



SIXTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

FIRST SESSION

TUESDAY 03 NOVEMBER 2015

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THE CABINET**(Formed by the Rt. Hon. Sir Anerood Jugnauth, GCSK, KCMG, QC)**

Hon. Sir Anerood Jugnauth, GCSK, KCMG, QC	Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit
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MAURITIUS

Sixth National Assembly

FIRST SESSION

Debate No. 38 of 2015

Sitting of 03 November 2015

The Assembly met in the Assembly House, Port Louis at 11.30 a.m.

The National Anthem was played

(Madam Speaker in the Chair)

PAPERS LAID

The Ag. Prime Minister: Madam Speaker, the Papers have been laid on the Table –

A. Office of the President –

The Annual Report 2014 – 2015 of the Ombudsperson for Children’s Office.

B. Ministry of Finance and Economic Development -

(a) Virement Certificates Return – Quarter 1 (July-September 2015)

(Estimates 2015-2016). (In Original)

(b) Virement Warrant Return Nos 1 to 3 – Quarter 1 (Estimates 2015 –

2016). (In Original)

(c) Virement (Contingencies) Warrant Return Nos. 1 to 4 and 6 – Quarter

1 (Estimates 2015 - 2016). (In Original)

(d) The Annual Report of the Bank of Mauritius for Year ended 30 June 2015.

(e) The Public Procurement (Electronic Bidding System) Regulations

2015. (Government Notice No. 210 of 2015).

C. Ministry of Local Government –

The District Council of Black River (Collection and Disposal of Refuse)

(Amendment) Regulations 2015. (Government Notice No. 209 of 2015).

D. Ministry of Arts and Culture –

(a) The Mauritius Marathi Cultural Centre Trust (Amendment of Schedule) Regulations 2015. (Government Notice No. 212 of 2015).

(b) The Mauritius Tamil Cultural Centre Trust (Amendment of Schedule) Regulations 2015. (Government Notice No. 213 of 2015).

(c) The Mauritius Telegu Cultural Centre Trust (Amendment of Schedule) Regulations 2015. (Government Notice No. 214 of 2015).

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

The Reform Institutions (Premises) (Amendment) Regulations 2015.

(Government Notice No. 211 of 2015).

ORAL ANSWERS TO QUESTIONS**BAIN DES DAMES - TANK FARM & COMBINED CYCLE POWER PLANT
PROJECT**

The Leader of the Opposition (Mr P. Bérenger) (*by Private Notice*) asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to the new Tank Farm and Combined Cycle Power Plant Project to be implemented at Bain des Dames, he will, for the benefit of the House, obtain from the Central Electricity Board, information as to if it has –

- (a) requested that all the EIA and Ramsar Committee/Wetlands requirements and considerations be waived, indicating if the recent National Report of the Ramsar Committee on the said project will be rendered public, and
- (b) effected advance payments therefor before the completion of all the required formalities in relation thereto.

The Vice-Prime Minister, Minister of Energy and Public Utilities (Mr I. Collendavelloo): Madam Speaker, I intend to reply with regard to the Tank Farm because for the Combined Cycle Gas Turbine or the Combined Cycle Power Plant, CEB is still in the process of appointing a consultant for the execution of the project.

In order to obtain new storage capacity to ensure at least two months' storage capacity including additional requirements for the new St Louis Power Station, the Central Electricity Board decided to construct a tank farm on a plot of land of 14A87 at Les Grandes Salines.

On 24 May 2013, the Central Electricity Board applied for the EIA Licence which was granted on 30 September 2013. Among the conditions contained in the EIA licence, condition 9 stipulated that, I quote -

“The necessary setbacks shall be observed from the water drain and marshy areas found in the vicinity of the site”.

No mention was made of the existence of wetlands on the site itself.

I am tabling a copy of the EIA licence.

On 04 July 2014, the Central Electricity Board invited bids for the construction of three storage tanks of capacity 6,500 m³ each. The Central Procurement Board approved the award of the contract on 09 February 2015. After the issue of the notification to all bidders,

there was a challenge filed at the Independent Review Panel, which was set aside by the Panel.

The Central Electricity Board awarded the contract on 29 May 2015 to Arun Fabricators for the value of Rs540 m. exclusive of VAT.

The contractor mobilised on site on 28 August 2015. On 08 September 2015, the contractor consulted the Forestry Department for the cutting of trees. Doubts were then expressed on the possible presence of wetlands. On 12 September 2015, the Central Electricity Board referred the matter to the National Ramsar Committee.

I am informed that a sub Committee of the National Ramsar Committee carried out a site visit on 02 October 2015. The National Ramsar Committee had a first meeting on 12 October 2015. It had a second meeting on 26 October 2015 and, by a letter dated 30 October 2015, it has issued clearance to the Central Electricity Board. I am tabling a copy of the letter.

I am informed that there is no “National Report” of the National Ramsar Committee.

The House may wish to know that the National Ramsar Committee comprises seventeen members including the -

- (i) Ministry of Agro Industry and Food Security;
- (ii) The National Parks and Conservation Service;
- (iii) Ministry of Environment, Sustainable Development, Disaster and Beach Management;
- (iv) Ministry of Ocean Economy, Marine Resources, Fisheries, Shipping and Outer Islands;
- (v) Ministry of Housing and Lands;
- (vi) Ministry of Local Government;
- (vii) Ministry of Tourism and External Communications;
- (viii) Ministry of Arts and Culture;
- (ix) Ministry of Education and Human Resources, Tertiary Education and Scientific Research;
- (x) Ministry of Industry, Commerce and Consumer Protection;
- (xi) Forestry Services;
- (xii) University of Mauritius;
- (xiii) Mauritius Institute of Education;

- (xiv) Central Water Authority;
- (xv) Wastewater Management Authority, and
- (xvi) Two NGOs: Mauritian Wildlife Foundation Environmental Protection & Conservation Organization (EPCO)

As regards part (b) of the question, I am informed by the Central Electricity Board that after the submission by the Contractor of the Performance Security, the Contractors all risk Insurance Policy and an advance payment guarantee of Rs54m., Central Electricity Board proceeded with the advance payment of 10% to the Contractor on 25 August 2015.

The contract is for a Design and Build project which implies that the Contractor has to apply for permits and other clearances from relevant Authorities required under the EIA licence conditions.

Mr Bérenger: Madam Speaker, the hon. Minister has chosen to reply to the part of my question which deals with the new tank farm and to ignore completely the project, the proposed Combined Cycle Power Plant Project. Will he confirm that, in a letter dated 08 October 2015, the General Manager of CEB wrote to the Senior Chief Executive of the Ministry of Energy and Public Utilities requesting, in fact, that all EIA and Ramsar considerations be waived both for the new tank farm project and the proposed Combined Cycle Project, if I can quote the last, but one paragraph of that letter before I table it as usual.

“On account of the sound reasons stated above, we hereby solicit your prompt intervention so as to seek a waiver from the relevant authorities to depart from the setback requirement in the EIA and to allow the CEB to utilise the full extent of the site (including the marshy area thereof), to enable the timely implementation of the project, that is construction of the three fuel oil tanks and erection of CCGT power plant.”

I table a copy of the letter and can I ask the hon. Minister, therefore, why does he deal with the three fuel oil tanks only and try to keep from public attention the request for a total waiver for both projects?

Mr Collendavelloo: No. That is not so. I think this is an unwarranted reaction. I did say, at the outset, that I was not going into the CCGT because we were still in initial stages. Now, this request was made by the Senior Chief Executive to Mr Bikoo and Mrs Nababsing attention and that was written by CEB to SCE. The Ministry did not go forward with this.

Mr Bérenger: So, I take it therefore that no decision has been taken to waive completely all EIA considerations and the Ramsar consideration for both projects.

Mr Collendavello: If the term waiver means that the legal provisions are not going to apply to this project, then there has been no waiver. However, we see from the document which I have tabled that the Ramsar Committee has now given its approval to the project with regard to the tank farm.

Mr Bérenger: Arms twisting and we will get to that letter – it is a shame! If I can look at the EIA granted years back dated 30 September 2013, is the hon. Minister therefore aware that it was for a tank farm only? There is no EIA clearance or even request as far as the new plant is concerned and one of the two key conditions is that necessary setbacks meaning 30 metres as per the existing legislation from water drain and marshy areas is one condition. Is the hon. Minister honestly telling us that there is no marshy land on the site itself when we have EIA saying that there is and the CEB requesting that the EIA conditions we waived on that point?

Mr Collendavello: Perhaps the House will read carefully condition 9 which I underlined, which states that the water drain and marshy areas are found in the vicinity of the site. We are talking only of tank farm. We have received an EIA - the CEB I mean - only for the tank farm. No EIA has been asked yet for the Combined Cycle Power Plant for a simple reason because the consultant has not even started the work. When the consultant will come - and the hon. Leader of the Opposition knows this - with his project and with the siting of the plant, then we will see whether the EIA will be granted or not.

Mr Bérenger: As far as the tank farms are concerned, is the hon. Minister aware that a second condition in the EIA certificate authorisation, the 17th condition, is that the tanks shall be located at the northern extremity of the site furthest away from the residential area and that now when he chose a contractor, the CEB has also agreed that the contractor - that he has been paid Rs54 m. - Arun Fabricators carry out the soil investigation now for new location at its cost and submit their findings and so on? So, now we are talking about moving both the tank farms and the forthcoming plan away from the agreed site in the EIA. Is the hon. Minister aware of that?

Mr Collendavello: Yes.

Mr Bérenger: Well, is the hon. Minister aware that in the letter which I tabled, the CEB says that if the EIA conditions – can I quote instead if you will allow me, Madam Speaker -

“In case the CEB makes the necessary setback allowance of the 30 metres, as per Planning Policy Guidance issued by the Ministry of Housing and Land, the extent of land left for development will be negligible for the Project contemplated.”

Both “(... the proposed layout of the tank farm and the CCGT plant and - what they add as - the visual extent of the marshy area).”

Is the hon. Vice-Prime Minister aware that the CEB says that if, as it requests, all the EIA and Ramsar considerations are not waived, it simply cannot implement that project there?

Mr Collendavelloo: This is the view of the CEB. It is not shared by the Ministry.

(Interruptions)

This is the view of the CEB, which is not shared by the Ministry. Just like the hon. Member does not share that view!

Mr Bérenger: It is shameful what you are doing! It is really shameful in that case. Is the hon. Vice-Prime Minister aware that when the contract was awarded to the contractors, it was said that they should look for a new location at the other end, that is, near the houses, the habitations? These contractors have been chosen, paid an advance payment of Rs54 m., contrary to the EIA. We are talking about the Tank Farm. I have not yet reached the new plant.

Mr Collendavelloo: Well, there are many questions in that supplementary. Let me start with the first one, that is, the relocation of the Tank Farm. There is nothing surprising that, in the course of works, the exact location could be changed. It is in order to comply with the setback which is required under the EIA licence. The CEB has made the request and it is going to be worked under the close monitoring of my Ministry as well as the Ministry of Environment and the Ministry of Agro-Industry, that is, the Ramsar Committee.

Mr Bérenger: Madam Speaker, as far as the lease is concerned, is it not a fact that the lease granted in - if I have the date of the lease - September 2015, the lease just granted to the CEB is for the Tank Farm only? The lease recently granted in September 2015.

Mr Collendavelloo: The lease was granted in 2013, but signed in 2015.

(Interruptions)

But signed in 2015. Everybody who has been involved in Cabinet knows that, with regard to the lease, there is a letter of intent, a reservation before it is finally drafted and signed. Nobody who has been in Cabinet and worked, of course, could fail to know this!

(Interruptions)

Yes, I am arrogant before...

(Interruptions)

Madam Speaker: Please! Hon. Shakeel Mohamed, please! No foul language against any other Member, please!

(Interruptions)

No, please!

(Interruptions)

I have said no provocative language! Please!

Mr Bérenger: In the same letter, which I have tabled, the CEB pretends that - never before - recently when authority was sought to cut trees, then, for the first time, it was mentioned that there are marshy lands, that there is a marshy land problem, which is completely false, and the hon. Vice-Prime Minister has himself quoted the EIA certificate, going back to 2013, which mentioned precisely 'marshy lands'. Is the Vice-Prime Minister aware that the CEB had the cheek to put that on record?

Mr Collendavelloo: I don't know about the cheek! What I know is that the EIA licence mentioned wetlands in the vicinity of the site and not on the site. This is what is mentioned on the EIA licence and I will stick to this.

Mr Bérenger: Well, the documents are now public and we are playing on words. I ask the hon. Vice-Prime Minister again. Is he saying that, on the site that has been leased, there is no marshy land? There is a lease which has been approved, which has been drafted. Is the hon. Vice-Prime Minister saying that there is no marshy land on the land leased?

Mr Collendavelloo: There is a map which has been annexed to the letter, to the clearance of the Ramsar Committee. The map speaks for itself. As from that map, CEB will have to do the needful so as to comply with the conditions of the EIA or the Ramsar Committee. The Ramsar Committee has given its clearance; EIA has given its clearance.

Now, everything has been done, all the permits have been granted for the Tank Farm. If CEB goes ahead with the Combined Cycle Power Plant, then, of course, new licences will have to be applied for.

Mr Bérenger: If I precisely can move on to this Ramsar so-called clearance, it is an awful shame. The hon. Vice-Prime Minister has tabled a copy of the letter and he calls that letter a clearance from the Ramsar National Committee. Will the hon. Vice-Prime Minister confirm that there are no less than seven conditions attached to the so-called clearance? And can I quote –

“In the light of the above, the National Ramsar Committee has exceptionally approved the grant of the Ramsar clearance for the project subject to the following conditions (...)”.

Seven conditions! Will the hon. Vice-Prime Minister agree that, in fact, there is no Ramsar clearance? Those conditions include - the hydrogeology characteristics of the site need to be confirmed by an expert in the relevant field now; the necessary geotechnical investigation should be carried out on the site, and construction of all infrastructure works will need to be supervised by an experienced consultancy firm and so on. Will the hon. Vice-Prime Minister agree with me that this is no clearance? There has been arm-twisting. This is no clearance. The list of conditions shows that it is not clearance.

Mr Collendavello: Anyone can say whatever comes to his mind, but I am reading what I read. The National Ramsar Committee has exceptionally...

(Interruptions)

It may be shame! I can also use ‘shame’!

(Interruptions)

Madam Speaker: Please!

Mr Collendavello: Poor him!

(Interruptions)

Madam Speaker: Please! No, comments from a sitting position, I said!

Mr Collendavello: The letter states clearly that the Committee has exceptionally albeit, but it has approved the grant of Ramsar clearance. There are conditions attached to all clearances as there are to EIA licences, to building permits, to all sorts of permits and

licences. It has put its conditions and, of course, it is for CEB to ensure compliance or else the clearance will be removed. Surely, anybody of some narrow experience can know this!

(Interruptions)

Mr Bérenger: Shame on the hon. Vice-Prime Minister! Madam Speaker, we have a National Ramsar Committee chaired by the Permanent Secretary of the Ministry of Agro-Industry...

(Interruptions)

with a very extensive...

Madam Speaker: Hon. Shakeel Mohamed, please!

Mr Bérenger: ...membership. Can I know the date on which that Ramsar Committee sat, whether it sat under the chairmanship of the Permanent Secretary, whether the full Committee sat under the chairmanship of the Permanent Secretary, and can I know which members were present at that Committee that supposedly approved that so-called clearance, which is not a clearance at all?

Mr Collendavelloo: What I know is that the sub-committee of the National Ramsar Committee...

