training for their officers. Some 36,000 officers from these Ministries and Departments have been given such training. We believe, Mr Speaker, Sir, in lifelong training and all this with a view to make the public service more efficient and effective.

We have, through the Administrative Reforms Division of my Ministry, set up Counter Services at the Ministry of Social Security, Flacq Hospital, Soobramanien Bharati Eye Hospital and the Morality Section of the Attorney General's Office as well as an Electronic Search Room at the Registrar General's Department, just to name a few with a view to providing better customer care and service to the public. We not only finance these projects, but also train the officers running and operating these services.

Mr Speaker, Sir, as you are aware, Government has, on 21 October 2011, approved the setting up of a Civil Service College in Mauritius which will also include a School of Diplomacy and Foreign Trade.

We are currently finalising the Civil Service College Draft Bill. Once the Civil Service College would be set up, there is no doubt that our civil service would move towards excellence in service delivery at a quicker pace. In the meanwhile, due to limited training space and increase in demand for training, we are in the process of outsourcing some training courses and will be renting more space to meet demand. Thus, we have given training, are still giving training and will continue to give training to public officers.

Mrs Hanoomanjee: Mr Speaker, Sir, I thank the hon. Minister for giving us so much information, but I don't think I've heard him talking about the concept of 'mystery shopping' which was introduced in the 2011 Budget. Can the hon. Minister say where matters stand with respect to training in respect of that 'mystery shopping concept'?

Mr Moutia: 'Mystery shopping' is still on.

Mrs Hanoomanjee: Still on, yes, but how many Officers have been trained and whether Officers who have been trained are implementing the concept of 'mystery shopping'?

Mr Moutia: Mr Speaker, Sir, it is being implemented actually.

Mrs Hanoomanjee: Can I know which organisations these Officers have been to and what they have found when they have implemented that concept of ‘mystery shopping’?

Mr Moutia: If the hon. Member will come with a substantive question, I will reply to it.

(Interruptions)

Mr Speaker: Next question, hon. Jugnauth.

CONTRACEPTION PROGRAMME

(No. B/178) Mr P. Jugnauth (First Member for Quartier Militaire & Moka) asked the Minister of Social Integration and Economic Empowerment whether he will state if his Ministry has initiated a contraception programme and, if so, where matters stand.

Mr Dayal: Mr Speaker, Sir, the hon. Member will appreciate that the primary responsibility with regard to contraception rests with my colleague, the Minister of Health and Quality of Life.

My responsibility as Minister is targeted towards the vulnerable groups and any programme implemented by the executing arm of my Ministry, which is the National Empowerment Foundation (NEF) is conducted in line with approved policies of the Ministries concerned.

Accordingly, Mr Speaker, Sir, family planning programmes, which are mainly of an educational nature, are being carried out by the NEF in accordance with established policies on this issue by the Ministry of Health and Quality of Life.

I also wish to inform the House that an Inter-Ministerial Committee has been set up under the Chairmanship of the Vice-Prime Minister and Minister of Finance and comprising of the Ministry of Health and Quality of life, Ministry of Social Integration and Economic Empowerment and Ministry of Gender, Child Development and Family Welfare to identify the most appropriate family planning methods meant for vulnerable groups.

Mr Jugnauth: I heard the hon. Minister saying now that there is an Inter-Ministerial Committee that has been set up. Can we know from the hon. Minister what has happened with regard to the approval of the Board Meeting of the National Empowerment Foundation to go ahead with this programme of contraception; what has happened to that in the meantime?

Mr Dayal: Mr Speaker, Sir, contraception programme being a very serious and sensitive issue, this cannot be done by coercion; it is going to be voluntary and this can be carried out through education, information and sensitisation. That is why this has been referred to a committee looking into all its aspects and come forward with appropriate recommendations.

Mr Jugnauth: Will the hon. Minister say whether the National Empowerment Foundation had already taken a decision to go ahead and that was approved? The decision was taken on 08 August 2011 and it was approved by the Board on 18 August 2011. My question is this: what has happened to this decision because clearly it is not going ahead? Why is it now that it is not going ahead because they have looked at all the aspects of this programme?

Mr Dayal: Mr Speaker, Sir, as I said earlier on, yes, the Board of the NEF approved it in the first instance, but it was decided subsequently that some more consultations - because this is a serious and sensitive issue - are required and then eventually the committee will make proper recommendations.

Mr Jugnauth: Mr Speaker, Sir, with regard to that programme which was approved by the NEF, will the hon. Minister say if there was a proposal to offer a shopping voucher to each woman participating in the programme as compensation?

Mr Dayal: Mr Speaker, Sir, as I said earlier on - and I emphasise on that - the NEF and the Ministry of Social Integration have decided that this will be further canvassed and we have to sensitise people and a committee has been set up to see in what way we can have this implemented. As I said, it is a very sensitive issue; it is not a partisan issue; that is why we are looking for broader consensus and broader consultation among all stakeholders.

(Interruptions)

Mr Jugnauth: Mr Speaker, Sir, I am not disputing the fact that this has been reviewed, I just want a clear answer from the hon. Minister that whether that programme which was decided by the NEF, and with the consent of the then Minister at that time, whether that programme included a voucher for shopping as compensation to those who are going to follow this contraception programme.

Mr Dayal: Mr Speaker, Sir, again, I will say the same thing, that is, why a committee, which has been set up to look into all these aspects, will come with proper recommendations.

(Interruptions)

Dr. S. Boolell: Mr Speaker, Sir, does the hon. Minister consider this programme of contraception under duress to be consistent with our social classes perception?

(Interruptions)

Mr Speaker: Order!

Dr. S. Boolell: Contraception under duress! Don't get confused with the letter...

(Interruptions)

to be inconsistent with our social framework that we are targeting a specific class rather than the whole population?

Mr Dayal: Mr Speaker, Sir, there is no question of duress. Right from the beginning, I said it cannot be done through coercion; it has to be voluntary and this can be done through education, information and sensitisation.

Mr Jugnauth: Will the hon. Minister say whether at that time when the decision was taken by the Board of the NEF, again, I say with the consent of the then Minister, it was said, that, it was worth noting that the project had been adapted from the conditional cash transfer policy, first launched in Brazil and which has now been copied successfully worldwide? That is why I am insisting on this question. I want to know what the reasons are. Because there were so many reasons given as to why we have to go ahead. Why is it now that the hon. Minister has stopped this and he is reviewing with a different committee?

Mr Dayal: Mr Speaker, Sir, let me remind the hon. Member that there is a Committee which will look into all the aspects. As I said, it cannot be done under duress; it cannot be done under coercion. It requires consultation and that's why it has got to be this way and the Committee will give its proper recommendation.

Mr Jugnauth: A last question, Mr Speaker, Sir. In other words, the hon. Minister is saying that the former Minister, who had approved this, did not look into all the aspects with regard to this programme. Could the hon. Minister now tell us which aspects the former Minister did not look into, that are now being looked into by this Committee?

Mr Dayal: Mr Speaker, Sir, again I will repeat myself. I said that a decision was taken place. Then the Board decided that we went for further consultation and that's why a Ministerial Committee has been appointed to look into all the aspects and come with appropriate recommendations. Again I will maintain and I will emphasise that this is a very serious and sensitive issue. It cannot be done just at the whims and caprices ...

(Interruptions)

Mr Speaker: Order! Order!

(Interruptions)

Hon. Duval, you have no right to do like this! I am sorry!

(Interruptions)

Don't do that! Don't get carried away!

(Interruptions)

I will suspend the sitting here and resume at half past two. I suspect that this question will take some time.

At 12.55 p.m. the sitting was suspended.

On resuming at 2.36 p.m with the Deputy Speaker in the Chair.

ANNOUNCEMENT

MINISTER OF GENDER EQUALITY, CHILD DEVELOPMENT AND FAMILY WELFARE – POINT OF ORDER RE. PQ NO. B/174

The Deputy Speaker: Hon. Members, at the sitting of the House last Tuesday, the hon. Mrs Martin, Minister of Gender Equality, Child Development and Family Welfare rose on a point of order to the effect that she had overheard the hon. Soodhun, from a sitting position, saying the following words to the address of hon. Hossen. I quote - "*Ale garde ein femme to faire bien*" which she was of the view was a sexist remark and asked for a ruling of the Chair thereon. As I personally didn't hear those words, being given the noise and *brouhaha* prevailing then, I took the decision to listen to the tape recording before giving a ruling.

Unfortunately, because of the *brouhaha*, it has not been possible to ascertain whether those words were actually uttered. In these circumstances, I will once again ask the hon. Soodhun to state whether he did utter those words.

Mr Soodhun: No, Mr Deputy Speaker. I have never, never, never used these words. I can challenge anybody.

(Interruptions)

The Deputy Speaker: In the light of the reply of the hon. Member, I am unable to rule on the matter which I leave to the conscience of the hon. Member. Thank you.

(Interruptions)

Mr Soodhun: To apologise the words she has....

(Interruptions)

The Deputy Speaker: I have given my ruling and we proceed with the business of the House. Hon. Uteem!

STC - INSIGHT FORENSICS - REPORT

(No. B/179) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Minister of Industry, Commerce and Consumer Protection whether, in regard to the State Trading Corporation, he will –

- (a) for the benefit of the House, obtain from the Corporation, information as to the actions that have been taken to date in the light of the report of Insight Forensic, and
- (b) state if an independent inquiry committee has been set up to look into the affairs thereof.

Mr Sayed-Hossen: Mr Deputy Speaker, Sir, I wish to remind the House that the report of Insight Forensics Ltd. has been subject to a number of Parliamentary Questions, the last one being Parliamentary Question B/962 in December 2011.

Mr Deputy Speaker, Sir, as regards par (b) of the question, as the House is aware, in November 2010, the State Trading Corporation commissioned an enquiry by Insight Forensics Ltd to assess the then state of affairs of the Corporation and to establish whether irregularities or malpractices might have taken place in specific areas of its business.

The Final Report was submitted to the then Minister of Industry and Commerce in May 2011.

I further wish to inform the House that in August 2011, the State Trading Corporation enlisted the services of Mr Coomara Payendee, Barrister-at-law, to analyse the Report and to determine whether the alleged irregularities and/or malpractices should be scrutinised by an independent Fact Finding Committee, and/or whether the different transactions mentioned in the Report should be reported to the Police.

In his report, Mr Payendee concluded the following –

- (i) Insight Forensics Limited has concluded that there were alleged malpractices and irregularities by basing itself on facts, which are as yet not proven by tangible evidence, and
- (ii) Insight Forensics Ltd has clearly indicated that there were some limitations in conducting the enquiry and that the information provided by the State Trading Corporation has not been independently verified such that the credibility of the recommendations made are questionable.

Mr Deputy Speaker, Sir, I have again gone through the Report and had consultations with relevant authorities, including the Office of the Attorney General, in respect of the observations made in the report of Insight Forensics Ltd.

At Appendix A, which is found at the last page of a bulky 153-page report, Insight Forensics Ltd. itself lists five major limitations to its own report, namely, I quote -

- “ (a) Reliance has been placed upon documents, explanations and other information provided by the STC. These have not been independently verified in all cases. Our findings may change if further information were to come to light.
- (b) The procedures carried out in performing the work that forms the basis of this report did not constitute an audit, whether statutory or other for the STC. This report is not intended to be a comprehensive review of the systems, processes and procedures within the STC and should not be considered in the context of the scope of the review as detailed in the terms of reference.
- (c) The contents of this report do not constitute the provision of legal advice.
- (d) We have not interviewed the counterparties referred to in this report as they are not within the scope of the review authorised by the STC. Similarly, we have conducted only a number of limited interviews with the management and staff of the STC. We have not interviewed the ex-GM of the STC.
- (e) We have placed reliance on the extract of the board minutes made available to us and in some cases the full board minutes provided by the Secretary of the STC and STCM. We could not, however, determine the authenticity of the board minutes, some of which are not in line with established procedures. In some cases the board minutes were held in soft copies and were printed and handed to us.”

Mr Deputy Speaker, Sir, in view of these very serious self-admitted limitations to the report and considering that the observations and recommendations of Insight Forensics Ltd. are far from being unequivocal and quite inconclusive, I have come to the conclusion that the said report cannot be given due consideration and I therefore find that the setting up of a Committee of Enquiry is neither warranted nor justified.

Relative to part (a) of the question, Mr Deputy Speaker, Sir, notwithstanding the above, I wish to assure the House that the Management as well as the new Board of the Corporation have

identified a number of areas of operations where improvements can and should be introduced and initiatives in that direction are being implemented.

The Deputy Speaker: Hon. Uteem!

Mr Uteem: In this answer to the PQ which the hon. Minister just referred to, in December, this is what the hon. Minister said –

“My Ministry is now finalising the setting up of a full-fledged inquiry committee to be chaired by a person of legal background preferably a Magistrate to determine whether the transactions carried out by STCM were done in good faith, in accordance with section 13 of the STC Act by the Board and staff. In the light of the finding of the Committee, I shall consider the desirability of submitting the whole case to ICAC.”

May I know from the hon. Minister, why is it that six months down the road he changes his mind about this independent committee and has decided not to refer the matter to ICAC?

(Interruptions)

The Deputy Speaker: Let the hon. Minister answer, please!

Mr Sayed-Hossen: Mr Deputy Speaker, Sir, there is a saying that goes: only a fool never changes his mind.

(Interruptions)

As I have said in my reply, Mr Deputy Speaker, Sir, I have gone again through the report, and I have had consultations with my officials and with the office of the Attorney General. In respect of these observations, as I have said, I don't find it warranted nor justified to set up a committee of inquiry. However, as my conclusion said, we are internally, through the management and the Board of STC, looking into areas where improvements should be introduced.

Mr Uteem: The report, Mr Deputy Speaker, Sir, raises a lot of very serious allegations of a criminal nature. As the hon. Minister himself said in answer to the same PQ - “Section 13 of the STC Act, Mr Deputy Speaker, Sir, very clearly stipulates, and I quote -

“...that no liability civil or criminal binds an official of the STC, unless bad faith is proved. Bad faith is not proved in that case, which is why we are asking for a committee of inquiry to establish whether there is good faith or bad faith.”

Can I know from the hon. Minister how, can he, without this committee of inquiry, now come to the conclusion that there was no bad faith involved?

Mr Sayed-Hossen: I need to repeat myself, Mr Deputy Speaker, Sir. As I have said, at the end of a very bulky report, one page and a half of that report literally demolishes the whole report by listing out a number of limitations, and we cannot, on the basis of this report and taking into consideration the self-admitted limitations, now proceed with setting up a committee of inquiry, which is why we have reached that decision.

Mr Uteem: May I know from the hon. Minister what was the amount of money paid to Mr Payendee, the legal adviser, and what was the conclusion of his legal advice?

Mr Sayed-Hossen: The conclusions of Mr Payendee rest in the two points that I have mentioned in my reply, Mr Deputy Speaker, Sir –

First, Insight Forensics Limited has concluded that there were alleged malpractices, by basing itself on facts which are as yet not proven by tangible evidence.

Second conclusion, Insight Forensics Limited has clearly indicated that there were some limitations in conducting the inquiry, and that the information provided by the STC has not been independently verified, such that the credibility of the recommendations made are questionable.

Regarding the first part of the question, Mr Deputy Speaker, Sir, I don't have that information, but I will table it in the Assembly.

Mr Bhagwan: Is it not a fact that among the people who have been incriminated in the Insight Forensics report, is the treasurer of the Labour Party who was a Board member of not only the STC but STC limited, and this is why the hon. Minister is now having recourse to cover up all these *malpropretés*?

Mr Sayed-Hossen: To my understanding, Mr Deputy Speaker, Sir, there is no accusation against whomever. There are allegations of malpractices. As I have said - I need again to repeat myself, Mr Deputy Speaker, Sir - the whole series of limitations that the report itself admits demolishes the credibility of the report.

Mr Ganoo: The hon. Minister is not agreeable now to the setting up of an independent inquiry committee. Would the hon. Minister officially table a copy of the report, and make this report the subject matter of the debates in the House on the next occasion?

Mr Sayed-Hossen: Well, as far as I know, this report is an internal report to the State Trading Corporation. I will take the hon. Member's suggestion, and I will take advice on that matter with the Attorney General's Office.

Mr Jugnauth: The hon. Minister had received the report of Mr Payendee on 05 December last year. After having taken cognizance of that report, he stated categorically in this House, and I quote -

“We have decided to appoint an independent inquiry committee chaired by a Magistrate.”
How come is he wiser today, now that he has considered the same report of Mr Payendee, to say that only fools do not change their decision? How come that, at that time, after having taken cognizance of that report, he stated categorically that we need, therefore, to appoint a Magistrate to chair a committee?

The Deputy Speaker: I think the hon. Minister has answered the question.

Mr Sayed-Hossen: Mr Deputy Speaker, Sir, I have already answered that question. I suppose everybody gets wiser with age.

(Interruptions)

The Deputy Speaker: Hon. Ganoo!

Mr Ganoo: Can the hon. Minister inform the House that it is as a result of the findings of this report that the STCM was, in fact, wound up subsequently?

Mr Sayed-Hossen: This is my understanding. This happened before I took office as Minister of Industry and Commerce.

Mr Jhugroo: I have two supplementary questions, Mr Deputy Speaker, Sir.

The Deputy Speaker: No, please.

Mr Jhugroo: I will go one by one, don't worry. I would like to ask the hon. Minister whether he will consider referring this case to the Central CID for investigation.

My second question...

The Deputy Speaker: No, excuse me. We proceed with one question. Please, resume your seat.

Mr Sayed-Hossen: The answer to this question is no. I find no cause to do that, for the moment at least.

The Deputy Speaker: The second question now!

Mr Jhugroo: My second question is: why has this case been referred to Mr Payendee, who is a member of the Labour Party?

(Interruptions)

Mr Sayed-Hossen: Should I understand, Mr Deputy Speaker, Sir, that...

(Interruptions)

The Deputy Speaker: Hon. Uteem!

Mr Sayed-Hossen: Should I understand that a member of the Labour Party does not have the right to exercise his profession?

(Interruptions)

The Deputy Speaker: Last question hon. Uteem!

Mr Uteem: Thank you, Mr Deputy Speaker, Sir,

(Interruptions)

The Deputy Speaker: Order please!

Mr Uteem: During Committee of Supply in November last, the hon. Minister stated, and I quote -

“We have started action, as the hon. Member has said, regarding the recommendations of Insight Forensics report, Mr Chairperson Sir. May I kindly request the hon. Member to come with a PQ, to which I will very happily answer?”

We have decided to come with a PQ, and I would like to know from the hon. Minister what action has been taken following the recommendations made by Insight Forensics.

Mr Sayed-Hossen: A series of actions actually, Mr Deputy Speaker, Sir. Some time ago, Board meetings used to be held at fairly irregular intervals, and many Board decisions were requested through circularised resolutions. The new Board is now meeting regularly, at least once every month, sometimes twice a month, to increase its oversight over management.

Second, management has been informed by the new Board that covering approval for decisions will be given only in certain pre-arranged situations, which is a normal practice in business and, therefore, the practice of seeking covering approval has been stopped.

Third, the staff of the STC - at least, a few members of the staff - used to attend Board meetings. This is no more allowed. Only the General Manager, representing management, is in attendance in Board meetings.

Fourth, the new Board is giving due consideration to setting a risk management policy for each activity of the STC. Management has been requested to set up a proper risk management department, with the objective of focusing on all areas of risks. Contingency plans are being prepared and should be ready for implementation in the face of unforeseen events.

Fifth, the new Board is lending full support to management to promote work ethics and integrity among staff.

Finally, good corporate governance will henceforth dictate the relationship between the Board and management. The Board will not interfere in the day-to-day running of the organisation, and the management will act within the established framework of rules, that is, of the STC Act and other secondary legislation, and will be accountable to the Board.

Effective and timely communication is, therefore, expected between the Board and management on the one hand, and between management and my Ministry on the other hand.

The Deputy Speaker: Next question hon. Gungah!

CEB – COMPANIES & ORGANISATIONS - DEBTS

(No. B/180) **Mr A. Gungah (First Member for Grand' Baie & Poudre d'Or)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Central Electricity Board, he will, for the benefit of the House, obtain from the Board, information as to the names of the companies and organisations the debts of which have been written off, since 2006 to-date, indicating in each case –

- (a) the quantum thereof;
- (b) the reasons therefor, and
- (c) if the prior approval of the Board thereof had been sought and obtained.

The Deputy Prime Minister: Mr Deputy Speaker, Sir, the information is being compiled and will be placed in the Library.

Mr Gungah: Mr Deputy Speaker, Sir, can....

(Interruptions)

The Deputy Speaker: Hon. Jhugroo, please remain silent!

Mr Gungah: Can the hon. Deputy Prime Minister inform the House if from 2006 to 2008 an amount of Rs68 m. had been written off?

The Deputy Prime Minister: The answer is, yes.

Mr Gungah: Can the hon. Deputy Prime Minister inform the House who was the Chairman of the Board from 2006 to 2008?

(Interruptions)

The Deputy Prime Minister: This is well-known, Mr Deputy Speaker, Sir.

Mr Gungah: What is the answer? I could not hear the answer, Mr Deputy Speaker, Sir.

The Deputy Speaker: Hon. Deputy Prime Minister, would you repeat your answer, the hon. Member didn't hear the answer?

The Deputy Prime Minister: The name is well-known, Mr Deputy Speaker, Sir.

Mr Gungah: Who was the Chairman during that period?

The Deputy Prime Minister: Mr Deputy Speaker, Sir, let me clarify something. The information that has been asked is about each and every case. If the hon. Member had asked for a global reply, I would have given him a global reply. Now I'll have to go through the list to see how many people owe a thousand, a thousand five hundred, two thousand and go down the list; that is why we are compiling.

Mr Gungah: Mr Deputy Speaker, Sir, I asked a very simple question: who was the Chairman during that period?

(Interruptions)

The Deputy Prime Minister: Mr Deputy Speaker, Sir, let me reply to this in two parts: in 2009, Rs41 m. of unrecoverable debt for the period of 2002 to 2006 ...

(Interruptions)

The Deputy Speaker: Let the hon. Deputy Prime Minister answer!

The Deputy Prime Minister: ... and in 2011, Rs67 m. in total, but this includes, Mr Deputy Speaker, Sir, a list of companies and organisations, commercial, domestic, industrial and others. So, there is a lot of data.

The Deputy Speaker: Next question!

Mr Gungah: The question was very simple. I wanted to know from the hon. Deputy Prime Minister who was the Chairman from 2006 to 2009? I have got another supplementary question.

(Interruptions)

The Deputy Speaker: Order! Order, please!

(Interruptions)

Order! The hon. Member has a supplementary question. Hon. Bhagwan!

Mr Gungah: Can the hon. Deputy Prime Minister inform the House if the CEB had initiated any legal prosecution against these companies, if not, why?

The Deputy Prime Minister: The answer is, yes, through receivership.

Mr Gungah: How does the Deputy Prime Minister reconcile the fact that in the case of poor consumers the service is cut and a reconnection fee is imposed whilst in cases of these big companies, no sanction is imposed? On the contrary, their debt is written off.

(Interruptions)

The Deputy Prime Minister: The case is still ongoing. It has not stopped, Mr Deputy Speaker, Sir.

The Deputy Speaker: Next question, hon. Li Kwong Wing!

Mr Li Kwong Wing: Parliamentary Question No. B/181!

The Deputy Speaker: PQ No. B/181 was replied by the hon. Prime Minister, so we proceed with PQ No. B/182 now.

Mr Li Kwong Wing: Sir, on a matter of explanation, this is a question on the Ministry of Finance concerning money lent or invested or guaranteed by the Ministry of Finance to Air Mauritius Limited. It has nothing to do with policy.

The Deputy Speaker: I told you, hon. Member, that the question was to be answered by the Prime Minister. We now proceed with Parliamentary Question No. B/182, please.

(PQ No. B/181 – see written answers to questions)

STC - PETROLEUM PRODUCTS

(No. B/182) Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière) asked the Minister of Industry, Commerce and Consumer Protection whether, in regard to petroleum products, he will -

- (a) for the benefit of the House, obtain from the State Trading Corporation, information as to the turnover and profit made in 2011 in the trading thereof, and
- (b) state if Government proposes to review the –
 - (i) pricing mechanism therefor;
 - (ii) cross subsidization policy thereof, and
 - (iii) procurement thereof, and if so, when and if not, why not.

Mr Sayed-Hossen: Mr Deputy Speaker, Sir, I am informed by the State Trading Corporation that in 2011, it imported a total of 1,147,000 tons of seven types of petroleum products in varying quantities to meet different market requirements. These included –

1	Jet A-1	239,000 tons
2	<i>Gasoil 500S (Diesel)</i>	202,000 tons
3	Fuel Oil 180 (Catalytic Cracked)	223,000 tons
4	Fuel Oil 380 (Straight Run)	144,000 tons
5	<i>Mogas 95 Ron (Super Unleaded)</i>	123,000 tons
6	Gasoil 2500S	124,000 tons
7	Fuel Oil 180 (Straight Run)	92,000 tons

The turnover and surplus made in 2011 in respect of all petroleum products stood at turnover Rs33.42 billion and surplus Rs1.89 billion respectively.

Mr Deputy Speaker, Sir, it is important to point out that, out of the seven products just mentioned, only Gasoil 500S, now replaced by Gasoil 50S (Diesel) and Mogas (Super Unleaded) are distributed for retail sale at fixed prices computed and certified by the Petroleum Pricing Committee under the Consumer Protection (Control of prices of Petroleum Products) Regulations 2011 (G.N. No. 9 of 2011).

As regards part (b) of the question, Mr Deputy Speaker, Sir, the retail price of Petroleum products (Gasoline and Gas Oil Diesel) is determined by the Petroleum Pricing Committee on the basis of a reference price which is computed by taking into account the 12 months' average Platts price, that is, six months actual prices plus six months future prices plus 4% as per the Consumer Protection (Control of Price of Petroleum Products) Regulations 2011. In these regulations, any increase in actual cost of imports amounting to less than 5% is absorbed by the Price Stabilisation Account and not passed on to consumers. Similarly, any decrease in the actual cost of imports amounting to less than 7% is credited to the Price Stabilisation Account to be utilized to mitigate any future increase. This is how prices have been kept stable since March 2011. I also wish to point out that, at 30 April 2012, that is, about a month ago, this account was showing a positive balance of Rs56.8 m.

I am further informed that, in the case of Diesel and Super Unleaded, the turnover reached Rs.14.58 billion in 2011. As explained earlier, no profit or loss is made by the State Trading Corporation on these two products.

Government, Mr Deputy Speaker, Sir, does not propose to review the pricing mechanism. This mechanism has over a period of 14 months ensured that the prices for Diesel and Super Unleaded have remained unchanged despite the fact that oil prices have widely fluctuated and have depicted an upward trend over that period. The main aim of that system which was to shield the domestic market from the high volatility of oil prices on the world market appears to have been successfully achieved so far.

In respect of other products, it is for the State Trading Corporation, Mr Deputy Speaker, Sir, to determine the selling prices from time to time in response to fluctuating market conditions.

In respect of part (b) (ii) of the question, that is, cross-subsidization, I wish to inform the House that the State Trading Corporation does not have recourse to any cross-subsidization as such. I understand cross-subsidization to mean subsidization of one petroleum product by another petroleum product within the same category of products. In this particular case, there is no cross-subsidization and, therefore, the question of review does not arise.

As regards part (b) (iii) of the question, as the House may be aware, the State Trading Corporation has a three-year contract of supply with Mangalore Refinery and Petrochemicals Limited (MRPL), which will expire on 31 July 2013.

The MRPL offer combines the following advantages:

- It is a refinery supplying the Corporation directly and not a trader, implying that there are no intermediaries;
- It is one of the very rare refineries that can offer the full range of petroleum products that the Corporation requires;
- It accepts to supply the Corporation in the quantities actually required month by month with a high degree of flexibility, and
- Mangalore Port is relatively close to Mauritius at only 6½ days sailing.

Since 2006, there has been absolutely no disruption in supply and the terms and conditions of purchase are good.

Thus, the question of reviewing procurement policy does not, for the time being, arise.

Mr Li Kwong Wing: Mr Deputy Speaker, Sir, the hon. Minister mentioned an absolutely massive unprecedented profit of Rs1.88 billion on the trading on petroleum products. Can the hon. Minister inform the House whether this profit is not used to subsidise the price of rice to the tune of Rs132 m., the price of flour to the tune of Rs385 m., the price of LPG to the tune of Rs610 m. and it is this cross-subsidisation which is used as an accounting subterfuge to hide the deficit in the Budget? Therefore, will the Minister consider stopping this policy in order to avoid the STC to act as the MRA and collecting revenues?

Mr Sayed-Hossen: Mr Deputy Speaker, Sir, the figures, quoted by the hon. Member, are absolutely correct. Rs132 m. for rice, Rs385 m. for flour, Rs611 m. almost for Liquefied Petroleum Gas, that is, a total of Rs1,128,200,000 for 2011. The House may recall the explanation given by the then Minister of Finance and Economic Development on 23 June 2009 where he stated that the subsidy used to be provided in the budget before. Government could have then raised the excise duty on diesel and super unleaded. The money would have accrued to the Consolidated Fund to pay for the subsidy. However, being given that petroleum products, rice, flour and LPG are all products which are handled by the State Trading Corporation, it was found to be very practicable and very convenient that the State Trading Corporation itself uses the surplus that it obtains from the sales of petroleum products to finance the subsidy on rice, flour and LPG. The House may also appreciate that the retail prices of flour, rice and LPG have been maintained well below their actual cost by the subsidy of Rs1.13 billion. The contribution drawn from the price structure of diesel and super unleaded amounted to Rs600 m. in 2011. I said in my reply that there is no profit or loss which is made on the calculation of the selling price of diesel and unleaded. However, there are a number of adjustments which are made, and at the end of a period of exercise, these adjustments could lead to a loss or to a profit. It so happens that in 2011 it led to a surplus of Rs.6 billion which have been used to subsidise rice, flour and gas, Mr Deputy Speaker, Sir.

Mr Uteem: Mr Deputy Speaker, Sir, the retail price of gas oil and mogas is the highest since July 2008, save for March 2011. So, being given that the STC is making huge profit on petroleum products, will the hon. Minister consider recommending to the STC to review the price mechanism so as to make less profit and pass on the benefit on to the consumers who use petroleum products?

Mr Sayed-Hossen: The hon. Member, Mr Deputy Speaker, Sir, is basing himself on the figures of 2011. We are now almost in June, six months down the line. We have had increases in *les*

coûts d'origine of petroleum products and these have substantially depleted the price stabilisation account. I said, in my reply, that at 30 April 2012, the price stabilisation account shows a positive balance of Rs56.8. m., which is not a lot of money, being given the size of the transactions that we are speaking about. What has happened actually is that this price stabilisation account, being given the different provisions which have been made and being given the mode of calculation of the selling price, have made it possible to shield the consumers from ups and downs in the selling price. We have been able to keep the prices stable. The hon. Member should appreciate that the present figures do not allow us, in spite of the fact that petroleum prices are on the downside for the moment do not allow us to reduce selling prices on diesel and mogas.

Mr Jhugroo: I believe we are still recovering the debt caused by the hedging saga. Will the hon. Minister inform the House how much backlog is left to be recovered and the time frame to settle these debts?

Mr Sayed-Hossen: I must confess, Mr Deputy Speaker, Sir, I don't have that information, but I will table that information.

Mr Ameer Meea: Mr Deputy Speaker, Sir, can I ask the hon. Minister if the STC still have recourse to the mechanism of hedging for the procurement of petroleum products?

Mr Sayed-Hossen: Actually, Mr Deputy Speaker, Sir, hedging is a financial instrument which has been utilised by many companies, including the State Trading Corporation for a number of years. It all depends on the amount of hedging that you make, but I can assure the hon. Member that for the moment we don't have any hedging exercise at the State Trading Corporation.

Mr Jugnauth: In view of the surpluses that are being made on petroleum products, will the hon. Minister consider eliminating or at least reducing the tax on mogas and diesel arising out of the loss that has been encountered by the catastrophic hedging exercise?

Mr Sayed-Hossen: Mr Deputy Speaker, Sir, hedging always ends up being the positive or negative. So, I would not say it is proper to speak of that particular hedging exercise. However, to answer more directly to the hon. Member's question, again, the hon. Member is referring to, if I can quote the hon. Member, I think massive surplus which has been made. That massive surplus was made in 2011 and part of that surplus was used to subsidise flour, rice and LPG in 2011. The House may recall that Liquefied Petroleum Gas which was still selling at Rs300 per *bonbonne* a few months ago was costing us near Rs600. It was actually costing the STC Rs582, which means that the STC was subsidising to the tune of Rs282 per *bonbonne* of 12 kg. So, a major part of that

surplus has already been engulfed by the subsidies to keep prices of flour, rice and Liquefied Petroleum Gas down. At present, we only have about Rs56.8 m. in the price stabilisation account. So, the question of a massive surplus at present, within the coffers of the State Trading Corporation, does not arise.

The Deputy Speaker: Last question, hon. Li Kwong Wing!

Mr Li Kwong Wing: Mr Deputy Speaker, Sir, is the hon. Minister aware that in addition to the Rs1.88 billion super profits made last year, there has also been the collection of an extra Rs623 m. in terms of contribution to hedging loss which brings the total amount collected by STC to Rs2.5 billion in excess. And if we add to it the fact that STC has reported to the Police, the CCID, that there has been pilferage at certain depot and terminal like Caltex, there has been an annual shortfall of Rs200 m. declared by STC at the Central CID, if we add this Rs200 m., so it makes a total of Rs2.7 billion that should have been made by STC on the trading of petroleum products. In view of this massive amount of revenues collected and profit made, will the Minister assure the House that consideration be given to reduce the price of petroleum products to the public which is suffering from this exorbitant price?

Mr Sayed-Hossen: Mr Deputy Speaker, Sir, I just said that it's probably one of the very few countries in the world which has been able to keep the price of diesel and of unleaded gas stable for 14 months now. Speaking about the great misery - that sort of demagoguery - of people, after keeping prices stable for 14 months ...

(Interruptions)

The Deputy Speaker: Hon. Aimée, no cross-talking please, especially while the hon. Minister is answering the question!

Mr Sayed-Hossen: I think, Mr Deputy Speaker, Sir, that my good friend, the hon. Member, is making a very far-fetched statement. However, if he would come with a substantive question on the use of the surplus that is made in the operations of the State Trading Corporation, I will very gladly reply to that question.