(Interruptions)

Yes, a sub-committee of the National Ramsar Committee - because the Committee is allowed to appoint a sub-committee - carried out a site visit on 02 October 2015. Then, the National Ramsar Committee - not the sub-committee, but the Committee - had a first meeting on 12 October 2015. It had a second meeting on 26 October 2015. What I know is that it was chaired by the Deputy Permanent Secretary. I do not know who else formed part of the Committee, but if a question is asked...

(Interruptions)

Well, can I be allowed to speak without unruly interruptions? Or else, I'll just sit down!

Madam Speaker: Please! You have asked the question, hon. Leader of the Opposition. Allow the Vice-Prime Minister to reply! Please!

Mr Collendavelloo: Sorry, I do not reply by permission of the Leader of the Opposition. He is not here to allow me to answer questions!

Mr Collendavelloo: I have...

Madam Speaker: Hon. Vice-Prime Minister, please, sit down! Please, sit down! I have given my ruling on this; I have said that we should have order in the House. The Opposition has the right to ask questions, you have the right to reply to the questions. Please, proceed in order!

Mr Bérenger: Madam Speaker, if I can move on to the award which has been granted to the contractor! Is it not a fact that the contract was awarded in August 2015 for the Tank Farm without, as I said, a new location having been found, without the tests that are supposed to be carried out for the Tank Farm for Rs540 m. and a down payment of Rs54 m. has already been paid, whereas, as I quoted earlier on, soil investigations are supposed to be carried out, they are asked to find another location and the CEB says that they are unable to hand over the site which is likely to make them liable to legal proceedings?

Mr Collendavelloo: Well, this contract is a designed and built contract; this is why a down payment is made before certain procedural steps are made. This is part of the contractual documents, and then it starts its work. There is nothing much we can do about it.

Mr Bérenger: If I can move to a part of the letter which I have tabled - the hon. Vice-Prime Minister is in the habit of saying that I exaggerate, I dramatize things, etc. Can I quote the following passage and tell him whether he is aware of that part of the letter? Can I quote, Madam Speaker?

“The non-implementation of the project or any further delay in its implementation may have (...)”

We are talking about both. We are talking about the Tank Farm and the new combined plant. I repeat, Madam Speaker, with your permission -

“The non-compliance thereof or any further delay in its implementation may have serious consequences on the electricity supply in the country as from 2018.”

And they add -

“The storage capacity of heavy fuel oil will not be sufficient to operate the new generating sets which have been installed - already - at Fort Victoria Power Station and those that would be installed at St. Louis Power Station by 2017.”

Is the hon. Vice-Prime Minister aware that, now, the CEB itself is talking that kind of language, that the situation is urgent, not just for the new power plant to come, but they are

saying that there is no room now to store additional fuel required if that fuel tank project does not go ahead, right now?

Mr Collendavelloo: Well, it is clear that this project is an integral and important part of the development plan of the CEB. This is why we see that the Ramsar Committee starts by saying the project is of national importance.

(Interruptions)

Pardon! Qu'est-ce que c'est?

(Interruptions)

No, that is one.

Madam Speaker: Please! Please, proceed!

Mr Collendavelloo: That is why the Ramsar Committee...

(Interruptions)

Of course, the Ramsar Committee!

Madam Speaker: Please, proceed!

(Interruptions)

Mr Collendavelloo: Not Rughoobur!

Madam Speaker: Hon. Vice-Prime Minister, we are left with only two minutes!

(Interruptions)

Mr Collendavelloo: I am sorry!

Madam Speaker: Please, proceed with your reply!

Mr Collendavelloo: The Ramsar Committee itself acknowledges that the project is of national importance to ensure security of electricity supply in Mauritius. This is acknowledged by one and all. The letter of the CEB is addressed to the Ministry of Energy to set out all the parameters. That was not sent to the Ramsar Committee or to the EIA. The Ministry had to be made aware of the strategic importance of that portion of land.

Madam Speaker: Last question, hon. Leader of the Opposition!

Mr Bérenger: Being given that the CEB itself is saying that, if we do not go full steam ahead with both projects, we are in trouble, not only concerning the new power plant to

come, but concerning the new machines which will not be supplied adequately by fuel; the hon. Vice-Prime Minister has not replied to most of the points raised today, either he has chosen or he cannot, can I request - because we are dealing with a national issue - that he should come and reply to all the points which I have raised, including that there is no marshy land on the land leased as per the Lease Agreement?

Mr Collendavelloo: Well, let us not mix issues. With regard to the strategic importance of that plot of land and even of the Tank Farm, the Combined Power Plant, from the beginning I have said that it is part of the national strategy. And I agreed, and it is clear from the World Bank Report, from my statements in Parliament, that it will be a severe setback if we are unable to go ahead with this project.

Now, with regard to wetlands and marshy lands, I feel I have answered correctly, but I will review all the questions of the hon. Leader of the Opposition when I read the transcript and shall come back with a statement should I feel that I have been under the standard required by the hon. Leader of the Opposition.

Madam Speaker: Time is over! Hon. Members, the Table has been advised that Parliamentary Question No. B/754, in regard to loans guaranteed by Government in favour of Air Mauritius Ltd., will be replied by the hon. Minister of Finance and Economic Development. The Table has further been advised that Parliamentary Question No. B/753 has been withdrawn. Hon. Dr. Sorefan!

AIR MAURITIUS LTD. – UPGRADING OF AIR TICKETS – BENEFICIARIES

(No. B/750) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to Air Mauritius Ltd., he will state the names of the passengers having benefitted from free upgrade of air tickets from economy class to business class and from free extra luggage entitlement when travelling on the flights thereof over the period 2012 to 2014 on instructions from the Prime Minister's Office, indicating in each case, the names of the officer having given the said instruction.

The Ag. Prime Minister: Madam Speaker, as already indicated in replies to previous Parliamentary Questions, Air Mauritius Ltd. is a Company listed on the Stock Exchange of Mauritius and is governed by the Memorandum and Articles of Association and the Companies Act.

It would, therefore, not be appropriate to provide the information asked for by the hon. Member.

Dr. Sorefan: Madam Speaker, I am very sorry to hear that and I do not see why the hon. Ag. Prime Minister is misleading the House. The question is...

Madam Speaker: I am sorry! Hon. Member, you cannot say that! Please, withdraw this word, because if you say that the hon. Ag. Prime Minister is misleading the House; you take your own responsibility.

Dr. Sorefan: I do withdraw. But Air Mauritius is suffering from beneficiaries. It comes from the PMO to give direction to Air Mauritius to do so. Air Mauritius is losing money; it has nothing to do with the internal affairs of Air Mauritius. My question is: who are the beneficiaries that make Air Mauritius lose about Rs150 m.?

The Ag. Prime Minister: I do not know if the figure that the hon. Member is quoting is right or wrong; I have no clue, Madam Speaker, but I will refer the hon. Member to a reply that the Prime Minister himself gave in the House, saying that, henceforth, he would not reply to questions relating to Air Mauritius as it is a listed company and, therefore, information, as the hon. Member may or may not know, has to be provided accordingly to the Stock Exchange which has listing rules. These listing rules - he should refer to them - are very clear and say that information regarding a listed company should be provided in priority to the Stock Exchange and to the shareholders.

Madam Speaker: Yes, hon. Ganoo!

Mr Ganoo: Even if the hon. Prime Minister does not want to answer questions relating to past practice, can he tell the House, at least, whether this practice has been discontinued now?

The Ag. Prime Minister: I am not aware, Madam, whether this practice has been discontinued or not. I stand by the decision of the Prime Minister concerning this issue questions coming from any quarters, whether it is from the Government side or from the Opposition side, Madam.

Mr Ganoo: On a point of order, Madam Speaker, if this is the case, is it not parliamentary practice if Government has decided to take that stand that such questions should not even be allowed to appear on the Order Paper?

Madam Speaker: Let me tell the hon. Member that I do not have any control on the reply of the Minister.

The Ag. Prime Minister: Madam Speaker, if I may just enlighten the House. There are two questions concerning Air Mauritius today; this one concerning the practice of upgrading or not and another question concerning loans guaranteed by Government for Air Mauritius. That particular question, because it relates to public funds, is being responded to, but not this question. Thank you.

Madam Speaker: Next question, hon. Dr. Sorefan!

Dr. Sorefan: I have got a supplementary question on this, Madam.

Madam Speaker: I have already said next question!

NDU - PROJECTS – IMPLEMENTATION

(No. B/751) **Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the projects implemented by the National Development Unit since 2013 to date, he will state the number thereof in respect of which the contract has been awarded –

- (a) through the emergency procurement method, indicating the number thereof which have been –
 - (i) completed as per the contractual terms and conditions, indicating in each case, the cost thereof, and
 - (ii) not completed as at to date, and
- (b) without the approval of the Central Procurement Board, indicating the number thereof which have been –
 - (i) completed as per the contractual terms and conditions, indicating in each case the cost thereof, and
 - (ii) not completed as at to date.

The Ag. Prime Minister: Madam Speaker, I am informed by the National Development Unit (NDU) that following the flash floods of 13 February 2013 and 30 March

2013 respectively affecting the northern regions of the country and the regions of Port Louis and Canal Dayot respectively, the NDU resorted to the emergency procurement method.

Madam Speaker, section 21 of the Public Procurement Act stipulates that -

- “(1) a public body may purchase goods, other services or works from a single supplier without competition in cases of extreme urgency.
- (2) The scope of the emergency procurement shall as far as possible be limited to the period of the emergency, so that appropriate competitive procurement methods may be utilised at the conclusion of the emergency period.”

I am tabling a list of 24 emergency projects that Cabinet approved on 15 and 22 February 2013, respectively.

I am also informed that under the emergency procurement method for the year 2013, an additional 45 projects were also awarded by the NDU to either

- (a) the NDU Zonal Contractors,
- (b) the Road Development Authority (RDA) Contractors, and
- (c) one particular construction company, namely Nawrang Co. Ltd.

The list of 69 projects that were to be implemented under the Emergency Procurement Method with the required information is also being tabled.

Out of these projects, Madam Speaker, it is to be noted that 6 were subsequently cancelled though Works Orders were issued. The reasons for same are, *inter alia*, unavailability of way leaves and complexity of projects.

Madam Speaker, as the House is aware, there is presently an ongoing inquiry by the CCID on this issue.

Madam Speaker: Hon. Dr. Sorefan!

Dr. Sorefan: Thank you, Madam Speaker. May I know from the hon. Ag. Prime Minister whether those additional contracts were approved by Cabinet and the Central Procurement Board, and whether the Minister concerned at that time asked for approval from the Minister of Finance?

The Ag. Prime Minister: Madam, I would like your guidance, do I respond with respect to Cabinet decisions on this issue?

Madam Speaker: Yes, next question, hon. Rutnah!

(Interruptions)

COURT CASE V O. G. – CONVICTION

(No. B/752) Mr S. Rutnah (Third Member for Piton & Rivière du Rempart) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the recent Intermediate Court case of Police V O. G., following the death of one O. B., he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the -

- (a) initial charge lodged against the suspect, and
- (b) outcome thereof.

The Ag. Prime Minister: Madam Speaker, I am informed by the Commissioner of Police that O. G. was first arrested on 18 May 2012 and provisionally charged for ‘Assault with premeditation’ for having wilfully and unlawfully inflicted wounds and blows upon the person of one O. B. She was bailed out on the same day.

Following the death of O. B. on 24 May 2012, O. G. was arrested anew and the provisional charge of ‘murder’ was lodged against her before the District Court of Pamplemousses. On 16 June 2012, she was released on bail.

In regard to part (a) of the question, I am further informed by the Commissioner of Police that upon the completion of the enquiry, the case file was referred to the Director of Public Prosecutions on 29 March 2013, and on 16 September 2013, the Director of Public Prosecutions advised prosecution of O. G. under the charge of ‘wounds and blows causing death without intention to kill’ in breach of section 228(1) and (3) of the Criminal Code.

Madam Speaker, I am informed by the Director of Public Prosecutions that on 01 October 2015 i.e. the day when the case came for trial before the Intermediate Court, the prosecution had moved to amend the information to provide for a charge of simple ‘assault’ in breach of section 230(1) of the Criminal Code since no causal nexus between the death of O. B. and the act of O. G. could be established with certainty on the basis of medical records

and opinions communicated to the prosecution in May 2015. The cause of death of O. B. was septicaemia.

Madam Speaker, in regard to part (b) of the question, I am informed that O.G. pleaded guilty to the reduced charge to simple assault and the accused was convicted on 01 October 2015. On 08 October 2015, O. G. was sentenced to pay a fine of Rs2,000 and Rs500 as costs.

Madam Speaker: Yes, hon. Rutnah!

Mr Rutnah: Thank you, Madam Speaker. In relation to the issue of causal nexus, is the Ag. Prime Minister aware that on 13 May 2012, the deceased made a statement to the Police and she said the following –

“sa tifi Gokool là fine bate moi partou lor mo le corps...”

Madam Speaker: Hon. Member, please sit down! I don’t think you can quote the statement made by whomever. Please! Ask your question otherwise!

Mr Rutnah: Thank you, Madam Speaker. In relation to the causal nexus, is the Ag. Prime Minister aware that the deceased actually gave a statement wherein she stated very clearly that she was subject of an assault all over her body and, as a result of that, she was also pushed and actually fell in sugarcane...

(Interruptions)

Madam Speaker: Now, hon. Member, the Ag. Prime Minister will not be able to reply to your question because it is a question for the Commissioner of Police to carry out the enquiry and it is a matter for the Court to decide.

Mr Rutnah: Madam Speaker...

(Interruptions)

Is the Ag. Prime Minister aware that the deceased was told by the doctor that all her nerves could not work as a result of the...

Madam Speaker: Hon. Member, I am really sorry, I have to interrupt you because, here, we are not in a Court, we are in the National Assembly and the Ag. Prime Minister has given you his reply. On the basis of the reply, if you have got other clarifications, you can ask, but you cannot come to this House and make as if you are in Court and that you are cross-examining the Ag. Prime Minister! Please!

(Interruptions)

Mr Rutnah: Madam Speaker, can the Ag. Prime Minister say whether the Police actually made proper enquiry as to the cause of the death itself?

The Ag. Prime Minister: Madam Speaker, I understand from the Ag. Commissioner of Police that according to his information, the injuries suffered by the victim were slight injuries. This is what I am informed.

As far as the rest is concerned, Madam Speaker, as far as the enquiry is concerned, and as far as the decision of the Director of Public Prosecutions is concerned, Madam Speaker, these are totally independent bodies.

Madam Speaker: Next question, hon. Jhugroo!

HUMAN RIGHTS COMMISSION - LEGISLATION

(No. B/753) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the Human Rights Commission, he will state if consideration will be given for the law in relation thereto to be amended to increase the powers thereof to investigate into alleged cases of miscarriage of justice.

(Withdrawn)

AIR MAURITIUS LTD. – LOANS

(No. B/754) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to Air Mauritius Ltd., he will state the number of loans guaranteed by Government thereto, indicating in each case, the –

- (a) quantum thereof;
- (b) date on which the loan was; guaranteed, and
- (c) terms and conditions of the guarantee.

(Withdrawn)

Madam Speaker: Next Question, hon. Jhugroo!

GOVERNMENT PUBLICITY - NEWSPAPERS

(No. B/755) **Mr P. Jhugroo (Second Member for Mahebourg & Plaine Magnien)** asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to Government publicity, he will give a list of the newspapers the services of which have been retained for the publication thereof, since July 2005 to December 2014, indicating in each case, the total amount of money paid out thereto.