(Interruptions)

The Deputy Speaker: Hon. Members, I would like to remind you that the transfer of questions rests with the Executive. Next question, hon. Seeruttun!

**SSR INTERNATIONAL AIRPORT – PUBLIC SERVICE VEHICLE LICENCE -
APPLICATIONS**

(No. B/183) Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle) asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the last invitation for applications to operate a Public Service Vehicle Licence at the Sir Seewoosagar Ramgoolam International Airport, he will, for the benefit of the House, obtain from the National Transport Authority, information as to the -

- (a) date same was first advertised in the press ;
- (b) eligibility criteria therefor ;
- (c) number of applications received as at to-date, and
- (d) number of licences that are to be issued.

The Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport & Shipping (Mr A. Bachoo): Mr Deputy Speaker, Sir, I am informed by the National Transport Authority that on 07 May 2011, applications on transfer were invited through the Press, from holders of Public Service Vehicle licences for the grant of additional public service vehicle taxi licences to operate from Sir Seewoosagar Ramgoolam International Airport.

As regards part (b) of the question, concerning the eligibility criteria, I have to inform the House that among the usual conditions, the bases of operation of the applicants should be within a radius of 5 kms from Sir Seewoosagar Ramgoolam International Airport.

With regard to part (c) of the question, I would like to inform the House that 129 applications were received and were published on 21 May 2011.

As regards part (d) of the question, Mr Deputy Speaker, Sir, 15 additional taxi licences would be issued at the earliest possible.

Mr Seeruttun: Mr Deputy Speaker, Sir, will the hon. Vice-Prime Minister state to the House whether the criteria used for eligibility in this particular exercise was the same as the one used previously?

Mr Bachoo: Mr Deputy Speaker, Sir, normally, it is the NTA that decides. The criteria are more or less the same except the 5 kms radius that the Board has imposed this time, but earlier, in 1989, it was 6 miles because in those days, when it was 6 miles they were able to get only 57 applicants. This time, with 5 kms, we have obtained 129 applicants already.

Mr Seeruttun: In fact, Mr Deputy Speaker, Sir, it used to be 8 kms roughly previously and now it is only 5 kms and there are villages like Gros Billot, Rose Belle and La Rosa which used to be eligible for that kind of applications are no more eligible. What I don't understand is how places like Trois Boutiques which is further away from the airport with regard to La Rosa and Rose Belle, are not eligible whereas those villages like Carreau Esnouf and Trois Boutiques are now eligible?

(Interruptions)

The Deputy Speaker: Hon. Bhagwan, please!

Mr Bachoo: Mr Deputy Speaker, Sir, normally, it is the Board that decides on the radius. In fact, throughout the country they have taken decisions to reduce the radius. With the existing radius of 5 km, in fact, we have got about 25 villages for 15 licences. I believe that it is well covered.

Mr Jhugroo: Mr Deputy Speaker, Sir, can the hon. Vice-Prime Minister give the House a guarantee that this exercise will be done in a transparent manner and table the names and addresses of all those who will be awarded these licences?

Mr Bachoo: Without any problem! I am going to table the list of all those who have applied and secondly all those who will be selected by the NTA. My Ministry has nothing to do with the selection exercise.

SECONDARY SCHOOLS – THIRD TERM - ABSENTEEISM

(No. B/184) Mrs L. Ribot (Third Member for Stanley & Rose Hill) asked the Minister of Education and Human Resources whether, in regard to absenteeism at secondary school level, he will state the -

- (a) rate thereof during the third term of 2010 and 2011 respectively ;
- (b) number of short messages that have been sent to the parents of the students thereof during the third term of 2011, and
- (c) other measures his Ministry proposes to take to address the issue of absenteeism.

Dr. Bunwaree: Mr Speaker, Sir, with regard to part (a) of the question, I am informed that the rate of absenteeism for the third term for State Secondary schools was -

In 2010: 28.0 %

In 2011: 18.3 %

As it can be seen, the rate of absenteeism has witnessed a significant decrease of 9.7% in 2011 as compared to 2010 during the third term.

Regarding the rate of absenteeism in private secondary schools, the list is being compiled and will be tabled shortly.

As regards part (b) of the question, Mr Deputy Speaker, Sir, I am informed that a total of 153,780 SMSs were sent to parents of students during the third term of 2011 and this is in respect of students in State Secondary Schools and 11 private schools under the e-Register System.

Concerning part (c) of the question, as stated in my reply to PQ B/580 on 28 June 2011, absenteeism in secondary schools, especially at School Certificate and Higher School Certificate levels, is a cause for concern, inasmuch as it is not pedagogically sound for students to absent themselves since teaching and learning is a continued process over the three terms of the approved school calendar.

I also stated that the issue has been the subject of discussions and consultations with stakeholders and various options are being considered. In this regard, we have been working towards a structured mechanism to reduce absenteeism and promote a culture of regularity at schools. It is worthwhile pointing out that absenteeism figures for 2011, as I have mentioned, have already shown a significant decrease.

Allow me, Mr Deputy Speaker, Sir, to highlight a few measures being taken at the level of my Ministry to combat absenteeism -

- (a) schools have been requested to closely monitor attendance with a view to bringing remedial and corrective actions;
- (b) the SMS-based system has been rolled out in all State Secondary schools and is being extended to all private secondary schools;
- (c) action is being initiated for rectors to reflect the attendance level of students on their Student Leaving Certificates;
- (d) we are also envisaging the introduction of a reward scheme to encourage high attendance rates;
- (e) policy guidelines have been given for spreading the curriculum over three terms and having a well planned school-based revision programmes until the start of the examinations will be implemented, and

- (f) in addition, we are seeking consensus with relevant stakeholders to postponing the mock examinations to the beginning of the third term instead of at the end of the second term. We are discussing the possibility of reckoning students' attendance and assigning a percentage of marks for regular attendance in internal examinations.

Mr Deputy Speaker, Sir, I wish to add that further discussions were held with the Mauritius Examinations Syndicate (MES) and the Cambridge International Examinations (CIE) regarding a proposal for making it mandatory for students of School Certificate and Higher School Certificate to have a minimum level of attendance in order to qualify to sit for these examinations. There are implications regarding this proposal which are still being studied -

- (a) for instance attendance levels of students will have to be determined over the three terms which is spread over the ten months. As we are aware fees are paid in April/May and such fees are not refundable. This may result in non-refund of the examination fee which is partly funded by Government in respect of needy families. I am, however, open to any proposal on this issue. Members of the House are also welcomed to submit their views and proposals, and
- (b) it is also to be noted that following amendments made to the Education Act, to provide for control of additional tuition, action is being initiated for the finalisation of Regulations which will enable registration of educators of Secondary Schools wishing to provide such tuition. Such additional tuition, when and where it is allowed, will not be tolerated during school hours. This would allow a better control.

Mr Deputy Speaker, Sir, as I have mentioned above, we are determined to combat the problem of absenteeism. However, this requires the full support of all stakeholders, including Rectors, Educators, Parents and PTAs. The decreasing trend in absenteeism observed over the recent months is indeed a sign of encouragement.

In order to improve attendance level further, my Ministry is deploying every possible effort to promote a culture of regularity and attendance in all schools while taking on board the above measures enunciated.

The Deputy Speaker: The reply of the hon. Minister being so elaborate and comprehensive, I am going to allow only two supplementary questions, one from hon. Mrs Dookun-Luchoomun and ...

(Interruptions)

I will come back to you...

(Interruptions)

I will come back to you there.

(Interruptions)

The Deputy Speaker: Hon. Mrs Dookun-Luchoomun!

(Interruptions)

Hon. Mrs Dookun-Luchoomun please go ahead with your question, you wanted to ask a question.

(Interruptions)

I will go back to her.

(Interruptions)

I am allowing hon. Mrs Dookun-Luchoomun to ask her question.

(Interruptions)

The relevancy and the number of questions depend upon me! If I am satisfied that the question has been amply...

(Interruptions)

...debated, I decide upon the number of questions!

(Interruptions)

Hon. Mrs Dookun-Luchoomun!

(Interruptions)

Mrs Dookun-Luchoomun: May I ask the hon. Minister ...

(Interruptions)

The Deputy Speaker: Hon. Mrs Dookun-Luchoomun please go ahead!

(Interruptions)

Please go ahead!

Mrs Dookun-Luchoomun: May I ask the hon. Minister whether any survey has been carried out to...

(Interruptions)

May I ask the hon. Minister whether any survey has been carried out...

(Interruptions)

The Deputy Speaker: Hon. Jhugroo, please remain quiet!

Mrs Dookun-Luchoomun: ...to determine why students tend to absent themselves...

(Interruptions)

The Deputy Speaker: Remain quiet please!

(Interruptions)

Mrs Dookun-Luchoomun: ... within the third term?

(Interruptions)

The Deputy Speaker: Hon. Member, repeat your question please!

(Interruptions)

There is no *complot*.

(Interruptions)

The question, Hon. Mrs Dookun-Luchoomun!

(Interruptions)

Hon. Mrs Dookun-Luchoomun!

Mrs Dookun-Luchoomun: Mr Deputy Speaker, Sir,...

(Interruptions)

The Deputy Speaker: Hon. Mrs Dookun-Luchoomun, please go ahead with your question!

Mrs Dookun-Luchoomun: May I ask the hon. Minister whether any survey has been carried out to determine why students tend to absent themselves during the third term in schools and colleges of the country.

Dr. Bunwaree: Of course, not only one, but a few surveys have been conducted. We know the reasons, but we are finding the solutions.

The Deputy Speaker: Hon. Mrs Ribot!

Mrs Ribot: Mr Deputy Speaker, Sir, I would like to know if the Minister is aware that private schools have no usher and therefore are short of personnel and as such, they cannot afford to send SMS to parents of absentees. I would like to know what steps are going to be taken to address the issue.

Dr. Bunwaree: They cannot afford! I cannot understand this. I will look into the matter. In fact, this should be something that is taken care of by the management with the help of the Ministry and the PSSA.

The Deputy Speaker: Last question!

Mrs Ribot: Mr Deputy Speaker, Sir, I am not quite satisfied with the answer of the hon. Minister that Rectors – they cannot afford as they do not have the personnel. How can they join that scheme? Or, is it a scheme reserved only for State schools?

Dr. Bunwaree: My information is that all the private secondary schools are going to be taken care of this year. Last year we had only a few, around ten or eleven and this year it will be all of them. I will try to look if they have any difficulties.

The Deputy Speaker: Next question hon. Baloomoody!

(Interruptions)

CASSIS & LES SALINES – HARBOUR BRIDGE PROJECT – COMPULSORY ACQUISITION

(No. B/185) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Minister of Housing and Lands whether, in regard to the 48 properties which are to be compulsorily acquired in Cassis and Les Salines for the implementation of the Harbour Bridge project, he will state the number thereof which are residential and commercial in nature, indicating if the sites to which they will be relocated have been identified.

Dr. Kasenally: Mr Speaker, Sir, according to information submitted by the Road Development Authority regarding the implementation of the Harbour Bridge Project, out of the 48 properties in the region of Les Cassis and Les Salines to be compulsorily acquired, 42 are being used solely for residential purposes, 4 for both residential and commercial/industrial purposes, 1 solely for commercial purpose and 1 is being used for socio-cultural activities.

As I informed the House at our Sitting of 15 May 2012, sites are being identified for relocation so that discussions can be held with any interested owner. Moreover, I wish to inform the House that the compensation payable would be as recommended and awarded by the Valuation Department or by a Board of Assessment as the case may be, in accordance with the provisions of the Land Acquisition Act.

Mr Baloomoody: Can I ask the hon. Minister whether those 48 owners have been informed of the site for the relocation of their property?

Dr. Kasenally: Actually, Mr Deputy Speaker, Sir, my Ministry is consulting them as to where they want and where we can try to fix them up because some of them do not want to be relocated. For all those who want to be relocated, their requests are being considered.

Mr Baloomoody: According to my information there has been no consultation yet. Can I ask the hon. Minister when was the last time he met these inhabitants?

Dr. Kasenally: From the information according to my Ministry, I rely on my officers to say that there have been consultations with those whose properties are being acquired.....

Mr Baloomoody: Can I know when was the last consultation? It is a simple question.

Dr. Kasenally: I do not have the precise date of that consultation. I leave it to my administrative officers to do that.

The Deputy Speaker: Hon. Barbier!

Mr Barbier: Mr Deputy Speaker, Sir, in fact, my colleague, hon. Mrs Navarre-Marie and myself, we had a meeting with these people some days back, that is, last week and we were informed that there has been no consultation with the inhabitants. They even made a request - which I will pass to the hon. Minister - to have a meeting with the technicians of the Ministry of Housing and Lands and the Ministry of Public Infrastructure so that they may *trouve la lumière au bout du tunnel parce que tout le monde est dans un noir complet*.

Dr. Kasenally: You know, Mr Deputy Speaker, Sir, I have been informed that there have been consultations - maybe not all of them - but it is an ongoing process as I am saying. At the request of the hon. Member, I will ask my officers to have a meeting with all of them. In fact, I will probably chair the meeting in my own Ministry.

The Deputy Speaker: Next question hon. Dr. Boolell!

MEDICAL NEGLIGENCE - ALLEGATION

(No. B/186) **Dr. S. Boolell (Second Member for Curepipe & Midlands)** asked the Minister of Health and Quality of Life whether, in regard to allegation of medical negligence and/or of serious complaints against the medical personnel, he will state the number of reported cases thereof, since 2010 to date, indicating if inquiries have been carried out thereinto, and if so, where matters stand in each case, indicating –

- (a) the actions taken, if any, and
- (b) if the complainants are informed of the outcome thereof and, if not, why not.

Mr Bundhoo: Mr Deputy Speaker, Sir, I am informed that a total of 100 alleged cases of medical negligence and serious complaints have been reported to my Ministry and the Medical Council of Mauritius since 2010 to date. The status of all these cases is as follows –

13 cases have already been referred to the Medical Council by my Ministry for investigation. We are awaiting the outcome of the inquiry for necessary action to be taken as appropriate;

24 cases, no further action has been recommended by the Technical Committee of my Ministry chaired by the Director Health Services Curative based on the inquiry report;

7 cases are still under consideration at my Ministry;

21 cases have been set aside by the Medical Council after investigation;

2 cases where 4 medical practitioners have been inflicted a warning after investigation;

5 cases where 5 medical practitioners have been requested to ensure compliance with the code of practice;

3 cases have been referred to the Police because of an allegation of criminal act against medical practitioners, and

25 cases are still being investigated by the Medical Council.

Mr Deputy Speaker, Sir, with regard to part (b) of the question, I wish to inform the House that in accordance with established practice, the complainants are informed either verbally or in writing of the outcome of the inquiry.

Dr. S. Boolell: May I ask hon. Minister as to how many complainants have actually been informed - my information is that nobody is ever informed. I also wish to express my surprise that only about ten percent of 100 cases investigated, complained against, have had some form of follow up and in a case of liposuction, this Assembly is still in the expectancy of a report.

Mr Bundhoo: I can assure the hon. Member with regard to liposuction, which was the subject of a PNQ of the Leader of Opposition that I have personally checked it out, the investigation is still on. As soon as the outcome will be known, it will be made public.

With regard to informing the complainant, I have been told and informed that the Regional Health Director will call the complainant and will inform him of the outcome. On many occasions, it is being given in a written manner.

Dr. S. Boolell: Mr Deputy Speaker, Sir, I am quite surprised - listening even to the radios and all the complaints that keep coming in the media - that there is no time limit on investigating one specific complaint. In the interest of medicine or of anyone of us whose own relative might be

the subject of overactive doctors, could we have a time limit on any medical investigation, so that whoever is guilty does not hurt more people? We cannot wait in medicine for any investigation.

Mr Bundhoo: We can always look into the matter and, at the same time, review the whole procedure of complaint and address it.

MINISTRY OF HEALTH - PSYCHOLOGISTS

(No. B/187) Dr. S. Boolell (Second Member for Curepipe & Midlands) asked the Minister of Health and Quality of Life whether he will state if psychologists are employed by his Ministry and, if so, indicate the number thereof, indicating in each case -

- (a) if they are employed on a part time or full time basis;
- (b) the number of hours and days they are required to work, and
- (c) their posting.

Mr Bundhoo: Mr Deputy Speaker, Sir, I am informed that my Ministry employs only clinical psychologists. There are five of them on the establishment of my Ministry. They work on a full time basis from Monday to Saturday. During weekdays, their hours of work are from 09.00 a.m. to 3.30 p.m. and from 09.00 a.m. to noon on Saturdays.

With regard to part (c) of the question, all the five clinical psychologists are posted at the Brown Sequard Mental Health Care Centre, and they also provide services on a roster basis to the Regional Hospital.

Dr. S. Boolell: Is it possible for me to ask the hon. Minister whether he would consider having the services of the clinical psychologists after hours rather than during normal working hours, and at weekends? Because there seems to be a lack of help that way in emergency cases, where some form of help is needed.

Mr Bundhoo: I do agree with the hon. Member. I can assure him that they are already working on Saturdays.

MR F. B – KICK BOXING WORLD CUP - HUNGARY - REWARD

(No. B/188) Mr C. Fakeemeeah (Third Member for Port Louis Maritime & Port Louis East) asked the Minister of Youth and Sports whether, in regard to Mr F. B., he will state if Government proposes to reward him for his performance in Hungary, and if so, how.

Mr Ritoo: Mr Deputy Speaker, Sir, I have to inform the House that a cash prize has already been awarded to Mr F. B., for his performance in Kick Boxing World Cup held from 17 to 28 May in Hungary.

Mr Fakeemeeah: Will the hon. Minister agree with me that it is high time for us to reward properly our sportsmen? According to my opinion, he deserves Rs10 m. reward for his outstanding performance in Hungary.

Mr Ritoo: Mr Deputy Speaker, Sir, I wish to inform the hon. Member that kick boxing is not an Olympic sport and is not listed in the cash prize scheme. If it were an Olympic sport and if it were in the Olympic Games, then he would have received Rs1.5 m.

Mr Quirin: Le ministre peut-il nous dire quel est le montant du *cash prize* qui a été offert ...

(Interruptions)

The Deputy Speaker: Hon. Jhugroo, please remain silent! Please go ahead. Hon. Quirin, please repeat your question.

Mr Quirin: Vu que le *kick boxing* est une discipline en nette progression, le ministre peut-il nous dire s'il compte revoir à la hausse le *grant* annuel alloué à cette discipline?

Mr Ritoo: I can ask the Committee to review the scheme.

OFFSHORE SECTOR

(No. B/189) Mr C. Fakeemeeah (Third Member for Port Louis Maritime & Port Louis East) asked the Vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the offshore sector, he will state if he is aware of any move by Singapore and, if so, state the expected impact thereof on Mauritius.

The Vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval): Mr Deputy Speaker, Sir, the Government of Mauritius is not aware of any move by the Singaporean Authorities which may be detrimental to the reputation of the Mauritian Offshore Business Centre.

Indeed, it would not be in the interest of the Singaporean Authorities to tarnish the image of Mauritius inasmuch as the Capital Gains Tax Exemption available under the Singapore-India Treaty is linked to the Mauritius-India Treaty, and is available only so long as the Mauritius-India Treaty provides such exemption. In fact, Article 6 of Singapore-India Treaty provides as follows -

“(…) this Protocol shall remain in force so long as any Convention or Agreement for the Avoidance of Double Taxation between the Government of the Republic of India and the Government of Mauritius provides that any gains from the alienation of shares in any company which is a resident of a contracting State shall be taxable only in the contracting State in which the alienator is resident”.

I also wish to inform the House that any migration of a fund or investment holding company to Singapore may still be the subject of the General Anti-Avoidance Rule (GAAR) and may be classified as an *‘impermissible transaction’* if the sole and dominant purpose of the transaction is tax driven, and may also be contrary to the terms of the Singapore-India Treaty itself.

Mr Deputy Speaker, Sir, in addition, for any entity to be able to claim any benefit under the current Singapore-India Double Taxation Agreement, it must imperatively have been operating in Singapore for a period of at least two years.

Mr Fakeemeeah: The hon. Minister has gone public to criticise moves from India, a friendly country. What explains his silence in the shock move - just coming to declare that he is not aware - of Singapore to jeopardise our interest in the offshore sector?

Mr Duval: Mr Deputy Speaker, Sir, I don’t understand. I have just explained that I am not aware of any move or shock move or anything like that.

NEF - BUILDING MATERIALS – GRANT

(No. B/190) Mr N. Bodha (First Member for Vacoas & Floreal) asked the Minister of Social Integration and Economic Empowerment whether, in regard to the granting of building materials on humanitarian grounds to families in dire conditions by his Ministry, he will state the number thereof who have benefited therefrom, since 2010 to date.

Mr Dayal: Mr Deputy Speaker, Sir, I am informed by the National Empowerment Foundation that, as from year 2010 to date, 1,761 families have benefited from the grant of building materials.

Mr Bodha: May I ask the hon. Minister, Mr Deputy Speaker, Sir, what are the criteria which are being used for the allocation of the building materials?

(Interruptions)

The Deputy Speaker: No cross-talking, hon. Jhugroo!

Mr Dayal: Mr Deputy Speaker, Sir, the eligibility criteria for a CIS housing unit are -

- (i) the beneficiaries should be owner of a land or a lessee of State land or freehold property;
- (ii) in case the beneficiary is not owner of a land, he should obtain a written authorisation from a land owner or a relative to live in the house to be constructed for at least five years;
- (iii) the household income of the beneficiary should not exceed Rs6,200. Previously, it was Rs5,000 ...

(Interruptions)

The Deputy Speaker: Hon. Member, be careful!

Mr Dayal: ...and now, as from February 2012, it is Rs6,200;

- (iv) the beneficiary should be living in a deplorable condition, and
- (v) the beneficiary should be living in an overcrowded housing unit.

These are the criteria, Mr Deputy Speaker, Sir, for somebody to benefit from a CIS housing unit.

Mr Bodha: Mr Deputy Speaker, Sir, may I ask the hon. Minister whether he can give a list of the beneficiaries and the amount which has been spent over the years?

Mr Dayal: I have no problem in circulating it, Mr Deputy Speaker, Sir.

Dr. S. Boolell: In the absence of a political affiliation for the granting of materials, how long does it take for anybody to get this material, from the time of request to the time of receiving?

Mr Dayal: Mr Deputy Speaker, Sir, let me inform the House that there is no consideration of political affiliation whatsoever. Anybody who is poor and falls under the criteria of less than Rs6,200 benefits from it. There is a desk at the NEF, and the case workers go round the island. They report to the case supervisor, and when they fall within these criteria, they benefit. No political colour, no communal factor is taken into consideration.

Mr Seeruttun: Mr Deputy Speaker, Sir, will the hon. Minister inform the House how many applicants as at to date are on the waiting list for the building materials?

Mr Dayal: I can say that some 406 applications are in process.

Dr. S. Boolell: How long does it take on an average? We have to meet people every Wednesday and tell them that it is going to take two months, three months or how long!

Mr Dayal: Mr Deputy Speaker, Sir, it depends how long the need assessment takes because we have to see to it that in case the person has no plot of land, he gets *un bon samaritain* who can give that person permission for a temporary CIS housing unit to be built.

Mr Seeruttun: Is the hon. Minister aware that there are cases where people have been waiting for over two years now?

(Interruptions)

Mr Dayal: Mr Deputy Speaker, Sir, if my attention is drawn to it, I will certainly look into the matter.

The Deputy Speaker: Hon. Soodhun, there is no need to make remarks.

SCHOLARSHIPS (ADDITIONAL) - AWARD

(No. B/191) Mrs L. D. Dookun-Luchoomun (Second Member for Quartier Militaire & Moka) asked the Minister of Education and Human Resources whether, in regard to the Government decision to offer additional scholarships for tertiary education to students having passed their Higher School Certificate examinations, he will state the mechanism set up for the award thereof.

Dr. Bunwaree: Mr Deputy Speaker, Sir, in line with Government Programme 2010-2015 for greater equity and inclusiveness in the current scholarship schemes, Government agreed in November 2011 to the grant of scholarships to a larger number of students including meritorious and needy students. Consequently, the number of scholarships has been increased from 30 to 60. The new Laureate Scheme will be applicable for students taking HSC Exams in 2012.

As regards to a new Bursary Scheme providing eight bursaries yearly which, in addition to the new scholarship scheme, has been introduced for the benefit of students of the lowest income families with monthly income not exceeding Rs5,000, they will be awarded this year to students who sat for exams in 2011.

The Ministry of Social Integration and Economic Empowerment has the responsibility to select the beneficiaries according to prescribed criteria. The process of selection is on and the names of eligible candidates are being awaited.

Mr Deputy Speaker, Sir, the new Scholarship Schemes were made public by way of a press communiqué in the first week of March 2012. This review has entailed a lot of changes, details of which are set out in the Communiqué which has also been posted on the website of my Ministry. I would therefore, invite the hon. Member to visit our website.

In view of the length of the communiqué which fully details the mechanism for the award of the additional scholarships, Mr Speaker, Sir, I am circulating a copy thereof and, if there are further

queries or enlightenment required, I will certainly reply to any further Parliamentary Questions, hon. Members may come forward with, after having gone through it in detail. *Il y a six pages dans le communiqué (Appendix).*

Mrs Dookun-Luchoomun: I have just heard the Minister saying that it will depend on the salary of the parents, the household income, the threshold being Rs5,000 for the bursaries. Would the hon. Minister be able to tell us whether there will also be criterion associated with the results of the students?

Dr. Bunwaree: Yes, Mr Deputy Speaker, not Rs5,000 for all, but for the bursaries only. In other cases, it will be Rs12,000. If you read the *communiqué* you will see. Of course, there are criterions also. I said meritorious and also social needs.

The Deputy Speaker: Time is over!

MOTION

SUSPENSION OF S.O. 10(2)

The Deputy Prime Minister: Mr Deputy Speaker, Sir, I beg to move that all the business on today's Order Paper be exempted from the provisions of paragraph (2) of Standing Order 10.

The Vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval) rose and seconded.

Question put and agreed to.

STATEMENT BY MINISTER

CREMATORIUM PROJECTS – BIDDING EXERCISE

The Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Mr Deputy Speaker, Sir, with your permission, I would like to make a statement on the background of the crematorium projects. According to information gathered, there have been four (4) bidding exercises as follows -

- (i) The first bidding exercise in respect of five sites, namely –
 - (1) Beau Bois;
 - (2) Bois Marchand;
 - (3) Montagne St Pierre;
 - (4) Chebel, and

(5) Rivière du Poste,

took place in April 2009 and only two bids were received. The Central Procurement Board (CPB) retained only one responsive bidder, but the price quoted was about 65 per cent above the estimated cost. The CPB set up a negotiating panel, but negotiation failed as the bidder maintained his price. Consequently, there was no award.

- (ii) The second bidding exercise took place in November 2009. Seven bids were received at the CPB. In June 2010, CPB recommended the award of the contract to Rey and Lenferna Ltd. for the amount of Rs53,994.81, inclusive of VAT. The Ministry of Local Government issued a Letter of Notification to the successful bidder in June 2010 and the three unsuccessful bidders, Kabelek Engineering Ltd, Securiclean (Mtius) Ltd, and Sotravic Ltée challenged the award.

The Independent Review Panel found merits in the application for review and recommended the cancellation of the award in favour of Rey and Lenferna Ltd and the revaluation of the technically responsive bids.

- By the same time, the Ministry of Environment and Sustainable Development has recommended that the crematorium be equipped with Liquefied Petroleum Gas (LPG)-fired than Diesel-fired to be more in line with *Maurice Ile Durable*.
- That bidding exercise was cancelled and new amended bidding documents were prepared, including two additional sites, namely Triolet and Plaine Magnien.

- (iii) The third bidding exercise was launched in December 2010, but had to be cancelled due to an error in uploading of the approved set of bidding documents;

- (iv) The fourth bidding exercise took place in May 2011 for the following nine sites -

- (1) Beau Bois (Lallmatie);
- (2) Bois Marchand;
- (3) Montagne St Pierre (Bambous);
- (4) Chebel;
- (5) Triolet;
- (6) Plaine Magnien;

- (7) Circonstance;
- (8) Petit Raffray, and
- (9) Holyrood.

In March 2012, the CPB informed the Ministry of Local Government and Outer Islands that the Board could not approve any award on the price quoted by the recommended bidders as they deviate substantially from the cost estimates. The CPB, therefore, suggested a rebid exercise with revised specifications so as to ensure a higher response rate from prospective bidders.

In March 2012, Government decided that the crematorium projects be undertaken by the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping.

Mr Lesjongard: Mr Deputy Speaker, Sir, I am surprised that now ...

The Deputy Speaker: I am sorry!

Mr Lesjongard: ...the hon. Minister is having all the information and ...

The Deputy Speaker: I am sorry! There is no debate over a statement made by the hon. Minister.

(Interruptions)

Please, resume your seat!

(Interruptions)

Just resume your seat, please!

(Interruptions)

PUBLIC BILL

First Reading

On motion made and seconded the Foundation Bills (No. X of 2012) was read a first time.

MOTION

GOVERNMENT PROGRAMME 2012-2015

Order read for resuming adjourned debate on the following motion of the hon. Third Member for Port Louis North and Montagne Longue (Mrs B. Juggoo) -

“This Assembly resolves that the Government Programme 2012-2015 presented to this Assembly on Monday 16 April 2012, copy of which has been circularized amongst Honourable Members, be and is hereby approved.”

Question again proposed.

(3.48 p.m.)

The Minister of Housing and Lands (Dr. A. Kasenally): Mr Deputy Speaker, Sir, I wish to extend the traditional congratulations to hon. Mrs Juggoo on her excellent and poignant speech on presenting the Government Programme 2012-2015, entitled 'Moving Forward' and thanking Her Excellency the Acting President for her very smart delivery to the National Assembly.

(Interruptions)

Yes, we have to and actually are moving forward firmly and resolutely.

(Interruptions)

Why a programme 2012-2015, one may ask? Whereas this Government came to power in May 2010 it had already planned a programme ...

(Interruptions)

It had already planned a programme 2010-2015.

(Interruptions)

Well, I think I have to go into the anatomy of this tumultuous passage of the duly elected Government in 2010 up to its break up in 2011. I shall dissect each and every event ...

(Interruptions)

that led us to the treacherous exit of the MSM from the Government.

In 2010...

(Interruptions)

The Deputy Speaker: Hon. Minister Bundhoo! Don't disturb the hon. Minister, let him carry on with his intervention!

Dr. Kasenally: In 2010, we went into a general election on the basis of mutual trust, respect and confidence. We had a tough campaign and our "*l'Alliance de l'Avenir*" won hands up.

However, we were horrified to realise, as the results came ticking in that the Labour Party and its long standing ally, the PMSD, were taken for a ride.

While we were sincere and honest in our endeavour, the MSM had a hidden agenda. Their strategy was to ensure that they topped the poll or come out a comfortable second in the following Constituencies: 6, 7, 8, 11, 12, 14 where they hardly had a following of maybe 2% to 3%, as hon. Mohamed says - "*Petit Parti*". In the process, hon. Surendra Dayal, hon. Mrs Bappoo, hon. Dr.

Bunwaree were targeted but got through, whereas hon. Ms Anquetil fell a victim to this machination, but was, however, recuperated by the Best Loser System. Dr. the hon. Arvin Boolell's supremacy in Constituency No. 11 was also being undermined by a "neophyte". Even the Deputy Prime Minister's seat was targeted. There was a failed attempt to unseat him by implanting a foreign body thereat. Dr. Beebeejaun out, the road was clear for further 'magouilles'.

Yes, my friends, "*le ver était déjà dans le fruit*" from Day 1 of this Government. However, the process went on slowly but inexorably and culminated with '*le scandale du siècle*' - an expression so dear to the hon. Leader of the Opposition throughout last year. This year is a bit different. I cannot help being reminded of the parable of La Fontaine –

“La grenouille qui veut se faire aussi grosse que le bœuf. It ends thus “La chétive précoce s’enfla si bien qu’elle creva.”

This is precisely what hon. Pravind Jugnauth did to undermine hon. Dr. Navin Ramgoolam that he suffers the same fate as "*la grenouille*". There is one and only one Navin Ramgoolam, Prime Minister and Leader of this Government. He became leader through sheer brinkmanship, political honesty and integrity and above all as a "*Rassembleur*" bringing all sections of the Mauritian community together. However, he tolerates no nonsense!

Mr Deputy Speaker, Sir, the eurozone crisis is deepening. It keeps on ravaging the world economies, threatening even President Obama's re-election, after causing political turmoil in various European countries, especially in France where the election of François Hollande seems fortunately to have set a light of hope. Despite the G8 Summit and the Brussels Summit last week, a concrete solution is yet to be found. Furthermore, France and Germany, dubbed the eurozone economic engine is now being hit by Europe worst economic slowdown.

All the developing countries are bound to suffer casualties should the euro explode. It is, therefore imperative that we, in Mauritius, be extremely careful.

Mr Deputy Speaker, Sir, the Government Programme 2012-2015 is the blue-print that will set the country forward in the face of all these challenges. What matters is rational thinking and consistency as advocated by this Government under the able leadership of our Prime Minister rather than the knee-jerk reaction of the Opposition and its political gurus, sitting in the comfort zone of their lounge and pontificating.

The Opposition should be here debating this programme as it is done in any democratic country. Their only agenda is to come to power by currently going on a fake pilgrimage around the

country - I understand one is on Friday at La Louise - and engaging in sterile verbal confrontation in this early winter. To them I say –

“Blow thou winter winds Thou are not unkind as man’s ingratitude.”

However, I am proud to say that due to strong and bold measures taken by this Government, our economy has shown resilience faced with this economic turbulence since 2006. By adopting appropriate policies and measures to counteract the negative effects of the economic downturn, we have been able to navigate in these troubled waters and to stay afloat. What is more important is that we have managed to achieve all this without causing severe burden to our people unlike what is happening in other countries.

Mr Deputy Speaker, Sir, the Government Programme 2012-2015 under the theme “Moving the Nation Forward”, we have enunciated our strategic priorities with a strong focus on sustainability. Understandably, one of our major priorities is to ensure that every citizen of this country has a decent house. As a responsible Government, we are catering for the vulnerable groups of our society.

This Government through its implementing agency, the NHDC, has completed the construction of 508 low cost housing units on 10 sites, namely at Glen Park, Roche Bois, La Tour Koenig, Plaine Magnien, Britannia, Grand Bel Air, Calebasses, Cottage, D’Epinay and Camp Diable.

(Interruptions)

It will come later, my friend!

In addition, infrastructure works for some 295 serviced lots designed for the middle income groups have also been completed on 4 sites at Ville Noire, Souillac, Glen Park and Solitude.