The Ag. Prime Minister: Madam Speaker, I am advised by the Attorney-General's Office that it would not be in order for me to provide the information called for by the hon. Member as disclosure of the information is likely to prejudice the outcome of a case against the State, which is pending before the Supreme Court.

ARSENAL - ALLEGED ARSON CASE

(No. B/756) **Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East)** asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the alleged case of arson of the residence of one Mr I. B. of Jogeea Lane, in Arsenal, reported to the Terre Rouge Police Station, on or about 24 September 2015, which was thereafter referred to the Central Criminal Investigation Division, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand as to the inquiry carried out thereinto.

The Ag. Prime Minister: Madam Speaker, I am informed by the Commissioner of Police that so far, 6 persons have been arrested in relation to the alleged case of arson of the residence of Mr I. B. at Arsenal. Two of them have been remanded to jail and four have been released on bail.

I am further informed by the Commissioner of Police that, in view of the complexity of the investigation, the case has been taken over by the Central Criminal Investigation Division, and that enquiry is still ongoing.

Mr Mohamed: Is the hon. Ag. Prime Minister aware that it is following a programme on radio that the Commissioner of Police was approached by the victim and asked to transfer

the matter from Terre Rouge CID and to send it over to Central CID. It was then that this matter was transferred over and it was only then that the Police started really looking into the matter with some *sérieux*?

The Ag. Prime Minister: That may be so, Madam Speaker, but the information I have is because of the complexity. Obviously, Madam Speaker, there were reasons which motivated the Commissioner of Police to transfer the file to the CCID.

Mr Mohamed: Is the hon. Ag. Prime Minister aware that one of the persons who was arrested on 26 October - if I am not mistaken - was taken the very next day - when he had not even been taken to the Central CID since the case has been transferred to the Central CID - directly to the Bail and Remand Court, where a bail application has already been made and where the Police stood up instead of objecting to bail for a case as serious as giving instruction to commit a crime, the crime of arson, when there are witnesses who have given declaration against him...

(Interruptions)

Madam Speaker: Again, hon. Mohamed, let me tell you something. The hon. Member can ask his question directly in relation to the main question which has been asked, but he cannot go into the complexity of the matter. The Minister will not have all the information.

Mr Mohamed: I understand what you are saying, but this has nothing to do with the complexity. Could the hon. Ag. Prime Minister tell us or find out from the Commissioner of Police why is it that the Police did not stand up and object to bail in this matter when a statement itself had not even been recorded?

The Ag. Prime Minister: I will pass on this request to the Commissioner of Police, Madam Speaker.

Madam Speaker: Next Question, hon. Mohamed!

QUARTIER MILITAIRE POLICE STATION

- POLICE OFFICERS - TRANSFER

(No. B/757) **Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East)** asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister

for Rodrigues and National Development Unit whether, in regard to the Quartier Militaire Police Station, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of Police Officers who, since December 2014 to date, have been transferred –

- (a) therefrom and
- (b) thereto, indicating in each case, the
 - (i) grade of the officer transferred and
 - (ii) reasons for the transfer.

The Ag. Prime Minister: Madam Speaker, as regards part (a) of the question, I am informed by the Commissioner of Police that, as from 01 December 2014 to date, 43 Police Officers have been transferred at various points in time from Quartier Militaire Police Station as follows -

Chief Inspector	1
Inspector	1
Sub-Inspector	1
Woman Sub-Inspector	1
Sergeant	9
Corporal	4
Police Constable	18
Trainee Police Constable	1
Woman Police Constable	6
Trainee Woman Police Constable	1

Madam Speaker, likewise during the same period, 37 Police Officers have been posted thereat as follows –

Chief Inspector	1
Inspector	1
Woman Sub-Inspector	1
Sergeant	9
Police Constable	15
Trainee Police Constable	4
Woman Police Constable	5
Trainee Woman Police Constable	1

Madam Speaker, it is to be noted that, for the time being, Quartier Militaire Police Station is operating with a contingent which is above the authorised staffing.

Madam Speaker, I wish to inform the House that transfer and posting of Police Officers are the sole prerogative of the Commissioner of Police and these are carried out in the best interest of the Force coupled with the exigencies of the service whilst ensuring a quality service delivery.

Indeed transfer in the Police Force is a usual feature which contributes to increasing the officers' experience by exposing them to different work environment.

(Interruptions)

Madam Speaker: Please! Hon. Mohamed!

Mr Mohamed: Recently we have all talked about Quartier Militaire Police Station, the population has seen the ability of certain Police officers to - I do not know how to call it, some people called it belly dance. So, some people have seen the whole belly dancing on YouTube...

Madam Speaker: Hon. Member, ask your question!

Mr Mohamed: It has gone viral.

Madam Speaker: Put your question!

Mr Mohamed: Are those five Police officers – if I am not mistaken – concerned since they were transferred and brought there at the beginning of the year, have they been transferred away from that Police station, and if they have been transferred, is the hon. Ag. Prime Minister aware where they have been transferred to?

The Ag. Prime Minister: Madam Speaker, I am aware that all five have been transferred and that there has been a Police inquiry into this matter. The inquiry is complete and there will be disciplinary procedures against all five; where they have been transferred exactly, I do not know.

Mr Jhugroo: Can the Ag. Prime Minister confirm to the House whether, in the past, with regard to the briani case of Quatre Bornes, Police officers...

Madam Speaker: Hon. Jhugroo, please! This question is totally irrelevant.

(Interruptions)

Order, please!

(Interruptions)

Order!

Mr Mohamed: Could the Ag. Prime Minister ...

Madam Speaker: Hon. Jhugroo!

(Interruptions)

Mr Mohamed: If he is going to do that, I am going to run!

(Interruptions)

Could the hon. Ag. Prime Minister state, since I understand that they were transferred as a punitive measure, if it is because of their ability to belly dance that they were transferred to Plaine Verte and Vallée Pitot?

The Ag. Prime Minister: Madam Speaker, I am sure that the hon. Member is a best judge of that.

Madam Speaker: Next question, hon. Ramful!

POLICE – CRIME STATISTICS

(No. B/758) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to criminal offences, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if the Mauritius Police Force regularly compiles statistics in respect thereof and, if so, indicate the figures of the latest exercise carried out in relation thereto, region-wise, further indicating –

- (a) if an analysis of the said figures has been carried out to establish the regions where there has been a rise in the number of cases thereof, and
- (b) the remedial actions envisaged in the light of the findings thereof.

The Ag. Prime Minister: Madam Speaker, I am informed by the Commissioner of Police that data in regard to criminal offences are compiled at the level of Police Stations and Units on a daily basis, and forwarded to the Police Information and Operations Room. After compilation of the figures provided by the Police Stations and Units, the Police Crime Record Office prepares monthly reports by type of offences and region-wise. I am tabling the information regarding latest figures compiled region-wise for September last.

In regard to part (a) of the question, I am informed by the Commissioner of Police that crime statistics and data are analysed in detail on a daily basis by a specially constituted Team, comprising specialists from all branches of the Mauritius Police Force, led by the Commissioner of Police himself. The team has a daily monitoring meeting during which crime data are analysed on the basis of timing of criminal activities, specific locations and regions where criminal activities are being carried out as well as the modus operandi used by the offenders. This in-depth analysis enables Police to identify hot spots and crime prone areas.

In regard to part (b) of the question, I am informed by the Commissioner of Police that, in the light of data analysis carried out, strategies are formulated as to immediate actions to be taken on the ground by Divisional Commanders. In the event a rise in crime rate is observed in a specific region, the following actions are taken by the Police -

- (i) increase in mobile and foot patrol;
- (ii) intensification of stop and search;
- (iii) crackdown operations;

- (iv) public awareness campaign;
- (v) pooling of resources from Divisional Supporting Unit and other station areas;
- (vi) intelligence led operations.

According to the Commissioner of Police, based on the assessment of crime data, a special operation known as “Make Safe” was launched in the months of September and October 2015, aimed at improving safety of citizens be it in their houses, in public places or on roads. The operations were carried out island-wide, one region at a time. During the operation, a total of 1387 contraventions were established for different offences, 3 arrests were made, and one motorcycle was recovered within a period of seven days.

I am further informed that the Commissioner of Police holds a periodic meeting known as the “Force Strategic Guidance Review” with all Deputy Commissioners of Police and Branch Officers to evaluate the effectiveness of special operations carried out, and further discussion on remedial actions to be taken.

Mr Ramful: As regards the Southern Division which consists of localities like Rose-Belle and Mahebourg, I am informed by their inhabitants that there has been recently an increase in the number of crimes specially involving larceny by breaking. Can the hon. Ag. Prime Minister confirm this fact and can I request him to ensure that there are stop and search controls regularly in strategic places?

The Ag. Prime Minister: Yes, Madam Speaker. In fact, if I can give the information – the hon. Member is talking about the Southern Division. Southern Division crimes, Madam Speaker, in July were 46; misdemeanours: 374; drug cases: nil. In August, crimes: 52; misdemeanours: 447, and in September, crimes: 51; misdemeanours: 444. So, there has been a slight increase, but I understand from the Commissioner of Police that the October ‘Make Safe Operation’ was successful all around the country.

Mr Jhugroo: Will the Ag. Prime Minister confirm to the House that with the arrival of the new Commissioner of Police, we have got many crackdown operations and Police Officers are used more diligently than previously when we have seen Police Officers posted in every 100 metres whenever the former Prime Minister was leaving or coming from foreign trips?

The Ag. Prime Minister: Madam Speaker, personally, I think Police Officers need to be used where they are more effective.

Madam Speaker: Next question, hon. Sesungkur.

FOREIGN NATIONALS - VISA/ PERMANENT RESIDENCE PERMIT

(No. B/759) Mr D. Sesungkur (First Member for Montagne Blanche & GRSE) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to immigration, he will state –

- (a) over the period 2005 to 31 December 2014, the number -
 - (i) of foreign nationals who have been granted a visa for a period exceeding 5 years or permanent residence, indicating in each case, the main reason/s and purpose/s of the stay, and
 - (ii) application for the issue of a visa/ permanent residence permit which have been rejected, and
- (b) the assessment of Government of the policy in relation thereto.

The Ag. Prime Minister: Madam Speaker, foreign nationals who come to Mauritius for short stay for the purposes of visit or business are granted a visa or entry permit. Those who come to reside in the country for a longer period for work and/or residence purposes are granted a Residence Permit, an Occupation Permit or a Permanent Residence Permit in accordance with relevant sections of the Immigration Act.

The following categories of persons are, subject to terms and conditions, eligible for long-term residence permits -

- (i) holders of Permanent Residence Permit for 10 years;
- (ii) non-citizens who have acquired a residential property under the Integrated Resorts Scheme (IRS) and Real Estate Scheme (RES) until such time they hold the residential property, and
- (iii) non-residents who have contracted civil marriage with a citizen of Mauritius are granted a Residence Permit for an indefinite period.

The spouse, children and dependents of holders of permits referred to are also eligible for a Residence Permit for the corresponding period.

In regard to part (a)(i) of the question, the breakdown of the different permits issued for a period of above five years under approved schemes over the period January 2005 to December 2014 are as follows -

- Permanent Residence Permit for 10 years 179
- Residence Permit under IRS/ RES 2,260
- Foreign spouses of citizens of Mauritius 5,239

Permanent Residence status has also been granted to 72 foreigners under the defunct Permanent Residence Scheme and a Scheme to Attract Professionals in Emerging Sectors (SAPES) which were revoked with effect from 01 October 2006.

Madam Speaker, in regard to part (a) (ii) of the question, 19 applications for Permanent Residence Permits for 10 years have been turned down since its operation in 2012 up to 31 December 2014.

With regard to part (b) of the question, I wish to inform the House that Government is currently in the process of reviewing the various schemes governing the issue of Residence Permits to foreign nationals.

Mr Sesungkur: Is the hon. Ag. Prime Minister in a position to give us some figures - if he has - regarding the estimated permits that would be given with the implementation of the Smart City Scheme?

The Ag. Prime Minister: I don't have these figures, Madam Speaker.

Madam Speaker: You don't have any supplementary questions on this one. So, next question!

DRUGS & ALCOHOL RELATED OFFENCES – LEGAL PROCEEDINGS

(No. B/760) Mr D. Sesungkur (First Member for Montagne Blanche & GRSE) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to hard drugs and alcohol-related offences, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of males and females in the 10-12 , 13-16 and 17-18 years age group respectively against whom legal proceedings have been initiated, over the period January 2013 to date, indicating the number thereof having been found guilty and sentenced to immediate custody.

The Ag. Prime Minister: Madam Speaker, I am tabling the required information pertaining to the number of males and females in the age bracket of 10 to 12, 13 to 16 and 17 to 18 years age groups against whom legal proceedings for hard drugs and alcohol-related offences have been initiated over the period January 2013 to date.

According to records available at the Rehabilitation Youth Centre falling under the Ministry of Social Security, National Solidarity and Reform Institutions no one has been sentenced to immediate custody in respect to hard drugs or alcohol-related offences.

Mr Sesungkur: Can the hon. Ag. Prime Minister say what assessment he makes about this situation?

The Ag. Prime Minister: Again, Madam Speaker, as you will note from the figures which we are tabling, there has been an increase in these offences over the last two to three years, Madam Speaker and this is, I am sure, something that the Commissioner of Police as well as the Minister for Gender Equality, Child Development and Family Welfare are well aware of and remedial measures are being envisaged.

Mr Jhugroo: Can the hon. Ag. Prime Minister consider asking the Commissioner of Police whether he can send Police Officers - in civil, not wearing Police uniforms - in discotheques all over the island to go and see whether these drugs are being ...

The Ag. Prime Minister: Madam Speaker, the presence of minors in discotheques is a disturbing issue. I have raised it, myself, with the Tourism Authority and the Commissioner of Police and I will pass on this request to the Commissioner of Police.

Madam Speaker: At the beginning of Prime Minister's Question Time, I stated that PQ No. B/754 was to be replied by the hon. Minister of Finance and Economic Development. I have now been informed that PQ No. B/754 has been withdrawn.

Hon. Members, the Table has been advised that PQ No. B/770, in regard to the Construction of another football ground at Le Morne Village and addressed to the hon. Minister of Youth and Sports, will be replied by Dr. the hon. Minister of Local Government. PQ No. B/776, in regard to risks of landslide in the region of Vallée Pitot and addressed to the hon. Minister of Environment, will be replied by the hon. Minister of Public Infrastructure and Land Transport. PQ No. B/777, in regard to the Civil Service Family Protection Scheme Act and addressed to the hon. Minister of Civil Service and Administrative Reforms, will be replied by the hon. Minister of Finance and Economic Development. PQ No. B/803, in regard to the proposed development project of the Port Louis

harbour and addressed to the hon. Minister of Finance and Economic Development, will be replied by the hon. Ag. Prime Minister, Minister of Tourism and External Communications. PQ Nos B/783 and B/808 have been withdrawn. I am now being informed that PQ No. B/761 has been withdrawn. Next question, hon. Quirin!

SPORTS COMPLEXES & FOOTBALL GROUNDS - FEES

(No. B/761) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Local Government whether, in regard to the sports complexes and football grounds managed by the local authorities, he will, for the benefit of the House, obtain from the local authorities, information as to if the utilization thereof by local clubs and by individuals is free of charge and, if not, why not.

(Withdrawn)

MINISTRY OF YOUTH AND SPORTS - ADVISERS/COACHES

(No. B/762) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the advisers/coaches attached to his Ministry, he will give a list thereof, discipline-wise, indicating in each case, the terms and conditions of appointment thereof.