However, I have identified, over the last three months, a portion of land in Rivière Noire where we are planning to have a construction of some NHDC houses.

Furthermore, with a view to facilitating access to housing and addressing the demand for same, Government has signed an agreement with the MSPA for 1000 Arpents of land to be made available for implementation of mixed housing projects. In this respect, my Ministry has already identified some 160 Arpents of land and we are in the process of constructing 481 housing units and providing 270 serviced lots over 65 Arpents of land available. Mr Deputy Speaker, Sir, the concept of mixed communities will accommodate the needs of both families earmarked for assistance and

for those of the middle income group. We are thus, providing opportunities across the different income streams.

As the House is aware, there is nothing as pleasant as owning an adequate housing unit with appropriate infrastructural facilities in a pleasant environment. With this in mind, for the projects in the pipeline, we have not only moved from conventional core housing units to larger units, but we have also integrated the provision of appropriate social and recreational facilities in the housing development.

As a step further, in order to facilitate access to housing for the poor, this Government has taken the initiative to enlist the collaboration of private developers and NGOs to participate in the housing projects through the Housing Developers Trusts. The Ministry of Finance and Economic Development is presently working on the framework for these Trusts to be operational.

The importance of childcare and early childhood development cannot be overstated. Research has shown that it is from birth to the age of 5 that children rapidly develop the foundation on which their personality and personal development later built on. Since the majority of mothers today take up employment, the importance of having affordable, accessible and quality '*crèches*' are vital. My ministry along with the NHDC are presently working on a *modus operandi* to assist authorities and departments concerned in setting up '*Crèches de Quartier*' in NHDC estimates.

Mr Deputy Speaker, Sir, we continue to assist families who are owners of a plot of land, but who do not have the means to either cast a roof slab or purchase building materials for construction of the house units. Our efforts with a structured framework will also focus on victims of natural calamities such as fire, flooding and landslides and also those families below the poverty line.

We are also aware that access to land tenure is a security for every human being. Becoming an owner of a plot of land involves one of the largest commitments most households would undertake and of which they are proud of. As such, households become autonomous and owners achieve social status and assume greater responsibility.

Using the Right-to-Buy approach, this Government has allowed ex-CHA tenants to feel the pride of home ownership. The sale of State land to owners of ex-CHA houses has, as at to date, provided over 9000 families with secured land tenure. Nevertheless, there are still 2000 families who are encountering financial difficulties in acquiring their plot of State land. Government is accordingly, providing financial assistance to them. To date, action has been initiated for some 400 of these families to have their deed of sale finalised at the Notary free of charge.

Mr Deputy Speaker, as land is central to human activities, there is a need to ensure a sustainable management of this limited resource. The challenge faced by my Ministry is to strike the right balance in allocation of lands in respect of competing needs namely the industrial, agricultural and residential uses and also for infrastructural development.

At the same, Mr Deputy Speaker, Sir, we should not forget the vulnerable groups of our society which my Ministry proposes to reserve specific plots for persons in great hardship such as fire victims, women in distress and victims of natural disasters. In this context, my ministry is working in collaboration with the Ministry of Social Integration and Economic Empowerment with a view to assisting these vulnerable families. This collaboration has been particularly fruitful, for example, in the case of 32 families residing the ex-tea factory at Dubreuil who will soon be relocated on the State land in the same locality. Moreover, some 70 squatters have been regularised at Batterie Cassée. In addition to 39 families from Cité La Cure are being relocated at the same place. On-site infrastructural facilities have been provided by the Ministry of Social Integration and Economic Development.

Mr Deputy Speaker, Sir, we are also looking in the case of some 961 squatters on State lands. These are being examined on a case-to-case basis and deserving ones will be regularised as far as possible.

But wild invasion of State land, aided and abetted by political thugs will not be tolerated but resisted firmly *car nous vivons dans un état de droit*.

The issue of dispossession, Mr Deputy Speaker, Sir, of land and inability to locate land parcels as highlighted in the report of the Truth and Justice Commission were a direct consequence of the lack of an appropriate cadastre in Mauritius. With the advent of the LAVIMS project, the Land Administration and Management procedures are being reviewed and updated. The implementation of a Cadastral Unit is well in place in my Ministry mainly to update the digital cadastre, issue PINS and to maintain geodetic control network.

This complex project to the tune of approximately USD 20 m. has set up a state-of-the-art integrated Information Management System which links the deed system at the Registrar General Department, the Valuation roll at the Valuation Department and the Cadastre which is under the responsibility of my Ministry. The inter-operability of the system provides an efficient, transparent and secure land transaction process, thus reducing fraudulent practices.

The Cadastral Act has also been enacted this, last year. This sets the legal framework for the regulation of land survey practices according to prescribed standards. The provisions of the Act are being implemented in phases so as to give ample time for the Land Surveyors and Notaries to adjust the new way of operating. In short, we are putting the land parcel at the centre of any land transaction, whereby it is now clearly defined, identified and surveyed. Moreover, regulations concerning the Parcel Identification Number (PIN) for every land parcel have been promulgated. The use of PIN enables the precise location and definition of a land parcel and thus reduces misinterpretation of land location in notarial deeds. As from September this year, the issue of PIN for each land transaction will become mandatory, thereby providing more security in respect of every land transaction.

Mr Deputy Speaker, Sir, we have noted that inordinate delays occur in the acquisition procedures relating to projects of national importance. As a result, implementation of large projects are delayed or even stalled as procedures laid down in the Land acquisition Act are time-consuming for Government to obtain title of the land identified. This is a problem which my hon. friend, the Vice-Prime Minister has been referring to regularly. It has also been observed that there is undue delay in the determination of compensation and its payment to the ex-owners though Government may already have taken possession of the land.

Mr Deputy Speaker, Sir, to address these issues, my Ministry proposes to amend the Land Acquisition Act relating to sections governing the challenge of legality of acquisition for projects of national interest or for payment of compensation as assessed by the Director, Valuation and Real Estate Consultancy Services to former owners within the least possible delay.

As indicated by the Acting President in her address, the quality of life of our people is of paramount importance. The conventional economic indicators, in fact, do not take into account some of the costs and consequences of economic activities. Conscious of these problems, we will be guided by the sustainability approach to development which does not cause harm to the natural environment and which contributes to the enhancement of quality of life of our people. We will also pursue our actions to achieve higher economic growth whilst, at the same time, protecting the environment by making an optimal use of all our resources including land.

Mr Deputy Speaker, Sir, one more important objective of my Ministry is to provide a development chart for planning purposes within the appropriate legal framework and standards which would meet the needs of modern Mauritius. In this respect, we are coming with a new Land

Use Planning and Development Bill, which is a very important piece of legislation paving the way for a coherent and flexible approach to planning functions at different spatial level. This Bill provides for the setting up of a Planning and Development Commission as well as the creation of a Department of Land Use Planning.

Mr Deputy Speaker, Sir, major achievements have been possible in the field of hydrography following the implementation of a Memorandum of Understanding signed in October 2005 by the hon. Prime Minister between the Republic of Mauritius and the Republic of India. This MoU has been successfully implemented in a sustained manner with positive income such as the completion of 18 hydrographic surveys resulting in the production of five navigational charts which are on sale at my Ministry.

This year again from 24 April to 15 May 2012, the Government of India has deployed an Indian Naval Ship, Darshak for the conduct of additional hydrographic surveys around the southern and western coast of Mauritius. Besides allowing Mauritius to claim an extended continental shelf, these hydrographic surveys mainly ensure navigational safety for ships in our waters.

I must point out that these hydrographic surveys are being conducted free of cost as a gesture of good will by the Government of India and is a clear indication of the strong ties between our two countries.

Mr Deputy Speaker, Sir, future generations will have the opportunity to reflect on the challenges faced by this Government and the manner in which we were able to rise above adversity to move forward and achieve success.

Despite multiple factors stacked against it, Mauritius has achieved remarkable progress in adverse economic conditions, and has been unique in its ability to meet the challenges facing us while continuing to develop in a sustained and equitable manner. This has been enabled and complemented by effective poverty reduction and improvement in human development. These achievements have been realised through a multi-pronged approach, through a concerted strategy of nation building, strong and independent institutions; high levels of public investment in human development; poverty reduction and above all a pragmatic development strategy.

With these words I wish to end and thank all Members of the House for their kind attention. Thank you, Mr Deputy Speaker, Sir.

Mr Pillay Chedumbrum: Mr Speaker, Sir, I move for the adjournment of the debate.

The Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport & Shipping (Mr A. Bachoo) rose and seconded.

Question put and agreed to.

Debate adjourned accordingly.

At 4.17 p.m. the sitting was suspended.

On resuming at 4.54 p.m with Mr Speaker in the Chair.

PUBLIC BILLS

Second Reading

THE CRIMINAL CODE (AMENDMENT) BILL

(No. VIII of 2012)

Order for Second reading read.

The Attorney General (Mr Y. Varma): Mr Speaker, Sir, I move that the Criminal Code (Amendment) Bill (No. VIII of 2012) be read a second time.

Today is a historic day for the whole country. The present revolutionary piece of legislation has finally come before this House, representing a ray of hope for those women who otherwise have to undergo pregnancies in very difficult circumstances. The presence today in our public gallery of women from several NGOs bears testimony to the importance of this legislation.

For decades, the question of whether or not to legalise abortion has been the subject of considerable debate and controversy. Enough has been said and heard on the topic. Procrastination should stop. It is time to act. We all know that it takes enormous courage to bring such an important piece of legislation on a topic as sensitive as abortion, and if there is one quality that the hon. Prime Minister and this Government do not lack, it is precisely courage. I have said it already and repeat it: *“C’est une décision sage, courageuse et audacieuse du gouvernement.”*

Mr Speaker, Sir, religious, ethical, moral and cultural sensibilities continue to influence abortion laws throughout the world. Countries which allow abortion in specified cases include the United Kingdom, India, South Africa, Pakistan, France, Italy and Spain.

At present, abortion is, in any circumstances, unlawful in Mauritius. Section 235(1) of the Criminal Code provides that any person who procures the miscarriage of a pregnant woman or supplies the means of procuring such miscarriage, whether the woman consents or not, shall be

punished by penal servitude for a term not exceeding 10 years. Two further offences are created in section 235, namely –

- (a) under subsection (2), where any woman procures her own miscarriage or consents to make use of means pointed out or administered to her with that intent, and that such miscarriage ensues;
- (b) under subsection (3), where any physician, surgeon, or pharmacist points out, facilitates or administers the means of miscarriage, and such miscarriage ensues.

Mr Speaker, Sir, in the light of a number of recent cases involving women, including minors, who became pregnant as a result of sexual offences, there is a growing need to allow abortion with a view to protect the well-being and health of such women. Moreover, it is important that the law be relaxed where a continued pregnancy is likely to endanger a pregnant woman's life, affects her physical or mental health permanently or results in severe malformation or abnormality of the foetus, which will affect its viability and compatibility with life.

The object of the Bill, therefore, is to amend the Criminal Code to authorise the termination of pregnancy only in the specified circumstances spelt out in the proposed section 235A, namely -

- (a) the continued pregnancy will endanger the pregnant person's life;
- (b) the termination is necessary to prevent grave permanent injury to the physical or mental health of the pregnant person;
- (c) there is a substantial risk that the continued pregnancy will result in a severe malformation, or severe physical or mental abnormality of the foetus, as assessed by the appropriate specialists, and
- (d) the pregnancy has not exceeded its fourteenth week and results from a case of rape, sexual intercourse with a female under the age of 16 or sexual intercourse with a specified person, which has been reported to the police or medical practitioner.

I shall later inform the House of the Committee Stage amendments I propose to bring to the new section 235A.

Mr Speaker, Sir, there has been a lot of outcry recently to the effect that abortion is being legalised. Let me emphasise that this is an erroneous understanding of the proposed amendments. We are not introducing abortion on demand. We are simply allowing abortion in the specified circumstances which have been enumerated. The Government strongly believes that a choice

should be given to the woman. She should have a choice between life and death. She should be able to choose whether to carry on with a pregnancy if she has been the victim of a rape or incest.

I wish to inform the House that there have been a number of consultation sessions in the course of the drafting of this piece of legislation. As far back as 2009, the then Ministry of Women's Rights, Child Development and Family Welfare had organised a consultation session on the subject of abortion with different stakeholders, following which a number of written representations were submitted to it, mostly by women's organisations and socio-religious bodies. Those representations were submitted to the Ministry of Health and Quality of Life and to my Office for consideration.

I must report that the views and proposals of the Ministry of Health and Quality of Life and the Ministry of Gender Equality, Child Development and Family Welfare were sought, and due consideration has been given to the proposals made by these Ministries, as well as to the representations submitted by the relevant stakeholders in 2009. The Ministry of Health and Quality of Life has been consulted on technical and medical aspects, and has confirmed it has no objection to the provisions of the final draft Bill.

Mr Speaker, Sir, moreover, the views of the Director of Public Prosecutions, the National Human Rights Commission, and the Law Reform Commission have also been sought on the Bill. Their suggestions have been taken on board in the finalisation of the Bill.

Mr Speaker, Sir, I have also had a number of meetings with a number of persons and organisations in relation to the present legislation. It is very important that I list them –

- (a) in December 2011, I met the members of the Common Front on Abortion, namely the Mauritius Family Planning Association, Women in Networking and *Muvman Liberasyon Fam* and received their written representations;
- (b) on 16 February 2012, I met Dr. Anthony Silverstone, Consultant in Obstetrics & Gynaecology and Gynaecological Oncology at the University College Hospital, London. Most of his suggestions have been taken on board;
- (c) on 14 May 2012, I again met the members of the Common Front on Abortion.

Not later than last week, I attended a debate organised on the Bill at the University of Mauritius during which members of the medical and legal professions expressed their views on specific issues. I wish here to thank the organisers, and especially Dr. Zeenat Aumerally for having organised this meeting in record time.

Termination of pregnancy in specified cases is something I have always thought strongly about, even before I started my law degree. Little did I know that, I would be the one piloting the Bill one day.

Mr Speaker, Sir, indeed, it is gratifying to note that the Bill has received a positive response from several opposition parties which shows that on matters affecting public health, and the well-being of our citizens we can rise above party politics.

The interest in the Bill over the past month has been beyond expectations. It has been a lively but sober debate, with people expressing their views, frankly and fearlessly, without any “*dérapage*”. This bears testimony to our mature democracy and our culture of mutual respect and tolerance.

I have read almost every press report on the Bill, and followed exchanges on the internet and Facebook. I have also made it a point to listen to almost every radio programme on the issue. I have paid particular attention to the qualms expressed by those against the Bill and only yesterday I had a warm, friendly and constructive meeting with Mgr. Maurice Piat, Bishop of Port Louis and Mgr. Ian Ernest, Archbishop of the Province of the Indian Ocean.

I have also discussed with hon. Members of the Opposition whose support has been most encouraging. I have, in particular, discussed proposed amendments with the hon. Leader of the Opposition in a constructive and consensual spirit, and Government has taken on board most of his suggestions. I shall later say more about the Committee Stage amendments as I move on.

Mr Speaker, Sir, I shall now deal with the specific provisions of the Bill.

Under clause 3, section 235 of the Criminal Code is amended by –

- (a) replacing the term “abortion” by “termination of pregnancy”;
- (b) providing a derogation from that section;
- (c) replacing the words “quick with child”, which have always caused confusion, by the words “pregnant woman”; and
- (d) replacing the words “physician, surgeon,” by the words “medical practitioner”, in line with the Medical Council Act.

It is clear that termination of pregnancy by a medical practitioner will still be an offence except in the limited cases to be specified in section 235A of the Criminal Code.

Clause 4 is the most important clause in the Bill. Under this clause, a new section 235A is inserted in the Criminal Code to authorise the termination of pregnancy in the specified

circumstances I have previously listed. Section 235A also provides for a number of safeguards. Under subclause (1), no person shall provide treatment to terminate a pregnancy unless he is registered as a specialist in obstetrics and gynaecology under the Medical Council Act, he provides the treatment in a prescribed institution and he complies with all the requirements of that section.

Existing subclause (2) provides that the specialist may only provide treatment to terminate a pregnancy where another specialist in the relevant field shares his opinion, formed in good faith, that the pregnancy falls under the specified circumstances set out therein. I have received certain representations to the effect that it would be an additional safeguard for more than one specialist in obstetrics and gynaecology to be involved. For this reason, I shall, at Committee Stage be moving to amend existing subclause (2) to provide that the specialist may only provide treatment to terminate a pregnancy where another specialist in obstetrics and gynaecology and another specialist in the relevant field share his opinion, formed in good faith, that the pregnancy falls under the specified circumstances set out in the said subclause.

In the light of certain concerns expressed in relation to subclause (2)(c), I shall, at Committee Stage, move to delete the words “, as assessed by the appropriate specialist” and replace them by the words “which will affect its viability and compatibility with life”.

Mr Speaker, Sir, a number of concerns have also been expressed in relation to subclause (2)(d) which provides that the pregnancy must not have exceeded its fourteenth week and must have resulted from a case of rape, sexual intercourse with a female under the age of 16 or sexual intercourse with a specified person which has been reported to the Police or a medical practitioner. In particular, concerns have been expressed about the possibility of false reports being made.

I have given consideration to these concerns and I recognise that this is a potential problem which we should guard against.

Let me stress, however, that we believe that, in most cases, the woman victim will be speaking the truth to the Police, and the medical practitioners will base themselves on their medical examination (relying, where necessary, on the opinion of a psychologist or sexual trauma expert) or DNA evidence to form the opinion in good faith that the pregnancy results from one of the sexual offences specified in the Bill. The alleged sexual offence will have to be necessarily reported to the Police. The possibility of also reporting to a medical practitioner which was provided for to make the procedure less oppressive for the victim will be removed at Committee Stage.

With regard to the minority of cases where a woman may be tempted to make a false declaration of rape in order to procure a termination of her pregnancy, the law should be made more severe to act as a strong deterrent. Sections 297 and 298 of the Criminal Code already provide for the criminal offences of false and malicious denunciation in writing and effecting public mischief, and we could have trusted the Magistrates of our courts to impose a very harsh sentence in such circumstances. However, in the face of the disquiet expressed in some quarters by no less than the Director of Public Prosecutions himself, we are providing for a distinct offence.

The Director of Public Prosecutions was consulted yesterday in relation thereto and he is agreeable to same.

I shall, therefore, at Committee Stage, be moving for a new subclause (3) to be added which will provide that, notwithstanding sections 297 and 298 of the Criminal Code, any person who, for the purpose of procuring treatment to terminate pregnancy, knowingly makes a false declaration of rape, sexual intercourse with a female under 16 or sexual intercourse with a specified person to the Police shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 10 years. The existing subclauses (3) to (9) will be renumbered as (4) to (10).

Existing subclause (3) further provides that the specialist shall not terminate a pregnancy unless he has obtained the informed consent of the pregnant person. Such informed consent shall be given by the pregnant person in writing or by affixing her thumbprint to a written statement read out to her.

Mr Speaker, Sir, under existing subclauses (4) and (5), where the pregnant person is under the age of 18 or is severely mentally disabled or is in a state of continuous unconsciousness, the written informed consent of the appropriate person may be obtained.

Existing subclause (6) provides that, where appropriate, counselling shall be provided to the pregnant person before and after the termination of pregnancy. This will ensure that, in appropriate cases, women will be provided with adequate support to help them overcome any physical or psychological effect of abortion. In the light of concern expressed by many, including in medical quarters, I shall, at Committee Stage, be moving for the deletion of the words "where appropriate" so that counselling will have to be provided to a pregnant person before and after termination of pregnancy invariably in all cases.

Under existing subclause (7), no person shall, by means of coercion or intimidation, compel or induce a person who is pregnant to undergo treatment to terminate a pregnancy against her will,

and, under subclause (8), any person who contravenes this section shall commit an offence for which he shall be liable to imprisonment for a term not exceeding 5 years and to a fine not exceeding Rs100,000 .

Mr Speaker, Sir, under clause 5, consequential amendments are brought to the Medical Council Act to provide for a working regime for the proposed amendments to the Criminal Code. In particular, a new section 38A is inserted in the Medical Council Act which –

- (a) provides the parameters within which a person may refuse to participate in any treatment to which he has a conscientious objection;
- (b) gives the Permanent Secretary of the Ministry of Health or a public officer deputed by him the power to enter and inspect any institution providing the said treatment, to obtain any information from the person in charge and to examine and make copies of or extracts from any record or other document relating to a treatment;
- (c) creates offences where any person discloses confidential information in relation to a record or treatment without the consent of the pregnant woman, obstructs the Permanent Secretary or the public officer deputed by him in the exercise of his functions or otherwise contravenes that section, and
- (d) empowers the Minister of Health to make regulations in relation to matters which are necessary for the proposed regime to operate.

Mr Speaker, Sir, my colleagues may wish to note that in its Concluding Report of 3-21 October 2011 under the United Nations Convention for the Elimination of Discrimination Against Women (CEDAW), the CEDAW Committee has called upon Mauritius to expedite the enactment of the proposed Bill in order to remove punitive measures imposed on women who undergo abortion and to decriminalise abortion in certain circumstances. Indeed, I am grateful to Mrs Pramila Patten, member of the CEDAW Committee for having expressed support for the Bill and placed it in perspective in the light of laws in other jurisdictions as well as our international obligations under treaties such as CEDAW. With the present Bill, it is felt that Mauritius will finally be able to honour its international obligations.

We consider that the proposed Bill will considerably help women who would otherwise have to go through pregnancies in difficult circumstances. Many women undergoing difficult pregnancies resort to clandestine abortions carried out in most unsafe, often “butcherous” conditions by non-professionals which often result in severe complications to the women’s health

and, at times, death. Likewise, it is against a woman's human dignity to force her to bear a child for 9 months where that child is the fruit of an aggression, a crime, a sin.

Mr Speaker, Sir, this Government is committed to bring changes that will impact positively on the lives of all Mauritians and we shall not stop in our endeavour.

As I stated before, this Bill is revolutionary and, to a large extent, it also marks a turning point in the fields of women's rights and medicine in Mauritius.

I would particularly like to thank Dr. the hon. Prime Minister for his support and guidance throughout the preparation and finalisation of the Bill. I also thank the hon. Vice-Prime Minister and Minister of Finance, the hon. Minister of Health and Quality of Life and the hon. Minister of Gender Equality, Child Development and Family Welfare for their collaborations.

I thank the doctors from the Ministry of Health and Dr. Anthony Silverstone from University College Hospital, London, for their expert views on the medical aspects of this legislation. My thanks also go to the Common Front set up to support the Bill with Mrs Lindsey Collen and collaborators, and to all individuals, non-governmental organisations and socio-religious bodies who or which have expressed their views and suggestions, both for and against the Bill. Finally, I thank my colleagues from Government, the hon. Leader of the Opposition and several Members of the Opposition for their encouragement and support. A special note of thanks to my officers and Sir Victor Glover, our Legal Consultant, who have worked diligently in the preparation and finalisation of the Bill.

Mr Speaker, Sir, with these words, I commend the Bill to the House.

The Prime Minister rose and seconded.

(5.20 p.m.)

The Leader of the Opposition (Mr P. Bérenger): M. le président, avec la présentation de ce projet de loi qui est devant nous, nous vivons un moment historique et solennel. C'est bien à cause de cela, parce que nous vivons un moment historique et solennel, que j'avais exprimé le souhait que le projet de loi vienne devant une séance spéciale de l'Assemblée Nationale.

Unfortunately, this is not the case and unfortunately we are going to have a few hours of debate today. Then, we don't even know to when debates – now we are told Friday I tried until half an hour ago to know. It is clear that we will not complete debates on Friday. There will be some 40 Members of Parliament - and it is a very good sign - who have expressed the wish to speak.

Therefore, after Friday, it will be postponed until when? We do not know. It is unfortunate that after all the efforts and the consensual mood that we have seen these past few days, that this is the case. We should have had a *séance speciale*, then one or more to give everybody the chance to express herself or himself and then conclude the debate on this very important Bill, Mr Speaker, Sir.

This having been said, let me confirm that the MMM as a party has, as in the past, decided to allow its Members here in the National Assembly to express themselves and vote according to their own convictions. There will be no party line as far we are concerned, as in the past. This having been said, we have had long discussions within the party, with the other Opposition party, the MSM. I have met Mgr Piat. I have met the Attorney General and I must say that I have appreciated the attitude of the Attorney General all along on this Bill, Mr Speaker, Sir.

Also, we have given due consideration, I know that the Attorney General has done so and we, on this side, have given due consideration to the proposals made by Mgr Piat, Mgr Ian Ernest *et* Mgr Alain Harel. Their proposals *ont reçu toute l'attention qu'elles méritaient*, Mr Speaker, Sir. What I am going to express here is my own personal view because, as I said, we leave it to Members of our party to take a stand and to say what they have to say on the basis of their individual convictions, Mr Speaker, Sir.

I have said and I repeat that to me *le statu quo n'est tout simplement pas possible*. Why? Because the old archaic law of 1838 rules out abortion in any circumstances and the coincidence has had it that a few days ago, on 17 May, we have had one more case of a young lady of 22 years old who went to hospital, was discharged, complications came back and the doctors carried out an *avortement thérapeutique*, which is strictly forbidden under the archaic law of 1838. Not only is the *statu quo pas possible, mais la loi n'est pas respectée* because doctors have a duty to preserve human life. Therefore, the law is archaic. *Le statu quo n'est pas possible* and the law is not respected because doctors do what they have to do to preserve and save life, Mr Speaker, Sir.

I am sure that by now everybody is aware that what is being proposed is not the abortion law of 1967. This is a long way back in the UK or *la loi Simone Veil de 1975 en France*. We are not proposing this. What the Bill proposes is *la possibilité de l'avortement* in four specific cases. The Attorney General has just spelt out these four specific cases and I won't repeat them, Mr Speaker, Sir. So, it is not the Abortion Act of 1967, it is not *la loi Simone Veil de 1975*, we are proposing something specific to Mauritius in 2012.

Some Members of the National Assembly will agree with all the four cases where abortion will become lawful. Some might agree on three, but not the fourth; some might agree on two situations and not four. Those who cannot go along with all the four cases where abortion will be lawful, authorised once we have voted the piece of legislation, they will chose either to abstain or to vote against the Bill as it stands before us, Mr Speaker, Sir. One thing I think needs to be repeated *parce que je dois dire que quand j'ai rencontré des hommes religieux, j'ai rencontré* handicapped people *et j'ai été bouleversé par un malentendu qu'il faut à tout prix éliminer*. Some people thought that in certain cases abortion would be compulsory. They genuinely made that mistake whereas it is clear: it is always voluntary. In any case, if the specialist finds that there will be very severe malformation and so on, it will still be left to the mother, to the couple to decide whether they want to keep that child or not. I repeat, *j'ai été assez bouleversé par l'angoisse que ce malentendu a causé chez les handicapés, chez certains hommes religieux*. I repeat, in every case it is voluntary. Abortion will not be imposed on anybody. It is in every case voluntary and I hope that by now everybody understands that throughout the country, Mr Speaker, Sir.

I had made three proposals; I know that those proposals have been studied very seriously by the Attorney General. They have been considered, I am given to understand, by Cabinet. They are before us in the form of amendments that will be moved by the Attorney General at Committee Stage. It is good that positive proposals made by the Leader of the Opposition have been given due consideration. I, nevertheless, have to express *mes réserves* - and I will say why - on the amendments, on these three points which are going to be proposed at Committee Stage, Mr Speaker, Sir.

“Tony Falconer, President of Royal College of Obstetricians and Gynaecologist said that he wanted the requirement of the 1967 Abortion Act for two Doctors to approve each abortion to be altered to one Doctor, to reduce the length of time women might have to wait for the procedure”.

I quote what he said exactly -

“One of the difficulties with termination of pregnancy is that sometimes the documentation (because it is two doctors) can introduce a slowing up of the provision”.

I have convinced Government that we should have two Specialists instead of one to get the process going at a time where in UK, where they have been with the Abortion Act since 1967; they are

suggesting that there should be only one Medical Practitioner. I think we should stick to the proposal that there should be two Specialists. I think we should take the words of Dr. Professor Tony Falconer, as a word of warning that we should not waste time. The women concern should not be made to pay for waste of time or bureaucratic extra time that is required. We should see to it that the procedure for the two specialists to get the process going should go as rapidly and as smoothly as possible.

I must point out also that in the UK, this proviso that it must be two Medical Practitioners doesn't apply where a Medical Practitioner is of the opinion formed in good faith that the termination is immediately necessary to save the life or to prevent the grave, permanent injury to the physical or mental health of the pregnant women. Unfortunately, I have not been able to find out how many such cases there have been yearly in the UK, since the Abortion Act of 1977 has been adopted, Mr Speaker, Sir.

So, a word of warning, let us see to it that the procedures for the two Specialists plus extra Specialists to give the green light, should be as smooth and as rapid as possible. I am glad that that my suggestion that there should be two Specialists involved instead of one has been accepted, but let us keep in mind the experience in the UK, which I have referred to, Mr Speaker, Sir.

The second point, which I made - *j'ai des reserves* - I refer to paragraph 2 (d), that is, in cases of rape, Mr Speaker, Sir. This paragraph is being amended in a way that does not satisfy me because we are left with a situation where the law will say that -

“Specialists referred to may only provide treatment to terminate the pregnancy where another Specialist...”

and so on as amended,

It is said ‘where he shares’. Now ‘we share’ because there are two who are concerned; ‘where the two specialists share the opinion formed in good faith that the pregnancy results from a case of rape, sexual intercourse with a female under the age 16 or sexual intercourse with a specified person’. So, I had wished to see that be deleted because it is not the job of specialists to come to the opinion that the pregnancy results from a case of rape. They are not the Police. They are not the Court. The case will be processed by the Police and will come before the Court and so on. I think it is unwise and unfair to ask specialists to form an opinion, to share an opinion, to come to an opinion and share that opinion that a pregnancy results from a case of rape. They are not equipped to do that. They are not equipped to conclude that there has been rape and they are still less

equipped to conclude that the pregnancy is the result of a given rape. So, I would have wished to see that deleted, Mr Speaker, Sir. I spoke to the hon. Attorney-General, he tells me that the Specialists are happy with that part of the Bill, but I am not. *Ma crainte* is that a specialist might refuse to give his green light because he is not in a position to form an opinion that the pregnancy results from a case of rape.

We would thus be making things more difficult for women victims of rape and other sexual intercourse with a female under the age of 16 and so on. We are thus making it more difficult for them to get the green light of a given specialist, that is why I have wished to see that be deleted. Then it would read in the cases of rape and so on that -

“The pregnancy has not exceeded its fourteenth week and a case of rape has been reported to the Police”.

I would be much happier with that, by removing that duty on specialists to come to a shared opinion that the pregnancy results from a given case of rape, Mr Speaker, Sir.

My third point, - *je suis à demi satisfait* – is, of course, we have to envisage cases where an allegation of rape is not genuine. I have suggested that the pregnant person should be made to swear an affidavit and at no cost administrative arrangements would be made that it would be at no cost. The pregnant women would swear an affidavit to the effect that yes, this pregnancy is the result of a rape. Then, the specialist would be satisfied with that. There would be three conditions for the specialist to give his green light -

- (i) that the pregnancy has not exceeded its fourteenth week;
- (ii) that there has been a report of a case of rape made to the Police, and
- (iii) that there would be an affidavit before the specialist and an affidavit by the person concerned.

Instead of that, the intention is the same, but I feel that the deterrent effect will be less with what is being proposed. What is being proposed? Is that the penalty for making a false statement to the Police is made tougher. In fact, I am a bit surprised that the Attorney-General has not reminded us that he has picked that out of the Sexual Offences Bill that came before the House and that died in the Select Committee of the House. That was provided for in the Sexual Offences Bill and it has now been introduced here.

It will have a deterrent effect, but I believe it will be less of a deterrent if the pregnant person has to swear an affidavit because in the Mauritian mind through affidavit it is something,

and you would swear the affidavit at the time you are seeking the specialist's assistance to have an abortion carried out, whereas today everybody will be aware that what is being proposed is a tougher penalty for making a false statement to the police. Then *la vie continuera son chemin*, and the deterrent effect will die down. The intention is the same. I believe the deterrent effect will be less then with an affidavit.

J'exprime mes réserves. We will go along, but I would request that Government gives due publicity, and may be at different intervals, because today everybody will be concentrating on what the law provides and so on, and then people will tend to forget, and it would be unfair not only on the women concerned, generally speaking, Mr Speaker, Sir. That is why I said '*j'ai des réserves*'.

I am glad that Government, that the Attorney General considered the proposals which I made. I'll go along with what is being proposed in terms of amendments at Committee Stage, *mais j'exprime des réserves sur le wording, sur les trois points que je viens de mentionner, M. le président. Réserves oui, mais pour ma part je voterai pour le projet de loi.* Ensuite nous verrons comment cela va se passer dans la pratique, especially in reference to the points which I have just made; how this is going to be carried out *dans la pratique*. I am sure we will have lot of lessons to learn as we will move forward, and *nous nous réserverons le droit de venir, avec la pratique, avec l'expérience, avec d'autres amendements si nécessaire.*

Je conclurai, M. le président en disant : oui, nous vivons un moment historique et solennel qui exige de tous respect mutuel et ouverture d'esprit. En fait, ouverture à l'autre, M le président. Mon souhait le plus sincère en ce moment historique et solennel c'est que ce soit l'île Maurice tout entière, et ces femmes en particulier qui sortent gagnantes du débat historique et solennel qui nous occupe.

Thank you, Mr Speaker, Sir.

(5.43 p.m.)

The Minister of Labour, Industrial Relations and Employment (Mr S. Mohamed): Mr Speaker, Sir, having listened to the hon. Attorney General, and having listened to the hon. Leader of the Opposition on this very important piece of proposed legislation, it is an honour that I have this opportunity today to also share my views with regard to this piece of proposed legislation.

First, allow me to say that I bow before this great example of a living democracy. I bow before this clear and living example of how there has been this collaboration, a sharing of ideas,

thoughts, opinions and views between the Opposition and the hon. Attorney General representing Government. I believe that it would also be good at this stage for me to thank all the dignitaries - religious dignitaries as well - who have contributed their views to trying to enrich this debate on only one objective: that of making sure, as the hon. Leader of the Opposition has said, that the country, l'île Maurice, comes out victor.