Mr Sawmynaden: Madam Speaker, I am circulating the information regarding advisers/coaches attached to my Ministry along with their respective discipline and also the terms and conditions of their appointment.

Mr Quirin: Madame la présidente, je remercie le ministre de bien vouloir déposer les informations requises, mais, cependant, j'aimerais qu'il nous indique quelles sont les conditions d'emplois de ces *advisers/coaches*?

Mr Sawmynaden: Actually, all of them have got different terms and conditions of employment. It is in the list, the hon. Member will find it there.

Mr Quirin: L'honorable ministre peut-il nous dire si le contrat de ces *advisers/coaches* peut être résilié à n'importe quel moment?

Mr Sawmynaden : Actually, for some of them, their contracts have already expired and they have been retained on a month-to-month basis with a view of close monitoring and

assessment of their performance. Most of them, within one month notice, as prescribed by the law, we can stop their contracts.

Madam Speaker: Yes, hon. Quirin !

Mr Quirin : Peut-on savoir, Madame la présidente, si un adviser/coach qui a quinze à vingt années de service et prend sa retraite; est-ce qu'au moment de sa retraite bénéficie-t-il d'une compensation ou d'une pension?

Mr Sawmynaden: Madam Speaker, they are not employed by the Government. They are on contract. I think if the hon. Member can come with a question on that, then we can reply.

Mr Quirin: Madame la présidente, une dernière question. L'honorable ministre ne trouve-t-il pas que c'est inhumain? Je sais qu'il vient de me dire de venir avec une autre question, mais je pense que la question supplémentaire a sa raison d'être. Quelqu'un qui a été au service du sport pendant de longues années, ne trouve-t-il pas que c'est inhumain qu'une personne qui a donné toute sa vie, qui a passé toute sa carrière professionnelle au service du sport, se retrouve sans rien, sans aucune compensation ou pension quand elle se retire?

Mr Sawmynaden: Madam Speaker, as I mentioned, I will have the answer to this question with another question from the hon. Member, I will be more than happy to reply.

Madam Speaker: Next question, hon. Quirin !

MAURITIUS GYMNASTIC FEDERATION – INQUIRY

(No. B/763) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the Mauritius Gymnastic Federation, he will state –

- (a) if it is recognized by his Ministry, and
- (b) the findings of the inquiry carried out by his Ministry thereinto, earlier this year, indicating the actions taken in relation thereto, if any.

Mr Sawmynaden : Madam Speaker, I have to inform the House that in March 2014, the Mauritius Gymnastic Federation was granted derogation by my predecessor to operate in six sports regions with a total of five clubs for an initial period of one year. The derogation

was conditional to the Federation undertaking to expand the sports in all the regions and also to ensure to have the required number of clubs in each region during the one-year period.

In March 2015, it was noted that the Federation had not made any effort to comply with the conditions of the derogation and was requested to submit written explanation as to why it has not fulfilled the terms of the derogation. The Federation did not submit any explanation to my Ministry within the requested time. The Ministry had, therefore, no alternative than to suspend its recognition as per section 11 (6) (b) of the Sports Act 2013 for noncompliance with sections 12 1 (a) and 12 2 (a) of the Act regarding the number of regions and sports clubs enrolled within it.

As regards part (b) of the question, I wish to inform the House that the Federation has lodged a case in the Supreme Court against the decision of the Ministry to suspend its recognition. As the case is still before the Supreme Court, the House will appreciate that it will not be appropriate for me to comment further on the matter.

Mr Quirin: Madame la présidente, je comprends la position de l'honorable ministre mais j'aimerais qu'il nous dise cependant ce qui est advenue de la demande de conciliation qu'avait faite le *Curepipe Super Sports Club* devant l'*Ombudsperson for Sports* et qui date du 17 février dernier? Il y avait une demande de conciliation.

Mr Sawmynaden: There was a demand, but then they have lodged a case in front of the Supreme Court. So, now I don't think that it is appropriate for us to reply.

Madam Speaker: Yes, next question, hon. Ameer Meea!

SALE BY LEVY SOLIDARITY FUND - BENEFICIARIES

(No. B/764) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Finance and Economic Development whether, in regard to the Sale by Levy Solidarity Fund of Rs100 m, he will, for the benefit of the House, obtain from the Fund, a breakdown of the funds disbursed therefrom, as at to date, indicating in each case, the names of the beneficiaries thereof.

The Vice-Prime Minister, Minister of Energy and Public Utilities (Mr I. Collendavelloo): With your permission, Madam Speaker, I shall reply to that question. The information requested is being tabled. I have to add that the Sale by Levy Solidarity Fund which was created in 2007 is no longer operational.

Follow up arising out of cases dealt by the Fund are being handled by the National Solidarity Fund.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Can I ask the hon. Vice Prime Minister if Government proposes to bring amendments to the Borrowers' Protection Act?

Mr Collendavelloo: Well, I am sure that if a proper question is put, we shall see after discussions.

Madam Speaker: Yes, hon. Ameer Meea!

Mr Ameer Meea: May I ask the hon. Vice-Prime Minister what is the total value that has been disbursed out of this Rs100 m. that has been earmarked?

Mr Collendavelloo: Well, the figures are on the paper which I am tabling. You just need to do the addition, some Rs15 m. approximately.

Madam Speaker: Yes, hon. Uteem!

Mr Uteem: Thank you, Madam Speaker, I realise that the hon. Vice-Prime Minister is not the substantive Minister, but the hon. Vice Prime Minister just mentioned that the Fund is no longer in existence and cases are being dealt with by the National Solidarity Fund; so, may I know from the hon. Vice-Prime Minister whether the same criteria that has been used under the Sale by Levy Solidarity Fund is being used by the National Solidarity Fund or no consideration at all is being given to victims of Sale by Levy?

Mr Collendavelloo: First of all, the exact figure is Rs15.7 m., not far from my first guess. To answer the question by my hon. friend: financial assistance of up to Rs500,000 per beneficiary was provided. This measure was restricted to cases occurring in financial years 2007-2008, 2008-2009. Now, no new cases are being dealt by the NSF. Let me just see that! But the National Solidarity Fund is currently paying five beneficiaries, old age persons a monthly rental of Rs1,250 subject to the presentation of a life certificate every three months.

Mr Ganoo: I know the hon. Vice-Prime Minister is not the substantive Minister of Finance, but in his Budget Speech, the hon. Minister of Finance announced that an enquiry would be set up in the case of Sale by Levy. Can the hon. Vice-Prime Minister inform the House whether the whole process has started?

Mr Collendavelloo: The Committee currently set up is going to be requested to look into the advisability of revamping the Sale by Levy Solidarity Fund.

Madam Speaker: Okay. Next question, hon. Ameer Meea!

DOMAINE LES PAILLES LTD – LARCENY CASES

(No. B/765) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Finance and Economic Development whether, in regard to the Domaine Les Pailles Ltd., he will, for the benefit of the House, obtain from the State Investment Corporation Ltd., information as to the number of reported cases of larceny having occurred thereat, since January 2015 to date, indicating the additional measures that have been or will be taken to reinforce the security of the premises thereof and of the assets thereat.

(Interruptions)

Mr Collendavelloo: You can bring information if you want!

Madam Speaker: Please, I said no cross-talking!

The Vice-Prime Minister, Minister of Energy and Public Utilities (Mr I. Collendavelloo): Madam Speaker, I am informed by the State Investment Corporation as follows -

- for the period January 2015 to date, three cases of larceny have occurred and have been reported to the Police for enquiry;
- two cases were reported on 22 August and 25 August 2015 respectively which relate to the Alambic Rum Distillery at *Domaine Les Pailles Ltd*;
- the third one which relates to the theft of 20 metres of electric cables, was reported on 08 September 2015;
- these cases occurred at a time when the security services were outsourced following the cessation of business of *Domaine Les Pailles* in July 2015;
- the contract of the security company was terminated with immediate effect;
- the security services at *Domaine Les Pailles* are now being assured by an internal team constituted by State Investment Corporation Ltd.

Mr Ameer Meea: According to information made public in the press, a whole distillery was being stolen. It is like a very, very big machine. Can I ask the hon. Minister if he has an idea where this has landed....

(Interruptions)

if this has landed in the factory of *vié feraille* and also, if this distillery was insured and what has been the outcome with the insurance company, if any claim has been made thereof?

Mr Collendavelloo: I don't think that the whole thing was removed in one day.

(Interruptions)

What I understand is that on 22 August, there were some distillery items including red copper pipes estimated at Rs200,000. On 25 August, that is, three days later, further distillery items were stolen. The value stolen is unknown. There is no idea as to where they have landed, and no further information is available. There has been also a theft of 22 metres of electric cables. With regard to the insurance, I am afraid I do not have the information.

Mr Ganoo: It is good that the hon. Vice-Prime Minister is informing the House that the value of this object is Rs200,000, from the information in his file. But can he tell the House who has ascribed this value to this *pièce d'antiquité*?

Mr Collendavelloo: This was given by the declarant, that is, the ex-Estate Management of Domaine Les Pailles, when he reported it to the Police. He reported Rs200,000 for the first theft, the second one was value stolen unknown. For the 20 metres of electric cables, the value was estimated at Rs2,000.

Madam Speaker: Next question, hon. Ameer Meea!

FREE WIFI HOTSPOTS PROJECT - IMPLEMENTATION

(No. B/766) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Financial Services, Good Governance and Institutional Reforms, Minister of Technology, Communication and Innovation whether, in regard to the proposed Free WIFI Hotspots Project, he will, for the benefit of the House, obtain from the Mauritius Telecom, information as to where matters stand as to the implementation thereof, indicating –

- (a) the proposed locations that have been identified therefor, and

(b) if it will be funded under the Corporate Social Responsibility of the company.

The Minister of Foreign Affairs, Regional Integration and International Trade (Mr E. Sinatambou): Madam Speaker, with your permission, I shall reply to both Parliamentary Question B/766, asked by the hon. Second Member for Port Louis Maritime and Port Louis East, and to Parliamentary Question B/778, asked by the hon. First Member for Port Louis Maritime and Port Louis East, as they both relate to the same issue, that is, access to internet and installation of WIFI Hotspots.

Madam Speaker, as regards the installation of WIFI Hotspots across the island, I am informed by Mauritius Telecom that the implementation is in progress and that the project is expected to go live in early 2016. Presently, Mauritius Telecom is finalising the evaluation of equipment. The sites which have been identified for provision of the free WIFI Hotspots include community centres, elderly day care centres, social welfare centres, municipal councils, district councils, youth centres, women centres, post offices and village halls. This project is funded under the Corporate Social Responsibility of Mauritius Telecom. I am also informed that Mauritius Telecom is currently offering free WIFI service in its Orange Shops and at the Bagatelle Shopping Mall.

As regards households having been given access to high-speed internet service, I am informed that Mauritius Telecom has already connected more than 160,000 households to high-speed internet services. This is over and above the customer base of 402,499, as at September 2015, who can access high-speed internet while being mobile, namely through mobile phones, tablets and laptops.

By the end of 2018, it is expected that all the households in Mauritius will have the possibility of being connected to high-speed internet through fibre by Mauritius Telecom.

Mauritius Telecom has also undertaken a number of actions to make high-speed internet more affordable to all Mauritians.

Firstly, I am informed that, in July 2015, Mauritius Telecom has introduced a high-speed internet package at Rs499 VAT inclusive, thereby offering high-speed internet at the cheapest price in the African region.

Secondly, since 01 June 2015, customers of Mauritius Telecom who subscribe to the ADSL internet service have benefitted from a 30% decrease of the internet tariff, which has dropped from Rs699 VAT inclusive per month to Rs499 VAT inclusive.

Thirdly, between January and October 2015, Mauritius Telecom has also migrated, free of charge, about 50,000 households from the traditional copper network to a new fibre network. The internet speed of these customers has been upgraded by up to 10 times without any additional charge on their monthly rental.

Finally, Madam Speaker, Mauritius Telecom has, since 01 September 2015, reduced the price of high-speed connectivity offers to the BPO industry by an average of more than 65%, thereby positioning Mauritius as one of the cheapest BPO destinations in the world. At least, so am I informed.

Mr Bérenger: I think I heard the hon. Minister confirm that this WIFI Hotspots Project is being financed by Mauritius Telecom through its Corporate Social Responsibility. Madam Speaker, being given that, under the Income Tax Act, the companies have to submit to the MRA details of all CSR projects and the MRA approves or does not approve these projects, can I know whether that idea of the CSR of Mauritius Telecom financing the free WIFI Hotspots has been approved by the MRA and, if yes, whether we can have a copy of the authorisation from the MRA and what sum we are talking about?

Mr Sinatambou: Well, the hon. Leader of the Opposition will appreciate that, firstly, I am not the substantive Minister. Secondly, I certainly can confirm that, from information given, I have been told that this is going to be financed from the Corporate Social Responsibility of the company. But, thirdly, I would suggest that the hon. Leader of the Opposition comes with a substantive question on the issue of taxability and approval.

Mr Ameer Meea: Madam Speaker, this measure was in the electoral manifesto of Alliance Lepep and it was set as a priority for the first three months of the Government. Now, we heard that this measure will come into practice next year, in 2016. May I know why this is taking so long, and also what is the total amount that has been earmarked for this project, which was supposed to be financed by the Government, but now financed by the Mauritius Telecom?

Mr Sinatambou: I must say, Madam Speaker, I put the exact same question to the people responsible and the reply I have obtained is as follows –

First of all, Mauritius Telecom has had to test several types of equipment that fit the purpose.

Secondly, after pilot testing of the equipment, Mauritius Telecom has had to go through a tendering process for procurement of the equipment.

Thirdly, at this stage, that is, early November 2015, the tender evaluation is ongoing.

And finally, the free WIFI deployment, as I said just before, is expected to go live early 2016.

(Interruptions)

I don't have that reply at this stage.

Mr Mohamed: Madam Speaker, I do understand that the hon. Minister is not the substantive Minister albeit he was once upon a time, I do recall, Minister of Information and Communication Technology. Based on that previous experience, I gather it will be easy for him to answer. I have heard him say with regard to WIFI spots, community centres, elderly people centres and municipal councils. Those are all places that he is making mention of that had already being taken care of by the previous Government. What is he doing which would be new; something innovative? Does this Ministry intend to innovate or does it intend to just basically state what the previous Government has already done?

Mr Sinatambou: Well, quite surely, if we speak of WIFI Hotspots, my understanding is that people using all the apparatus around or in those various locations will be able to actually manipulate their apparatus and have access to the internet free of charge. Before, you would have to go through the ADSL and get connected. For me, what is important is that - I did state earlier in the reply - by the end of 2018, it is expected ...

(Interruptions)

I know something. Madam Speaker, I cannot be interrupted by someone who has...

Madam Speaker: Please, address the Chair! Address the Chair and make your reply!

Mr Sinatambou: I would appreciate if I were not interrupted unduly by the hon. Leader of the Opposition!

(Interruptions)

Madam Speaker: Hon. Minister, I have asked you to proceed with your reply, please!

Mr Sinatambou: What I am told is that, under the last Government, only Municipalities had actually initiated WIFI Hotspots; that's what I know.

Madam Speaker: Yes, hon. Mohamed!

Mr Mohamed: Could the hon. Minister, at least, tell us what will be the high-speed connectivity at those new places that would really be something innovative? Madam Speaker, it is easy to say high-speed but, what would be the speed?

(Interruptions)

Mr Sinatambou: Let me say that...

(Interruptions)

Madam Speaker: Order, please!

Mr Sinatambou: ... the information that I have is that if it is actually copper wire, it is going to be 512Kb and if it is actually optical fibre it is going to be 10Mb. For someone who does not know anything, I hope they will appreciate.

(Interruptions)

Madam Speaker: Next question, hon. Ameer Meea!

Mr Ameer Meea: Last one on the same issue...

Madam Speaker: Next question, hon. Ameer Meea!

Mr Ameer Meea: If you insist, No. B/767.

INDEPENDENT BROADCASTING AUTHORITY

– APPOINTMENTS & COMPLAINTS

(No. B/767) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Financial Services, Good Governance and Institutional Reforms, Minister of Technology, Communication and Innovation whether, in regard to the Independent Broadcasting Authority, he will, for the benefit of the House, obtain therefrom, information as to the -

- (a) names and terms and conditions of appointment of the Chief Executive Officer and Chairperson thereof respectively, and
- (b) number of complaints received thereat, since January 2015 to date, indicating in each case, the outcome thereof.

The Minister of Foreign Affairs, Regional Integration and International Trade (Mr E. Sinatambou): Madam Speaker, I wish to inform the House that the Independent Broadcasting

Authority (IBA) became operational in 2001 under a Government led by the Rt. hon. Prime Minister, Sir Anerood Jugnauth. Its objectives are, *inter alia*, to -

- (i) ensure that licensees include, in their services, regular locally produced programmes;
- (ii) set acceptable standards for programmes and advertising and monitor compliance with those standards, and
- (iii) ensure that broadcasting services are impartial and accurate.

It also has among its objects a duty to inquire into public complaints against a licensee and take any action it thinks appropriate.

As regards part (a) of the question, there is presently no Chief Executive Officer since the demise of the former Director, Mr Dulliparsad Suraj Bali on 15 December 2014. The latter was drawing a total salary in excess of Rs170,000 per month plus 21 days refundable annual leave every year, two months' gratuity and full duty free for a 1600 c.c. car.

With regard to the current Chairperson of the IBA, the incumbent is Mrs Washeelah Youshreen Choomka. She was appointed for a period of three years on 30 April 2015 by the President of the Republic, in accordance with section 6 (a) of the Independent Broadcasting Act 2000. The Chairperson is earning a monthly allowance of Rs50,000. She is also entitled to a travelling allowance of Rs10,000 and a refund of telephone expenses of Rs2,000 monthly. Of course, Madam Speaker, all the payments mentioned are before tax.

I wish to inform the House that the post of Director of the IBA has been advertised since 26 October 2015 and I am tabling a copy of the advert.

As regards part (b) of the question, I am informed that since January 2015 to date, ten complaints have been received at the IBA. As a comparison, Madam Speaker, for the year 2013 there were twelve complaints and for the year 2014 there were eight complaints. I am tabling the list of complaints for 2015 together with their outcome or their current status.

Madam Speaker: Yes, hon. Ameer Meea!

Mr Ameer Meea: Madam Speaker, I did not hear the hon. Minister about the outcome of the Complaints Committee.

Mr Sinatambou: I just said, Madam Speaker, that I am tabling the list of complaints for 2015 together with their outcome or their current status if they have not yet reached an outcome.

Mr Ameer Meea: What is the reason that it took almost a year to advertise for the post of Director of the IBA? Was it because a Parliamentary question was being asked? Because it is a coincidence...

Madam Speaker: Don't make any comment! Please, ask your question!

(Interruptions)

Mr Sinatambou: I have no idea. But what I am sure of is that this Government does not need to have Parliamentary questions from the other side to do its work!

(Interruptions)

Madam Speaker: Yes, hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. Under the IBA Act there are certain qualifications that are required before someone can be appointed to the Board. May I know from the hon. Minister - this Chairperson that he has mentioned - how many years at the Bar, as a barrister, does she have before she has been appointed as Chairperson of this very important institution?

Mr Sinatambou: I have no idea of the number of years of the Chairperson at the Bar but, there are a few things I know. *Premièrement, on dit que la valeur n'attend pas le poids des années...*

(Interruptions)

Secondly, I know of many people with many years at the Bar who are still not able to do work properly. So, I don't think that this is pertinent to her appointment as Chairperson.

(Interruptions)

Madam Speaker: I suspend the sitting for one and a half hours.

At 1.03 p.m. the sitting was suspended.

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

The Deputy Speaker: Hon. Leopold!

DOMESTIC VIOLENCE

(No. B/768) **Mr J. Leopold (Second Member for Rodrigues)** asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the problem of violence in the family, she will state the identified common causes thereof according to her Ministry, indicating –

- (a) if weaknesses susceptible of jeopardizing the prevention thereof have been identified in the policy of her Ministry in addressing same;
- (b) the scale and severity thereof in Mauritius, and
- (c) the remedial measures that will be taken in relation thereto.

Mrs Perraud: Mr Deputy Speaker, Sir, I would like to inform the House that according to cases reported by victims of domestic violence at my Ministry, the underlying causes of domestic violence, whether in the form of isolated acts or systematic patterns of violence, is a combination of several factors, the most common ones being conflicts between partners, absence and lack of communication, extra-marital affairs, conflicts over finance, interference of in-laws, and substance abuse, amongst others.

With a view to addressing the problem, my Ministry has adopted a two-pronged approach, namely intervention and prevention. As regards the intervention aspects, an integrated service is provided through the 6 Family Support Bureaux of my Ministry where psychological counselling, assistance to victims at Court, legal advice and legal representations at Court and counselling to perpetrators, amongst others are provided.

Insofar as prevention is concerned, awareness raising campaigns are carried out throughout the year, to sensitise various segments of the population on the magnitude of the problem and the ways of addressing it. These sensitisation campaigns are held in collaboration with various stakeholders, namely the Police, the Ministry of Health and Quality of Life, religious organisations and NGOs such as NATReSA, the *Centre Idriss Goomany*, and the Mauritius Family Planning and Welfare Association, amongst others.

Mr Deputy Speaker, Sir, as regards weaknesses in policies that may jeopardise the prevention of domestic violence, I wish to inform the House that the Report of the Advisory Committee on Reinforcement of Framework for Protection from Domestic Violence, which I will call the Domingue Report, has identified a series of issues that may impede our efforts in curbing domestic violence. These include, among others –

- (i) the definition given to the concept of domestic violence is too narrow and does not capture all forms of domestic violence;
- (ii) not all acts of domestic violence are criminalised, e.g., our law does not capture psychological harm and economic abuse as offences and do not provide sufficiently for aggravating circumstances;
- (iii) the criminal justice response is not very effective and specialised expertise for handling of such cases is lacking;
- (iv) the protection given to victims is somewhat deficient and the risk of re-victimisation is rather high;
- (v) redress and reparation for victims is lacking;
- (vi) the monitoring and evaluation system is not strong enough to deliver the appropriate response to this societal problem, and
- (vii) lack of multi-sectoral approach and commitment from stakeholders in providing both intervention and prevention strategies.

Insofar as the scale and severity of the problem, I would like to inform the House that for the years 2014 and 2015 (from January to September) a total number of 3,571 and 2,604 cases were registered respectively through the 6 Family Support Bureaux of my Ministry.

Moreover, figures available from the Annual Report of the Judiciary for the year 2014 indicate the following –

Cases under the Protection from Domestic Violence Act 1997

at the District Courts - 2011-2014

2011	1612 cases
2012	1544 cases
2013	1805 cases
2014	1895 cases

Mr Deputy Speaker, Sir, in the face of this “*fléau social*”, my Ministry has put in place various programmes and projects pertaining to family welfare, namely –

- (a) strengthening values for family life;

- (b) shared faith belief;
- (c) pre-marital counselling;
- (d) marriage enrichment;
- (e) inter-generation relationship;
- (f) zero tolerance clubs;
- (g) victim empowerment and abuser rehabilitation, and
- (h) Domestic Violence Information System.

Additionally, following consultations with stakeholders, my Ministry has already initiated actions to implement recommendations of the Domingue Report and to bring further amendments to the Protection from Domestic Violence Act. My Ministry is also reinforcing its structures for the protective and support services to victims of family violence. In addition, my Ministry will set up a Coordinating Body to monitor implementation of multi-sectoral collaboration and recommend policy measures to address family violence.

Moreover, in an endeavour to safeguard the families whose members have to oscillate between their family and professional commitments, my Ministry is in the process of developing a Balancing Work and Family Life Programme.

The issue of violence in the family ranks high on the agenda of this Government. In this context, as announced in the Government Programme 2015-2019, a National Coalition against Domestic Violence Committee has been set up under the aegis of the Prime Minister's office. Various meetings have been held and the report thereof is in the process of finalisation. Once approved, the recommendations will be implemented by various stakeholders to address this issue.

I also wish to inform the House that the most recent study on the extent, nature and cost of domestic violence to the Mauritian economy dates back to 2010. However, given the new trends and challenges being faced by the Mauritian families ...

The Deputy Speaker: Hon. Minister, I am sorry to interrupt. Will your answer be much longer?

Mrs Perraud: No! My Ministry is in the process of seeking consultancy services to conduct a fresh study to assess the well-being of families in the Republic of Mauritius. That in-depth study will, *inter alia*, identify weaknesses susceptible to jeopardise the prevention of

violence in the family and will also indicate the scale and severity of the problem. The study will enable reinforcement and consolidation of policy measures with the collaboration of all concerned stakeholders.

Thank you.

Mr Leopold: Mr Deputy Speaker, Sir, would the hon. Minister agree with me that women and children are the most vulnerable victims when it comes to family violence? On top of that, they are the ones who will need to get out of their house and they become homeless and they go to refuge. Will the hon. Minister inform the House whether she is coming with new legislation so as to toughen the law and to protect all those victims and to make their perpetrators get out of their house instead of the women and children, so that the women and the children stay in their house and the perpetrators get out so that the children and the women do not get homeless?

Mrs Perraud: Yes, in line with the recommendations of the Advisory Committee on the report on Reinforcement of Framework for Protection from Domestic Violence, initiatives are being taken to bring further amendments in the PDVA and amendment in the Criminal Code.

Mr Ganoo: Mr Deputy Speaker, Sir, in terms of remedial measures as suggested in the question, the hon. Minister has talked about sensitisation of the perpetrators of the violence, may I ask the hon. Minister if she would consider, when revising the law, what takes place in other countries, for example, in the United States that whenever a Protection Order is issued, the husband is formally ordered to also attend classes and courses of *sensibilisation* which can yield positive results?

Mrs Perraud: When we will work on the amendments, we will take this on board.

The Deputy Speaker: Next Question, hon. Jhuboo!

ST BRANDON ISLANDS - FISHING LICENCES

(No. B/769) **Mr E. Jhuboo (Third Member for Savanne & Black River)** asked the Minister of Ocean Economy, Marine Resources, Fisheries, Shipping and Outer Islands whether, in regard to the St Brandon Islands, he will state the -

- (a) number of fishing licences granted therefor, indicating the names of the companies granted therewith;

- (b) status of the fish reserves thereat, and
- (c) policy of Government in relation to the fragile eco-system prevailing thereat, indicating the measures taken for the preservation thereof, if any.

Mr Koonjoo: Mr Deputy Speaker Sir, as regard to part (a) of the question, as at date 13 licenses have been issued to 7 companies, namely -

- i. Raphael Fishing Co Ltd;
- ii. Djasazee;
- iii. Babul and Sons Fishing Co Ltd;
- iv. Hassen Taher Seafoods Ltd;
- v. Med Fishing Cooperative Society Ltd;
- vi. Sea Lord Fishing Company, and
- vii. Ocean Catch Ltd.

With respect to part (b), there is, at present, no fishing reserve or fish reserve in the waters of St. Brandon.

With regard to part (c), the policy of this Government is the sustainable management of the fisheries resources and associated ecosystems.

In this context, the following measures are being adopted in St. Brandon -

- i. limited entry and licensing system are in place for all fishing operations;
- ii. allocation of catch quota to companies;
- iii. all fishing boats and vessels report to the Fisheries Monitoring Centre and the National Coast Guard through the Vessel Monitoring System;
- iv. all safety and security measures are undertaken by the vessel operator;
- v. use of selected gear for fishing activities in the inshore waters of St. Brandon, and
- vi. regular inspections are carried out by enforcement officers to ensure that all conditions specified in the fishing licence are adhered to.

Mr Deputy Speaker, Sir, a new Fisheries and Aquaculture Bill is being finalised, which will provide for better management of the ecosystem in the Maritime Zone of Mauritius including St. Brandon.

Furthermore, catching of marine turtles, mammals and berried lobsters in the waters of St. Brandon are not authorized. Besides, a ban on fishing of sea cucumbers is in place since 2009 and will be in operation till February 2016.

Additionally, visits to St. Brandon are restricted. A quota of 200 persons per year has been imposed in respect of foreign nationals, subject to clearance from the Prime Minister's Office.

Moreover, a set of conditions applies for pleasure craft operators and tourists in order to ensure least disruption of the ecosystem of the Island. These conditions, inter-alia, include

-

- a. avoidance of spillage of fuel and oil, and
- b. prevention of damage to the plants and animals species found on the island.

Mr Bérenger: The question relates to St Brandon. Can I ask the hon. Minister, there was a problem concerning the lease, the present leaseholders had argued in Court that their lease was eternal, there was a dispute. Has this lease issue been settled?

Mr Koonjoo: Mr Deputy Speaker, Sir, this has been amicably settled between the Government of Mauritius and the people who are asking for the lease.

Mr Bérenger: As far as sea cucumbers are concerned, can I know whether – because I am given to understand at one point that it had been completely exploited and therefore a ban was put by the previous Government - the ban has been enforced? Is it still enforced and what is the situation? Has there been an improvement in the population of sea cucumbers?

Mr Koonjoo: Mr Deputy Speaker, Sir, there is a ban on the sea cucumbers and I said it will last till February next year. The ban was imposed and the Leader of the Opposition is perfectly right to say that there was some *pillage* de sea cucumbers (barbaras) in those regions. The ban has been staying there. We are working on whether to lift up the ban completely or to lift up partially because there is a big demand for the sea cucumbers not only in Mauritius but all around the world. Its price is very high and it is very good for certain people – *sa pa pu toi sa, pu Navin sa!*

(Interruptions)

Yes, we are working upon that and we will come soon with whether we are going to lift completely the ban or partially. There was an abuse, but, for the time being, I can assure the House that everything is in order and perfect.

Mr Jhuboo: Thank you Mr Deputy Speaker, Sir. The Native Terrestrial Biodiversity and National Parks Bill was adopted a few weeks ago and mention was made that special reserves - an islet of utmost ecological importance would be created, protected and preserved. Does the hon. Minister think that it is high time that we come with a proper legislation to declare the archipelago of St Brandon as a Marine Protected Sanctuary?

Mr Koonjoo: I know there is some problem there Mr Deputy Speaker, Sir, and I have got news that there are places where the environment is very bad because of the mischief of some fishermen working there. I am planning, perhaps in a couple of weeks, to go there and see visually, as I went to Agaléga, how things stand and I can assure...

(Interruptions)

I am not taking the sea cucumbers as such!

We will see for ourselves how things stand and come back and naturally we will take proper actions.

LE MORNE VILLAGE - FOOTBALL GROUND

(No. B/770) Mr E. Jhuboo (Third Member for Savanne & Black River) asked the Minister of Youth and Sports whether, in regard to Le Morne Village, he will state if consideration is being given for the construction of another football ground to be provided with the necessary amenities and, if so, indicate the -

- (a) estimated cost thereof, and
- (b) expected start and completion dates thereof.

The Minister of Arts and Culture (Mr S. Baboo): Mr Deputy Speaker, Sir, with you permission, I shall reply to this question.