Unfortunately, out there, there are lots of views. Some are for termination of pregnancy without any conditions attached, some are against, and some are for under specific situations. Then the question that I should ask here today in this august Assembly is what our role is as parliamentarians. I have been asking myself this question for the past few days and weeks, and I am sure hon. Members of this august Assembly have too, since we are all committed to decide on this issue, and at the time of voting, voting with our conscience and our hearts. This has been hitting at me for the past few weeks.

There are certain people who have stated that they are against the whole concept of termination of pregnancy for religious reasons, whatever be the religion. There are others who have said that it is out of a profound belief in a principle, disconnected with a religious belief. There are people out there, Mr Speaker, Sir, who expect us parliamentarians to be their voice when it comes to religious issues. There are certain dignitaries who expect parliamentarians to voice out what each religion out there is thinking, and have expressed, be it in the press or on radio waves. The question is: is it our role as parliamentarians to do so? This is the question that I have been asking myself.

What is very important - and it's been a very difficult choice that I have had to make because my view, my personal religious opinion is my opinion - is that there can be no law that is going to be acceptable in any democratic State that imposes upon any person to do something which goes against his own conscience or belief. No law that imposes an act would be acceptable, and in my humble view no law that would do such a thing as to impose would be constitutional. It will go against one's belief, one's views, and there should be a distinction made between this proposed piece of legislation and the existing legislation. The existing legislation imposes upon every single citizen a way of doing things. 'You shall not go for an abortion. It is illegal; no exception.' That is the state of the law today. It imposes. Some people may have religious beliefs that do not go in line with what the law says today. Therefore, the law, as it stands today, in my humble view, does not allow someone who has a belief to put into practice that belief, and that is *où le bât blesse*. Also, we are at the moment living in a country where the law as it is today - we are

not talking about the proposed amendments - when one looks at statistics - the statistics that I have come across recently - the number of cases that are referred to public or private hospitals due to complications from abortion, *en moyenne* we are talking about 2000 women who are being referred to our private or public health institutions annually through complications. Those are only official figures. Why do I connect it to the existing law? It is very, very simple. Whatever one's belief may be, one cannot deny the fact that it is because of this archaic law, as the hon. Leader of the Opposition rightly stated, that people are having complications, because *il n'y a pas d'encadrement* whatsoever, there is no protection, so much so that there are people who are also dying because they have gone somewhere, some place to carry out an illegal process of abortion. That is the truth.

That is the truth and those are facts, realities, statistics that whatever view we may ascribe to, whatever opinion we may have, we all would agree with those facts that none of us would like more women to die, none of us would like more girls who are made pregnant against their will to die, because they have had to go through an illegal means to abort. None of us would like that. Whatever view we may share, whether we are pro or whether we are against - all of us what unites us, what we share in common, Mr Speaker, Sir, is our will, our desire to protect life.

So, out there all religious dignitaries, whatever religion they may come from, every single one of them would like to protect life and what I would like to go further on to say, Mr Speaker, Sir, is whether we are for termination of pregnancy, whether we are against, whether we are for or against in a qualified manner, no one person is wrong today. It is very, very rare, Mr Speaker, Sir, that we come across a situation where no one shares the same views but every single person is right. What makes every single person right? - The very fact that they sincerely, honestly, believe in their stand because their stand is based on something real, reasonable and thought out. So, whatever views we may share, we are all right and that is what is important as a message to pass out there, Mr Speaker, Sir, because it would be really sad because we have such different views, for us to get to a position where there is conflict. There should be no conflict.

When I come back now to the role of being a Parliamentarian, a time will come for me - and I speak in my own name - may be, God forbid, that I will have to make a decision one day about issues of abortion. God forbid! It's a very difficult decision to make and let us not believe that even the lady who has gone through a rape, who is going through a situation where she is thinking whether to abort or not, let us not think that it is an easy decision, even for that lady, even for that human being. It's a very difficult decision. God forbid that one day when I will have to make that

decision, I will make it *en mon âme et conscience* in line with my religious beliefs. I can also here simply ask at that particular time, that God gives me the strength to hold up my religious beliefs and stand by them. That will be my decision, personal to me. As a Parliamentarian, in my Constituency, there are those who believe that abortion is wrong, there are those who believe that abortion is right, there are those who believe it is wrong or right in certain situations; many opinions, and my role as a Parliamentarian here is not to impose my personal view on my Constituency.

My role as a Parliamentarian, Mr Speaker, Sir, is not to impose my views on the people of Mauritius. We have a difficult role. Our hon. brothers and sisters in Parliament have a difficult role. Our difficult role is - and I will describe it - to be able to reconcile all those we represent. It's not easy to be able to reconcile all those views into one and that is where the role of being an elected Member to this National Assembly has all its importance. Anyone who wants one day to go to become a candidate and to be elected to this august Assembly must think twice because a time will come, like today, where all of us will be called upon to make an important decision. Do we impose our personal views, religious views, in our votes; because if we were to do so, I believe it would be *un manque de respect à la démocratie*.

What I believe we should have, Mr Speaker, Sir, is a law that does not impose, as I have explained, but a law that gives the choice. In this particular instance, we have a Bill that gives a choice in certain circumstances, a choice within certain parameters, a choice *avec des mesures d'accompagnement encadrées comme il le faut*. With this Bill, no religion out there is put in a situation where they are forced to go - as the hon. Leader of the Opposition has rightly said - for an abortion in no situation, in no circumstance. There is nothing that is forced upon anyone.

What is done in actual fact is, a set of circumstances are described very much in detail, and a time will come, for instance, if I am to talk about the Muslim community, it is clearly explained - and here I would like to thank all the religious dignitaries who have expressed themselves on this particular piece of legislation - how according to Islamic law and principles what is allowed in the field of abortion. There is the explanation of 120 days as being one should not go above it and there is the religious explanation as to why. This law would allow any Muslim to go for abortion according to the principles of his religion and if that Muslim person believes the limit of 120 days in certain circumstances has been passed, it will be for him to decide in his own free will between him and God whether he would like to go ahead with it or not. It will be a personal decision and

that, what I have described here, Mr Speaker, Sir, would apply to every single religion. It will be a personal decision.

This law, on the contrary, would create a situation where there is the choice and the possibility to put into practice one's religious belief without any clause of that law forcing anything anti our belief upon us. That is the greatness of this law.

What we should avoid - and I humbly would like to invite every single Member of this august Assembly to do it - in this particular instance to take advantage of this Bill in any way; we should not give it a religious connotation. On the contrary, we should go for this Bill and I invite hon. Members of this House to vote for this Bill. The reason why I am doing so here is because, as I say it again, it is not creating any impediment in one's religious practice.

Then, the other question that is very important, Mr Speaker, Sir, is: what is the role of Parliament? Is Parliament here to act as an institution that is as though policing one's moral or religious rectitude? That is the question that I have asked myself. Is Parliament here to see to it that according to the Christian faith that everyone does it according to law, according to the Christian faith? Is it that we are going to see to it that everything is done according to Muslim law, Islamic law, according to the Hindu faith? This is not the role of Parliament. The role of Parliament here is to think of everyone, all religions. What makes our strength in this country? What makes us better Mauritians? It is the fact that we are good Hindus, that we are good Christians, good religious followers, good Muslims. That makes us better Mauritians. What type of better Mauritians? That we think of the country as a whole and we remove the element of religion here as long as nothing in this law imposes upon us and forces us to do anything that goes against our religion. Allow me also to express my view with regard to, in spite of the consensual approach and the consensus that exists between the Opposition and Government on this particular issue, there are certain issues - and here we are talking only in a constructive manner - that have been raised by the hon. Leader of the Opposition precisely on the issue of the new Section 235(a) to (d) precisely on the need for an affidavit.

I understand what the hon. Leader of the Opposition was getting at. Why the need for an affidavit? Then what we have got to understand is to put ourselves in the shoes. It is very difficult. Let us try to put ourselves in the shoes of this girl who is, let us say, 14, 15 or 16, raped, traumatised and having to go before a learned Magistrate of a District Court and to put herself in a situation where she has to go to this Magistrate and she is asked to raise her right hand to swear that

whatever is in the affidavit is true and nothing else but the truth. That would add to the trauma and where I would like to thank the hon. Leader of the Opposition for having seen that we are trying, as a Government, to achieve the same objective is to reduce the trauma to this innocent victim, but by replacing it with a deterrent. A deterrent it is! Imagine yourself if a lady, a woman or anyone helping her for that matter to invent a story of rape, for instance, an example, and it is found later on to be false, she would go for a maximum penal servitude of 10 years. That is a serious deterrent. Obviously, as we go along, there will be experiences that we will share and see where we have gone wrong or where we may not have gone wrong. Maybe there will be a need to upgrade the law or not. Maybe there will be a need for us to share our experiences with the countries out there that how Mauritius, as a country, we are, today, making a historical decision. The process has started where we have encouraged people to practise what their religion preaches. We have, because nothing in this Bill stops us from being religious in as far as our personal faith go. Nothing!

I would like to conclude on one very important note and that is the principle, Mr Speaker, Sir, that I believe people should reflect upon. The principle is as follows –

“To have and to hold religious views or beliefs is indeed an absolute right but to manifest that religious view or belief is a qualified right.”

That would be all. Thank you.

(6.03 p.m.)

Mrs S. B. Hanoomanjee (Second Member for Savanne & Black River): Mr Speaker, Sir, we are debating today a highly controversial subject but which I am glad goes well beyond party politics. We have been able, during the past weeks, to listen to those who have expressed themselves for as well as those who have expressed themselves against this Bill. At the very outset, I wish to say that this Bill is long overdue.

M. le président, je comprends très bien ceux et celles qui ont des convictions religieuses. Je comprends très bien ceux et celles qui disent qu'il ne faut absolument pas détruire un fœtus. A un certain moment, peut-être, je dirai quelques 15 ans de cela, j'épousais le même point de vue. Mais, M. le président, après avoir passé 10 ans au Ministère des Droits de la Femme en tant que fonctionnaire et après avoir été témoin des tribulations des victimes de viol et d'inceste, j'ai changé d'avis, pas sur la légalisation de l'avortement tout court, mais sur la légalisation thérapeutique de l'avortement et dans certains cas spécifiques.

Here I would take, as witness, hon. Mrs Bappoo. She can confirm the number of cases of children victims of rape and incest, who have been pregnant and who have come at the Ministry in distress. We have seen these cases.

Et là, M. le président, allons prendre quelques cas ! Que dire à une jeune fille de 13 ans qui a été victime de viol, déjà traumatisée par cette expérience qui se retrouve enceinte, qui est confuse, qui pleure, qui s'arrache les cheveux parce que son enfance a été brisée ? A 13 ans, elle est encore un enfant. Comment faire comprendre à cet enfant qui ne veut pas devenir maman, qui a une santé fragile qu'il faut absolument qu'elle garde ce fœtus et le laisse développer ? Comment faire comprendre cet enfant ?

Que dire à une fille de 14 ans, qui a été constamment abusée par un proche parent et qui a dû garder le silence par peur de représailles ? Faut-il lui dire qu'il faut absolument qu'elle laisse développer ce fœtus dans son ventre ? Les filles de cet âge ont des rêves. Les filles de 13 ans et 14 ans ont des rêves et nous tous, ici, je suis sûre, M. le président, acceptons le fait qu'un enfant est le fruit de l'amour entre deux personnes et non pas d'agression et de haine.

I believe, it is fair, Mr Speaker, Sir, to allow a woman or a young girl who becomes pregnant after rape and incest, the chance to choose if she wants or not to carry on with the pregnancy. Up to now, under the existing law, she not only had to bear the traumatic experience of rape and incest, but she has to carry on with an unwanted pregnancy from an unwanted person who she hates. Why not give her the choice? If she is guided by her religious beliefs, so be it, she will carry on with the pregnancy. Nobody will compel her but, at least, she has a choice.

Mr Speaker, Sir, regarding termination of pregnancy of a female under the age of 16, I have discussed with several gynaecologists and they have confirmed that, and I quote –

“It is not difficult to imagine that the body of a female under the age of 16 is not yet prepared physiologically to face a pregnancy.”

And that is why the relevant legislation exists for punishment for those who have sexual intercourse with a female under the age of 16.

Mr Speaker, Sir, nowadays this has also become a gender issue. A gender issue because a girl who is pregnant under the age of 16 has to stop her scolarity. She cannot continue to go to school. Only in very rare cases, can a girl under the age of 16 who has given birth continue her studies. For her to be able to do that, she must have the support of her parents. Now, if the parents, themselves are living below poverty line, what will happen to her and her child? The culprit, if I

may say so, because the word ‘perpetrator’ maybe will not fit in this context, will pay a fine, will be imprisoned and then get away with it.

Mr Speaker, Sir, this is another debate, but I will take the opportunity to mention it here that all those who impregnate a child should at all costs be responsible for the upkeep of that child. They cannot get away with it if ever the mother decides to carry on with the pregnancy and give birth.

So far, Mr Deputy Speaker, Sir, I have made comments only on subsection 2(d) of the new section 235A. Subsection 2(a)(b) and (c) of the new section 235A refers to what is termed as therapeutic abortion. It refers to termination of pregnancy, where -

- (a) the continued pregnancy will endanger the pregnant person's life;
- (b) the termination is necessary to prevent grave permanent injury to the physical or mental health of the pregnant person, and
- (c) there is a substantial risk that the continued pregnancy will result in a severe malformation or severe physical or mental abnormality of the foetus which will affect its viability and compatibility with life.

This, I believe, has been circulated and the hon. Attorney General will come with the proposed amendments at Committee Stage. This was essential because we could not have agreed that this sentence “that will affect its viability and compatibility with life” was excluded. I wish congratulate the hon. Attorney General for having agreed to include this in the amendments.

Here also, Mr Speaker, Sir, I wish to refer to a very interesting interview because there has been confusion on, and we don't want the debate to go on, *la légalisation de l'avortement* because we are not debating *la légalisation d'avortement*. I came across a very interesting interview which appeared in a weekly paper where a gynecologist of the public sector explained very clearly that the proposed legislation *fait état d'interruption thérapeutique de grossesse et certainement pas d'interruption volontaire de grossesse* and his explanations could not be clearer, Mr Speaker, Sir, and if you allow me I will quote what he said -

« Ce projet de loi va autoriser l'avortement thérapeutique dans certaines conditions précises. Si vous faites une échographie d'un fœtus et découvrez qu'il est mal formé et est incompatible avec la vie, dans l'état actuel de la loi, vous êtes obligé de laisser le fœtus se développer jusqu'à terme. »

Dans l'état actuel de la loi, l'interruption thérapeutique de grossesse n'existe pas, même si la vie de la maman est en danger. C'est pour cette raison, et cette raison uniquement, que l'on est en train d'amender la loi pour permettre aux médecins de pratiquer l'interruption thérapeutique de grossesse dans des cas précis. Il ne s'agit pas de l'interruption volontaire de grossesse. Il ne faut pas mélanger les deux and *that is why, Mr Speaker, Sir, when we are debating this amendment, I believe we have to keep to the parameters and we don't open the debate to la légalisation de l'avortement tout court.*

M. le président, il nous faut nous mettre souvent dans la peau d'une personne qui est en difficulté et qui souffre pour réaliser l'ampleur du problème. Imaginons un instant le cas d'une femme qui a subi une échographie et dont le médecin traitant lui fait savoir que son bébé est atteint d'une malformation très grave et ne pourra pas vivre.

As the law exists today she has no choice than to pursue her pregnancy in a state of psychological trauma, knowing full well that the child who will be born will not be able to live and may probably or surely die.

Here, Mr Speaker, Sir, I wish to lay emphasis on the fact that the malformation or severe physical or mental abnormality should be, as I said, incompatible with life after birth. We can take the case of another woman, who is undergoing treatment for breast cancer. In the normal course of things, her life can be saved. If she is pregnant - and I have checked this also with several medical specialists - her pregnancy is contraindicated as the hormones of pregnancy will cause her cancer to flare up. Up to now, under the present legislation, this woman has to carry on with her pregnancy at the expense of her life.

Mr Speaker, Sir, with such tight parameters as has been drafted in the Bill, we may be talking about 1% or even less of all illegal abortions, which are carried out. In this Bill, I believe there are two things that have to be borne in mind.

First, abortion only in specific circumstances is envisaged; that in no way, this should be interpreted as *légalisation de l'avortement tout court*; and second, that any woman or girl child will not be compelled, forced to resort to a termination of pregnancy. The proposed legislation is very clear about it. It is with the informed consent of the pregnant person. *C'est volontaire tout court.*

To end, Mr Speaker, Sir, I wish also to mention que dans tous ces cas, que ce soit dans le cas d'une femme qui se trouve enceinte après un viol ou l'inceste, ou dans le cas d'une malformation, si elle a les moyens, qu'est-ce qu'elle fait ? Elle part outremer pour se débarrasser de ce fœtus. Elle

le fait. Ça arrive mais quid de celles qui n'ont pas les moyens ? Au fait, l'amendement apporté aujourd'hui donne le choix à tout le monde, *irrespective of the fact that they have the means or not.*

Mr Speaker, Sir, I wish to say once more that I respect the points of view of everybody, those who are for and those who are against and since to go along the same line as my colleague, hon. Shakheel Mohamed, has mentioned, since all Parliamentarians will vote according to their beliefs *et leur conscience,* we have to think that we are here as elected Members of our constituency and we have to take decisions that are best for the whole population.

As for me, Mr Speaker, Sir, c'est une question de la protection de la santé d'une maman, de la santé d'un enfant, une question de société, mais aussi une très grande avancée pour la femme.

Merci, M. le président.

(6.18 p.m)

The Minister of Gender Equality, Child Development and Family Welfare (Mrs M. Martin): Avant même de commencer, permettez-moi de dire que, comme les autres intervenants avant moi, j'accueille favorablement l'introduction au sein de cette Chambre l'amendement au Criminal Code proposé par l'Attorney General.

J'accueille aussi favorablement, M. le président, les débats qui ont été générés au sein de la société civile au tour de la question de l'interruption volontaire de grossesse dans des conditions spécifiques.

Permettez-moi aussi de saluer le courage du Premier ministre et de l'Attorney General qui ont remis sur le tapis un sujet aussi sensible que l'interruption volontaire de grossesse dans des conditions spécifiques dans un pays comme le nôtre où culture et religion sont très importantes dans la vie de beaucoup de mauriciens. C'est une loi qui n'est pas facile à présenter mais elle est nécessaire parce qu'il y a une réalité dehors qu'on ne peut occulter, M. le président.

L'IVG, M. le président, ne laisse personne indifférent encore moins la femme qui y a recours. Dans cette situation, je suis d'avis qu'il n'y a pas de bonne ou de mauvaise opinion mais il est important de prendre position. Rarement un projet de loi n'aura interpellé autant la conscience populaire. Moi-même, il m'interpelle sur plusieurs plans en tant que femme, en tant que mère, en tant que citoyenne, en tant que parlementaire, en tant que ministre responsable de l'égalité du genre, du développement de l'enfant et du bien être de la famille. Nous parlons aussi moyennant certaines

conditions de protéger la vie d'une femme en lui laissant le choix de donner vie ou non, un choix que jusqu'aujourd'hui la république de Maurice lui refusait.

M. le président, l'interruption volontaire de grossesse est un acte qui touche la femme au plus profond de son intimité. L'IVG peut être une affaire de famille. Elle est certainement une affaire de couple mais c'est aussi et surtout le visage tourmenté d'une femme parce que personne ne s'y résout de gaité de cœur, M. le président. Ma conviction personnelle sur cette question est basée sur la conscience que j'ai de vivre dans une société pluriculturelle et profondément attachée aux valeurs religieuses. La conscience que j'ai de vivre dans un état laïc, la confiance et le respect que j'ai de la liberté de conscience des femmes de ce pays. Je voterai en faveur de ce projet de loi, M. le président, mais il est important pour moi de dire ce qui me motive à le faire.

Il y a quatre principaux amendements proposés dans ce projet de loi, M. le président. Je ne propose pas de les lire puisqu'ils ont déjà été lus plusieurs fois et tout le monde les connaît mais je dirai que ce sont des réalités fréquentes que dans mon ministère je vois défiler tous les jours. Il y a plusieurs réalités dans ce pays, M. le président et je pense qu'il est temps que la société mauricienne arrête de se mettre la tête dans le sable. L'une de ces réalités, M. le président, c'est qu'il existe une sexualité précoce dans ce pays. Il n'y a qu'à voir les statistiques du ministère de la santé et de la qualité de la vie pour s'en rendre compte. En fait, M. le président, si on prend les chiffres de 2009, nous voyons que parmi les mères âgées de moins de dix huit ans, il y a eu 665 naissances. Parmi ce chiffre plus de la moitié avait entre seize et moins de quatorze ans. Consentantes ou non, M. le président, ces filles sont encore des enfants, nos enfants. Elles ont été abusées par des jeunes comme elles *who did not know any better*, ignorants ou peu sensibles aux conséquences d'un tel acte ou soit pire par des adultes irresponsables *who should have known better*.

Autre réalité, M. le président, nous vivons dans une société qui se veut moderne, qui bouge vers la modernité mais qui reste profondément patriarcale. Chaque jour, il y a un jugement impitoyable sur 52% de la population qui est appliquée quotidiennement. A Maurice, nous avons des idées fixes, des critères rigides qui délimitent le comportement de nos jeunes filles, de nos jeunes femmes dans la société. Il y a des filles qui sont fréquentables. Il y a des filles qui sont de bonne réputation, de mauvaise réputation, infrequentables. Elles sont jugées, jaugées de par leur façon de s'habiller, de se comporter, de se maquiller, de parler. On dirait que l'on voudrait que nos filles grandissent dans un moule et particulièrement en ce qu'il s'agit de leur sexualité. C'est une injustice, M. le président, parce que ces mêmes normes quand elles sont appliquées aux garçons ne

sont pas sanctionnées de la même manière. Tout le monde, la société bien pensante s'accorde à dire que les pratiques sexuelles hors mariage, l'adultère sont condamnables. Pourtant le regard sur l'homme par rapport à ce sujet où il faut être deux est beaucoup plus indulgent alors que les femmes, elles, sont sévèrement sanctionnées. Il existe dans ce pays donc une politique de deux poids et deux mesures où la femme est sur ces sujets considérée comme une citoyenne de deuxième catégorie. Je le dis haut et fort, M. le président, l'égalité du genre ne deviendra réalité que lorsqu'il y aura un changement de mentalité par rapport à ces sujets là. L'égalité du genre n'interviendra que lorsqu'on se débarrassera des œillères qui limitent la femme dans son évolution.

Autre réalité, M. le président, l'éducation sexuelle fait sévèrement défaut dans les familles mauriciennes. Les statistiques qui parlent d'utilisation de méthodes de contraception interpellent. Je vais vous faire prendre connaissance des chiffres qui ont été publiés par la *Family Planning and Demographic Year Book* du ministère de la santé et de la qualité de la vie qui dit qu'en 2008, de toute la population sexuellement active de Maurice seul 22,37% utilisait un moyen ou autre de contraception. Ce chiffre diminue en 2009 et il passe à 21,45%. En 2010, c'est encore pire, il est à 18,12%. Il y a certainement un problème M. le président. D'où vient-il? C'est pourquoi je me sens encouragée d'avoir entendu cet après midi le ministre de l'intégration sociale parler des mesures que nous voulons mettre en place pour aider les personnes à utiliser un moyen ou autre de contraception.

M. le président, l'IVG n'est certainement pas une solution à ces défaillances au niveau de l'éducation sexuelle mais il faut que nous nous rendions compte que ces défaillances sont génératrices de nombreuses grossesses non désirées particulièrement chez nos jeunes.

Autre réalité, M. le président, les avortements se pratiquent à Maurice d'année en année. L'avortement est illégal et donc, à chaque fois une femme qui y a recours risque la prison et risque parfois même de perdre la vie parce qu'elle l'effectue dans de mauvaises conditions. C'est une raison qui m'amène à dire que cette loi est nécessaire parce que c'est une question de salubrité publique. Il s'agit de sauver la femme, la vie d'une femme déjà victime de viol, d'inceste, d'abus de confiance, etc. Le viol c'est quoi? C'est une agression sexuelle quand on force la femme, un acte non consentant où la femme est blessée au plus profond de son intimité. On se rappellera le cas de Sandra 'O', la seule femme qui est venue de l'avant dénoncer le fait qu'elle avait été victime d'un viol. Elle avait reçu le soutien d'une partie de la population, mais l'autre partie l'avait déjà jugée, condamnée, ostracisée, traitée de menteuse. C'est une réalité à ne pas oublier, M. le président ! Bien

sûr, il y a des lois qui interviennent et qui condamnent le viol, mais souvent, et tout le temps, ils interviennent après le crime. Et quand il y a grossesse suivant un viol, a-t-on le droit de forcer la femme à garder le fruit de ce viol ? Au nom de quoi ? Au nom de qui, M. le président ? Encore une fois, la femme se retrouve doublement victime. Elle n'a pas le choix. On lui refuse ce choix. C'est une injustice faite aux femmes.

Certains parlent d'adoption comme une solution alternative, M. le président. Force est de constater qu'aujourd'hui l'adoption est sujette à des procédures lourdes et longues. La loi est en passe d'être revue au niveau du *Prime Minister's Office*. Mais l'adoption, M. le président, n'est pas une panacée pour placer un enfant non désiré. Souvent, les parents adoptifs sont très sélectifs, avec des critères spécifiques. Je le vois aussi dans les cas de familles d'accueil temporaire, où certains ont des critères par rapport aux enfants qu'ils veulent accueillir. Mais pour moi, l'adoption ne peut pas être une solution alternative à l'avortement.

Quand on parle d'inceste, M. le président, l'inceste qui est prévu aussi dans ces amendements, c'est un acte pervers et dégradant, aussi une triste réalité à Maurice. Dans pas mal de familles, l'inceste engendre l'omerta au nom de la bienséance et de l'honneur familial. Les femmes, les jeunes filles, les petites filles sont victimes de cet acte qui engendre une destruction de leur confiance. L'innocence de la petite fille est complètement détruite, parce que souvent l'inceste est pratiqué pendant des années en secret, bien souvent avec la complicité des proches. Et cela conduit à une déconstruction complète de la personnalité de la victime par ceux qui sont censés par filiation même de protéger cet enfant. L'inceste est condamnable sur tous les plans, et lorsque la victime parle, les conséquences sont gravissimes pour elle. Elle se sent souvent culpabilisée, stigmatisée, traumatisée, rejetée par sa famille. Ici encore, M. le président, la femme qui est victime, et une grossesse qui débouche de cette violation, à cette femme-là on lui dit : 'Vous n'avez pas le choix.'

J'en viens maintenant, M. le président, à la malformation du fœtus, la clause (c) de l'amendement qui, à mon sens, est la seule clause qui pourrait peut-être porter à controverse, parce qu'il s'agit là de venir autoriser l'interruption volontaire de grossesse dans un cas où un enfant aurait une malformation sévère. Mais, encore là, M. le président, je dirai que rien ne vaut un choix informé, parce qu'un enfant a besoin d'amour, a besoin d'attention, d'encadrement, de soutien. Un enfant a besoin d'être aimé, encore plus peut-être un enfant handicapé qu'un autre.

Dans les abris du ministère, M. le président, il y a de nombreux enfants que nous accueillons chaque jour, qui ont été négligés, maltraités, abandonnés, abusés. Pourtant, ce sont des enfants en

pleine santé, sans aucun handicap. Simplement, leurs parents n'assument pas. Donc, j'ai énormément confiance, M. le président, en la capacité d'un parent à aimer son enfant quel qu'il soit. C'est pour cela que je dis que mon rational est que le choix doit être donné, parce qu'un choix informé, M. le président, va aussi engendrer davantage de responsabilité du parent. Et cette loi que nous votons aujourd'hui lui donne cette possibilité. Bien sûr, il faut des garde-fous médicaux. Il faut que toutes les conditions soient prises pour éviter les erreurs de diagnostic.

En ce qui concerne les clauses (a) et (b), il n'y a pas de polémique, M. le président, parce qu'il s'agit de sauver la mère ; en fait, de sauver la maman, et il s'agit là d'interruption thérapeutique de grossesse. Or, avant cet amendement - et c'est une réalité - c'était déjà pratiqué dans nos hôpitaux, M. le président, alors qu'on n'en n'avait pas le droit. C'est une hypocrisie que maintenant cette loi vient éliminer.

En conclusion, M. le président, je dirai que je comprends et respecte ceux qui sont contre cet amendement. Je suis même prête à travailler de concert avec ceux qui le veulent en vue d'aider les mères qui désirent garder leur enfant, parce qu'il y a cette réalité aussi qu'il ne faut pas occulter. Il y a des mères qui veulent leur enfant, mais qui sont sujettes à des pressions qui pourraient éventuellement, finalement déboucher sur un avortement. Et dans ces conditions, les associations, les groupes qui travaillent en faveur du soutien des femmes ont tout mon respect. Mais avant tout, je voudrais souligner que la portée de ce projet de loi veut donner voie au chapitre à la femme en ce qui concerne son droit à exercer un contrôle sur ses droit sexuels et reproductifs, surtout quand ses droits ont été abusés par un viol, un inceste, quand elle ne peut pas assumer ou que sa vie est en danger.

M. le président, j'ai confiance en la capacité de la femme mauricienne à décider de son avenir. Nous ne sommes pas en train de dire à toutes les femmes enceintes, définies sous la clause mentionnée dans cet amendement, d'avorter. Ce que nous disons c'est d'arrêter de culpabiliser des femmes qui, par un concours de circonstances dont elles sont victimes, d'avoir recours à l'IVG. Ce que nous voulons c'est un environnement médicalisé et sécurisé pour de telles pratiques. Ce que nous disons c'est que les femmes définies sous les clauses de cet amendement sont les mieux placées pour savoir ce qu'elles veulent et doivent faire. Ce que nous disons c'est qu'à travers cet amendement, nous voulons leur donner une autonomie sur leur propre corps, et nous voulons leur donner la possibilité d'exercer leur libre arbitre selon leur âme et conscience.

Merci, M. le président.

(6.38 p.m.)

Mrs L. Ribot (Third Member for Stanley & Rose Hill): Mr Speaker, Sir, I would like to share some of my comments on the Criminal Code (Amendment) Bill with the Members of this House.

I do welcome a few of the amendments proposed as, at first view, they do look like an improvement on the Criminal Code dated 1838. However, Mr Speaker, Sir, when I look deeper at this Bill, I find quite a few points, which according to me are not clear, and worse I fear that their vagueness could leave door open to some kind of abuse.

First, Mr Speaker, Sir, when we refer to specialists who may provide treatment for pregnancy as well as the other specialists in obstetrics and gynaecology, etc, I just ask myself: should the experience of those specialists not be specified? Should such an important and delicate task be left to new comers who are simply inexperienced?

As all other people who have voiced out their opinion, I fully agree with clause 2(a) referring to the continued pregnancy endangering the pregnant person's life. In subsection 2(c), referring to the substantial risk that the continued pregnancy will result in a severe malformation, or severe physical or mental abnormality, of the foetus, which will affect the viability and compatibility with life, a few questions cropped to my mind. How severe is severe? What are the abnormalities that will be classified as severe?

Do we have any specialist in that field in Mauritius? Are we equipped here in Mauritius to detect those abnormalities considered severe? According to our information, we have no means to carry out a karyotype and an amniocentesis. How precise is the diagnosis? What is the rating of the risk of medical error? Can we only imagine, Mr Speaker, Sir, a case where the foetus will have been declared suffering from a severe malformation or abnormality and after the abortion it is found out, at the pathological department, that that was not the case. Will damages be paid to make good for that wrong diagnosis? And, Mr Speaker, Sir, even if damages were paid, it would have been too late. An innocent child will have been killed.

Coming to the cases of rape, of sexual intercourse with a female under the age of 16 or with a specified person, Mr Speaker, Sir, the case must be reported to the Police to give the right to the specialist to terminate a pregnancy.

Another question that crops to my mind is: how is it that no mention ever has been made of the role and responsibility of the forensic department? Is it not vital for the alleged victim to receive medical attention and a forensic examination so as to keep all the perpetrators' DNA evidences safe from damage? Should not these evidences be stored safely, not only for the sake of enquiry but mainly for the sake of an eventual possibility of termination of pregnancy? For all this to take place, Mr Speaker, Sir, should there not be a timeframe for the reporting of the case of rape? I agree that there are cases where an immediate reporting is not always possible. I firmly believe these should be exceptions to be examined on a case to case basis. Anyway, Mr Speaker, Sir, has there been a study on the number of pregnancies resulting from cases of rape, what percentage of the number of pregnancies do these cases represent? *La nature dit-on fait bien des choses, M. le président, puisque le choc ressenti pendant un viol bloque l'ovulation et c'est ce qui explique la rareté des grossesses après le viol.*

When it comes to rape, how long will it take to finalise whether the report of rape was a genuine one? One year, two years, and by that time, the treatment to terminate the pregnancy will already have been carried out. If it is then proved that there had been a false declaration of rape, even if there is a penalty attached to it, be it penal servitude or whatever else, an innocent will have been killed by then. In subsection 4, Mr Speaker, Sir, we see that a pregnant person under the age of 18 who requests for treatment to terminate a pregnancy under this section must have a written informed consent of one of her parents or a legal guardian.

What about the case of incest where the father, the very perpetrator of the offence, will not accompany the child to the Police and will not give a written informed consent for fear of being denounced. Nor will the mother, who more than often, is found to be an accomplice of her husband? Does it mean that in case of no such consent, the victim of incest is doomed to continue with a pregnancy that she finds repugnant and will bear that suffering for her whole life?

Ce projet de loi, M. le président, concernant l'interruption de grossesse n'aurait jamais dû venir *in isolation*. Il aurait dû être encadré par d'autres changements, par des amendements à certaines lois et certaines procédures dans notre pays. D'abord, M. le président, quelles sont les facilités qui sont accordées aux jeunes filles et aux femmes de ce pays pour qu'elles gèrent leur vie sexuelle et leur santé reproductive ? Tout d'abord, ne nous leurrions pas. Les jeunes de nos jours sont actifs sexuellement dès un plus jeune âge. La franchise des témoignages de jeunes dans un hebdomadaire pas plus tard que la semaine dernière nous a fait prendre conscience de leur réalité.