I am informed by the District Council of Black River that there is no football ground at Le Morne and one plot of land has temporarily been put at the disposal of the inhabitants of the region by Société Sitnot Le Morne Brabant for use as a football ground.

I am further informed that a request was made in August 2009 by the Council to the Ministry of Housing and Lands for the vesting of a plot of State land at Le Morne for the construction of a football ground. Since the proposed football ground falls within the buffer zone of Le Morne Cultural Landscape whereat construction is not allowed according to the Planning Policy Guidance, the request was not favourably considered.

The Ministry has subsequently requested the Ministry of Housing and Lands to identify another plot of State land in the region of Le Morne for the construction of a football ground and it has been informed that a plot of State land of an approximate extent of 2A20 has been identified at La Prairie for this project. The Le Morne Heritage Fund, which has been consulted, has raised no objection to the site.

Mr Deputy Speaker, Sir, once the procedures for the vesting of the plot of State land identified La Prairie would be finalised by the Ministry of Housing and Lands, after confirming that the site is suitable to be used as a football ground, the cost estimate would be worked out for the development of the plot of land into a football ground.

The Deputy Speaker: Hon. Rutnah!

NATIONAL ASSEMBLY – LEADER OF THE OPPOSITION – DOCUMENT LAID

(No. B/771) Mr S. Rutnah (Third Member for Piton & Rivière du Rempart) asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to the document tabled by the hon. Leader of the Opposition in the National Assembly on 22 September 2015, purportedly being the Management Account of the Central Electricity Board, he will, for the benefit of the House, obtain from the Board, information as to if an inquiry has been carried out to ascertain the provenance thereof and, if so, indicate the outcome thereof.

The Vice-Prime Minister, Minister of Energy and Public Utilities (Mr I. Collendavello): Mr Deputy Speaker, I am informed by the CEB that its Board, after taking cognizance of a copy of the document which purported to be the Management Account of the CEB for the period January to May 2015, has directed that an enquiry be conducted. The Board of Enquiry has been set up and is investigating into the matter.

I am further informed that the CEB has also reported the matter to the Central CID.

Mr Rutnah: Can the hon. Vice-Prime Minister state to the House whether at this stage of the enquiry, the hon. Leader of the Opposition's assistance or cooperation has been sought in order to further the enquiry?

(Interruptions)

The Deputy Speaker: Hon. Rutnah!

Mr Collendavelloo: I am not aware...

The Deputy Speaker: Let me just remind the hon. Member that the conduct or the character of a hon. Member of this Assembly, the hon. Leader of the Opposition cannot be questioned. It has to be brought through a motion.

Mr Rutnah: In due course, I will move with a motion.

(Interruptions)

Mr Mohamed: Thank you, Mr Deputy Speaker, Sir. On the same issue, I have been doing some reading recently and I have come across a very interesting piece of *ouvrage* - if I may call it that way - that talks of freedom of information and that was the electoral manifesto of Alliance Lepep. How does the hon. Vice-Prime Minister, therefore - that is what I would like to ask him - reconcile that he has gone to the Central CID as opposed to the freedom of information, proposal that he stood so proudly and took a photograph while presenting the electoral manifesto? So, how does he reconcile one with the other?

The Deputy Speaker: Hon. Vice-Prime Minister, you don't have to answer. It is not relevant to the question!

(Interruptions)

Hon. Uteem!

PAILLES - TREATMENT PLANT PROJECT

(No. B/772) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Treatment Plant Project at Pailles, he will, for the benefit of the House, obtain from the Central Water Authority, information as to the –

- (a) costs thereof, indicating the amount of variation costs;

- (b) date on which it will become operational, and
- (c) if an inquiry has been carried out thereinto and, if so, indicate the outcome thereof.

The Vice-Prime Minister, Minister of Energy and Public Utilities (Mr I. Collendavelloo): Mr Deputy Speaker, Sir, the hon. Member may wish to refer to my replies to PQ B/334 of 28 April 2015 and PQ B/147 of 03 March 2015 respectively.

With regard to part (a), I am informed by the Central Water Authority that the contract amount for the Pailles Water Treatment Plant is Rs725,814,684.41 inclusive of VAT. A Variation Order of Rs961,651.20 has been issued for laying of pipelines within the compound and will be met from contingencies and therefore within the approved contract amount.

As regard part (b), the Water Treatment Plant was supposed to have become operational in May 2015, but following structural defects, operations were suspended.

In June 2015, an independent expert, Aurecon from South Africa, appointed by the Central Water Authority, carried out an assessment and his recommendations have been implemented by the Contractor, at no additional cost.

I am informed that operations have resumed on 08 October with a daily production of 10,000 m³ and will operate at full capacity of 80,000 m³ by the end of this week.

I am also informed that the Central Water Authority Board has obtained legal advice on the findings of the independent expert with regard to prejudice caused to the CWA by the consultant and contractor and has decided to claim damages.

The Central Water Authority will submit the expert's report and the legal advice to the Procurement Policy Office.

Mr Uteem: May I ask the hon. Vice-Prime Minister whether advice has been sought from the State Law Office as to the action and quantum of damages to be claimed from the contractor and the consultant with respect to this project because that was reported in the press?

Mr Collendavelloo: Well, no. The State Law Office is not the legal advisor of the Central Water Authority. Its legal advisor is Mr Rishi Pursem, a Senior Counsel and he is the one who has given that legal advice, which I understand the Board is seriously attending to.

Mr Uteem: The hon. Vice-Prime Minister, in a press conference on 30 June, stated that he had referred the case for investigation by ICAC. That was in relation to the circumstances under which the contract was allocated; there was a tender, then it was annulled by IRP and then there was an emergency procurement. Answering to a question – I am reading from the press release – the hon. Vice Prime Minister is supposedly quoted as having stated that the matter has been referred to ICAC for enquiry. So, may I know from the hon. Vice-Prime Minister whether this is a correct statement of fact and what is the outcome of the enquiry?

Mr Collendavelloo: There is a distinction. I did not refer the matter to ICAC and I did not order any such reference, but the Ministry had, independently of me, referred the matter to ICAC and I don't know which date it was. I believe it could have been very earlier on these days, but I did not do so.

The Deputy Speaker: Hon. Mahomed!

Mr Mahomed: Thank you, Mr Deputy Speaker, Sir. In reply to my question B/417 earlier this year, the hon. Vice-Prime Minister stated that when the work would have been completed - that was supposed to be in April of this year - water supply will move from 30,000 m³ per day to 80,000 m³ per day, and now we hear that it is 10,000 m³. Is that right? Way below what it was before on the one hand. And my second question, if I may, is the quality of the water had all jeopardised with what is going on right now?

Mr Collendavelloo: Two questions! First of all, yes it is true that originally the first gush of water was going to be 30,000 m³, but now after having seen these defects and the remedial defects, the technicians, I suppose, have felt it better to start with 10,000 m³, but the maximum of 80,000 m³ being reached later. As to the quality of the water, I understand that regular tests are being performed and nothing untoward has been reported to me up to now, but I shall certainly take this one up and try and ascertain from CWA whether they are following up with these water tests?

The Deputy Speaker: Hon. Uteem!

Mr Uteem: Thank you, Mr Deputy Speaker, Sir. The hon. Vice Prime Minister mentioned that action may be taken against the contractor and the consultant. Following the report of Aurecon in which the South African expert criticises the consultant, may I know from the hon. Vice-Prime Minister what is the total amount that has been paid to the Consultant on this project?

Mr Collendavelloo: If the hon. Member comes with a question, I will certainly be able to do this. I don't believe that this would be available immediately. I know it offhand, but I would not want to dare an answer now.

The Deputy Speaker: Next question, hon. Uteem!

APOLLO BRAMWELL HOSPITAL - ACQUISITION

(No. B/773) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Minister of Finance and Economic Development whether, in regard to the Apollo Bramwell Hospital, he will, for the benefit of the House, obtain information as to the

—

- (a) funds that have been used for the acquisition thereof;
- (b) procedures that have been followed for the acquisition thereof;
- (c) monthly income and expenditure thereof since the acquisition thereof to date, and
- (d) intended use thereof.

The Vice-Prime Minister, Minister of Energy and Public Utilities (Mr I. Collendavelloo): Madam Speaker, with regard to parts (a) and (b) of the question, I am informed that the Apollo Bramwell Hospital has not yet been acquired and accordingly there has been no transfer of funds.

The NIC Healthcare Ltd, a subsidiary of the National Insurance Co. Ltd, invited an Expression of Interest (EOI) on 11 September 2015 following which 25 submissions were received. Subsequently, all those who responded to the Expression of Interest were invited to submit their proposals. They were given the options to make an outright purchase, to enter into a management agreement or management contract/equity participation.

I am informed that at the closing date of 19 October 2015, 12 bidders have submitted their proposals. These proposals are currently being evaluated by the Transaction Adviser.

Regarding parts (c) and (d), the questions do not arise as the process of acquisition has not yet been completed.

Mr Uteem: Mr Deputy Speaker, Sir, I understand fully that the hon. Vice-Prime Minister is not the Minister in charge of this file. But, if I can refer the hon. Vice-Prime

Minister to what was said in this House, on 01 September 2015, answering to a PNQ by the hon. Leader of the Opposition, the hon. Minister Bhadain stated and I quote –

“I am informed by the FSC that the hospital operations and assets have been transferred to the National Insurance Co. Ltd. and NIC Healthcare Limited on 25 August 2015 by the Special Administrators.”

And now, is the hon. Vice-Prime Minister telling us that whatever hon. Minister Bhadain stated, on 01 September, is not correct and there has not been any transfer of any asset from the Apollo Bramwell Hospital to National Insurance Company (NIC) or any other companies?

Mr Collendavelloo: This is not what I am saying. What I am saying is that NIC Healthcare Ltd. has invited an Expression of Interest. I am afraid I would not be able to enlighten you more than that, at this stage, Mr Deputy Speaker.

Mr Uteem: Surely, the hon. Vice-Prime Minister will have a note in his file, saying at what price was the asset which belonged to the BAI Group, was transferred to the National Insurance Company which does not belong to the BAI Group which belongs to the State. So, surely, there must have been a transfer and consideration paid. I understand it was Rs1.2 billion plus R1.00.

Mr Collendavelloo: No, I am afraid I don't have that information. I am sorry!

Mr Bérenger: The question related also to monthly income and expenditure. I am given to understand that pending a decision being taken concerning the exercise of taking over or whatever, that the Minister of Finance has said that the State, Government will foot whatever deficit there is monthly. So, can I know, last month, the month before, how is Apollo Bramwell Hospital doing? I am given to understand that there is massive loss every month, that is being taken charge of by Government or the SIC which is the same thing. Do we have the figure of, therefore, the comparison, as asked in the question, monthly income and expenditure at Apollo Bramwell Hospital?

Mr Collendavelloo: Well, the question was ‘monthly income and expenditure thereof since the acquisition’. Well, please! Come!

(Interruptions)

It is another play on words. This is the question ‘since the acquisition’. There has been no acquisition. Therefore, I don't have the figures for a question which has not been asked.

Mr Uteem: I can't understand. You just mentioned that there was an acquisition, but the price has not been paid yet. That is what hon. Bhadain stated National Insurance Co. has acquired it. So, may I ask the hon. Vice-Prime Minister, on 03 September 2015, the hon. Minister of Finance, in an interview, stated that he is in discussion at Pierre and Marie Curie University so that the hospital would be used henceforth for the formation of doctors and that this Apollo Bramwell Hospital will become and I quote –

“A charitable trust”.

So, do I take it now that this idea of a charitable trust and university is all thrown out of the window?

Mr Collendavelloo: Well, I am sure the hon. Minister of Finance would be glad to enlighten you.

(Interruptions)

The Deputy Speaker Next question, hon. Barbier!

FLIC EN FLAC - PRIVATE CLINIC - EIA LICENCE

(No. B/774) Mr J. C. Barbier (Fifth Member for GRNW & Port Louis West) asked the Minister of Environment, Sustainable Development and Disaster and Beach Management whether he will state if his Ministry is presently processing an application for the issue of an Environment Impact Assessment licence in relation to a private clinic in Flic en Flac and, if so, indicate –

- (a) the name of the entity having submitted the said application, and
- (b) if the said clinic has already started operation and, if so, indicate
 - (i) the date of coming into operation thereof;
 - (ii) the distance of the nearest residence adjacent thereto and
 - (iii) if it is equipped with a standby generator and, if so, indicate if it conforms with the standard applicable norms.

Mr Dayal: Mr Deputy Speaker, Sir, I wish to inform the House that there is no EIA application which is being processed by my Ministry presently with regard to a private clinic at Flic en Flac.

Mr Barbier: May I know from the hon. Minister whether there has been any file for request for a clinic in the region which has been processed recently?

Mr Dayal: Mr Deputy Speaker, Sir, negative.

The Deputy Speaker: Next question, hon. Bhagwan!

ISLET NATIONAL PARK – CONSERVATION & UPGRADING

(No. B/775) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Minister of Agro-Industry and Food Security whether, in regard to the islets located around Mauritius, he will state the number of the islets constituting the Islet National Park, indicating the –

- (a) names, location and extent thereof, and
- (b) actions initiated for the conservation and upgrading thereof, in view of the deplorable state of the environment prevailing thereat.

Mr Seeruttun: Mr Deputy Speaker, Sir, I am informed that there are 49 islets around Mauritius which are located at various distances from the mainland. Most of these islets are located along the north, east and south eastern coastal regions of Mauritius. Some islets are quite large and some are very tiny.

Out of these 49 islets, eight have been proclaimed as National Park and are under the control of the National Parks and Conservation Service of my Ministry. These eight islet national parks are: Ile d’Ambre, Pigeon Rock, Ile aux Fouquets, Ile aux Vacoas, Ile aux Fous, Rocher des Oiseaux, Ile aux Flamants, and Ile aux Oiseaux.

Furthermore, seven islets are nature reserves and are under the jurisdiction of the Forestry Service of my Ministry. These seven nature reserves are: Ilot Gabriel, Flat Island, Round Island, Gunner’s Quoin, Ile aux Serpents, Ile aux Aigrettes, and Ilot Marianne.

The remaining islets are under the jurisdiction of the Ministry of Housing and Lands.

I am tabling the information on the extent and location of the Islet national parks and nature reserves under the control of my Ministry.

As regards part (b) of the question, Mr Deputy Speaker, Sir, I wish to inform the House that most of the islet national parks and nature reserves are important for their biodiversity as they harbour endemic species of fauna and flora. Some islets support large

colonies of seabirds and endemic reptiles. Conservation management is carried out jointly by the NPCS and the Forestry Service in collaboration with the Mauritian Wildlife Foundation.

Some islets are easily accessible and are open to the public for leisure and recreational purposes. These are Flat Island, Gabriel Island, Ile d'Ambre, Ile aux Fouquets, Ile aux Vacoas, and Ilot Marianne. Cleaning and maintenance are regularly carried out by both the NPCS and the Forestry Service.

The other islets are either closed nature reserves and access is restricted or they are too far and not easily accessible.

As the House is aware, Mr Deputy Speaker, Sir, Ilot Gabriel was formerly leased to a private company which restricted access to visitors. The lease agreement was terminated in February, this year, for non-compliance with the lease conditions and the islet is being restored presently. I carried out a site visit on the islet recently and I am satisfied of the progress of rehabilitation works.

As regards Flat Island, it was also leased in the past and the lessee had sublet the islet to a third party who has entered a case in Court against Government. My Ministry is awaiting the final outcome of the Court case to take back full possession of the islet for its restoration. The National Coast Guard has a permanent post on Flat Island and carries out regular security patrol.