Une question qui a été soulevée dans cette Chambre plus d'une fois est l'enseignement de l'éducation sexuelle dans nos écoles. Tous s'accordent à dire que c'est devenu primordial, mais que voyons-nous ? En réponse à une énième question parlementaire le 14 juin 2011, l'honorable ministre de l'éducation répondait encore que ces cours étaient intégrés dans des matières telles que *Health and Physical Education, Integrated Science and Biology*. Et que ces cours étaient assurés par des professeurs de l'école que ce soit en primaire ou en secondaire sans pour autant s'assurer que ces enseignants étaient dûment formés. C'est à croire que cette question de l'enseignement de l'éducation sexuelle, M. le président, dans les écoles est le sujet tabou de notre société. Cet enseignement devrait être obligatoire mais nous savons que certains parents sont encore fermés à cette ouverture. Mais alors qu'on fasse comme dans certaines écoles, que les parents soient libres puisque la liberté est à l'ordre du jour, à donner son consentement ou non pour que son enfant suive les cours. Et dans ce cas, s'ils refusent, M. le président, qu'ils assument leur responsabilité et les conséquences. Mais je suis sûre qu'après très peu de temps tous les parents seront favorables à ce que leurs enfants suivent le cours d'éducation sexuelle ...

(Interruptions)

Mr Speaker: The hon. Member must come to the Bill. Sexual education is not related to the Bill.

Mrs Ribot: I am talking of the points surrounding the Bill, Mr Speaker, Sir.

Mr Speaker: These are specific cases where the hon. Member can talk. The question of sexual education does not fall within the Bill.

(Interruptions)

I allowed hon. Mrs Ribot to go a long way but she was talking about the related issues in the Bill.

(Interruptions)

Does the hon. Member mean to say that if there are consensual sexual intercourses, this falls under the Bill? It does not fall! She is talking of incest and rape.

(Interruptions)

Even 16, it's rape, it's not consensus.

Mrs Ribot: Mr Speaker, Sir, can I make a point?

(Interruptions)

Mr Speaker, Sir, the point I wanted to make is that if we are aiming at reducing the number of unwanted pregnancies, we have to give our youth ways and means.

De toute façon, M. le président, l'école sera en train s'assurer le rôle et la responsabilité qui aurait dû appartenir aux parents. Ne privons pas tous les enfants et tous les jeunes d'une éducation sexuelle donnée par des éducateurs dûment formés et d'après un programme bien défini et adapté au profil de ces enfants et de ces jeunes.

En parlant d'éducation, M. le président, n'est-il pas temps pour notre système d'éducation de proposer plus de collèges mixtes à nos jeunes ? L'ironie est que les écoles primaires sont mixtes, que les universités sont aussi mixtes mais *in-between* nous avons des collèges secondaires qui sont pour la majorité des collèges unisexes. Alors que les élèves sont à l'âge même de l'éveil sexuel, ne serait-il pas plus sain, ne serait-il pas plus normal de cohabiter avec l'autre sexe ? N'apprendraient-ils pas le respect de l'autre, la valeur de vivre côte à côte, de se côtoyer, de s'entraider sans pour autant tomber dans le travers. Même le ministre de l'éducation est d'accord avec moi. Ne soyons pas hypocrites, M. le président, mettons à la disposition de ces jeunes des moyens de contraceptions modernes, accessibles et fiables. Faisons des campagnes de sensibilisation sur le sexe protégé, qu'on mette à leur disposition des centres de *family planning* bien organisés.

Quand nous pensons qu'en 2011, alors qu'un distributeur de préservatifs avait été installé à l'université de Maurice où il n'y a que des jeunes de plus de 18 ans et donc des adultes, qu'il a suffi d'un lever de bouclier de certaines associations pour que le ministère cède et que ce distributeur soit enlevé.

Nous arrivons maintenant, M. le président, à la femme adulte en 2012 à l'île Maurice. Jetons un bref coup d'œil à certaines lois de ce pays ! Une femme qui a déjà eu le nombre d'enfants qu'elle voulait ou que sa situation permet, devrait avoir la facilité d'avoir recours à une ligature des trompes ou alors demander à son compagnon de faire une vasectomie. Cela ne devrait plus être tabou.

La loi de la sécurité sociale stipule qu'une famille pauvre a droit à des allocations familiales. Mais, M. le président, non seulement la somme est dérisoire, mais les critères pour se qualifier et le calcul pour arriver à définir la somme à être donnée est tellement compliqué que personne n'y comprend rien. Les enfants handicapés aussi reçoivent une allocation qui est loin d'être suffisante. Que ces allocations soient plus solides, soient revues à la hausse. Que l'âge jusqu'auquel ces enfants se qualifient pour ces allocations soit aussi prolongée. Que des procédures soient plus souples et plus rapides. Que des facilités soient données si on veut que la mère garde son enfant

handicapé, qu'on donne des facilités à l'enfant et à la famille pour qu'avoit un enfant handicapé n'équivaut pas à la fin du monde et que les parents aient les moyens pour élever ces enfants.

La loi du travail à Maurice, M. le président, stipule aussi que la femme n'a droit à des congés de maternité que pour trois accouchements. Si jamais elle attend un quatrième enfant, soit elle prend son congé annuel, soit elle arrête de travailler de son plein gré, ou pire encore, elle est mise à la porte par le patron. Donnons plus de facilités aux jeunes et aux femmes, voire aux familles pour gérer leur vie sexuelle et reproductive.

Mr Speaker, Sir, as far as rape is concerned, is it not high time that laws towards rapists be made more severe together with psychological support and rehabilitation programmes for them? Is it not high time that we have a rape crisis centre with trained rape counsellors and health care providers and psychologists for the victims?

M. le président, là où des amendements devraient aussi être apportés, c'est au niveau des procédures d'adoption. Je comprends que nous devons être prudents pour qu'il n'y ait pas d'abus. Mais, M. le président, il est inconcevable que ces procédures puissent durer des années. Donnons-nous des moyens pour assouplir ces procédures afin que ces femmes et les familles qui le désirent puissent y avoir recours.

M. le président, ce qui me dérange le plus dans ce projet de loi est la perception de la population et des femmes en particulier. Le sentiment général de ceux qui sont pour l'avortement est qu'à partir de maintenant, je dis bien c'est une conception, l'avortement deviendra légal et sera à la demande. Si nous voulons être honnêtes - je dis la perception, on ne peut pas discuter de la perception de quelqu'un - nous avouons que nous avons tous ces jours-ci entendu des dames nous dire qu'elles accueillent cette loi avec beaucoup de soulagement car c'est le salut pour elles. Elles pourront enfin, pensent-elles, aller à l'hôpital pour se faire avorter au lieu d'aller chez Madame Parasol. Elles sont loin de réaliser, M. le président, que si elles ne tombent pas parmi les quatre catégories mentionnées, elles ne pourront pas se faire avorter à l'hôpital. Je crains que ce flou a été nourri intentionnellement par ceux que ce support de femmes arrange. Je cite un extrait d'un papier circulé sur le Net et adressé aux parlementaires - et je suis sûre que mes collègues l'ont tous reçu - par un groupe en faveur de la décriminalisation de l'interruption de la grossesse. Je lis un extrait, M. le président, si vous le permettez -

“The new law will create the space for women who still have recourse to abortion in circumstances other than those allowed for by the law. If they should fall ill as

a direct consequence of the back street abortion, to now be able to go to hospitals and clinics at once for emergency treatment without the fear that blanket criminalisation caused under the old law.”

M. le président, que devons nous comprendre? Les membres de cette association ont rencontré l'*Attorney General*, ont félicité le gouvernement, ont offert leur soutien total à l'*Attorney General*. Or, quand je vois ce que je viens de lire, je me demande si certaines associations ne sont pas en train d'induire les femmes en erreur. Ce projet de loi est-il le point de départ qui nous mènera ensuite à une légalisation de l'avortement? Je me pose cette question, M. le président, d'autant plus que j'ai lu dans un autre courriel que j'ai reçu d'une autre association qui a aussi rencontré l'*Attorney General* et je cite –

“These amendments are not what we would consider ideal for this day and age. We would like to see a legal framework that effectively eliminates all criminalisation of women who see no other option than the termination of a pregnancy that they find unbearable.”

Ce courriel, M. le président, se termine par –

“The amendments to the Criminal Code represent a first step in that direction.”

M. le président, je demande simplement à être rassurée qu'on n'est pas en train d'induire les femmes en erreur, rassurée que cette question ou cette possibilité de la légalisation de l'avortement n'a pas été évoquée. Je demande aussi à être rassurée puisque je crois qu'un des droits de la femme est aussi le droit à la vérité.

M. le président, si nous évoquons un moment les effets de l'après avortement. A un symposium organisé par l'organisation *The Social Awakening for Knowledge through Education and Technology*, parmi les réactions à l'avortement, le psychiatre Tony Anatrella a mentionné –

«69% des femmes ayant subi un avortement ont des problèmes sexuels; 44% éprouvent des désordres de nervosité ; 36% ont des insomnies ; 11% nécessitent les soins d'un psychologue et 25% nécessitent les soins d'un psychiatre. D'après l'étude Patrick Carroll menée en Angleterre, il a été trouvé que les femmes qui ont subi un avortement, avant d'avoir un accouchement, ont quatre fois plus de risques d'avoir un cancer du sein. Il a aussi été trouvé que statistiquement, il y a plus d'accidents de la route chez les femmes qui ont avorté qu'elles soient à pied

ou au volant puisqu'elles souffrent tout simplement d'un manque de concentration. »

M. le président, pour terminer, toujours dans ce rapport, j'ai lu la structure du corps d'un enfant de 12 ans, encore très souple, s'adapte à une grossesse. L'avortement est par contre plus dangereux à cette âge, l'utérus plus petit est plus facilement blessé, le col plus étroit et moins malléable et plus difficile à dilater et se déchirera plus facilement. Les filles qui avortent si jeunes risquent d'avoir par la suite bien plus de fausses couches que les autres.

M. le président, je suis une femme, une mère, une enseignante avec des jeunes filles depuis une trentaine d'années, je suis ce que je suis parce que j'ai toujours eu des convictions. Mes convictions sur le plan religieux ainsi que les valeurs dont j'ai été nourri depuis ma tendre enfance, je n'en ai pas honte. Elles tendent vers le respect de la vie humaine dès la conception. Je crois à la science qui dit que le cœur du fœtus bat à partir du 21 jours. Je crois que durant le troisième mois, c'est-à-dire à la quatorzième semaine, les membres du fœtus deviennent harmonieux, les ongles, le visage, les yeux, la bouche, les intestins, les reins et le sexe sont déjà formés. Je crois à une personnalité juridique du fœtus et donc qu'il y a des droits, donc, le droit à la vie. Forte de ces convictions, M. le président, je dirai que je ne pourrais souscrire à une loi concernant l'interruption de grossesse que si cette loi garantit qu'on aura recours uniquement à une interruption thérapeutique de la grossesse, si seulement la vie de la femme enceinte est prouvée par les médecins être en danger, si seulement cette loi n'a pas de lacunes et si seulement cette loi ne laisse pas des portes ouvertes à des abus potentiels et, pour terminer, si seulement l'interruption de grossesse ne tient pas lieu de méthode de contraception déguisée.

Je vous remercie, M. le président.

(7.01 p.m.)

The Minister of Foreign Affairs Regional Integration and International Trade (Dr. A. Boolell): Mr Speaker, Sir, I respect the views canvassed by hon. Mrs Ribot though I don't share them. This Bill gives us an opportunity to have a free vote and to vote according to our conscience. We have listened very intently to speeches delivered by hon. Members on both sides of the House and we are speaking and we are intervening without fear or prejudice and I will, of course, convey my congratulations to the Attorney-General, who has dared, because he has been conferred the authority by the Council of Ministers, especially by the hon. Prime Minister, to have wide

discussion at the bar of public opinion on an issue, which is very sensitive and at times it can override rational thinking.

There has been wide discussion. I don't think that any party has been left by the wayside. In fact, there is, and there will be, a mainstream consensus on a subject, which is not only sensitive, but which touches one and all, more so those who are weak and vulnerable. I am glad that there had been discussions with the hon. Leader of the Opposition. The proposals made by the hon. Leader of the Opposition have been taken on board. The views have been canvassed by members of the Judiciary and, again, there have been intensive consultations. It is only after there has been intensive consultation that the Minister, in his wisdom, with the support of Cabinet, has decided to introduce this Bill into the House. The purpose of our intervention is neither to rise nor to fall, as the hon. Leader of the Opposition has said, on the solemn and historic occasion. In fact, Parliament is making history. Later the hon. Prime Minister will introduce into the House, a Bill which is an amendment to the Maritime Zones Bill. We are going to bequeath to the present generation and the future generation a legacy where there will be security, predictability and reliability.

Let me come to this Bill. The legislation, as it is, has been on the statutory books since 1838. If we go into history, those were the times; those were the days, when there was wide discrimination against the black and women. We have to put things within its proper perspective. What are we trying to do? To update the legislation, to be in line with Human Rights Convention, to comply with the basic fundamental rights of human beings and to live up to the commitment, which we have entered into as a result of ratification of CEDAW Convention. What do we learn from the CEDAW Convention? That the prevalence of teenage pregnancy in this country is on the increase! I asked the question earlier, especially for those who are poor and who want to do away with the pregnancy because it is an unwanted pregnancy. Some may go on bended knees and pray for spontaneous abortion, but it does not happen spontaneously, unfortunately. Therefore, we have no choice, but to have recourse to a legislation which respond to the needs of women, to the needs of doctors. What we are doing is to provide the parameters, which will allow the doctor to act without impunity and to ensure that he has the power to act but, at the same time, he has the choice not to act. When the case is going to be referred there will be a panel, and the panel will so decide. It is voluntary, but under specific conditions. This is why we call this therapeutic abortion. It is as simple, but it can also be a matter of onward discussion.

Let me also come to another point, which needs to be answered. Can the rights of a pregnant woman supersede foetal rights? This is another question that needs to be answered. There have been answers in many countries. If I have to refer to the debate that was held in the Parliament in Portugal, in fact, the matter was brought before the constitutional court and the constitutional court of Portugal has consistently upheld laws, recognising that the rights of a pregnant woman cannot be superseded by foetal rights. In 1984, the Portuguese General Assembly enacted a law, waiving prosecution for abortion in cases of foetal impairment, danger to life, serious and irreversible damage to physical or mental health and pregnancy resulting from rape.

Mr Speaker, Sir, let me come back again to those who do not have the means. Those who are well off, they will be all right and they can be taken care of. They have all the support if they are very well off, they can afford to travel overseas, but for those who cannot have access to therapeutic abortion, under legal parameters, what do they do? Criminal abortion! With what consequences? Trauma! If I refer to cases where they have decriminalised abortion, in fact, the incidence of trauma has gone down. I don't share, though I respect the views canvassed by my hon. friend, Mrs Ribot. You know, Mr Speaker, Sir, I recall, when I came back from New Zealand and I opened my surgery, a lady came up to me and asked me to refer patients to her because she is used to provoke abortion, not with abortifacient, but with the spoke of a wheel or the pointed sharp end of, what we call, the needle of the whales. She said: "don't worry, you prescribe the antibiotics and I will do what I have been trained to and you can rest assured, I have never had a single failure."

You prescribe the antibiotics and I will do what I've been trained to and you can rest assured I've never had a single failure. So, is this the practice that you want to be ongoing in this country and do you know what I told her? Of course, I had a choice: either to refer her to the police or to convince her that what she was doing was totally wrong. So that is why I say, you cannot have two laws in this country, one for the poor and the vulnerable and one for the well-off and precisely this is what this Government is doing; to ensure that we create opportunities and accessibility for those who are weak and vulnerable, but at the same time we have to look at the rules and the regulations. The protocol has to be fully established and I ask the question: how many gynaecologists-obstetricians in hospital are fully trained or well versed in handling the equipment which we are going to use to detect whether there is foetal abnormality or have the acumen to do amniocentesis. We need to ensure that in our hospital, we have properly trained doctors. I have a lot of respect for my colleagues, but sometimes you need a speciality where you have to be very versatile in that

speciality. This is why Government will spare no effort to ensure that we take the time we are called upon to look at regulations and rules and to establish proper protocol.

Mr Speaker, Sir, as I have said this is a Bill that was not introduced overnight. There has been serious thought given to this Bill with discussion at the bar of public opinion and we are making sure that we address this issue in a very professional manner. The Leader of the Opposition stated earlier that he would have been much happier had we been able to make provisions for the victim of an alleged rape case to swear an *affidavit*. This currently prevails in Argentina, that was the subject of a lot of debate, but I am glad that in the amendments which have been circulated, we know what is the meaning of penal servitude for those who make false declarations.

Mr Speaker, Sir, I am not going to go into the emotional dimension of this Bill I think much has been said by my colleague the hon. Minister responsible for Gender and Equality, but the fact remains that we need to ensure that the trust we have in our professionals, in our doctors, has to be consolidated and therefore a panel of three doctors is of vital importance when it comes to the decision to be taken in respect of termination of pregnancy. Very often we hear of alleged date-rape, young students, university students when they go out sometimes when they fall out with their boyfriends there have been accusations of date-rape. I am not saying that there is an increasing incidence of date-rape in this country, but the law makes provisions for those who can make false declarations. On the other hand, it is very hard and it is under very difficult circumstances that you will have a victim of rape saying something different and this is where the panel consisting of obstetric gynaecologist and a psychiatrist can certainly affirm that what the victim is saying is true.

Mr Speaker, Sir, we need to be practical and pragmatic and to be so, we have to put in place the relevant mechanism because 14 weeks to terminate a pregnancy can be a difficult choice when it comes to decision making. Not that we need to rush things through, but we have to make sure that we put into place the mechanism that will trigger the system, to do justice and live up to the expectations of families of victims because at the end of the day it is voluntary. There is a panel, but termination of pregnancy is mandatory in cases that have been highlighted and it is a question of time. Time is of an essence, time is imperative. We may introduce the best legislation, but if we don't put in place the relevant mechanism, we may defeat the whole objective. This is why my colleague has had wide discussions with medical practitioners, members of the civil societies, the police, the DPP's office. It's a job which has been done professionally and my appeal is - since you know we are here to cast a free vote, to vote according to our conscience - we need to live up to the

expectations of the women who have basic rights and basic needs and for far too long we have had a legislation which has unduly penalised women, we must be able to live up to our commitment given to conventions that we have ratified.

This is a Bill where there is seriousness of purpose, where we are all compelled to act in unison, to act professionally and to live no stone unturned because the consequences can be far reaching, but we have taken the measures, the safeguard measures to mitigate difficult circumstances and I am not going to rebut some of the points raised by hon. Mrs Ribot in respect of the incidence of cancer amongst nuns and those who are more sexually active or less sexually active, but I can certainly quote chapters and verses to rebut her argument. The point is we stand united on an issue where there should be no travesty of justice and where human rights is of vital and paramount importance and, as a country, we subscribe to human rights values and as a country which is a member of the Human Rights Council we endorse this Bill and I am glad that it has been introduced by the young Minister of Justice with the full support of the House and especially with the support of the Prime Minister. We are making headway, we are creating history, but we have to make sure that we do not undo what has been done today. It is a great day and I congratulate everybody from both sides of the House.

Thank you very much.

(7.18 p.m)

Dr. S. Boolell (Second Member for Curepipe & Midlands): Mr Speaker, Sir, today in Mauritius, five girls are falling pregnant or five will be aborted. According to the statistics which have been provided to us, the figures run around 2000 abortions, complications of abortions per year and this takes you to about five per day. So, it means that from the time this Assembly met this morning, at least, two or three have already aborted and I seek your indulgence Mr Speaker, Sir, to allow me to share part of my experience.

I spent 25 years, maybe, dealing with aborted cases and regret that I have not been consulted in any way in my professional capacity as a forensic expert in this matter, but never mind my contribution is to the House and to everybody who intends looking at abortion.

I have had the great misfortune of assisting the police in raids in abortion clinics. The term is vague, in abortion clinics in the back of nowhere and I tell you though we tend to blame *les faiseuses d'anges*, mostly they are doctors who have found in abortion a jackpot and they proceed

at prices beyond reason and the poor person who cannot even afford to buy a piece of clothing regularly will find the money to go and pay these backstreet abortionists and what is criminal is if the woman gets caught - I am not saying if she dies, I am saying that if she gets caught - the one who has inflicted the damage on her will never get caught.

We think of the mafia, the law of the *omertà*, the law of silence. When somebody dies and if you have to perform the autopsy or if somebody is dying! The figures from health are not accurate. There are 2,000 on average. One should increase everything by, at least, 30%, and you will be nearer the truth. The law of silence applies because they have been well briefed by those who perform that, if a guilty party is identified, then they will be locked up as well. So, they keep quiet, and you find the husband who loses his wife and asks you how he can complain as he will be locked up! The reasons why his wife got aborted: two more kids at home, three more kids. Is it poverty? Is it ignorance? What is the real purpose of the abortion?

When you share these moments, when you have seen the amount of damage caused by abortion in society, then you can start reflecting on where is divine justice. You even have doubts about all these orphans who are left behind. You only have to read the press on the amount of foetuses being recovered from rubbish dumps. Where did these foetuses come from? Then, you have all these statistics. These statistics do not include death due to septicaemia; a vague word, introduction of bacteria in the blood, and the person just collapses. The hon. Leader of the Opposition mentioned one case recently, where somebody went to hospital, toxic and dying. Then, it is left up to the doctors in hospital to clean up the damage, to perform a dilatation and curettage, to remove what is part of the foetus behind, and this is where we have to think.

This law comes in to regulate, to make legal what has always been practiced in our hospitals. This law does not bring anything new. This law is not compulsory. I think the hon. Leader of the Opposition has been quite vocal on it. This law is voluntary. You can refuse treatment. There is informed consent; there is consent. Sometimes, as a doctor, if I saw somebody being toxic, I did not even ask for consent. Otherwise, I would be guilty of *non-assistance à personne en danger*. You have to proceed to save lives.

At one time, I kind of said to myself: am I being unfaithful to the Hippocratic Oath? Actually, the Hippocratic Oath is not attributed to Hippocrates. It came about 100 years after Hippocrates, and it mentions actually not to give anything to abort anyone, but then it also mentions not to use the knife to save anyone. There is an updated version of the Hippocratic Oath which tells

you very simply that the Hippocratic Oath is inadequate to address the realities of a medical world that has witnessed huge scientific, economic, political and social changes.

In a world of increasing medical specialisation, the oath had to be upgraded. What is the principle of practice in Mauritius? Above all, do no harm. Above all, save a life. We tend to be like the ostrich. We bury our heads in the sand, and we refuse to see the truth. If we were to just look at the figures, we would see that they are gradually going down in the world of abortion. From more than 2,000 to around 2,000; a slow decrease, which is quite nice for a population which is on the increase, and that has been due actually to the introduction of the pill for the morning-after and other pharmaceutical products.

Now, there are a lot of questions that have to be asked. More questions have to be asked than answers. The pill for the morning-after, the drug which actually came up to cure peptic ulceration, was actually found to promote abortion and has reduced the number of cases which actually come to the hospital dying. The last case I was involved with and I actually see a member of the profession present somewhere here and who will remember no doubt. We went into the back of a shop in one town, and you should have seen the layout of that backstreet shop and the big brand new Mercedes of the doctor outside. Fantastic! Money raising, fund raising activities to pay up for the Mercedes, and people in beds, in a state of hygiene totally unbecoming of an operative process! When I looked at these women, they were not very poor, because in this world of abortion it does not only concern the poor. In the world of poverty, the poor get exploited, but the rich also cry, but the rich have the money.

So, when I look at this piece of law, I hope it does not turn out to be a jackpot for the gynaecologist. As a doctor, I probably have a lot of respect for the gynaecologist, but sometimes I find their prices outrageous. We are not opening the floodgates for abortion. We are doing abortion in specific cases. In the case of sexual assaults, there is a major problem. It's about this consent business and the word 'coercion' being used.

Very often, when a girl falls pregnant and she is, let us say sixteen and already there is something which is a bit bizarre. The age of consent to sexual intercourse is sixteen, but the age of consent to termination of pregnancy for somebody who has been raped is eighteen. So, somebody below the age of eighteen will need the permission of the parents to be able to proceed with a voluntary interruption, and far too often the girl is not willing to have this abortion. These are the

cases where we have to expect the mother to be forcing the girl because our society is so full of prejudices that it will be a shame to bring the pregnant girl home for the relatives to look at.

My father has the privilege of being in charge of an ashram in Port Louis, and the number of girls under the age of sixteen who are sent there by their parents to deliver, so that the relatives know nothing about it. We do get these girls, and very often one of the major problems when they do turn up is - I think the hon. Minister of Gender Equality, Child Development and Family Welfare would be well advised to know - that when these girls are pregnant, their studies get interrupted. They are being treated as pariahs. Despite all the goodwill that I have heard today, there is nobody who is willing to take them on board to ensure that their education does not get interrupted; that if they have to write the CPE pregnant, that they write the CPE in the ashram instead of becoming objects of derision and laughter in the examination halls. We have to be more caring of the society. Unfortunately, we think too much about the Almighty and very less about those who deserve the Almighty's support.

Coming to cases where the termination of pregnancy will be possible, voluntary, cases of incest, I wonder how much of an enquiry we do need to diagnose incest. In any case of incest, it's always well-known that the woman of the house knows what is going on. Incest is not a one event. It's something which goes on over time, and then somebody falls pregnant. I beg to disagree with my colleague, hon. Mrs Ribot, about pregnancy not following a rape. It might not follow the rape, but with the residual semen in the private passages of the lady, when the spasm goes, they are there to fertilise, and pregnancy ensues. I assure you that one of the poor memories I have of these cases is when you have somebody falling pregnant committing suicide, and this opens a whole new range of ideas.

I have seen people at autopsies, people who have committed suicide and the bundle of joy - what is meant to be the bundle of joy - is inside. I am grateful to the Attorney General, that he is changing this bit about referring to the doctor, the Medical Practitioner or the Police. I mean, this is the gateway to opening the floodgates.

Doctors, by the very nature of their vocation, love money in this country.

(Interruptions)

May be, I should be the one to say that.

(Interruptions)

Actually, I do think there are more doctors on the other side but without being too light-hearted about it; about the power of money. You will go to a doctor and report a case of rape and they will send you to a gynaecologist. They will probably consider that there has been rape and it is impossible to detect, as we all agree, I am not going to waste the time of the House and say that it is impossible for experts to diagnose mental retardation in the foetus. You can diagnose, you can suspect some form of mental retardation in the foetus if you are doing echography, and that too, after twelve weeks, but echography has become such a kind of common event in Mauritius that people seems to forget that it is a speciality. It is not simply a doctor who buys an apparatus, takes it to his surgery, uses it on the mother and tells you that it is a baby boy. Later he will tell you that there has been a mistake somewhere, the baby was turned sideways. And you have been paying all those consultations. There is an abuse of echography because echography is a speciality not to be disregarded. Also, you have all these tests; amniocentesis, getting a needle into the abdomen to get the liquid out and to decide whether there is an abnormal foetus inside and very often, well documented in the literature, this action promotes a spontaneous abortion. The minute you start touching the amniotic fluid, there is a danger. There are cases which are a total indication for abortion, glandular fever, '*malade mouton*', it is easier to call it. Then you have rubella (German measles), toxoplasmosis, cyto-megalo-virus. If you have viral studies in the mother and you prove that this has been present, the chances - it is the law of possibility and probability - of having an abnormal foetus physically with possible mental retardation, is high.

I remember my younger days, as a medical student when echography had just been introduced and everybody was busy following up a lady on whose echo, two heads were appearing. We were so happy; we are going to see twins. As a medical student seeing the delivery of twins was an event and what came out was one baby with a deficient skull and the brain outside. So, you can see there is nothing definite. Here, I am glad that there is law which saves a lot of people. I remember what is the price of performing an abortion in Mauritius, illegally? I know this man who used to abort his wife in the Flacq district and he used to bury the foetuses until one day a neighbour reported seeing him.

He had done about three or four abortions. We got the foetus, performed the autopsy and he confessed. He went to court and for good behaviour - he appeared cleaned up, managed to get legal help and got five years. Five years is the price of an abortion. Maybe with the good conduct it becomes three. If Mauritius becomes a super Republic, it becomes two. So, we have to think: is

the law strong enough to discourage people from illegal abortions? This law will not drive away backstreets abortions but, it is the beginning of the end for backstreet abortion, Mr Speaker, Sir.

This is, actually what it is all about and to which I will subscribe. I would like to tell you that there are other diseases. We need a comprehensive plan of sexual education. We need, for instance, like my colleague, hon. Mrs Ribot said, to allow condoms to be freely available in this country. We need to forget our prejudices. A woman has the right to dress as she wishes without the risk of being raped. We need to pay a certain amount of respect to everyone's views. We need to be more tolerant towards each other and allow those of us who do not subscribe to our views that this law is long overdue, to kind of practice their own beliefs and convictions according to their conscience. There is no need for us to kind of impose our views. I do not wish to impose my views, but I resent that my mail is flooded with a lot of spam over the past few days, like most of you have. When we are MPs, like hon. Mohamed has said, we have to stand up and be counted. This is the time and this is the kind of law where we have to do that. We have to also say that in not all cases where an abnormality is suspected that the abortion has to be performed. A trisomic child is a lovely child, full of love, who lives up to about 40 or 50. Some of us live even less. So, we do not have to perform terminations in every case. It is not mandatory when you perform an amniocentesis and you diagnose the Down syndrome, the trisomic child, there is no need to do anything. We are not practising euthanasia. We are trying to be human beings given the chance, but then when you talk about the mental state of the mother, how many of us here, Mr Speaker, Sir, are not aware of these ladies who are mentally impaired, who beg around the streets of any city in this country and ever so often sport a big belly and turn up in a hospital to be delivered? How do you proceed with these cases? Can we allow them to go on? How many female inpatients of Brown Sequard - I am not trying to cast any aspersion on the medical health service - have gone there intact and come out being pregnant? Being mentally impaired, they allow them to be exploited. There is no law which has protected any doctor, any decent, hardworking, god-fearing doctor who has principles, to proceed with some form of tubal ligation, to prevent this mishap to happen.

My major problem is again coercion. We have to be careful. How can you diagnose coercion in a daughter who is pregnant following a rape or following consensual intercourse? She agreed, she loved the boyfriend, they experimented and she fell pregnant. Neither she nor the boyfriend want to lose the baby but the parents want her to be aborted and only the mother has a

right to sign the consent form. I was involved in such a case in Desforges Street when the boyfriend turned up and gave a statement to the police that a doctor has aborted his baby from his girlfriend that he wishes to marry when she is of age. What kind of a support are you going to provide to remove the mother to be, to control the parental rights? This is not a blank cheque for anybody who has a juvenile child who is going to fall pregnant. We need to have some safeguards.

As far as the medical aspect is concerned, I totally subscribe to the fact that it has to be interrupted in suspected abnormalities. I am quite wary of the sexual offences and I would be very, very careful in the diagnosis of rape. I think many people have talked about rape; that rape is a legal diagnosis in a court of law and certainly not a diagnosis to be made by a doctor, two doctors or a panel. The panel reduces the possibility or mistake, but there is one thing which despite the fact that I subscribe to the law, I do not wish to see happen. Maybe some have been talking about Mauritius as a medical hub. We do not want Mauritius to become a medical abortion hub where it is going to be cheaper to come to Mauritius and be aborted just like it has been practical to be aborted in La Reunion or going overseas to be aborted. There is no mention of whether foreigners can come to Mauritius with the same disease, same background showing some form of pregnancy and some form of mental stress and the clinics, as we all know, basically saves lives while rushing to the banks. We need some kind of safeguard.

Far too often, unfortunately, along with the hon. Prime Minister – I am sorry, he is not here - but he qualified in a country where abortion was illegal and hon. Dr. Arvin Boolell too remembers, the Friday nights at the quays when every woman, who was pregnant, took the boat and went to Liverpool where two gynaecologists would independently sign up that she was mentally stressed due to her pregnancy. Doctors are sometimes only too willing to sign anything and there was a group fee depending on how many went. They came back on the Sunday after a kind of a group tour to be aborted. We all know about the group abortions in some Indian villages. We all know about this kind of thing which does happen and we have to be careful. We have not invented the wheel and we are not inventing it today. We have some specificities in Mauritius, some religious specificities, some social specificities and we have to be very careful. We have to show some respect and after all the noise has died down and after all the hysteria has died down – because I find a lot of hysteria these days - that this country goes on with a new law in the hope that nobody exploits it to buy a whole new range of houses or big cars. Let us be honest and I hope that, in the regulations, we shall still be very careful as to where these abortions would be conducted and by

whom. So many people claim that they can do abortions but history has shown that they do not always know how to do it, but always willing to try.

Thank you, Mr Speaker, Sir.

Mr Bundhoo: Mr Speaker, Sir, with your permission, I move that the debates on the Criminal Code (Amendment) Bill (No. VIII of 2012) be now adjourned.

Dr. A. Boolell rose and seconded.

Question put and agreed to.

Debate adjourned accordingly.

Mr Speaker: I suspend the sitting for one hour fifteen minutes.

At 7.43 p.m., the sitting was suspended.

On resuming at 9.07 p.m. with Mr Speaker in the Chair.

Second Reading

THE MARITIME ZONES (AMENDMENT) BILL

(No. V of 2012)

Order for Second Reading read.

The Prime Minister: Mr Speaker, Sir, I beg to move that the Maritime Zones (Amendment) Bill (No. V of 2012) be read a second time.

The main object of the Bill is spelt out in the Explanatory Memorandum. It is to enable the Mauritian State to exercise joint sovereign rights with the State of Seychelles in the joint zone of extended continental shelf pending delimitation to give effect to the two treaties that we have signed.

Mr Speaker, Sir, Article 76 of the United Nations Convention on the Law of the Sea provides for a Coastal State to extend the limits of its Continental Shelf beyond the Exclusive Economic Zone of that State up to the outer edge of its continental margin to a maximum distance of 350 nautical miles provided certain criteria are satisfied. To make such a claim, a Coastal State must make a submission to the Commission on the Limits of the Continental Shelf; that is a body of international experts established under the UN Convention on the Law of the Sea. It was primarily with this objective that as far back as 1999, during my first mandate, the Mauritius Oceanography Institute was established. The Institute was assigned the task of conducting the necessary surveys

and preparing the Mauritian submission for an Extended Continental Shelf. It was not an easy task and it was very time-consuming.

Mr Speaker, Sir, in the region of the Mascarene Plateau, both Mauritius and Seychelles could potentially claim the area of the Extended Continental Shelf in view of the fact that there is an overlap in the prolongation of their respective land mass. And there are two choices. Either each State makes a separate submission or they come to an agreement and make a joint submission. I must tell the House, Mr Speaker, Sir, no Coastal Small Island State has ever made a joint submission. Never! Now, if either State makes a separate submission, it is clear the submission could and most probably would have been the subject of an objection by the other Coastal State because precisely why they are making separate submissions it is because they cannot come to an agreement. It is obvious therefore that the other State would object. And once there is an objection, then the Commission on the Limits of the Continental Shelf, what they do, they set aside that submission until the dispute is resolved.

This has happened with other Coastal States and, Mr Speaker, Sir, it takes years and years and years to resolve and some States have not resolved it up to now because they cannot come to an agreement. At the origin, we were heading in that direction because Seychelles thought it could have a larger area. We thought we should try to get as much as we can naturally. We were heading in that direction. I then decided to personally speak to President James Michel of Seychelles in order to try to avoid such a situation. I managed to convince him, Mr Speaker, Sir, on the merits of making a Joint Submission in the interests of both of our countries. It is in our both interests because, first of all, we resolved the dispute quickly and we can both take advantage of that. Thereafter, an Agreement between the Government of the Republic of Mauritius and the Government of the Republic of Seychelles on the Framework for a Joint Submission to the United Nations Commission on the Limits of the Continental Shelf was signed by both countries in September 2008. As I said this is a Framework to work towards this Joint Submission because that also is not an easy task. This Agreement laid down the modalities for preparing the Joint Submission as well as the principle of co-management of the Joint Zone. I must also add, Mr Speaker, Sir, that such Joint Submissions, as I said, are allowed under the United Nations Convention on the Law of the Sea, but has not happened between two island coastal States in the past.

The Joint Submission of Mauritius and Seychelles was prepared by a team of diplomatic, scientific, technical and legal officials from each country, who collaborated through a series of intensive joint working sessions which were held alternatively in Mauritius and in Seychelles.

The preparation of such submissions entails, as you would well imagine, considerable technical data collection, analysis, and interpretation. For this reason, Mr Speaker, Sir, I sought and obtained technical and legal support from the Commonwealth Secretariat following my discussions with the Secretary-General of the Commonwealth in 2008. Consultants and experts from the Commonwealth Secretariat assisted the joint teams and provided support during the preparation of the submission and its preparation during its examination when it was presented to the Commission on the Limits of the Continental Shelf for them to examine it.

In March 2011, the Commission approved the Joint Submission thus confirming the entitlement of the Republic of Mauritius and the Republic of Seychelles to 396,000 km² of an extended Continental Shelf in the Mascareignes Plateau Region.

The endorsement of the Joint Submission by the Commission implies that the two coastal States now have access to an additional area which can be explored and where whatever resources there are there, may be exploited and may in future sustain the process of economic development of both countries.

Mr Speaker, Sir the confirmation of the entitlement of Mauritius and Seychelles to 396,000 km² of additional seabed and seafloor is a major success story for both small island States which are managed to overcome the many obstacles that were in the way. This, Mr Speaker, Sir, is a major diplomatic achievement for it is the first time, as I said - first time ever - that two Small Island States have agreed on a Joint Submission. This achievement bears testimony to the spirit of cooperation and the trust which exists between Mauritius and Seychelles and the mutual desire to address matters of a national and international significance.

The Commonwealth Secretariat which, as I indicated earlier, assisted Mauritius and the Seychelles in the preparation of this Joint Submission has aimed this as a major groundbreaking event for it is the first to be made in any form by a country in the African region or Indian Ocean. In fact, no two island States have done this before.

Mr Speaker, Sir, the process of preparing the Joint Submission has served to enhance cooperation between the two countries concerning the management of ocean space. The success of the Joint Submission by Mauritius and Seychelles should serve as an example to other countries

with overlapping Continental Shelf entitlements of what can be achieved through quiet diplomacy and cooperation as opposed to acting unilaterally. It is also the first time that the Commission has confirmed an entitlement to the full area claimed in a Joint Submission which adds to the significance of the result obtained by Mauritius and Seychelles jointly.

Mr Speaker, Sir, during the State visit of the President of Seychelles in March of this year, President James Michel and I signed two Treaties, namely the Treaty concerning the joint exercise of sovereign rights over the Continental Shelf in this Mascareignes Plateau Region and also the Treaty concerning the joint management of the Continental Shelf in that region.

By virtue of the Treaty concerning the joint exercise of sovereign rights over the Continental Shelf in the Mascareignes plateau region, the Government of the Republic of Mauritius and the Government of the Republic of Seychelles shall exercise sovereign rights jointly over the extended Continental Shelf of an area, as I said, of think, 396,000 km² in the Mascareignes Plateau Region.

This Treaty, Mr Speaker, Sir, also sets out the coordinates of latitude and longitude which define the area of the joint zone. Both States have already established the outer limits of the Joint Zone by way of Regulations, I think, (or Order) made under their respective Maritime Zones Act.

Mr Speaker, Sir, the Treaty concerning the joint management of the Continental Shelf in the Mascareignes Plateau Region is an international agreement signed between the Republic of Mauritius and the Republic of Seychelles to provide an effective and equitable framework to govern the joint management of the Continental Shelf in this region, that is, the Mascareignes Plateau Region.

By way of this Treaty, both States shall jointly control, manage and facilitate the exploration of the Continental Shelf within the Joint Management Area and the conservation, development, exploitation of its national resources.

Mr Speaker, Sir, Mauritius already has one of the largest Exclusive Economic Zones in the world even bigger than that of India. With the conferment of an additional expanse of ocean under its jurisdiction, Mauritius can now exercise economic rights of an ocean space of a total area of 2.3 million km² as opposed to 1.9 million km² as we had previously. This, Mr Speaker, Sir, will transform the sense of our own geography and constraints. Mauritius has already lodged a submission before the Commission in respect of its Continental Shelf in the Rodrigues region. We will also be making a full submission in respect of our Continental Shelf around the Chagos

Archipelago which forms part of our territory. We have already indicated to the Commission our intention of doing so by lodging a Preliminary Information in May 2009.

Mr Speaker, Sir, the ocean represents the next frontier of development as witnessed by the plethora of oceanic projects being initiated in many parts of the world. As announced in the Government Programme of 2012-2015, the time has come for us to resolutely look to the Ocean. It is not a mere coincidence that the development of the Ocean figures appears so prominently in the new Government Programme. This is a carefully thought out strategy that will take Mauritius into the next phase of economic expansion and prosperity. It is a bold strategy that demands a paradigm shift in our conventional approach to sustainable wealth creation and the democratisation of the economy through social equity. This is also, Mr Speaker, Sir, the result of a strategy which my Government initiated, as I said, in 2009 through the creation of the Mauritius Oceanographic Institute with a view to focusing our attention towards the ocean and its many promises. It is high time that the Ocean takes its proper place of command in our economic strategy and social forum.

Mr Speaker, Sir, Government is fully committed to extend the ocean economic space for investors, businesses, workers and, in fact, for the entire population by setting out a concrete and practical plan for its development. I have no doubt whatsoever that the potential of this ocean economy through the exploitation of living and non-living resources in our waters, on the seabed and in the subsoil is enormous for the growing of our GDP, creating high productivity, jobs and improving the living standards of our people. To take advantage of these opportunities, we will, of course, need to have the right regulatory regime.

Mr Speaker, Sir, the amendment being brought to the Maritime Zones Act is to provide for the Joint Management of the Joint Zone of Extended Continental Shelf with the Seychelles.

The proposed amendment should not be interpreted as prejudicing or affecting the legal position or rights of either the Republic of Mauritius or the Republic of Seychelles concerning any future delimitation of the extended Continental Shelf between them in the Mascareignes Plateau Region.

A rational exploitation of the resources of the Ocean, in particular, the non-living resources requires a new and innovative frame of mind. The Mauritius Oceanographic Institute will be called upon to play a major role in enhancing research in the Ocean industry and it is precisely for this purpose that the Institute is being provided with a new

building and with all the necessary state-of-the-art equipment for we will need to enhance the level of our skills.

Mr Speaker, Sir, there is no doubt; we are now entering into a new era in our economic strategy which will bring greater prosperity to each and every one of our citizens.

With these words, I commend the Bill to the House.

The Deputy Prime Minister rose and seconded.

(9.19 p.m.)

Mr V. Baloomoody (Third Member for GRNW & Port Louis West): Mr Speaker, Sir, in fact, on this side of the House, we fully agree with this Bill. However before going in detail, I must say that I am very happy today that we have a Bill which incorporates the treaty signed by Government. In fact, when I addressed the House on the Anti Piracy Bill, I did ask that, at least, the agreement which we signed with the European Union for the transfer of suspected pirates be attached to the Bill, because we were making that agreement becoming an Act of Parliament, it should have been attached. I am very happy today that we have in this Bill the treaty signed between the Republic of Mauritius and the Republic of Seychelles.

However, the hon. Prime Minister just mentioned that since 1999 we are walking on this path and we should appreciate that it started in 1999, but it continued with subsequent Government. In fact, in 2005, when the then Prime Minister, hon. Paul Bérenger, who is now Leader of the Opposition, presented the Maritime Zones Bill, he did mention that we are discussing with our Seychelles *dallon*, as he put it. He said, I quote –

“The need to amend our maritime legislation has also become urgent in view of the fact that Mauritius proposes to submit shortly to the United Nations Commission on the limits of the Continental Shelf a claim for the extension of Continental Shelf.”

You will agree, Mr Speaker, Sir, that the Convention came into operation in 1994 and we have 10 years from 1994 to submit our report for the Continental Shelf. Fortunately, it was extended to another five years, as agreed by hon. Dr. Arvin Boolell who intervened for the Opposition, the then Opposition at that time. Fortunately, we managed to extend it for another five years. We know now today that in 2008, we managed to submit our joint submission, Mauritius and Seychelles. In fact, it

is a matter of pride that two islands in the continent have managed to resolve our problem without any conflicting issues and we have come to that agreement with the Seychelles.

However, Mr Speaker, Sir, you will recall that when we submitted our report in 2008, Seychelles and Mauritius have been trying to work to achieve an agreement between the 10 years, but unfortunately, we could not do so and we submitted our report. On 26 March, Seychelles and Mauritius formally presented a Joint Submission to the United Nations Commission on the limits of Continental Shelf. The Joint Submission represents a portion only of the extended Continental Shelf claimed by each of the two submitting States. The Joint Submission states that submission for such other portion of extended Continental Shelf shall be made by each of the two submitting States individually at an appropriate time. The Joint Submission was subsequently examined in detail by a sub-commission and following several interactions and discussions, the case went through the final defence stage earlier in 2001 and the recommendation was accepted, adopted at the preliminary session on 31 March 2011.

We know that the recommendations are final and binding on the all States party to the Convention and this gives Seychelles and Mauritius sovereign rights to jointly manage and exploit the seabed and subsoil of the joint area. In so doing, we will see in the Treaty there three institutions that come into operation and this is a very important part. Now that we have the joint authority to manage this extension of the seabed, but then there are three institutions which we have to set up, namely the Ministerial Council - this is the main problem - a joint commission and a designed authority. This is where it becomes very important to ensure that for us to enforce our rights and for Seychelles as well to enforce its rights, that we have these commissions fully equipped and properly manned, because otherwise it will one of all these treaties which we have, but unfortunately cannot be enforced for lack of resources. This is where I will humbly ask the hon. Prime Minister to enlighten us on the funding of these institutions. The ministerial should not be a problem, but how we are going to go about managing, because we are going to joint/manage, we are going to jointly share the profits, share the dividend, share the benefit, if I may use that word, but then if the hon. Prime Minister can enlighten us whether Mauritius and Seychelles have stepped forward in putting up these institutions. I think this is very important for us to know where we are going with regard to the implementation of this Treaty.

There is one point which I find in that Treaty with regard to the domestic law. He says that each country will apply their law and it is an offence. Each country will apply their domestic law,

but what about if there is a conflict between the domestic laws. Probably, there again, I will ask the hon. Prime Minister to enlighten us on this issue, otherwise I can say we don't have any qualm with this Bill and we welcome it. Like I say, this is an example of how two sister countries can co-operate together and for the benefit of each citizen.

Thank you.

(9.26 p.m.)

The Minister of Foreign Affairs, Regional Integration and International Trade (Dr. A. Boolell): Mr Speaker, Sir, the Prime Minister deserves our wholehearted congratulations.

I stated earlier that this Government is making history. We had earlier a Bill moved by the Attorney General and now the Bill moved by the Prime Minister, translates our long-term vision and what we have achieved and about to achieve is to secure a new economic space. I have listened very carefully to some of the points raised by hon. Baloomoody and I will recall what the former Minister of Finance used to say: "Its early beginning, early harvest and the bumper crop is yet to come."

What are we saying, Mr Speaker, Sir. We have two treaties which have a validity of 30 years and are renewable. What we are doing is that we have initiated the procedures, the notification by each party has been issued and then once the Bill is voted and following the visit of Prime Minister to Seychelles, a notification will be put into place and notification by each party will be fully taken on board and then a joint letter will be sent to the UN Secretary General and that of the International Seabed Authority for the deposits of the coordinates of the joint zone.

Mr Speaker, Sir, we need to think oceanic, advocate oceanic and act oceanic. We are talking of the emergence of a new sector and on the almost threshold of the Rio+20 Conference, we are looking at two emerging sectors which are going to become the pillars of our economy, the green and the blue economy. The Prime Minister is right to highlight the merits of the blue economy. In fact, there was a paper published by the World Bank on the potential of the blue economy to address the issue of poverty and to uplift equality of life of people in Small Islands Developing States.

I recall when we attended the SIDS conference we put across very forcefully the case of Small Island Developing States, on the merits of these countries exercising the sovereign rights in respect of the territorial waters, exclusive economic zone and extended continental shelf. Of

course, Mauritius has an extensive ocean territory, and this is now taken care of and has force of law under the United Nations Convention Law of the Sea. We have been sparing no effort to have international law on our side, particularly, as I have said, through the provisions of the United Nations Convention Law of the Sea. Indeed, securing exclusive access and jurisdictional certainty through the UN to the potentially lucrative, natural and living resources of the seabed and subsoil. We are talking of oil, gas, mineral resources as well as other marine genetic resources, which is the first necessary step to tap these resources to the fullest, and we have delivered substantially on this prerequisite.

As hon. Baloomoody was saying, the Maritime Zones Act of 1977 was introduced and repealed. In my intervention as spokesperson for the Opposition in February 2005, I highlighted the importance of UNCLOS, and I said that the incorporation of the UNCLOS within our domestic legislation enable us to put up a brave fight and to strengthen our case when we have to raise the matter internationally.

The hon. Prime Minister was right to point out that, had it not been for his farsightedness, the issue would have been unresolved, and both Mauritius and Seychelles made a joint undertaking. It was not easy, but we have to salute the wisdom and farsightedness of the Prime Minister for this new approach. His active interest and involvement on this issue and his conviction that Mauritius and Seychelles have a shared destiny and, of course, as he said, his personal friendship with President Michel of Seychelles have all been key to the launching on firm grounds of this historically unique, joint undertaking.

But it is good to remind ourselves that what we call nowadays proximity diplomacy has paid dividends, and it is precisely because of this great diplomatic prowess that we have been able to settle years of clashing claims and suspicion. Its importance cannot be fully measured against a backdrop of some 400 unresolved disputes throughout the world. We do take on board, but at times the discussions were arduous and very long. Several rounds of intensive technical discussions which took place since 2008 alternatively in Seychelles and Mauritius by a dedicated team of scientific, technical and legal officials established by each country have produced the results.

On 01 December 2008, Mauritius and Seychelles jointly lodged a submission to the Commission on the limits of continental shelf for an extended continental shelf in the Mascarene region for an extent of 387,000² km, followed by an addendum submitted in March 2010 for an additional area of 13,000² km on the basis of new data.

I recall it was the first task that was assigned to me as the newly appointed Minister of Foreign Affairs. Together with the former Minister of Foreign affairs of Seychelles, Patrick Pillay, we made a joint submission before the Committee of the United Nations Convention Law of the Sea. We set the ball rolling, and today, with the support of our technical team and the full support of our Prime Minister and the President of Seychelles, the outcome is visible and tangible. It is good to remind ourselves, as the Prime Minister has stated, of what the Commonwealth Secretary-General, Kamalesh Sharma, stated.

“The making of a joint submission by these two Commonwealth member countries bear witness to what can be achieved through trust, cooperation and mutual desire to address matters of international and national significance.”

On 31 March 2011, Mauritius and Seychelles were jointly conferred by the UN joint jurisdiction on the area of extended continental shelf amounting to 396,000² sq km. It is noteworthy also that, subsequent to the joint submission, Mauritius individually lodged in May 2009 a submission for an extended continental shelf in respect of Rodrigues Island region, for an area of approximately 123,000² metre and a preliminary information note concerning the extended continental shelf in the Chagos Archipelago region.

In respect of the signature of the two treaties, I wish to applaud all our senior officials who worked diligently, and thank the Mauritian team driven by the Secretary to Cabinet, Head of Civil Service, and comprising senior representatives of the Ministry of Foreign Affairs, State Law Office, Ministry of Housing and Lands, and Mauritius Oceanography Institute for the formidable diplomatic achievements, especially when I assess against the backdrop of decades of uncertainty and counterclaims between the two countries.

Our thanks also go to the Government of India for providing us with important hydrographic survey and the Commonwealth Secretariat for its advice. I am not going to highlight what the Prime Minister said when we invited the President of Seychelles to Mauritius, as chief guest honour for the National Day celebration. It is good to quote what the legal adviser of the Commonwealth Secretariat stated -

“The treaty is the first of its kind and unprecedented in scope, covering an area of extended continental shelf, making it the largest area of maritime space to be jointly managed anywhere in the world.”

Mr Speaker, Sir, as I have stated, we need now to set up the institutional and regulatory framework. There will be a three-tiered joint administrative structure consisting of a ministerial council, joint commission, and a designated authority. It is under the direction of this authority that activities of the joint management area would be carried out, including issue of licences to incorporated entities. Mauritius looks forward to its active engagement in the tiered structure. Importantly, the treaty establishes the principle of equitable sharing of revenue and benefits, and a taxation code which would be applicable to the income derived from the natural resources activities in the joint management area. It also provides for natural resource codes, protection of the environment, biodiversity and bio-prospecting. It is also noteworthy that any dispute concerning that interpretation and application of the Treaty shall as far as possible be settled amicably through mutual consultation. Diplomacy, political goodwill and a spirit of compromise will play a central role in addressing eventual dispute.

We need to look into the future and we need to ask what the future holds. A judicious exercise of exclusive rights on our extended continental shelf will certainly have huge impact on Mauritius. At present, apart from fisheries potential, the most immediately attractive natural resources for coastal oil, as I have stated earlier are oil and gas. With recent development in offshore exploration and extraction technology, exploration of deep marine hydrocarbon reserves is becoming economically viable. According to experts, new exploration and emerging technologies are increasing the viability of deep sea mining of hydrocarbon and marine minerals such as phosphate, manganese nodules and hydro thermal sulfite deposit and metals as well as industrial minerals. All of these represent important sources of revenue for coastal state. Marine biology reveals that the biodiversity present in cold waters of the deep ocean and its hydro thermal system may also become vital economic resources in the future - such resources including valuable ingredients for the pharmaceutical, cosmetics, food and feed production, aquaculture and manufacturing industries. The economic benefit from the ocean activities is indeed expected to grow substantially in the future through the expansion of a wide range of existing sectors such as offshore oil and gas, shipping, ports, tourism, fisheries, aquaculture, renewable energy, recreation, desalination and the creation of new opportunities.

Mr Speaker, Sir, we are also working with the Indian Ocean Commission and Indian Ocean Rim Association for Regional Cooperation and it is good to remind ourselves that for Mauritius ocean governance and sustainability will be in keeping with the principles of Blue Economy will be

key consideration of our approach in the Indian Ocean and ocean of this century. I do not have to remind ourselves of the issue raised when we attended the conference in India and it placed maritime security at the top of its prioritized list of areas of poor pollution.

Mr Speaker, Sir, I stated that we need to think, to advocate and to act oceanic. This is a sector which is emerging, the potential is tremendous but we need to have a clustering approach and we need to mobilize our resources and send strong signals to one and all, to the nation at large. Above all, this will require a paradigm shift such that in the walks of life and at all levels, including civil servants, economists, private sector, banking and insurance industries, academia, primary and secondary education, researchers, the fishing community, extractive business industry, media, political community and the Mauritius Diaspora. That is why I say that we are making history. The potential is tremendous and it is a sector where we can incorporate Mauritius as a united nation. The benefits accruing will be shared among two nations, two people who stand shoulder to shoulder and the outcome of this success is the commitment of two leaders. We are grateful to the Prime Minister who initiated the whole project and who saw to it that there are merits through dialogue and the diplomatic proximity. Today the results are tangible and visible for the benefit of two nations, two people who will stand shoulder to shoulder in Rio at the next sustainable conference.

Thank you.

(9.44 p.m.)

Mr J. F. Francois (Third Member for Rodrigues): Mr Speaker, Sir, I associate myself with the hon. Prime Minister and the other hon. Members who spoke before me in support to this present Bill. The limits of the continental shelf for Mauritius have been extended through a joint management exercise with the Republic of Seychelles through diplomatic bilateral agreement. This mechanism is establishing a common vision and a common set of objectives by both Governments of the Republic of Mauritius and the Government of the Republic of Seychelles.

The maritime delimitation will be an important part of the boundary limit for our sovereign rights, jurisdiction and title to valuable natural resources of our continental shelf. The delimitation of maritime boundaries or zones between Mauritius and Seychelles occurs in a situation of overlapping maritime zone. Nowadays, the potential political and security risks of boundary disputes are high with unresolved maritime boundaries between States. However, Mauritius and Seychelles have proved the existence of peaceful bilateral relations, which is a benchmark for other

countries in similar positions in the Indian Ocean. In this major groundbreaking achievement, as rightly said by the hon. Prime Minister, the delimitation was done through an equitable acceptable solution by both parties for joint submission. This is a landmark step for the management of our ocean, Mr Speaker, Sir. As compared to the other countries in the Indian Ocean like Mozambique which is having difficulty to finalise the joint rights on its continental shelf with other neighbour countries.

Mr Speaker, Sir, having gone through the technical content of the Treaty of this present Bill and its graphic depiction as per the map shown, allow me to congratulate and value the good work for the successful negotiation at political, legal and technical level between both contracting parties, that is, the Government of the Republic of Mauritius and the Government of the Republic of Seychelles.

The Prime Minister mentioned about works which started since 1999 through the Mauritius Oceanographic Institute and through the Treaty it has to point out that the time limit from 18 September 2008 until 30 March 2011 indicates how lengthy it has been to delimit the extended continental shelf before presenting the final joint submission for adoption. It is clear that extensive work has been done beforehand through diplomatic negotiation which resulted in the commitment by maintaining, renewing and further strengthening mutual respect, goodwill, friendship and cooperation between the two States.

The establishment of the maritime boundaries includes the outer limits of its extended continental shelf and this is a very ambitious programme for our Republic. It is clear that under the 1992 United Nations Convention, every country is entitled to a continental shelf extending 200 nautical miles from the coastline, ours being geographically managed through geodetic delimitation. Here, I acknowledge the involvement of our professional expertise, as mentioned in this Annual Report of the MOI, which was tabled this morning and also greatly acknowledged by the hon. Prime Minister through his speech.

The Treaty recommends eight components starting from a Joint Management Area through biodiversity, bio-prospecting to surveillance, security rescue, settlement of disputes and so on as per the Fourth Schedule of section 20.

Mr Speaker, Sir, I have gone through the Country Review of Mauritius by a certain Mr Jehangeer, from the Ministry of Fisheries in 2004, I quote where he said -

“Mauritius has an Exclusive Economic Zone of about 1.9 million km² extending from baseline of its outer islands of Rodrigues, St Brandon, Agalega, Chagos Archipelago and Tromelin. However, as is the case with most island States in the tropical areas, it has a limited continental shelf around the islands except for larger shelf areas on certain banks situated far to the North”

And this is where we are talking about the Mascarene Plateau today. Through these extended continental shelves, there is great expectation of fisheries resources. This extends to the –

“Shallow banks of the Mascarene ridge (Nazareth, Saya de Malha, Soudan, Hawkins banks) and the Chagos Archipelago and the tuna fishery of the Western Indian Ocean.”

Mr Speaker, Sir, the same mentioned 200 nautical miles of our northern continental shelf, with overlapping of the 200 nautical miles of our EEZ, has now been extended to almost 400,000 Km² to 2.3 million km², a fundamental achievement for our ocean resources.

It is worth mentioning that the strategic geographical and geopolitical position of Rodrigues plays a fundamental part in the area of the continental shelf of the Republic of Mauritius.

It is to be noted of the utilisation in anticipation of future discovery of new deposits across the agreed boundary. Any reservoir of petroleum - as mentioned by hon. Dr. A. Boolell - with the principle of equity in generating revenue, would be shared equally, 50% each as per Article 5(a), which is deemed appropriate and fair by all parties. Let us all dream that one day petrol will be discovered in our ocean.

Mr Speaker, Sir, I have to emphasise on the establishment of the Joint Environmental Management Regime over the continental shelf in the Mascarene Plateau region, which will form part of our EEZ and CS.

Part 5 of the Bill - Protection of the Environment, biodiversity and bio-prospecting, is one of the key aspects of the obligation to protect and preserve the marine environment through this Treaty as per Article 12 through the precautionary principle incorporating to conserve and protect the environment and biodiversity of the seabed marine environment.

Mr Speaker, Sir, climate change is one of the most serious environmental issue facing us today and is impacting on our ocean. In that line, climate change issues need to be fully considered through this Treaty. I have observed that the Treaty recognises that integrated management

approaches will greatly improve the conservation, sustainable use and management of natural resources.

As mentioned, the activities will include certainly seabed mining, energy generation, marine farming and cover some aspects, as mentioned earlier, of petroleum exploration and extraction.

It is to be observed that the Bill seeks to promote sustainable and long-term economy and social development of the respective island for the benefit of the present and future generations. This is very important.

Mr Speaker, Sir, I believe that this agreement and legal amendment shall bring along a coherent framework to guide the nation's activities with the present growing ocean economy interests as mentioned in the Government Programme.

This Bill will force us to develop and implement an integrated national ocean policy, Maritime and marine area governance and management through the ocean State vision.

The recent mission of the Mauritius Research Council in Rodrigues upon the hon. Prime Minister's request goes along this manoeuvre towards an Ocean Economy, with recommendations of how to make the best use of our ocean with one accepted recommendation of renewable energy through the placement of wind turbine in our ocean. Thus, Rodrigues is a strategic partner in that line.

Coming to the fishing industry, Mr Speaker, Sir, fishing is one of the most important economic activities, not only for generating employment in the local labour force, but also as a source of subsistence for the population.

Here, Mr Speaker, Sir, I have a question, with regard to this Treaty: Will the Fisheries Act be reviewed together with the Maritime Zones Act and the introduction of a new Ocean Act for its application over the continental shelf and the EEZ following the agreement for proper management of fisheries activities, despite the powers and functions of the Designated Authority as per Annex D under Article 4(d)(iv) of the Treaty?

Coming to the Joint Surveillance of the CS, Mr Speaker, Sir, the Joint Surveillance and Security Measures of our ocean is a plus for us. However, both parties, the Republic of Mauritius and Seychelles, do suffer from a lack of high technology for same. The contracting parties would also have to oversee efforts to address other relevant national concerns of our security, our marine resources and areas including surveillance of the marine environment and identification of marine area. I do hope that Rodrigues will be fully attended with regard to the question of surveillance.

In that line, Mr Speaker, Sir, I propose that Government sees to it with the Government of Seychelles - this is very important - the possibility of either hiring or purchasing a Joint Satellite to cover our region as a matter of control, surveillance to obtain exact information for our security and availability of other scientific data, which are highly in demand nowadays.

The specific types of data that institutions like the Mauritius Research Council and the Mauritius Institute of Oceanography may be collected and analysed, which include bathymetric data, seismic reflection and refraction data and other geophysical data such as magnetic and gravity data, and geologic samples, amongst others. These ocean data are fundamental for future research and ocean development.

Mr Speaker, Sir, today the sea of our republic is becoming more and more vulnerable to pollution. There is a high movement of oil tankers within our territorial and CS zone.

The high piracy activities in the Indian Ocean, has led to new routes by vessels forcing them to cruise closer to our coast and our waters. Our waters in that line could at any time be subject to an oil spill.

Here, the bilateral existing Oil Spill Contingency Plan, through the Indian Ocean Commission needs to be ready at all times and the recent Simulation Programme undergone in Rodrigues with the help of the experts from Reunion Island has been beneficial despite there is a lack of more advanced equipment. I hope that the Treaty will certainly reinforce this Contingency Plan.

In addition, I mentioned in one of my PQ's, that there is pollution in our waters, where pellets of crude oils are frequently discovered in our water, without knowing its sources, whether it is from vessels or other sources.

Thus, Mr Speaker, Sir, with the challenges in the international economic system, our national priorities will have to change to recognise good environmental policies to make good economic policies.

It is to be expected that demands for marine environment exploitation and development of ocean resources and spaces for economic benefits will be on the increase, for example, commercial fisheries, as stated by hon. Dr. Boolell, marine aquaculture, marine energy and mineral resources. I have observed that there is a sense of togetherness in that line between those two States, Seychelles and Mauritius, in developing this system for making good decision between both islands. However,

an improved system of marine area governance and management will be effective only if it is to meet the national interest of the marine environment.

To conclude, Mr Speaker, Sir, the Joint Management Area will be under the authority of a Ministerial Council, Joint Commission and a Designated Authority as per Article 4 and, as hon. Baloomoody said, the implementation of these authorities is subject to questions. This Amendment Bill will be of a great importance for our Republic and for us a featuring importance will be also in the replacement, alteration, extension and removal of submarine cable on or from the seabed with new developments arising in the IT sector. The list may go on, Mr Speaker, Sir, but that will be all for my support to this Bill, Mr Speaker, Sir.

I thank you for your attention.

(10.00 p.m.)

Mr N. Bodha (First Member for Vacoas & Floreal): Mr Speaker, Sir, it seems that on both sides of the House a lot has been said about the history which started in 1999; the marathon up to 2012. I totally agree with the hon. Prime Minister as regards to what he said that the ocean is a new frontier in modern geography and there has been a lot of mention to the Blue Economy. I think that the Blue Economy has an extraordinary potential, but we should have the critical mass, that is, the knowledge, the expertise and the investment to be able to achieve what we can.

Mr Speaker, Sir, we spoke of the significant achievement of the hard work over three years, the joint submission and what was said at the UN Commission, reference has been made to the trust, the cooperation and the mutual desire to find an amicable settlement between Seychelles and Mauritius. With this achievement Mr Speaker, Sir, each Mauritian would be maybe *per capita* one of the highest owner of kilometre square of the Exclusive Economic Zone. With the 1.3 million square kilometres, we had the same Economic Exclusive Zone as India and with the addition of the 400,000 we will surpass even a sub continent like India.

Mr Speaker, Sir, the hon. Prime Minister mentioned that a submission is going to be made for Rodrigues for the extension of the Continental Shelf. May I ask him as regards to Tromelin whether some treaty could be designed so that - this is a good example, but as we rightly said the Seychelles and Mauritius were willing to find a solution, and this is not necessarily the case between Paris and Mauritius?

Mr Speaker, Sir, I would like to ask the hon. Prime Minister one question, we have the Ministerial Council for the operation of the Treaty; we have the Joint Commission as regards the policies and regulations in relation to the Treaty and the economic activities and we have also the third institution which is the Designated Authority which will have the capacity to contract and acquire, and which will be responsible for the day to day management and regulation of the activities. I would like to ask the hon. Prime Minister which authority is going to be designed to be able to carry this day to day management and regulation of the activities.

Mr Speaker, Sir, when we see the Articles of the Convention, they provide for an equitable solution, they provide for a spirit of understanding and cooperation to enter into provisional arrangements of a practical nature which do not prejudice a final delimitation of the Continental Shelf. I have gone through the Treaty. In fact, they are very interesting Articles in the Treaty. The fact that the Treaty does not prejudice our claim is a good thing; at the same time, the fact that the Treaty is extended for 30 years is also a positive thing because it gives reliability and foresightedness for any investment, for anybody who would like to invest in any activity, at least you know that the Treaty is valid for 30 years and is renewable.

Mr Speaker, Sir, the Treaty, in fact, goes far beyond what we could have imagined as regards to the implementation and exploitation today. We mentioned petroleum reserves, oil and gas; we mentioned minerals, geological, biogeochemical processes; we mentioned natural resources, of course, fishing we have also the issue of oil and gas. Mr Speaker, Sir, the Continental Shelf off the coast of Mauritius is one of the deepest that we have, one of the most prolific, the richest, which is also one of the deepest. I think we all remember when a South African plane crashed off the coast of Mauritius, the black box had to be recuperated at a depth of 3000 km. It shows what we have; it is like a huge rugged diamond in the hands of two small nations.

Mr Speaker, Sir, I hope that the potential can be harnessed and when we speak of oil, gas and even pipelines, the Treaty provides for the setting of pipelines 'the construction and operation of a pipeline within the GMA for the purpose of exporting petroleum from the GMA shall be subject to the approval of the Commission'. So, it really goes very, very far.

Let me now address two issues: the protection of the environment of the bio-diversity and the bio-prospecting. Island economies are very fragile and if we want to explore and exploit the resources of the sea, we should do it in a very sustainable manner so that we can preserve the environment, preserve the bio-diversity and see to it that there is a sustainable exploitation of the

resources. For example, many oceans are subject today to overfishing. The other possibility, Mr Speaker, Sir, is the whole issue of pollution, *c'est ce qu'on appelle la marée noire*, the challenges are immense because, as rightly pointed out by the hon. Member for Rodrigues, we have huge tankers now often discharging used oil in the ocean and we don't have the capacity and the technology often to be able to see to it that we have the means to prevent such pollution *et des marées noires*.

Mr Speaker, Sir, let me address the issue of surveillance, security and rescue. The resources that we need today and tomorrow are immense and they cost a lot of money. We have, of course, up to date technologies, but can we avail ourselves of those technologies? For example, I was thinking of the drones that are used today for the surveillance of territorial waters. I was thinking of powerful ships fully equipped to monitor the movement of all ships in a given area as those based in Reunion Island which the hon. Prime Minister visited so that you can see the movement of all the ships and see whether there is illegal fishing and there is no illegal pollution.

Mr Speaker, Sir, surveillance and security measures are very, very important, but the wider the area the more the resources that you need and this is going to be a huge challenge for Seychelles and for Mauritius.

May I also add the issue of piracy because of the problem we are having off the coast of Somalia. We are having more and more the possibility that the oil tankers and all the other ships will come closer to the Seychelles and to Mauritius and we should be able to develop, together with the Seychelles and other neighbouring countries and with the assistance of the European Union, all the means we can as regards addressing the issue of piracy.