I am considering the possibility of setting up a permanent post on either Flat Island or Gabriel Island for the proper control and monitoring of activities on these islands.

Mr Bhagwan: Can I ask the hon. Minister whether he has had information concerning l'île aux Bernaches? It is a very populated islet in the North which is used by people in the region on many occasions. If the deplorable state of l'île aux Bernaches is not within his responsibility, whether he can discuss with his colleague, the Minister of Housing and Lands so that l'île aux Bernaches be put back in its normal condition?

Mr Seeruttun: Mr Deputy Speaker, Ile aux Bernaches falls under the responsibility of the Ministry of Housing and Lands. So, it is not under my Ministry.

Mr Bhagwan: Mr Deputy Speaker, Sir, with regard to Flat Island, can the hon. Minister inform the House, who is the person, which is the company with whom the Government had a dispute and whether, at a period of time, that islet was vested to the Tourism Authority?

Mr Seeruttun: Mr Deputy Speaker, from the information I have, the lease was granted to a company called Discover Mauritius which was further sublet to another company.

Mr Bhagwan: Can the hon. Minister inform the House whether Discover Mauritius was one of the satellites of the Ministry of Tourism then and whether the Minister is considering that it is high time to rapidly take possession of that island which is at a strategy position?

Mr Seeruttun: Mr Deputy Speaker, Sir, like I just mentioned in my reply, that company which sublet the island has put a case in Court and we are awaiting the outcome of the court case to know what to do with that.

Mr Deputy Speaker: A last one!

Mr Bhagwan: But, pending the court case, can the Minister inform the House whether order will be put on Flat Island? From what we gather, Flat Island is in a deplorable state - *jusqu'a phare zot ine coquin*.

Mr Seeruttun: In fact, Mr Deputy Speaker, Sir, we do have teams of the National Parks and Conservation Service and the Forestry Department which go there every fortnight to carry out restoration works. In the meantime, we have even put a signboard there to inform the visitors that this place is under our jurisdiction.

The Deputy Speaker: Next question, hon. Uteem!

VALLÉE PITOT – LANDSLIDE - RISKS

(No. B/776) **Mr R. Uteem (First Member for Port Louis South & Port Louis Central)** asked the Minister of Environment, Sustainable Development and Disaster and Beach Management whether, in regard to the risks of landslide in the region of Vallée Pitot, he will state the –

- (a) number of inhabitants concerned therewith, and
- (b) actions taken in relation thereto, if any.

The Vice-Prime Minister, Minister of Housing and Lands (Mr S. Soodhun): Mr Deputy Speaker, Sir, with your permission, I will reply to this question.

The landslide prone area in the region of Vallée Pitot is about 80 m long and 100 m wide along Canal Anglais. In fact, following heavy rainfall in February 2013, a solid mass of soil from the mountain area moved down the canal. This damaged and obstructed the canal over a length of about 20 metres.

With regard to part (a), the number of families affected by the landslide at Vallée Pitot as at date is 18.

As regards part (b), the Ministry benefited from the expert advice of the Japan International Cooperation Agency, which undertook a study on “Landslide Management in the Republic of Mauritius”. The study confirmed that Vallée Pitot has become one of the most critical landslides prone as well as flood prone sites in Mauritius.

In order to mitigate both problems of flooding and landslide, JICA recommended several countermeasures, which are being implemented by the Ministry. The bed slope of the canal has been readjusted to ensure proper drainage and an existing earthwork cut-off drain upstream of the landslide area has been cleaned and opened up.

In addition to the above, the Ministry appointed a local contractor for the drilling of boreholes, installation of monitoring equipment and the monitoring and maintenance of landslide devices at Vallée Pitot. The monitoring equipment is linked to an automatic siren system for alerting the inhabitants and the authorities on the actual landslide situation.

Mr Deputy Speaker, Sir, I am also informed that the site is equally closely monitored by the National Emergency Operations Command in consultation with the City Council of Port Louis, the Police and the Mauritius Fire and Rescue Services. The NEOC has installed simple rain gauges in the dwellings of the inhabitants to monitor rainfall in the region. Simulation exercises have been carried out to sensitise the inhabitants on the safety measures to be taken in the case of emergency and with a view to improve the preparedness of the 18 families concerned.

Mr Uteem: Mr Deputy Speaker, Sir, the hon. Vice-Prime Minister mentioned the report of Japan International Cooperation Agency, which was tabled in October by the hon. Minister Dayal. May I know from the hon. Vice-Prime Minister whether in this report any recommendation has been made to moving the people living in this region to another region and, if this is the case, what action has his Ministry taken for the relocation of these inhabitants?

Mr Soodhun: There has been a request for the moving of these 18 families. According to my information, the number of additional families who have been affected is 10. Out of the 18, research has been carried out by the Ministry of Housing and Lands and it has revealed that 17 were built on the site lease; they have a lease according to the law. We have been able to find eight families affected by this landslide. It was proposed to relocate to Mgr Leen Avenue at Bell Village. However, now we are identifying the land so that we can transfer all these people. But, eight out of 18 have already been identified.

The Deputy Speaker: Hon. Mahomed!

Mr Mahomed: May I ask the hon. Vice-Prime Minister when the drain clearing was undertaken? Between the first movement in January of this year and last month, the land moved again and it was quite dangerous. I was there and I met the Japanese expert as well. My question is as follows: whether, after the drain has been cleaned, there was movement again.

Mr Soodhun: I think yes.

The Deputy Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Thank you, Mr Deputy Speaker, Sir. In his reply, the hon. Vice-Prime Minister mentioned Canal Anglais. Is he aware that Canal Anglais forms part of Constituency No.3? Since more than a year, the Canal Anglais has been severely damaged and major repairs are urgent. I myself have raised this issue several times at adjournment time. Each time there is heavy rainfall, it leaks out in the houses of inhabitants living there. Therefore, can I request the hon. Vice-Prime Minister to urgently look into the matter so as to remedy the situation?

Mr Soodhun: I thank the hon. Member. I am aware about it as Minister of Housing and Lands, and we are doing needful to transfer all the 18 families. We are supposed to move very close to Canal Anglais, but the fact that the Ring Road is coming very fast, we have to move because due to the Ring Road...

(Interruptions)

there is a canal. Once there will be heavy rain the canal is going to affect all the people. So, we have already taken the decision to move all the 18 families at Canal Anglais.

The Deputy Speaker: A last supplementary, hon. Uteem!

Mr Uteem: Thank you, Mr Deputy Speaker, Sir. There have already been damaged houses; there has already been one dog which was killed during the landslide. Now that the hon. Vice-Prime Minister is very much aware of the problem and the risk to these 18 families, can we have a timeframe as to when his Ministry – because that would fall under the Ministry of Housing and Lands – is thinking about coming forward with this relocation plan?

Mr Soodhun: Mr Deputy Speaker, Sir, this problem exists since 2013. I agree with the hon. Member that we have to do something. It is not because this exists since 2013 that we have to do nothing. As mentioned, we are doing something. We have already identified eight, but I think that for the 10 we will have no problem. We are working on a global basis for all the squatters in Port Louis. So, I am going to include these 10. I am going to look after it.

The Deputy Speaker: Next question, hon. Mohamed!

CIVIL SERVICE FAMILY PROTECTION SCHEME - LEGISLATION

(No. B/777) Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East) asked the Minister of Civil Service and Administrative Reforms whether, in regard to the Civil Service Family Protection Scheme Act, he will state if consideration will be given for proposed amendments to be introduced thereto in order to enable the surviving spouses of public officers who have only contracted religious marriage therewith to benefit thereunder and, if not, why not.

The Vice-Prime Minister, Minister of Energy and Public Utilities (Mr I. Collendavelloo): Mr Deputy Speaker, Sir, the proposal contained in the question is deserving of the most serious consideration. I shall see whether we can put up a technical committee, but I will need the substantive Minister to be present so as to look into all aspects of the matter.

Mr Mohamed: I thank the hon. Minister for his answer.

The Deputy Speaker: Next question, hon. Jhugroo!

WIFI HOTSPOTS – PUBLIC PLACES

(No. B/778) Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East) asked the Minister of Financial Services, Good Governance and Institutional Reforms, Minister of Technology, Communication and Innovation whether, in regard to the internet, he will, for the benefit of the House, obtain from the Mauritius Telecom, information as to, since January 2015 to date, the –

- (a) number of –
 - (i) public places having been provided with WIFI hotspots to allow members of the public to have free access thereto, and
 - (ii) households having been given access to high speed services thereof, and
- (b) actions taken to reduce the price thereof.

(Vide reply to PQ No. B/766)

WASTEWATER MANAGEMENT AUTHORITY – RECRUITMENT

(No. B/779) Mr P. Jhugroo (Second Member for Mahebourg & Plaine Magnien) asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Wastewater Management Authority, he will, for the benefit of the House, obtain therefrom, a list of the employees recruited thereat, since July 2005 to December 2014, indicating in each case the -

- (a) post occupied;
- (b) mode of recruitment;
- (c) qualifications held, and
- (d) terms and conditions of appointment, including the salaries and other benefits drawn and if the employment is on a contractual or permanent basis.

The Vice-Prime Minister, Minister of Energy and Public Utilities (Mr I. Collendavello): With your permission, Mr Deputy Speaker, Sir, I am tabling the information.

The Deputy Speaker: Hon. Jhugroo!

Mr Jhugroo: Can the hon. Vice-Prime Minister inform the House what procedures have been carried out for the recruitment of engineers at the Wastewater Management Authority?

Mr Collendavello: For engineers, I see that there was external advert. What I will do is to purely and simply table for all the grades, the manner in which the procedures were followed, so that we will not need to waste a lot of time on this. But for civil engineers, it was an external advert in 2005; for the training engineers, all this was through external advert.

I am tabling the information.

Mr Jhugroo: Can the hon. Vice-Prime Minister whether engineers are involved during the commissioning of works carried out by contractors?

Mr Collendavello: Yes, they are at the time of commissioning. There are engineers employed by the Wastewater Management Authority, whose main duty is to follow-up with the work of the consultants to see whether there is accurate performance of the contract. That doesn't mean that this is satisfactory - don't read in my answer something which I have not said.

Mr Jhugroo: Is hon. Vice-Prime Minister aware that during the commissioning of works carried out at Quatre Bornes and at SSR road, there have been several complaints with regard to defects?

Mr Collendavello: Yes, I am aware of this. I have instructed the Officer-in-Charge to look into it.

The Deputy Speaker: Next question hon. Jhugroo!

WASTEWATER MANAGEMENT AUTHORITY - LEGAL ADVISERS

(No. B/780) Mr P. Jhugroo (Second Member for Mahebourg & Plaine Magnien) asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Wastewater Management Authority, he will, for the benefit of the House, obtain therefrom, information as to the names of the legal advisers whose services have been retained thereat, since July 2005 to December 2014, indicating in each case, the total amount of fees paid out thereto.

The Vice-Prime Minister, Minister of Energy and Public Utilities (Mr I. Collendavelloo): With your permission, Mr Deputy Speaker, Sir, I am tabling the information.

The Deputy Speaker: Next question, hon. Jhugroo!

BASIC RETIREMENT PENSION - OVERPAYMENT

(No. B/781) Mr P. Jhugroo (Second Member for Mahebourg & Plaine Magnien) asked the Minister of Social Security, National Solidarity and Reform Institutions whether, in regard to the Basic Retirement Pension, she will state the measures that are taken to avoid the overpayment thereof when the beneficiaries thereof pass away or during the prolonged absences thereof from the country.

Mrs Jeewa-Daureeawoo: I wish to inform the House that overpayment of pensions has been occurring since 1976. The amount representing overpayment is, therefore, a cumulative figure. Overpayment usually occurs in circumstances where the Ministry is not notified on time of the death of beneficiaries or of their departures overseas for more than six months. In such circumstances, the Basic Retirement Pension continues to be credited into the bank accounts of the beneficiaries and their heirs or proxies continue to encash the benefits.

Although, it is a legal requirement for beneficiaries or their relatives in case of death or departure overseas to notify the Ministry of these changes, yet, in practice, most of the time, they do not notify the Ministry and as such payment continues to be effected in their favour. This was the reason why when I assume duty, I forthwith instructed that a reminder be introduced in the award notice to the effect that beneficiaries should immediately notify the Ministry of any changes in circumstances affecting their eligibility for the pension.

It is to be highlighted that once overpayment is detected, payment of the benefit is immediately stopped. For overpayments that have already occurred, a ledger account is opened in the name of the beneficiary and is updated each time refund is made. In case of non-refund, an enquiry is conducted by the Special Investigation Unit of the Ministry. After enquiry, the Special Investigation Unit then recommends the line of action to be initiated to recover the overpayment amount and the beneficiaries' bank and relatives are notified accordingly.

As the above situation is viewed with serious concern and has been the subject of many audit queries in the past, I have, since I took office, taken the following additional measures to prevent overpayment of pension –

- (i) exchange of information between the Ministry and the Civil Status Office pertaining to death of beneficiaries was previously being done manually. However, since the beginning of 2015, an electronic system has been put in place to ensure that information on death cases are obtained online on every working day. On receipt of the daily updated list, the Ministry takes immediate action to stop payment of benefits in appropriate circumstances, and
- (ii) the Passport and Immigration Office provides the Benefit Unit of the Ministry with information about beneficiaries who are above 60 years and who have been outside of Mauritius for more than six months on a monthly basis. Upon receipt of this information, a matching exercise is effected by the IT Unit of the Ministry to immediately stop payment in favour of all beneficiaries who have been outside of Mauritius for more than six months.

Mr Bérenger: May I ask the hon. Minister, for us, Members of Parliament, to have an idea, *l'ordre de grandeur*, what amount of overpayment takes place every year and what amount is recouped every year?

Mrs Jeewa-Daureeawoo: According to the National Audit Report, in 2013, there has been an overpayment of Rs26.5 m. and, in 2014, to Rs22.6 m. with regard to the Basic Retirement Pension only. We recouped about Rs10 m. yearly.

Mr Jhugroo: Can the hon. Minister inform the House whether the actual IT system is effective to detect any error with regard to overpayments?

Mrs Jeewa-Daureeawoo: Well, the IT system currently being used for the processing of pension payment is outdated and it produces errors which result in overpayments. That is why, with a view to eliminating overpayments, there is an urgent need to revamp the IT system. In that regard we are coming with an updated system. Relevant tender document have already been finalised by the Ministry and the bidding exercise is expected to start shortly.

Mr Jhugroo: Can the hon. Minister inform the House what mechanism has been put in place to recover the overpayments which occurred since year 1980?

Mrs Jeewa-Daureeawoo: Well, some cases are referred to the Commissioner of Police for an enquiry to be conducted. We are awaiting the outcome from the Commissioner of Police. Proper actions will be initiated.

Mr Jhugroo: Can the hon. Minister state whether any enquiry has been made to ascertain improper conduct which could have assisted in the continuing claim of BRP?

Mrs Jeewa-Daureeawoo: We already have the audit report and at the level of my Ministry, we have the Internal Control Unit. The audit report itself is a comprehensive report. I have not felt the need to have another enquiry. You will agree with me, hon. Member, what is important is action. So, we are taking appropriate actions to try to reduce overpayments which have been occurring for the past years.

Mr Jhugroo: Can the hon. Minister inform the House whether there is an online system with the PIO to verify the departures and arrivals of beneficiaries of State pensions?