Mr Speaker, Sir, the blue economy is full of potential. I agree that the time has come now not to turn our back to the sea and to the ocean. On the contrary, we should do all to conquer the ocean and to conquer the resources of the ocean and I think that the Bill goes a long way towards this, but it's still a Bill. It will be an Act. The whole thing has now to be proven; it has to be proven in terms of implementation in the best interest of our people.

Thank you, Mr Speaker, Sir.

(10.11p.m.)

The Prime Minister: Mr Speaker, Sir, I wish to thank the hon. Members for their contribution and I am glad that there is consensus on both sides of the House. In fact, I had no

doubt there would be consensus. It would hardly be possible that there would not be consensus on such a Bill.

Let me just address some of the points raised by the hon. Members. In fact, hon. Baloomoody cited the three-tiered institutions that we will have to deal with these matters. One is the Ministerial Council, as you said, this is not a problem. Then, there is the Joint Commission and the Designated Authority. The Joint Commission will have equal number of Commissioners which will meet at least once a year, probably more often, but at least, we have said, once a year alternatively in Mauritius and Seychelles and if there is any problem they will refer the matter to the Ministerial Council. As for the Designated Authority, we have decided that it will be the Mauritius Oceanography Institute itself which will be the Designated Authority.

I think the hon. Member also referred to, if there is conflict. What we have decided, in fact, Mr Speaker, Sir, is Article 16, I think, of the Treaty concerns the Joint Management of the Continental Shelf in this region. It provides that for the Contracting Parties; they would have different options for offences committed in the Joint Management Area. They will have to decide either one country or the other, the domestic laws, but this is pending the completion of the exercise because we are completing the exercise, nationals or whatever residents in each contracting party will be subject to the criminal law of their country of nationality or residence. Third party States would be able to choose either, but this exercise is going to be completed and I think that would be resolved then.

There was another question. I thank hon. François for the proposal he made especially about the environment. As you will see in this Bill itself, we have taken great care to make sure that the environment is protected. You will see, I think, on page 40, if I am not mistaken, at part 5(f) -

“Contractors shall be liable for damage or expenses incurred as a result of pollution...”

The problem is it's a vast vast exclusive economic zone, with the Continental Shelf that we have added; it's not easy to patrol them. In fact, hon. Bodha mentioned when he talked about pirates; hon. Dr. Boolell was with me when I went to the Somali Conference organised by Prime Minister Cameron. This is one of the points I also raised. This was not on the point that was being raised, but I said apart from piracy, there is the problem of large vessels coming and dumping in areas which they know cannot be controlled easily and I want this to be added as well when they are looking out for pirates and all these. This should be also done.

We are also trying to upgrade our capabilities. Of course, it's a huge area. We have this twin helicopter now, which can go to quite an extent. It can go to all the islands without refuelling, but also we are having the new offshore patrol vessel which really is a much bigger vessel well-equipped with guns and everything. So, we can make sure that we get at least and then, I think hon. Bodha mentioned drones. In fact, if the hon. Member will see - the hon. Member was not there, but maybe he has got a copy - the Government Programme of 2012-2015, I did not specify on purpose, Mr Speaker, Sir, but since the hon. Member mentioned it, in fact, there are new technologies. I mentioned new technologies which are cheaper, which won't cost us a lot of money and which are very very effective. With new technology, they have computers and radar with them, they can directly give information to whatever vessel they want to. In fact, we think we can go one step further than the drones. I am probably going to visit one of these places when I go to one of the missions abroad because I want to make sure that we are getting the right equipment much much cheaper than the drones and even more effective.

Mention was made about Tromelin. In fact, there is no Continental Shelf around Tromelin. That's the first thing, but I must say, Mr Speaker, Sir, that what has happened, in fact is, both countries had to present the agreement to their Parliament. In fact, in France they actually have the agreement with Minister, his Excellency the Ambassador of France has sent to me. In fact, it has been presented on behalf of Mr Fion by Mr Juppé who was then the Prime Minister and Foreign Minister. It is in front of the Senate, but because of the elections, it has been frozen, it is now going to go from the Senate to the French Parliament. It's going to be approved and then, we will come to this agreement. That is what we are waiting for.

I think, basically these are the things that were mentioned, if I remember, Mr Speaker, Sir. As I said, Part 5 of the Treaty provides for the protection of the environment, biodiversity and so on. I think, basically, the two treaties entered into with Seychelles do not necessitate - I think hon. François mentioned it - the Oceans Act to provide for the regime of joint management. It is not necessary. We are going according to this.

Once again, Mr Speaker, Sir, let me thank the hon. Members for their positive contribution.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(Mr Speaker in the Chair)

The Maritime Zones (Amendment) Bill (No. V of 2012) was considered and agreed to.

On the Assembly resuming with Mr Speaker in the Chair, Mr Speaker reported accordingly.

Third Reading

On motion made and seconded, the Maritime Zones (Amendment) Bill (No. V of 2012) was read the third time and passed.

(10.19p.m.)

Second Reading

THE CHAGOSSIAN WELFARE FUND (AMENDMENT) BILL

(No. VI of 2012)

Order for Second Reading read.

The Minister of Social Security, National Solidarity and Reform Institutions (Mrs S. Bappoo): Mr Speaker, Sir, I move that the Chagossian Welfare Fund (Amendment) Bill (No. VI of 2012) be read a second time.

Mr Speaker, Sir, the unanimous vote in respect of the Ilois Welfare Fund (Amendment) Bill on 10 May 2011, in this House, is evidence of the undivided support of the Government of Mauritius to the Chagossian Community and to their cause.

The Bill before the House today embodies a decision of the Board dated 20 January 2012 to which the Government fully subscribes.

This Bill supports the Chagossian community in their endeavour to work towards the welfare of the members of that community. The object of the Bill is to provide for children of members of the Chagossian community to be eligible to stand as candidates, and to vote at the election of members of the Chagossian Welfare Fund Board. It also provides for two out of the seven seats for representatives of the Chagossian community on the Board to be reserved for children of members of that community.

Mr Speaker, Sir, the history of Chagossian community in Mauritius dates back to the 1960s and early 70s when they were deported from their homeland to Mauritius by the British Government. In line with its underlying philosophy of promoting inclusive development, the Mauritian Government has since their resettlement in Mauritius strived to put into place the

required infrastructure, and provided the required facilities, support to assist the Chagossian community in becoming an integral part of the Mauritian society.

In line with that spirit, Government has, under the prime ministership of Dr. Navin Ramgoolam, raised the budgetary ceiling for the fund to Rs4.5 m. during this financial year, and this year's budget is quite significant as compared to only Rs1.9 m. in 2009. Members of the Chagossian community can thus benefit from numerous advantages such as scholarship for tertiary studies, financial assistance to secondary students who have had a good performance at the Certificate of Primary Education and, in addition, IT facilities have recently been provided to members of the community at the Baie du Tombeau Community Centre.

To enable the members of the community to operate within a legal framework, the first Trust Fund was set up in 1980s, with the main objective of promoting the social and economic welfare of the Chagossian community in Mauritius. Twenty years later, in its quest to enable the community to operate as a fully autonomous body, Government introduced a Bill in Parliament; that was in 1999.

Mr Speaker: When you look at the long title of the Bill, it relates to -

- (a) “children of members of Chagossian community to be eligible to stand as candidates and to vote at elections for members of the Board of the Chagossian Welfare Fund, and
- (b) 2 out of the elected 7 elected members of the Board to be children of members of the Chagossian community”

Don't open the debate!

Mrs Bappoo: Mr Speaker, Sir, it is worth highlighting here that after more than four decades, the children of members of the Chagossian community living in Mauritius have outnumbered the natives. In fact, the Chagossian Welfare Fund Act defines “member of the Chagossian community” to mean a person -

- (a) who, before 01 February 2000, was identified by the Board of Trustees as a member of the Chagossian community; and
- (b) to whom an identity card so identifying that person was issued on or before 14 May 1984.

Currently, it provides for only natives of the Chagossian community to stand and vote at the election of the Chagossian Welfare Fund Board, and presently the figures of children of members

of the Chagossian community who are citizens and residents of Mauritius stand at approximately 2,100, while those for members of the Chagossian community is that the natives stand only at 482. To respond to these changing demographic trends and to ensure a fair and just representation on the Board, the Act needs to be amended

- (i) for the children of the Chagossian community to be eligible to stand as candidate and to vote at the election of the Chagossian Welfare Fund Board, and
- (ii) out of the seven seats for elected Chagossian representatives of the Board to be reserved to those children.

Accordingly, section 6 of the Chagossian Welfare Fund Act is amended -

- (a) in subsection 1(i), by inserting after the words “Chagossian community”, the words “2 of whom shall be children of members of the Chagossian community”
- (b) in subsection (2), in paragraph (b), by adding the words “and children of members of the Chagossian community”.

However, in view of the fact that the activities of the Chagossian Welfare Fund Board are funded by grants from the Mauritius Government, the right to stand as candidate will be restricted to children of the Chagossian community who are both citizens and residents of Mauritius.

Accordingly, a new paragraph (c) is being added to section 6 of the aforementioned principal Act, to qualify the child of a member of the Chagossian community to mean a child of a member of the Chagossian community who is a citizen of Mauritius and is resident in Mauritius, and to whom an identity card so identifying that person has been issued by the Board under section 7(2)(b) of the Act.

In line with the above amendments, the Board would have to be empowered to issue identity cards to children of members of the Chagossian community. Therefore, section 7 of the same Act is thus amended in subsection (2) by lettering the existing provision at paragraph (a) and adding a new paragraph (b) to read -

“In the exercise of its powers under paragraph (a), the Board may issue identity cards to children of members of the Chagossian community”

Mr Speaker, Sir, as mentioned earlier, the Pointe aux Sables Community Centre was renamed only recently, that is, on 13 May 2012, after late Mrs Marie Lisette Talate.

Mr Speaker: What has this got to do with this Bill? Can I know what the hon. Minister is stating has to do with this Bill?

Mrs Bappoo: There is an amendment on the naming, Mr Speaker, Sir.

Mr Speaker: In which paragraph?

Mrs Bappoo: The amendment to the main Act has been circulated last week. That's why I am giving an explanation to the amendment.

Mr Speaker: Where is it?

Mrs Bappoo: Accordingly, on the basis of the amendment circulated, I seize this opportunity to move for an amendment to section 4 of the Chagossian Welfare Fund Act at Committee Stage, by deleting the words "Chagossian Community Centres of Pointe aux Sables and Tombeau Bay" and replacing them by the words "Marie Lisette Talate Chagossian Community Centre of Pointe aux Sables and the Chagossian Community Centre of Tombeau Bay".

Mr Speaker, Sir, as mentioned previously, the House will recall that amendments were brought to the Act in May 2011 to replace the word "Ilois" by the word "Chagossian". However, the then Minister of Social Security, National Solidarity and Reform Institutions failed to bring the required consequential amendments to the regulations. So, I am seizing this opportunity, Mr Speaker, Sir, to amend the Ilois Welfare Fund (Election of Members) Regulations 2001 and the Ilois Welfare Fund (Register of Members) Regulations 2001 by deleting the word 'Ilois' wherever it appears and replacing it by the word "Chagossian".

In addition, to reflect the amendments to be brought to the main Act to provide for children of members of Chagossian community to stand as candidate and to vote at elections of Board, Regulation 2 of the Ilois Welfare Fund (Election of Members) Regulation 2001 is amended by inserting in the appropriate alphabetical order, the following new definition "child of a member of the Chagossian community" to mean a child of a member of the Chagossian community who is citizen of Mauritius and is resident in Mauritius, and to whom an identity card so identifying that person has been issued by the Board under section 7(2)(b) of the Act.

As regards the eligibility to stand as candidates at elections of the Board, Regulation 8 of the Ilois Welfare Fund (Election of Members) Regulations 2001 is amended in paragraph 1, by inserting after the word 'community', the words "and every child of a member of the Chagossian community" and in paragraph 2 by adding the words "2 of whom shall be children of members of the Chagossian community who have been issued an identity card by the Board under section 7(2)(b) of the Act'.

Mr Speaker, Sir, I wish to inform the House that Mr Olivier Bancoult, the Chairman of the Chagossian Welfare Fund Board, has expressed the intention to hold further discussions with the Board members with respect of the residence condition that will apply to children of the Chagossian community to stand as candidate for election. And once a decision is taken, appropriate amendments will be brought to the regulations under the Act.

Mr Speaker, Sir, it is expected that the proposed amendments will not only promote interest among the younger generation in the running of the affairs of the community, but will also bring in innovative ideas. These amendments are also aimed at empowering the Chagossian community, more specifically their children, so that they may be an integral part of the decision-making process within that community. The Government firmly believes in the principle of democracy and is committed to do its utmost to promote such principles, wherever circumstances so warrant.

With these words Mr Speaker, Sir, I commend the Bill to the House.

The Prime Minister rose and seconded.

(10.32 p.m.)

Mrs A. Navarre-Marie (First Member for GRNW & Port Louis West): Mr Speaker, Sir, this is a straightforward Bill with which we have no quarrel. We, on the side of the House, are fully in favour to the amendment that is being proposed in the Bill.

The Bill is meant to allow children of the Chagossian community, namely those who were not born on the Archipelago, to be eligible to stand as candidates for the election of the Chagossian Welfare Fund. This is a loadable initiative indeed. It is a fact, Mr Speaker, Sir, that the number of persons who were born on the archipelago has considerably decreased going down to less than 750. Those who are still alive are getting old and sick. The fact that there is a lot of potential within the community, especially among the children, who have been lucky enough to have had formal education, and who are now ready to serve the community in its different objectives. The legislation relating to the fund, as it presently stands, does not allow this.

The amendment which is being proposed today will enable the children to put their knowledge at the services of the community in line with the objectives of the Fund and to participate fully at local and international levels on issues on which the Republic of Mauritius and the community are on the same wavelength.

The amendment which is being proposed will, after being voted, encourage both the old generation and the new one to share the experiences and knowledge, to better put on local and international agenda issues pertaining to the Chagos Archipelago, giving sense to the saying which goes as follows – “*Si jeunesse savait, si vieillesse pouvait*”.

Dans le même souffle, M. le président, le gouvernement agréant à la demande du groupe des réfugiés des Chagos donnera le nom de Lisette Talate au centre des Chagossiens à Pointe aux Sables. La cérémonie a déjà eu lieu en présence de nombreux parents, en présence du Premier ministre la semaine dernière. Madame Lisette Talate nous a quittés au début de l’année. C’est l’occasion de lui rendre hommage pour son combat sans relâche aux côtés des siens. J’ai eu le privilège de la connaître de très près. Elle était petite et frêle mais une vraie battante - un petit bout de femme, elle était maigre et toute la souffrance du peuple Chagossiens se lisait sur son visage. Elle souriait rarement mais était capable de grands éclats de rire mais très vite la tristesse reprenait le dessus et elle reprenait son discours de sa voix chantante et mélodieuse, O combien écoutée et respectée. Elle ne savait ni lire ni écrire comme la plupart de ses contemporains mais elle avait un mémoire d’éléphant. Elle se rappelait de toutes les grandes dates de la lutte des Chagossiens, de tous les événements qui ont jalonné cette lutte, des différents *order in councils* et tout cela dans les moindres détails. Elle était une vraie archive.

C’est ainsi que fût le fer de lance du groupe des réfugiées de Chagos et de la communauté Chagossienne : des grèves de la faim en manifestation, en passant par les coups de matraques de la police, rien ne lui faisait peur. Aurélie, comme nous l’appelons affectueusement, avait été sélectionnée parmi mille femmes pour le prix nobel de la paix. Pour nous, elle ne sera pas parmi le mille, elle est parmi les premières et y restera. Donner son nom au Centre des Chagossiens à Pointe aux Sables, où elle a longtemps œuvré, c’est une vraie initiative, ô combien noble, elle le mérite bien. Merci, M. le président.

(10.37 p.m.)

Mr N. Bodha (First Member for Vacoas & Floreal): Mr Speaker, Sir, I also would like to say that the Bill comes at the right time. There has been a major change in demography and if I were to read what Justice Scott Baker said in a judgement at the High Court in London, he said: ‘In 1965 that there were between 1,500 to 3,000 inhabitants of the Chagos islands and that they had been there for five generations’. They have a culture, that's why I think it is a fitting tribute that we

replace the term 'Ilois' and give them the right denomination as 'Chagossian', because they lived there for generation after generation and they had produced a matriarchal society with their own culture. In fact, to go back to history in one line Mr Speaker, Sir, *tout commence en 1784 quand deux bateaux arrivent avec 79 esclaves.*

Mr Speaker, Sir, I think that in the early 70s we had 1,500 of the Chagossians who came to Mauritius.

Mr Speaker: That was not the right figure because there was no record which was kept by the British. When we did the survey in 1981, we found that there were about 3,500 families who have been displaced from Chagos Archipelago to Mauritius.

Mr Bodha: Thank you, Mr Speaker, Sir, for the clarification. I think you led a delegation to London.

Mr Speaker: Yes!

Mr Bodha: The hon. Minister mentioned 400 and my colleague mentioned 750. Whatever it is, we need the new generation and it is rightful that the new generation be given a sense of belonging; they should be empowered so that they *prennent en charge la destinée du fond* and then we will have this collaboration between the older generation and the new generation.

Mr Speaker, Sir, I would like also to say that I had the opportunity to know Mrs Talate and it's a fitting tribute that we have to give to this extraordinary lady. I think that hon. Mrs Navarre-Marie has done justice to her. I cannot find words. One thing I can say is that in the cold and snow of London, she came to present the case and I have been told by Olivier Bancoult that one of the British MPs, who was very sympathetic to the cause of the Chagos, invited them for lunch and she abstained because he said that that it was funds coming from the British Parliament.

Mr Speaker, Sir, she set an extraordinary record as a woman of great fibre and resolve and I think that the description that hon. Mrs Navarre-Marie has given is fitting. The face of Mrs Talate describes the whole tragedy of the Chagossian people and also when you look at her in the eyes, you could feel the resolve and the determination. She had always said that what she wanted was to go back to the Chagos to die. Well, she died in Mauritius and I think it is a fitting tribute. It is high time that now the new generation should be inspired with the struggle in the best interests of the Chagossian community, in the best interests of their integration within the Mauritian nation. I think that it is a good thing that the children now should be able to be given an identity card, should be

able to stand as candidates and should be able to participate *à la gestion de la destinée du fonds*.
Merci M. le président.

The Prime Minister: Mr Speaker, Sir, the Bill we are presenting today demonstrates the sustained interest of the Government in the welfare of the Chagossian. In fact, as has been mentioned, the Bill will enable children of the Chagossian community to take part in the affairs of the Chagossian Welfare Fund, the main objective of which is to advance and promote the welfare of the members of the Chagossian community and their descendants in Mauritius.

So far, Mr Speaker, Sir, only members of the Chagossian community, who had been identified before the 01 of February 2000 by the Board of Trustees as members of the Illois community, could stand as candidates for and vote in elections of members of the Chagossian Welfare Fund. This clearly does not make sense and is unacceptable for the members of the Chagossian community and the descendants of full-fledged citizens of Mauritius and have a legitimate interest in the matters pertaining to the Chagossian community.

The House, as has been mentioned Mr Speaker, Sir, will recall that we have renamed the Chagossian Community Centre of Pointe aux Sables after Marie-Lisette Talate. On that occasion, I had the opportunity to pay tribute to the struggle, the courage and the determination of not only Mrs Talate, but also of all our compatriots of Chagossian origin since their shameful eviction from the Chagos Archipelago. I am proud to put on record again my deepest esteem for Mrs Talate and all the matriarchs of the Chagossian community who have played an important role in keeping the flame alive. I am sure, Mr Speaker, Sir, the memories of Mrs Talate will continue to inspire the new generation of Chagossians. This is precisely one of the reasons why we are presenting the amendments. We should provide an opportunity to the new generation of Chagossian to take part in management of the affairs of the Chagossian community.

As hon. Mrs Navarre-Marie has just said, the older generation has got involved and we need to get on board the new generation of Chagossians and the time has come for us to ensure participation of the whole Chagossian community in the affairs of the Chagossian Welfare Fund by providing for the descendants of the original members of the Illois community to vote and stand as candidates as members of the Board.

Further, Mr Speaker, Sir, provision is also being made for at least 2 out of the 7 elected members of the Board to be children of members of the Chagossian community. I am confident, Mr Speaker, Sir, that these amendments will help to ensure that the struggle goes on until such time as

Mauritius is in a position to exercise its sovereignty over the Chagos Archipelago, including Diego Garcia and for the Chagossians to be able to return as Mauritian citizens to the Chagos Archipelago.

Mr Speaker, Sir, I noted what you had said earlier, so I am not going to divert, but I want to seize this opportunity to salute the efforts of the *groupe des Réfugiés Chagossiens*, in particular, of its leader Mr Olivier Bancoult, and of Mr Fernand Mandarin of the Chagossian Social Committee as well as others in keeping alive the issue of the Chagos Archipelago and advancing the Chagossian cause.

As I indicated, Mr Speaker, Sir, their struggle is also ours as a government, as a country and as a nation.

Thank you, Mr Speaker, Sir.

Mrs Bappoo: Mr Speaker, Sir, I wish to thank the hon. Prime Minister for all his support and commitment to the Chagossian community in their struggle, also the hon. Members of the Opposition and especially to hon. Mrs Navarre-Marie. As she said, the amendments to the Bill reinforce the principle of democracy among the younger generation and enable a participating approach in the decision process. Nowadays, there is a pressing demand for the empowerment of the younger generation to enable them to become responsible citizens and the amendments go in that direction.

I would also like, Mr Speaker, to once more raise my voice and join the hon. Prime Minister and the Members of the Opposition to pay tribute to Mrs Marie Lisette Talate in her struggle for the Chagossian cause.

I would seize this opportunity, Mr Speaker, Sir, with your permission, to have a special word also to Mrs Marie Emilie Louise who is the *doyen* of the Republic of Mauritius. She is a Chagossian and she resides in Ste Croix. She attained her 110 years on 04 January this year.

(Applause)

I was there for her birthday celebration and that was the day, that is, 04 January, when I learned from Mr Bancoult the demise of Mrs Marie Lisette Talate and immediately I proceeded to Pointe aux Sables to pay her a last homage.

This brings unanimity to all Members on both sides of the House and I again commend the Bill to the House

Question put and agreed to.

Bill read a second time and committed

COMMITTEE STAGE

(Mr Speaker in the Chair)

THE CHAGOSSIAN WELFARE FUND (AMENDMENT) BILL

(No. VI of 2012)

Clauses 1 and 2 ordered to stand part of the Bill.

New Clause 2A (Section 4 of principal Act amended)

Mrs Bappoo: Sir, I move to insert, after clause 2, the following new clause –

“2A. Section 4 of principal Act amended

Section 4 of the principal Act is amended, in paragraph (d), by deleting the words “Chagossian Community Centres of Pointe aux Sables and Tombeau Bay” and replacing them by the words “Marie Lisette Talate Chagossian Community Centre of Pointe aux Sables and the Chagossian Community Centre of Tombeau Bay”

The Chairman: The question is that new clause 2A be read a second time.

Question put and agreed to

New clause 2A ordered to stand part of the Bill.

Clause 2, as amended, ordered to stand part of the Bill.

Clauses 3 to 5 ordered to stand part of the Bill.

The title and enacting clause were agreed to

The Bill (as amended) was agreed to.

On the Assembly resuming with Mr Speaker in the Chair, Mr Speaker reported accordingly.

Third Reading

On motion made and seconded, the Chagossian Welfare Fund (Amendment) Bill (No. VI of 2012) was read a third time and passed.

**THE MAURITIUS FAMILY PLANNING AND
WELFARE ASSOCIATION (TEMPORARY PROVISIONS) BILL**

(NO. IX OF 2012)

The hon. Minister of Health and Quality of Life (Mr L. Bundhoo) gave notice of his intention not to move the second reading and the other stages of the Mauritius Family Planning and Welfare Association (Temporary Provisions) Bill (No. IX of 2012) today.

THE FOUNDATIONS BILL**(NO. X OF 2012)**

The hon. Vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval) gave notice of his intention not to move the second reading and the other stages of the Foundations Bill (No. X of 2012) today.

ADJOURNMENT

The Prime Minister: Sir, I beg to move that this Assembly do now adjourn to Friday 01 June 2012 at 3.30 p.m.

The Deputy Prime Minister rose and seconded.

Question put and agreed to.

Mr Speaker: The House stands adjourned.

(10.50 p.m.)

MATTER RAISED**ABERCROMBIE MARKET FAIR – OPENING**

Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue): Mr Speaker, Sir, I thank you for allowing me to raise that specific matter concerning the opening of Abercrombie Market Fair at Adjournment Time today.

Mr Speaker, Sir, following a PQ on 15 November 2011, the Minister responsible for Local Government informed the House that the allocation exercise concerning stalls at that market fair is expected to be made once the new market becomes operational. From information that I have obtained, Mr Speaker, Sir, the market fair was handed over to the Municipality of Port Louis during the month of October 2011, although it was understood that works should have been completed in December 2010. Therefore, it confirms that the market fair has been completed a year later.

Since the market fair has been handed over to the Municipality of Port Louis, Mr Speaker, Sir, it has been closed. The Municipality of Port Louis has been providing security services and electricity to a closed market. We understand, Mr Speaker, Sir, that works to the tune of about Rs8 m. have started by the Municipality of Port Louis. We understand, Mr Speaker, Sir, that these works are being carried out following complaints from stallholders, mainly those from the fish and meat market, but also those having fancy good stalls. If this is the case, I would wish to ask the hon. Minister the following questions: whether at the time of design these specific requirements were not identified or whether consultations were held between the Municipality of Port Louis and those stallholders?

As the allocation of stalls is being delayed, we are also hearing a lot of things. It is being said in some quarters that some councillors of the Municipality of Port Louis are contacting people who have applied for a stall and telling them that they can make them obtain a stall, *moyennant, vous savez quoi, M. le president!* This is very serious. It is for this reason that I have decided to raise this issue in this House to give the opportunity to the Minister concerned to inform the House and the public in general, Mr Speaker, Sir, what are going to be the criteria that the Municipality of Port Louis will adopt for the allocation of the new stalls, when works which have recently started by the Municipality of Port Louis, for accommodating - I mean the new requirements put forward by those stallholders -when these works will be completed, and whether he is going to give assurance to this House that the whole process of allocation of stalls will be carried in a very transparent way, and lastly whether inhabitants of the locality – because this question is also being asked – will be provided with parking facilities when they come to the market?

Thank you, Mr Speaker, Sir.

The Minister of Local Government and other Islands (Mr H. Aimée): Mr Speaker, Sir, with your permission, I shall make a statement on the issue of opening of the new Abercrombie Market Fair which has been raised by hon. Lesjongard.

I am informed by the City Council of Port Louis that a new market fair building at Abercrombie, which has recently been completed, will house 300 stalls for vegetables, fruits, apart the sheep, meat, fish, pork and food court, etc. I am informed that some additional upgrading work, namely construction of block wall, marking and welding of stalls, fixing of new gates, installation

of CCTV cameras are currently being undertaken by the Council in order to meet sanitary and security requirements.

I am further informed that a drawing of lots among sellers of the existing Abercrombie market who are not indebted to the Council will be scheduled after the completion of the additional work.

I wish to inform the House that the opening of the new market fair will be held once the additional works mentioned above are completed. For the hearsay information that the hon. Member mentioned, I will see to it that procedures are being respected.

At 10.57 p.m., the Assembly was, on its rising, adjourned to Friday 01 June 2012 at 3.30 p.m.

WRITTEN ANSWERS TO QUESTIONS

EQUAL OPPORTUNITIES COMMISSION – MEMBERS

(No. B/162) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central)

asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to equal opportunities, he will –

- (a) for the benefit of the House, obtain from the Equal Opportunities Commission, information as to the names of the members thereof, indicating the –
 - (i) qualifications, and
 - (ii) allowances and other benefits drawn, and
- (b) state if the Equal Opportunities Tribunal has been set up and if so, when and if not, why not.

Reply: In regard to parts (a) and (a)(i) of the question, the Equal Opportunities Commission is operational since 24 April 2012. The names and qualifications of the Members are –

- (i) Mr Brian Glover, Chairperson, LLB (Hons) from the University of Exeter, and Barrister-at-law since 1992;
- (ii) Dr. Rajayswur Bhowon, full time member, holder of BA (Geography and Economics) in 1970 and MA (Geography) in 1972 from the University of Bombay and Doctor in Philosophy (Educational Administration) from the University of Tasmania since 1990;

- (iii) Mrs Danisha Sornum, full time member, holder of an LLB from the University of Mauritius in 2009 and LLM from the University of Birmingham since 2011, and
- (iv) Mr Shameer Mohuddy, part time member, LLB (Hons) (1998) and Post Graduate Diploma in Emerging Market Law (1999) from the University of London and Barrister-at-law since 2003.

The allowances and benefits of the Chairperson and Members are based on prevailing rates in the public sector for similar contractual posts.

In regard to part (b) of the question, Mr Denis Vellien, former Senior Magistrate, has been assigned the duties of President on the Equal Opportunities Tribunal. The two persons, who along with the Chairperson will constitute the Tribunal, will be appointed shortly.

CRIMINAL OFFENCES – CASES

(No.B/163) Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the criminal offences in the commission of which there has been loss of life, he will –

- (a) for the benefit of the House, obtain from the Commissioner of Police, information as to the number of reported cases thereof, since the beginning of 2012 to date as compared to the same period in 2011, and
- (b) state if he is proposing to toughen the existing law, including re-instating capital punishment as a means of combating crimes.

Reply: In regard to part (a) of the question, I am informed by the Commissioner of Police that since 01 January to 23 May 2012, there have been 11 cases of murder, nine of which were committed by persons within the family circle or by persons known to the victim.

For the corresponding period last year, the number of cases of murder is nine.

In regard to part (b) of the question, in 2007, the Criminal Procedure (Amendment) Act was introduced to increase the penalty for murder under the Criminal Code from 45 years to 60 years; and that for manslaughter from 20 years to 45 years.

Furthermore, the Judicial Provisions Act 2008 has toughened our legal framework by amending a number of legislations with a view to –

- providing for heavier penalties for certain offences under the Criminal Code such as

- the term of penal servitude/imprisonment for assault with premeditation/aggravating circumstances has been increased from 10 years to 20 years;
- the fine for assault has been increased from Rs10,000 to Rs100,000.
- increasing the sentencing jurisdiction of the District Courts and the Intermediate Court;
- abolishing fixed sentences and other mandatory sentences, and
- restoring to the courts their sentencing discretion in respect of all offences.

Regarding the re-introduction of the death penalty, given that no amendment was made to section 4 of the Constitution at the time the Abolition of Death Penalty Act was passed in 1995, it is open to any Government to repeal that Act and reintroduce the death penalty by a simple Act of Parliament, without amending the Constitution. However, before any consideration is given to the reintroduction of death penalty, wide-ranging consultations would have to be carried out so as to ensure the widest possible consensus.

LAW AND ORDER – MEASURES

(No. B/164) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to law and order, he will state the actions he proposes to take for the reinforcement thereof, following the recent reported murder cases.

Reply: Let me, right from the outset, reaffirm to the House that law and order remains one of the foremost priorities of Government. We want to ensure that our citizens live in a safe and secure environment and we are committed to continuously implementing measures to combat crime and reinforce law and order in the country.

In the Government Programme 2012-2015, a series of measures aiming at reinforcing law and order through better policing and an improved legal system has been announced. These measures include –

- (i) the pursuance of the implementation of the recommendations contained in the National Policing Strategic Framework with the new vision of the Police being “With you, making Mauritius safer”;

- (ii) the extension of the CCTV Surveillance System to cover other areas around the country;
- (iii) the recruitment of additional Trainee Police Constables to reach the target of 5,000 recruits by 2015;
- (iv) increased police presence in neighbourhoods across the country to improve the security of all citizens;
- (v) the introduction of a Police and Criminal Evidence Bill providing for Codes of Conduct that will regulate the conduct of Police and other investigators, and address a number of issues relating to criminal enquiries, including victims' rights;
- (vi) the implementation of provisions of the Bail Act relating to the introduction of the electronic monitoring mechanism;
- (vii) the upgrading of the Forensic Science Laboratory to enhance the use of DNA analysis;
- (viii) the establishment of a Transnational Organised Crime Unit comprising relevant law enforcement agencies with a view to combating international and other serious crimes;
- (ix) the extension of the Digital Radio Communication System to cover Rodrigues and Outer Islands;
- (x) the replacement of the 999 Analogue Emergency Call System with a new digital Emergency Responses Management System for increased efficiency;
- (xi) the establishment of a Police Academy to enhance the human resource capability of the Police Service, and
- (xii) the introduction of a legislation to assist and protect victims and witnesses in order to better safeguard the rights and interests of victims.

The measures announced in the Government Programme will consolidate what we have already implemented since 2005. I wish to highlight that already, the programme of reforms in which the Police has embarked during the past years, as well the investment by Government so as to provide the Police with adequate means to perform their duties in an efficient way, are yielding positive results. According to Statistics Mauritius, the crime rate for the past five years has decreased from 5.7 in 2007 to 3.7 in 2011. In regard to the number of murder cases, there has been a decrease from 34 cases reported in 2007 to 31 in 2011.

In spite of the fact that figures demonstrate a downward trend in criminality, the way that publicity is given to serious crimes may give rise to an unfounded perception that law and order situation in the country is deteriorating. It is worth reminding the House that law and order is the responsibility of Government, the Police and the public, including the media. The role of the media in high profile cases has been highlighted in a recent interview given by a psycho-criminologist in the local press, wherein she stated that some journalists carry out their own investigation and publicise many details, very often in an alarmist tone, which can only create a climate of insecurity among the public.

It has to be underlined that most of the murder cases reported since the beginning of the year are more of a passionate nature rather than resulting from a breakdown of law and order as the question purports to imply. In fact, in nine out of eleven murder cases reported since the beginning of the year, the suspect was well-known, if not related, to the victim and there had often been underlying tensions between the victim and the alleged offender prior to the crime.

The House will appreciate that the Police have been very efficient and effective in dealing with those cases as suspects have been arrested within 48 hours.

OLD PARLIAMENT HOUSE – RENOVATION – COST

(No. B/165) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the renovation of the Old Parliament House, he will state the –

- (a) final cost thereof;
- (b) amount of money paid for variation of works, and
- (c) date of the formal handing over thereof.

Reply: I wish to refer the hon. Member to my reply to PQ B/860 at our sitting of 15 November 2011, wherein I informed the House, *inter alia*, that the contract of refurbishment of the Old Parliament House was awarded on 01 March 2010, following a tender exercise, to the firm IREKO Construction Ltd, for the sum of three hundred and twenty-seven million, five hundred and seventy-four thousand, seven hundred and eighty one rupees and twelve cents (Rs327,574,781.12), including a contingency sum of twenty seven million rupees (Rs27 m.).

In regard to part (a) of the question, I am informed by the Clerk of the National Assembly that to date, an amount of two hundred and sixty two million, six hundred and forty three thousand, six hundred and eighty seven rupees and sixty eight cents (Rs262,643,687.68) has been paid to the contractor. A final claim is awaited from the latter.

In regard to part (b) of the question, I am informed that an amount of fifteen million, eight hundred and eighty seven thousand, eight hundred and nine rupees and sixty eight cents (Rs15,887,809.68) has been paid to the contractor for variation of works. In fact, during implementation of the project, the scope of works had to be amended to provide for replacement of the whole timber structure of the building instead of 35% only as provided in the contract. It was only when the contractor started demolition works that the actual bad state of the timber became apparent and it was decided to replace the whole timber structure.

The amount claimed by the contractor for variation in the scope of works has been met out of the amount of Rs27 m. provided as contingencies in the contract. There has, therefore, been no increase in the overall cost of the project.

In regard to part (c) of the question, the building was handed over to the National Assembly on 09 March 2012. Importantly also, I am informed that according to the contract an amount of 5% of the contract value should be kept as retention money. The contract also provides for an amount of 50% of the retention money to be paid on practical handing over. Thus an amount of Rs8,189,369.50 has already been paid and the remaining 50% has been retained up to 08 March 2013.

PHOENIX PRISON – CATAMARAN – MOBILE PHONES, PLANS AND DOCUMENTS

(No. B/166) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the Phoenix Prison, he will, for the benefit of the House, obtain from the Commissioner of Prisons, information as to if mobile phones, plans and documents in relation to a catamaran were recently discovered in the cell of a high profile prisoner thereat, and if so, indicate the actions that have been taken, if any, to reinforce security thereat.

Reply: In accordance with paragraph 5 of Prison Standing Order. No 52, detainees are allowed to receive books, or periodicals or printed matter from their relatives. On 28 October 2011, during the visit of his wife, one detainee had received two magazines namely, “SportsBoat and Rib”

and “Motor Mag” as well as three photocopies of articles on speedboats downloaded from the Internet. The magazines and the printed matter were duly censored by the Prisons Authorities and issued to the detainee. There were no plans and documents in relation to a catamaran.

I am further informed by the Commissioner of Prisons that, a search was carried out at the Phoenix Prison on 15 February 2012 during which several prohibited items, including mobile phones, were found in cells of three other detainees. All the items were seized and the mobile phones were handed over to the Police for enquiry. The other items are in the custody of the Prisons Authorities and will be disposed of in accordance with established procedures.

The Prison Authorities have carried out a reshuffle of senior and mid-management staff at the Phoenix Prison which is now under a new administration. Security measures have been reinforced; for instance, special searches are carried out daily, in the morning and prior to lockup in the afternoon on all detainees and in their cells. Surprise searches are also carried out whenever any detainee is suspected of having prohibited articles in his possession.

Furthermore, an additional dedicated team of five officers under the supervision of a Principal Prison Officer from the Prison Security Squad was posted there, with effect from 24 February 2012, to step up searches on detainees, civilian staff and Prison staff.

CIVIL SERVICE – PERMANENT SECRETARY – APPOINTMENTS

(No. B/167) Mr D. Nagalingum (Second Member for Stanley & Rose Hill) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the recent appointments to the grade of Permanent Secretary in the civil service, he will state the –

- (a) number of years after which such an exercise has been carried out, and
- (b) names of the officers who were on the list in terms of seniority and who have not been appointed, indicating in each case, if they have acted as Permanent Secretary and if so –
 - (i) for how long, and
 - (ii) the reasons why they have not been appointed.

(Withdrawn)

LATE MISS S. H. – MURDER – POLICE INQUIRY

(No. B/168) Mr C. Fakeemeeah (Third Member for Port Louis Maritime & Port Louis East) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to late Miss S. H., he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand as to the police inquiry carried out into the murder thereof, indicating –

- (a) where her body was found, and
- (b) the number of suspects arrested in connection therewith, as at to date.

Reply: I am informed by the Commissioner of Police that on Saturday 12 May 2012 at about 15.50 hours, a French tourist called the Police Information and Operations Room and stated that whilst he was at Plaine Champagne, he came across a plastic bag from which a bad smell was emanating.

Two Police Officers posted at Black River Police Station proceeded to Plaine Champagne for a search and at about 17.30 hours, they found the plastic bag hanging on a tree in a ravine at a height of about five meters from the road and from which a bad smell was emanating.

Due to poor visibility and non-accessibility of the spot, the plastic bag could not be removed on that day. Police maintained sentry at the site.

The next day at 06.45 hours the services of the “*Groupe d’Intervention de La Police Mauricienne*” (GIPM) was sought to remove the plastic bag. It was found to contain a female body in an advanced state of decomposition. The body was then conveyed to Princess Margaret Orthopaedic Centre Mortuary for autopsy.

On the same day following investigations by the Police the identity of the body was confirmed to be that of Miss S.H.

Police started an inquiry into the case and four persons were arrested as follows –

- (a) On 14 May 2012, one Mr J.S., aged 49 years, Physiotherapist and residing at Royal Road, Bonne Mère was arrested and a provisional charge of murder was lodged against him on 15 May 2012 before the Black River District Court. He has been remanded to Police cell until 29 May 2012;
- (b) On 16 May 2012, one Mr R.T., aged 57 years, Driver and residing at Sewaxing Lane, Gokhoolah, Piton was also arrested and a provisional charge of murder was lodged against him on 17 May 2012. He has been remanded to Police cell until 31 May 2012;

- (c) On 18 May 2012, two additional persons, one Mrs F. B. J. B, 28 years old, Notary, residing at No. 22 Abbé Desrouledes Street, Plaine Verte, and one Mr M. R. H 49 years old, Managing Director of Ariel Ltd, residing at No. 15 St. Francois Xavier Street, Port Louis were also arrested. On 25 May 2012, they both appeared before Mapou District Court on a provisional charge of “Possession of stolen property” and were released on bail. The next court appearance is scheduled for 18 September 2012.

Police have also interviewed four other persons in connection with the case and they were allowed to go after their statements have been recorded.

Police enquiry is progressing.

NATIONAL ASSEMBLY – MINISTERS & MEMBERS – ALLOWANCES

(No. B/169) Mr C. Fakeemeeah (Third Member for Port Louis Maritime & Port Louis East) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the hon. Ministers and the hon. Members of the National Assembly, he will state if consideration will be given for a reduction of the allowances payable thereto.

Reply: The answer is in the negative. There is no justification at this point in time to reduce the allowances payable to Ministers and the hon. Members of the National Assembly.

The House will recall that in 2005 when my Government took office at a time when our country was described as being in an “*état d’urgence économique*”, we did resort to a reduction in our allowances.

AIR MAURITIUS – FINANCIAL ASSISTANCE

(No. B/181) Mr K. Li Kwong Wing (Second Member for Beau Bassin and Petite Rivière) asked the Vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to Air Mauritius Ltd., he will state the total amount of loans, guarantees and other financial assistance, if any, provided by Government and any State enterprise thereto, since 2008 to date, indicating the measures taken by Government, in the face of the continued massive losses it is incurring, to safeguard –

- (a) its financial interest therein, and

(b) the national interest.

Reply (The Prime Minister): The House will appreciate that Air Mauritius Ltd is a company listed on the Stock Exchange. Any disclosure of information regarding its financial affairs, that is, beyond disclosures required by law to be made in its Annual Report, may affect the price of its shares and the shareholders' value.

It would not, therefore, be appropriate to give details of the financial assistance extended by the Government to the company.

I wish, however, to state that Air Mauritius Ltd has not obtained any loan from Government. It has only benefitted from bank guarantees from Government and the company has always paid appropriate commission to Government for such guarantees. Also, it has always met its obligations arising from assistance given to it by Government.

Regarding measures taken to address its financial situation, the company has embarked, with the assistance of consultants of international repute, on numerous initiatives such as network rationalisation, restructuring of its various departments, a robust cash conservation initiative and is also initiating steps for entering into a strategic partnership.

FOIRE DE PLAISANCE - SALLE DES FÊTES - CONVERSION

(No. B/192) Mrs L. Ribot (Third Member for Stanley and Rose Hill) asked the Minister of Local Government and Outer Islands whether, in regard to the Foire de Plaisance, he will, for the benefit of the House, obtain from the Municipal Council of Beau Bassin/Rose Hill, information as to if a decision has been taken for the conversion of the first floor thereof into a *salle des fêtes* and if so, indicate the reasons therefor.

Reply: I am informed by the Municipal Council of Beau Bassin-Rose Hill that the project for the conversion of "Foire de Plaisance" into Salle des Fêtes was approved at its Council meeting of 19 October 2009.

I am informed that the objective of this project is to provide facilities for the organisation of receptions and social gatherings to the inhabitants of Plaisance.

ABORTION – COMPLICATIONS

(No. B/193) Mr K. Ramano (Second Member for Belle Rose and Quatre Bornes) asked the Minister of Health and Quality of Life whether, in regard to the women who have been treated

in public hospitals and private clinics following complications resulting from abortion, he will state the number of reported cases thereof, over the past 10 years, indicating the number thereof who passed away as a result of the said complications.

Reply: The information asked is being tabled.

HOSPITALS - INTERRUPTION OF PREGNANCY - PROTOCOL

(No. B/194) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes) asked the Minister of Health and Quality of Life whether, in regard to the hospitals, he will state if therapeutic interruption of pregnancy is practised thereat to save the life of the mother and if so, indicate the protocol laid down therefor.

Reply: I am informed that -

- (a) prior to 1997, therapeutic interruption of pregnancy was practised to save the life of the mother after seeking and obtaining authorisation from the Attorney General's Office, on a case to case basis;
- (b) however, in 1997, the Attorney General's Office has advised that, as a general rule, termination of pregnancy could be undertaken only if such termination is warranted by actual necessity as a result of serious risk to the mother's life;
- (c) in the light of the advice tendered, a protocol has been established by my Ministry, a copy of which is being tabled.

TERTIARY EDUCATION COMMISSION

- PROFESSOR V.S.P. & DR. R. R. - APPOINTMENT

(No. B/195) Mr J.C. Barbier (Second Member for GRNW & Port Louis West) asked the Minister of Tertiary Education, Science, Research and Technology whether, in regard to Professor V.S.P., and Dr. R. R., he will state if they are or have been employed by his Ministry and, for the benefit of the House, obtain from the Tertiary Education Commission, information, as to if they are/have been employed thereat and, if so, in each case, state and obtain information as to the -

- (a) capacity in which they are/were employed;
- (b) date of appointment;
- (c) terms and conditions of employment;
- (d) scheme of duties, and

- (e) if they are/were employed to work on the setting up of the Open University and, if so, indicate where matters stand.

Reply: I am tabling the information regarding part (a), (b), (c) and (d) of the question.

As regards part (e) Prof Prasad worked on the Open University Bill, the organisation structure of the Open University and an implementation plan. The Open University Act has been enacted in 2010 and the appointment of the Board is in process.

MAURITIUS SPORTS COUNCIL - EMPLOYEES - TRANSFER

(No. B/196) Mrs P. Bholah (First Member for Piton & Rivière du Rempart) asked the Minister of Youth and Sports whether, in regard to the Mauritius Sports Council, he will, for the benefit of the House, obtain therefrom, information as to the number of employees thereof who have been transferred, since January 2012 to date, indicating the reasons therefor, in each case.

Reply: I am informed by the Mauritius Sports Council that 7 employees have been transferred since January 2012 to date. The change in posting has been effected either at their own request or at the request of the officer in charge.

STATE INFORMATICS LTD – FINANCIAL ASSISTANCE

(No. A/105) Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière) asked the Minister of Information and Communication Technology whether, in regard to the State Informatics Ltd., he will, for the benefit of the House, obtain from the company, information as to -

- (a) since 2005 to date, the total amount of -
 - (i) Government capital invested therein and the financial assistance, if any, received from Government and any State enterprise thereto;
 - (ii) money invested in Africa and the return thereon, and
- (b) travel expenses incurred in respect of the present Chairperson and the Chief Executive thereof, since their appointment to-date.

Reply: SIL is a fully owned Government private company with Government holding 80% of shares and the State Investment (SIL) 20% of shares.

With regard to part a (i) of the question, SIL is a self-financing institution drawing its revenue from its commercial activities undertaken both locally and in the region. The company has,

therefore, not solicited or benefitted any capital investment or financial assistance from Government since 2005 to date.

Regarding part a (ii) of the question, SIL has invested a total amount of Rs1,740,000 in Africa, namely in SILNAM in Namibia and SILBOTS in Botswana since 2005. The return on these investments amounts to Rs11,038,773.32.

As regards part (b) of the question, travel expenses incurred in respect of the Chairperson from October 2006 to date and the General Manager from January 2008 to date amount to Rs1,390,171.35 and Rs1,839,127.71 respectively.

APPAVOU GROUP, LE MORNE – HOTEL – WATER SUPPLY

(No. A/107) Mrs J. Radegonde (Fourth Member for Savanne & Black River) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Hotel of the Appavou Group, at Le Morne, he will, for the benefit of the House, obtain from the Central Water Authority, information as to if the water supply thereof has been disconnected for non-payment of the water tariffs.

Reply: I am informed by the Central Water Authority that the Hotel of the Appavou Group at Le Morne is not currently disconnected to the CWA network.

Water connection has been disconnected on several occasions in the past for non-payment of water bills and restored following part payments.

SC & HSC EXAMINATIONS FEES - SUBSIDIES

(No. A/108) Mrs J. Radegonde (Fourth Member for Savanne & Black River) asked the Minister of Social Security, National Solidarity and Reform Institutions whether, in regard to the subsidies granted to the students for the payment of the School Certificate and the Higher School Certificate examinations fees, she will state if Government proposes to review the threshold for eligibility thereto to allow more needy students to benefit therefrom.

Reply: Prior to year 2007, Government was paying 50% of the SC and HSC Examination fees in respect of all students. In addition, Social Aid beneficiaries were entitled to the refund of the remaining 50% of the fees payable.

However, as from 2007, Government came forward with a new measure for full payment of examination fees for children whose -

- (i) parents are in receipt of Social Aid, Unemployment Hardship Relief (UHR) and a basic pension (beneficiaries of basic pension who would have qualified to receive social aid), and
- (ii) parents whose aggregate monthly income does not exceed Rs7,500.

Moreover, children whose parents' aggregate monthly income was between Rs7,501 and Rs10,000 were eligible for payment of 50% of examination fees.

Since then, the income ceiling has been raised twice as follows -

- (i) In January 2010, the income threshold was raised to Rs8,500 for those benefitting from 100% examination fees and Rs11,000 for those benefitting from 50%.
- (ii) As from January 2011, the income threshold for eligibility was further raised from Rs8,500 to Rs14,500 and from Rs11,000 to Rs20,000 for those benefitting respectively from 100% and 50% payment of examination fees. This represents a significant increase of 70.5% and 82% for these two categories.

Some 5,694 HSC students and 11,853 SC students of Mauritius and Rodrigues are benefitting for payment of examination fees for the year 2012.

Further review of the income threshold involves major policy decision which needs consultation with the Ministry of Finance and Economic Development.

NPF - HOUSEHOLD WORKERS - CONTRIBUTION

(No. A/109) Mrs L. D. Dookun-Luchoomun (Second Member for Quartier Militaire & Moka) asked the Minister of Social Security, National Solidarity and Reform Institutions whether, in regard to the facility given by Government to waive off the employees' contribution to the National Pension Fund, she will, for the benefit of the House, obtain from the Fund, information as to the number of household workers who have availed themselves thereof, indicating the eligibility criteria therefor.

Reply: The legislation with respect to the waiving off of the employee's contribution to the NPF for Household employers has been proclaimed as from 01 January 2012. The number of workers who will benefit from this scheme will only be available after the submission of contribution returns for this financial year, which are due as from January 2013.

As regards the eligibility criteria for this scheme, the insured person must be working either in the domestic service of an employer or as an agricultural worker in the service of an employer

who is an individual. The person should also earn a remuneration which does not exceed 3,000 rupees, in the aggregate, during any period in a month, from that employer or concurrently from that employer and any other employer.

CALCUTTA STREET, PORT LOUIS - WASTE WATER

(No. A/111) Mr A. Ameer Meea (First Member for Port Louis Maritime and Port Louis East) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether he will, for the benefit of the House, obtain from the Waste Water Management Authority, information as to if it has been informed of the presence of waste water at the residence of one Mr Dawood Joypaul, flowing out of the sewerage network, at 29, Calcutta Street, Port Louis, and, if so, indicate if urgent remedial actions have been or will be taken.

Reply: I am informed that the problem at the residence of Mr Dawood Joypaul has already been addressed along with some nine other cases.

GOVERNMENT QUARTERS – PULLING DOWN

(No. A/112) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix) asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the Government Quarters, he will give a list thereof which need to be pulled down, indicating -

- (a) where matters stand in relation thereto;
- (b) the location thereof, and
- (c) the projects, if any, that have been identified to be implemented on the site thereof.

Reply: The information is being compiled and will be tabled at the earliest.

QUATRE BORNES - SEWERAGE WORKS

(No. A/113) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the implementation of the Plaines Wilhems Sewerage Project, he will, for the benefit of the House, obtain from the Waste Water Management Authority, information as to where matters stand regarding the works being carried out in Quatre Bornes, indicating the -

- (a) number of roads that have been tarred following the sewerage works, and

- (b) timeframe for the completion thereof.

Reply: The wastewater works in the region of Quatre Bornes are being carried out under two contracts, namely, the Plaines Wilhems Sewerage Project Lot 1 A and Lot 2, respectively.

I am informed by the Wastewater Management Authority that so far 415 roads in Quatre Bornes have been tarred, out of which 345 have already undergone final resurfacing. The remaining 70 have been reinstated on a temporary basis. The final resurfacing would be carried out once the trenches have settled.

As for part (b) of the question, I am informed by the Wastewater Management Authority that Lot 1A is expected to be completed by July 2014 whereas the completion date for Lot 2 has been revised to April 2013.

QUATRE BORNES - GAMING OUTLETS

(No. A/114) **Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes)** asked the Minister of Local Government and Outer Islands whether, in regard to the gaming outlets in Quatre Bornes, he will, for the benefit of the House, obtain from the Municipal Council of Quatre Bornes, information as to the number thereof operating as -

- (a) bookmakers;
- (b) totalisers;
- (c) casinos;
- (d) coin operated machines, and
- (e) loto.

Reply: I am informed by the Municipal Council of Quatre Bornes that the number of gaming outlets operating in the town of Quatre Bornes is as follows -

	Trade	Number in operation
(a)	Bookmakers	
	(i) Operating outside racecourse	6

	(ii) Operating by telephone	1
(b)	Operator of totalisator	3
(c)	Casinos	-
(d)	Coin operated machines	5
(e)	Seller of newspapers/magazines Lotteries in kiosk (Loto)	27

MINISTRY OF YOUTH AND SPORTS – ADVISERS

(No. A/115) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the advisers appointed by his Ministry, he will give a list thereof, indicating in each case -

- (a) their qualifications;
- (b) the scheme of duties, and
- (c) their salaries and terms and conditions of appointment.

Reply: The information requested is being laid in the Library.

PUBLIC BEACHES – DEPROCLAMATION

(No. A/116) Mr R. Uteem (Second Member for Port Louis South and Port Louis Central) asked the Minister of Housing and Lands whether, in regard to the public beaches, he will state the extent thereof which has been deproclaimed as such, since 2005 to date, indicating in each case, the -

- (a) location thereof, and
- (b) reasons therefor.

Reply: Since 2005, an extent of 21A59P has been deproclaimed as public beach as follows -

-

SN	Locality	Extent (Arpents)	Date of Deproclamation	Reasons
1.	Saint Felix	2A55P	14 February 2005	In connection with Saint Félix Master Plan – leased to Spa on the Shores

				Limited for a hotel project.
2.	Coteau Raffin (PG Comptesse de Lamarque)	9A91P	22 May 2007	Leased to Tatorio Holdings Ltd for landscaping purposes.
3.	Pointe aux Piments	1A90P	23 February 2008	Leased to Oberoi Balaclava Ltd for the construction of additional villas.
4.	Pointe aux Piments	0A34P	22 May 2010	Vested in the Ministry of Agro-Industry and Food Security for the construction of a Marine Park Centre.
5.	Le Morne	0A09P	25 June 2010	Vested in the Prime Minister's Office for the implementation of the Coastal Surveillance Radar System (CSRS).
6.	Grand Baie (La Cuvette)	0A24P	23 July 2010	Leased to Lei & Co Ltd. for the running of a private club cum restaurant.
7.	Pointe aux Piments	6A50P	14 October 2010	Vested in the Ministry of Social Security, National Solidarity and Reform Institutions for the construction of a recreation centre for Senior Citizens.
8.	Trou aux Biches	0A06P	04 February 2012	Leased to Mr Suryadeo Sungkur for the purpose of operating a food outlet.

It is however to be noted that during the same period that is, 2005 to date, an additional extent of 39A16P has been proclaimed as public beach in different locations.

ICT SECTOR – TRAINING ACADEMY – SETTING UP

(No. A/117) Mr R. Uteem (Second Member for Port Louis South and Port Louis Central) asked the Minister of Information and Communication Technology whether, in regard to

the proposed setting up of an academy for training in the ICT sector, he will state where matters stand.

Reply: Government approval was obtained in July 2011 for the setting up of a Government Owned Company to operate an ICT Academy in Mauritius with a view to addressing the acute problem of mismatch and shortage of ICT professionals which is hindering the development of the sector. The National ICT Training Centre Ltd, with the business name “ICT Academy”, was accordingly incorporated on 14 October 2011 with Government holding 52% of the shares and SIL 48%.

The Industry expressed interest to participate in the project not only in terms of recruitment of persons to be trained by the Academy but also in terms of shareholding.

Accordingly, Government approval was sought and obtained in March 2012 to open up the shareholding structure to the following entities –

- (a) the private sector, through the Industry Associations namely, MITIA, OTAM and CCIFM, and
- (b) licensed Telecommunication Operators namely, Orange, Emtel and MTML.

While the Academy will be operated as a private undertaking, Government will act as a facilitator to help in skills development and training carried out by not only the Academy but any other training institution in the ICT Sector.

Hence, in line with the measures announced in the Government Programme 2012-2015 for people development and youth employability, it is now proposed to set up through a streamlined and integrated approach, an ICT Skills Development Scheme under the purview of my Ministry. Leveraging on the holistic capacity building in the IT Sector, the proposed scheme will also facilitate and support the ICT Academy.

My Ministry, in collaboration with relevant stakeholders, is presently working on the modalities for the scheme.

PQ No. B/191

COMMUNIQUE

NEW GOVERNMENT SCHOLARSHIP SCHEMES (LAUREATE SCHEMES)

1. The Public is hereby informed that, as announced on **19 November 2010** in the Budget Speech 2011, the Government Scholarship Schemes, also known as the Laureate Schemes, have been reviewed with the number of scholarships being increased from **30** to **60**.
2. The new schemes will apply to students competing at HSC examinations **as from 2012**. Details of the new schemes and the attached conditions are given below.

SCHOLARSHIPS	CURRENT (No)	NEW SCHEMES (No)
1. SSR National Scholarship Scheme	2 (1 boy and 1 girl on science side)	2 (unchanged) except that the award will be made under the SSR Foundation)
2.State of Mauritius Scholarship Scheme <i>Science</i> <i>Economics</i> <i>Arts</i> <i>Technical</i>	16 <i>8 (4 boys & 4 girls)</i> <i>4 (2 boys & 2 girls)</i> <i>2 (1 boy & 1 girl)</i> <i>2 (1 boy & 1 girl)</i>	16 (unchanged) as per current allocation stream-wise and gender-wise but with option to study either abroad or locally)
3.Additional Scholarship Scheme <i>(a) Group A – Academic Merit Only</i> <i>Science</i> <i>Economics</i> <i>Arts</i> <i>Technical</i> <i>Rodrigues open Scholarships</i>	12 (total) <i>12</i> <i>4 (2 boys & 2 girls)</i> <i>4 (2 boys & 2 girls)</i> <i>1 (1 girl)</i> <i>1 (1 boy)</i> <i>2 (1 boy & 1 girl)</i>	42 (total) <i>a) 26</i> for those ranked after beneficiaries of State of Mauritius scholarships. i) First 12, same as per current allocation stream-wise & gender-wise, are tenable either abroad or locally . ii) Remaining 14 , tenable locally only , will be allocated as follows:

<p>(b) Group B –Academic Merit & Social Criteria</p> <p><i>Science</i></p> <p><i>Economics</i></p> <p><i>Arts</i></p> <p><i>Technical</i></p> <p><i>Rodrigues (any field)</i></p>	<p><i>Nil</i></p>	<p><i>Science</i> 4 (2 boys & 2 girls)</p> <p><i>Economics</i> 2 (1 boy & 1 girl)</p> <p><i>Arts</i> 3 (2 boys & 1 girl)</p> <p><i>Technical</i> 3 (1 boy & 2 girls)</p> <p><i>Rodrigues</i> 2 (1 boy & 1 girl as per merit list for Rodrigues)</p> <p>b) 16 new scholarships tenable locally only for those ranked among first 500 in Cambridge International Examination Scholarship Rank order with family income not exceeding Rs12,000 per month.</p> <p><i>Science</i> 6 (3 boys & 3 girls)</p> <p><i>Economics</i> 4 (2 boys & 2 girls)</p> <p><i>Arts</i> 2 (1 boy & 1 girl)</p> <p><i>Technical</i> 2 (1 boy & 1 girl)</p> <p><i>Rodrigues (any field)</i> 2 (1 boy & 1 girl)</p>
<p>TOTAL</p>	<p>30</p>	<p>60</p>

3. In addition, a New Bursary Scheme providing 8 bursaries per year has been introduced for the benefit of students from the lowest income families who have passed the HSC examinations. Bursaries will be awarded for the first time in 2012 to students having sat for HSC examinations in 2011.
4. The benefits and conditions attached to each scheme are specified under the respective schemes in paragraph 5 while the benefits and conditions applicable to all the schemes (Bonding, Service to Mauritius, Postgraduate Scholarships, Conditions for study of Medicine and Medicine-related subjects) are spelt out in paragraphs 6 to 9 below.
5. The benefits and conditions attached to each scheme are as follows:

(1) SSR NATIONAL SCHOLARSHIP SCHEME-(2 Scholarships)

The Sir Seewoosagur Ramgoolam Foundation will award a scholarship to one boy and one girl ranked first on the Science Side who opt for a first degree of 5-year duration in Medicine. In case a first ranked student does not opt for a first degree in Medicine, he/she will be awarded a scholarship under the State of Mauritius Scholarship Scheme. The SSR National Scholarship will then be awarded to the next best ranked student on the Science side who opts for a first degree in Medicine. The scholarship covers tuition fees and related charges, a living allowance at approved rates, and economy class air fares to the place of study on departure and final return to Mauritius on completion of the course or internship as the case may be.

(2) STATE OF MAURITIUS SCHOLARSHIP SCHEME-(16 Scholarships)

16 Scholarships will be allocated as per the existing allocation criteria, i.e. gender-wise and stream-wise, to the best students (8 boys and 8 girls) ranked after beneficiaries of the SSR National Scholarships.

Beneficiaries will have the option of studying abroad or locally.

Those who choose to study abroad will get fully funded scholarships for a first degree of up to 4 years' duration, covering tuition fees and related charges, a living allowance at approved rates and economy class air fares to the place of study on departure and final return to Mauritius on completion of the course.

Those who choose to study locally will:

- (i) get fully funded scholarships for a first degree of up to 4 years' duration in any local tertiary education institution recognised by the Tertiary Education Commission (TEC), covering tuition fees and related charges, plus an annual allowance of Rs 200,000. Those who choose to study Medicine or medicine-related fields in a recognised local tertiary education institution will get an annual allowance of Rs 200,000 plus tuition fees and related charges for a maximum of five years; and
- (ii) except for those having opted for Medicine or medicine-related fields, be eligible for a fully funded scholarship for postgraduate studies as per paragraph 8 below.

(3) ADDITIONAL SCHOLARSHIP SCHEME-(Total of 42 Scholarships)

This Scheme has been enlarged to cater for some scholarships to be awarded on a combination of academic merit and social criteria. The total number of scholarships has accordingly been increased from 12 to 42.

The breakdown is as follows:

(a) Group A-Academic Merit-(26 Scholarships)

26 students ranked immediately after Laureates of the State of Mauritius Scholarship Scheme will be awarded a scholarship as per allocation (gender-wise and stream-wise) specified in the table at paragraph 2.3 above, as follows:-

First 12 Scholarships: The first twelve Laureates ranked after the State of Mauritius Scholarship Scheme will have the option of studying abroad or locally.

Those who choose to study abroad will get an annual all-inclusive grant of a maximum of Rs 300,000 (instead of Rs 590,000 previously) for a first degree of a maximum duration of 4 years.

Those who choose to study locally will:

- (i) get an annual allowance of Rs 96,000 plus tuition fees and related charges up to Rs 150,000 per year for a first degree of up to 4 years' duration. Those who choose to study Medicine or medicine-related fields in a recognised local tertiary education institution will get an annual allowance of Rs 96,000 plus tuition fees and related charges up to Rs 150,000 per year for a maximum of five years; and
- (ii) except for those having opted for Medicine or medicine-related fields, be eligible for a fully funded scholarship for postgraduate studies as per paragraph 8 below.

14 New Scholarships: The 14 newly added scholarships do not provide Laureates with the option to follow undergraduate studies abroad. These Laureates will have to undertake their undergraduate studies in a recognised local tertiary education institution.

Selection criteria: Ranked immediately after the first 12 Laureates under the Additional Scholarship Scheme.

The beneficiaries will:

- (i) get an annual allowance of Rs 96,000 plus tuition fees and related charges up to Rs 150,000 per year for a first degree of up to 4 years' duration. Those who choose to study Medicine or medicine-related fields in a recognised local tertiary education institution will get an annual allowance of Rs 96,000 plus tuition fees and related charges up to Rs 150,000 per year for a maximum of five years; and
- (ii) except for those having opted for Medicine or medicine-related fields, be eligible for a fully funded scholarship for postgraduate studies as per paragraph 8 below.

(b) *Group B - Academic Merit and Social Criteria-(16 Scholarships)*

Under this new Scheme, 16 Scholarships will be awarded on the basis of both academic merit and approved social criteria.

Once HSC examinations results are proclaimed, eligible candidates will be called upon to apply for these scholarships.

Selection criteria:

- (i) ranked among the first 500 of the Cambridge International Examination Scholarship Rank Orders; and
- (ii) household (family) income should not exceed Rs 12,000 per month.

The beneficiaries will:

- (i) get an annual allowance of Rs 96,000 plus tuition fees and related charges up to Rs 150,000 per year for a first degree of up to 4 years' duration in a recognised local tertiary education institution. Those who choose to study Medicine or medicine-related fields in a recognised local tertiary education institution will get an annual allowance of Rs 96,000 plus tuition fees and related charges up to Rs 150,000 per year for a maximum of five years; and
- (ii) except for those having opted for Medicine or medicine-related fields, be eligible for a fully funded scholarship for postgraduate studies as per paragraph 8 below.

(4) *NEW BURSARY SCHEME-(8 Bursaries)*

Eight scholarships in the form of bursaries will be awarded annually to the best qualified students

- (i) having passed the HSC and secured a seat for a first degree in a recognised local tertiary education institution and
- (ii) belonging to families with monthly household income not exceeding Rs 5,000.

This Bursary Scheme will be implemented by the Ministry of Social Integration and Economic Empowerment.

The beneficiaries will:

- (i) get an annual living allowance of Rs 96,000 plus tuition fees and related charges up to Rs 150,000 per year for a first degree of up to 4 years' duration in a recognised local tertiary education institution. Those who choose to study Medicine or medicine-related fields in a recognised local tertiary education institution will get an annual allowance of Rs 96,000 plus tuition fees and related charges up to Rs 150,000 per year for a maximum of five years; and
- (ii) except for those having opted for Medicine or medicine-related fields, be eligible for a fully funded scholarship for postgraduate studies as per paragraph 8 below.

6. Two-Year Local Service (Service to Mauritius Programme)

All beneficiaries of the new Government Scholarship and Bursary Schemes will:

- (i) have to work for at least 2 years in the public sector in Mauritius under the 'Service to Mauritius Programme' after completing their first degree; and
- (ii) be given priority of placement under the 'Service to Mauritius Programme' for their two-year local service. Exceptionally, they may be allowed to take a job in the private sector in Mauritius. However, such requests from beneficiaries may be considered on a case to case basis.

7. Bonding of all Beneficiaries and their sureties

All beneficiaries of scholarships and bursaries and their sureties will have to sign a bond for an amount of Rs 500,000. In case beneficiaries do not fulfil the conditions of their bond, they will have to refund the full amount of the bond.

8. Postgraduate Scholarships for Beneficiaries of Bursaries and Laureates having opted to study locally

After completing satisfactorily their two-year service under the ‘Service to Mauritius Programme’, all beneficiaries who have done their first degree in a local tertiary education institution recognised by the Tertiary Education Commission (except those having opted for study in Medicine or Medicine-related fields) will be eligible for a fully funded scholarship for postgraduate studies for a maximum period of one year abroad or two years locally provided they have passed their undergraduate degree with at least upper second class honours.

9. Conditions for study of Medicine and Medicine-related subjects

Beneficiaries who opt for study in Medicine or Medicine-related fields, will:

- (i) have to work for at least 2 years in the public sector in Mauritius under the ‘Service to Mauritius Programme’ after being fully qualified, that is after completing their first degree and internship; and
- (ii) not be eligible for a postgraduate scholarship under the new Laureate and Bursary Schemes.

10. Additional Information

Additional information or clarifications may be obtained from the Scholarships Section, Ministry of Education and Human Resources, 1st Floor, MITD House, Phoenix, Phone No: 686 0772 and Fax No:686 8581. The Communiqué has also been placed on the Ministry’s website which is as follows: <http://ministry-education.gov.mu>

Ministry of Education and Human Resources

5 March 2012