Mrs Jeewa-Daureeawoo: The exchange of information with the Passport and Immigration Office is still being done manually. As from this year, necessary action has been initiated by my Ministry for an electronic system to be put in place so that information can be obtained in a more systematic and timely manner. I do hope that shortly the electronic system will be operational.

MBC - ZEE MULTIMEDIA (MAURICE) LTD - PUBLICITY RATES

(No. B/782) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Minister of Financial Services, Good Governance and Institutional Reforms, Minister of Technology, Communication and Innovation whether, in regard to the agreement signed between the Zee TV/Mauritius and the Mauritius Broadcasting Corporation in relation to the profit sharing on the *Espaces Publicitaires*, he will, for the benefit of the House, obtain from the Corporation, information as to the -

- (a) date of the signature thereof;
- (b) terms and conditions thereof, including the duration thereof;
- (c) name of the person who negotiated same on behalf of the Corporation, and
- (d) benefits derived therefrom.

The Minister of Foreign Affairs, Regional Integration and International Trade (Mr E. Sinatambou): Mr Deputy Speaker, Sir, I am informed by the Mauritius Broadcasting Corporation (MBC) that in 2012, it had contracted two (2) agreements with Zee Multimedia (Maurice) Ltd for the broadcast of two TV Serials, namely –

- (1) *Chotti Bahu*, and
- (2) *Sa Re Ga Ma Pa Lil Champs*.

In both cases, I am informed that there was no profit sharing for ‘*Espaces Publicitaires*’. On the contrary, Zee Multimedia (Maurice) Ltd had to pay to the MBC a fixed sum of Rs3,000 per episode. In return, in connection with *Chotti Bahu*, Zee Multimedia (Maurice) Ltd benefitted from a discount in publicity rates, i.e., the company paid for publicity at a much lower rate of Rs625 per spot instead of Rs2,490 and this up to a maximum of Rs10,000 per episode. In connection with *Sa Re Ga Ma Pa Lil Champs*, Zee Multimedia (Maurice) Ltd agreed to pay Rs1,350 instead of Rs8,100 for publicity for the first two months followed by a fixed fee of Rs15,000 per slot.

The agreements for the TV Serials *Chotti Bahu* and *Sa Re Ga Ma Pa Lil Champs* were signed on 12 June and 17 August 2012, respectively by the former Director General, Mr Dan Callikan, who personally negotiated the contracts. The agreement in respect of *Chotti Bahu* has been terminated on 31 October 2014 for the purpose of renegotiating the publicity rates while the contract of *Sa Re Ga Ma Pa Lil Champs* expired in December 2013.

As regards the last part of the question, I am informed that the total benefit derived by the MBC from the two agreements amounts to Rs3,462,662.50 (VAT Inclusive) as follows –

- | | | | |
|------|----------------------------------|---|----------------|
| (i) | <i>Chotti Bahu</i> | : | Rs2,492,350.00 |
| (ii) | <i>Sa Re Ga Ma Pa Lil Champs</i> | : | Rs970,312.50. |

NTC - SEMI-LOW FLOOR BUSES - PROCUREMENT

(No. B/783) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the procurement of 100 semi-low floor buses, he will, for the benefit of the House, obtain from the National Transport Corporation, information as to –

- (a) who prepared the specifications therefor;

- (b) the date the bid therefor was launched and the dates on which bids were received, and
- (c) if the contract has been awarded and, if so, indicate –
 - (i) the name of the successful bidder therefor;
 - (ii) the contract value thereof, and
 - (iii) if any representation has been received following the award of the bid and, if so, indicate by whom and where matters stand.

(Withdrawn)

SMART CITIES - AGRICULTURAL LAND CONVERSION

(No. B/784) Mr O. Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Minister of Finance and Economic Development whether, in regard to the Smart Cities, he will, for the benefit of the House, obtain from Smart Cities Mauritius, information as to the total area of agricultural land that will be converted therefor, indicating their grade as agricultural land and the impact the conversion thereof will have on the sustainability of the agricultural sector in terms of food security and energy production from bagasse.

The Vice-Prime Minister, Minister of Energy and Public Utilities (Mr I. Collendavelloo): Mr Deputy Speaker, Sir, based on the recommendations of the Smart City Scheme Technical Committee, the Board of Investment has, to date, issued Letters of Comfort to promoters of seven Smart City projects. There are 10 other projects in the pipeline, including the Highlands Smart City and the Riche Terre Smart City (Jinfei).

Out of those seven Smart City projects issued with a Letter of Comfort, three would not involve agricultural land whilst 1,530 *Arpents* of agricultural land are found within the proposed project boundaries of the four other projects. In addition, the Highlands Smart City project would be implemented, in phases, on some 2,180 *Arpents* of sugarcane land. The grade of agricultural land ranges from moderately suitable to highly suitable for cultivation of sugarcane or food crops.

I am further informed that, except for the Riche Terre project where the land was previously under food crops and already converted in the past, all other Smart Cities projects

concern lands devoted to sugarcane plantation. The impact on food security with the implementation of Smart Cities would therefore be minimal.

Mr Deputy Speaker, Sir, even if all the applications for land conversion permits relating to those seven projects and the Highlands Smart City are approved, reduction in sugar production would be limited to some 9,380 tonnes, that is, only 2.3% of our total annual sugar production. Production of bagasse would also be reduced by a commensurate percentage.

I wish to add the following points –

- First, a substantial proportion of those agricultural lands had already been granted with a land conversion permit, prior to 18 June 2015, that is, before the coming into force of the Smart City Scheme.
- Secondly, even if there was no Smart City Scheme, part of the land would, in any case, have been converted for ‘*morcellements*’ or other development projects.

Thus, the impact of the introduction of the Smart City Scheme on food security and energy production from bagasse would be minimal. On the contrary, together with the Smart Agriculture and Bio-Farming Scheme, it would contribute to the promotion of green and renewable energy and sustainability of the agricultural sector.

Mr Mahomed: If I heard the hon. Vice-Prime Minister correctly, the amount of land is in excess of 1,000 acres, is that right? 1,500 acres of agricultural land will be converted into Smart Cities and the area of sugarcane land is currently about 30,000 to 40,000 hectares. So, that represents a huge percentage insofar as area of land is concerned. Well, will that not impact on – I know you mentioned minimal in terms of energy production - bagasse production and also on ethanol production given that Government has fixed a target of 35% renewable energy by 2025 and that the current percentage of electricity being produced from bagasse is 14%, the more so the Smart Cities will also consume electricity? Thank you.

Mr Collendavelloo: That is a very clever mixing of issues so that my Ministry is brought in in that question. Yes, there will be reduction, of course. Bagasse, as I have said, I gave the figures last time, has fallen down by some 200,000 tons. It is going to fall down again.

With regard to energy production, we all know we are going to have new methods of energy production. For agriculture, there will be new techniques linked to renewable energy

like greenhouses with solar photovoltaic on the roofs. All these techniques will come and, hopefully, compensate the loss of agricultural land.

Mr Mohamed: On the issue of all the agricultural lands that will have to be converted, letting aside the issue of the VAT and the fiscal issues from the MRA, would the figures be correct? Could the hon. Vice-Prime Minister tell us that as far as land conversion is concerned itself some Rs6 billion at a minimum will be what the State will not be making just because of this whole project, some Rs6 billion, let alone the VAT exemption and the eight years' exemption as far as tax is concerned?

Mr Collendavelloo: Of course, there will be lots of revenue, but I would prefer to have the substantive Minister answering to a substantive question on this, before I venture into this. I appreciate your humility.

RING ROAD PROJECT - BOULEVARD VICTORIA - VIADUCT

(No. B/785) Mr C. Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the proposed construction of an elevated viaduct along Boulevard Victoria as part of the Phase II of the Ring Road Project, he will state if consultations have been held with the inhabitants and those responsible for the places of worship located in the said region to secure the views thereof in relation thereto and, if so, indicate the outcome thereof.

The Vice-Prime Minister, Minister of Housing and Lands (Mr S. Soodhun): Mr Deputy Speaker, Sir, I would like to thank the hon. Member for the pertinent question. I would give a very comprehensive answer. After the answer, I will have no supplementary.

As mentioned in the reply of PQ B/625 on 06 October 2015, Government will embark on a vast Road Decongestion Programme (RDP) as from July 2016. The Ring Road Phase 2 and Ring Road Phase 3 form part of the RDP.

I am informed by the RDA that the Ring Road Phase 2 will be an approximately 3.9 km long single carriageway. It will link the end of the existing Ring Road Phase 1 at Les Guibies, through an approximately 1.2 km long tunnel across the Quoin Bluff Mountain to the centre of the capital on Volcy Pougnet Street at Tranquebar and on Boulevard Victoria at Champ de Mars.

Along with the Ring Road Phase 1, which is expected to be completed in March 2016, this project will provide a strategic alternative access that would allow traffic to enter and exit Port Louis and alleviate traffic congestion along Motorways M1 and M2 as well as within the city itself.

Mr Deputy Speaker, Sir, I am informed by the RDA that the alignment with the viaduct above Boulevard Victoria will avoid the outer edge of Vallée Pitot which would have otherwise high negative social impacts and would present geotechnical challenges. The viaduct will start near the end of Ring Road Phase 2 at Champ de Mars by means of an access ramp and ends near the junction of Military Road. It will be approximately 1.1 km long and 11 m wide with a two-lane 7.0 m wide single carriageway and 1.5 m wide shoulder on each side and it will be supported on piers which will be constructed within the existing central verge. A barrier shall be constructed on each side of the viaduct to attenuate noise and air pollution.

I am further informed that the RDA is in the process of launching a RFP to hire the services of a Consultant to review the concepts of Ring Road Phase 2 and Ring Road Phase 3 projects and to prepare the bidding documents.

As regards the consultations with the inhabitants, I have to inform the House that, in line with the Terms of Reference, the Consultant will be required, amongst others, to carry out an Environmental and Social Impact Assessment. They have not put MPs, I have MPs - all MPs concerned, all stakeholders, including inhabitants and those responsible for places of worship located in the region shall be invited to participate in the process and share their views on the impact of the projects. It is expected that the Consultant will start his assignment in February 2016. The total cost of the project is estimated at Rs5 billion for Ring Road Phase 2 and Rs2.9 billion for Ring Road Phase 3. Thank you Mr Deputy Speaker.

Mr Mahomed: So, I understand that, in terms of process, the Consultant will be recruited first and then consultation will be conducted; is that right?

Mr Soodhun: That's what I have said. I have already answered.

Mr Mahomed: But how about if consultation does not turn out to be positive?

Mr Soodhun: As I mentioned – I'll read it again: 'I have to inform the House that, in line with the Terms of Reference, the Consultant will be required, amongst others, to carry out an Environmental and Social Impact Assessment.' He is going to have contact with all the people. There were no MPs, I have put MPs. The MPs also are concerned.

The Deputy Speaker: Hon Uteem!

Mr Uteem: Thank you, Mr Deputy Speaker, Sir. Before the Consultant is retained and before he is asked to do the Environment and Social Impact Assessment, surely, at the level of the Ministry, someone must have taken a decision that there is going to be this flyover crossing Boulevard Victoria, where may I remind the hon. Vice-Prime Minister that there is a Kovil; there is a Mandir and there is a Mosque. So, has a pre-feasibility study been carried out internally to assess the negative impact which such a flyover will have on all those religious places along that stripe?

Mr Soodhun: As I mentioned, Mr Deputy Speaker, Sir, before starting, I am 100% sure that there has been a feasibility study. I can assure the hon. Member because we are not doing as the former Government *comme un aveugle*. We always take into consideration all the existing and this is not for us to disturb the existing or religious institutions. It is in the interest of the country and it is in the interest of *les citoyens* de Port Louis.

The Deputy Speaker: Hon. Dr. Sorefan!

Dr. Sorefan: Thank you, Mr Deputy Speaker, Sir. May I know from the hon. Vice-Prime Minister - if I heard him right, he said that the Ring Road Phase 2 will be a single lane traffic - whether this is compatible with the congestion? The tunnel will be a double lane, will end up on a single lane and the viaduct also, if I heard him correctly, is single lane traffic. Will that not create more congestion in the future?

Mr Soodhun: According to my information, I think that the consultant has taken all these issues into consideration due to the fact of what had happened in the past. We are not going to make the same mistake. This is very important.

(Interruptions)

The Deputy Speaker: Hon. Mahomed, last supplementary!

(Interruptions)

Silence! Hon. Mahomed, please!

Mr Mahomed: Thank you, Mr Deputy Speaker, Sir. I do reckon that the Vice-Prime Minister is not the substantive Minister, so I am not going to...

(Interruptions)

Insofar as residents are concerned, when the Ring Road Phase 2 will approach the Military Road, which is quite narrow and at some point in time highly densely inhabited, will the inhabitants there be affected at all by this alignment? Will they need to be moved?

Mr Soodhun: We are not going to have any development at the detriment of the inhabitants of the region. It should be in the interest of the inhabitants.

The Deputy Speaker: Next question. Hon. Mahomed!

NOISE POLLUTION – VEHICLES - CONTRAVENTION

(No. B/786) Mr O. Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Minister of Environment, Sustainable Development and Disaster and Beach Management whether, in regard to noise pollution, he will, for the benefit of the House, obtain from the *Police de l'Environnement*, information as to if –

- (a) the sound level meters that were procured under the Maurice Ile Durable Fund in 2013 are being used for the control thereof, and
- (b) number of vehicles in respect of which contraventions have been booked therefor, since January 2015 to date, indicating the –
 - (i) regions with the highest number of contraventions, and
 - (ii) percentage thereof which had their waste pipe and sound control system modified, indicating the actions taken in relation thereto.

Mr Dayal: Mr Deputy Speaker, Sir, with regard to part (a) of the question, I am advised that no sound level meters were procured by my Ministry under the Maurice Ile Durable Fund in 2013.

However, I wish to inform the House that funds from my Ministry were utilised for the acquisition of 10 sound level meters which were procured by the Police Department in October 2011 for the enforcement of Road traffic (Control of Vehicle Emissions) Regulations 2002 for noise emanating from auto/motorcycles by the authorities concerned, namely the Police Department, the *Police de l'Environnement* and the National Transport Authority.

Following several tests carried out, it was ascertained that the sound level meters cannot be used to measure the noise level on auto/motorcycles with modified silencers as no proper reading could be obtained. However, contraventions are being established under section 83 of the Road Traffic Act (Construction and Use of Vehicles) Regulations 2010

which is based on the excessive noise perceived by the ears of the officers establishing the contravention and upon verification of exhaust pipe, that is, if the vehicle has been fitted with an extension or the silencer has been altered of the motorcycles.

I wish to inform the House that these regulations provide that-

“(3) No person shall –

- (a) fit on the exhaust pipe of a motor vehicle any extension or other device likely to cause excessive or unusual noise; or
- (b) alter the silencer in such a way that the noise caused by the escape of the exhaust gases is made greater by the alteration.”

The same legislation also provides that any person who contravenes this section of the law, shall commit an offence and may be liable to a fine not exceeding Rs10,000.

With regard to part (b) of the question, 1047 riders using auto/motorcycles with modified silencers have been booked from January 2015 to date.

As regards part (b) (i) of the question, the regions with the highest number of contraventions established are Port Louis and the northern region.

As regards part (b) (ii) of the question, all the 1047 contraventions established were due to modified silencers.

Mr Deputy Speaker, Sir, I would also like to inform the House that my Ministry has also initiated the following actions -

- (i) an awareness campaign was undertaken through radio programmes to sensitise the public on the provisions of the law and associated fines related to noise pollution caused by motorcycles;
- (ii) training has been given to the regular Police at the Police Training School on the enforcement of the provisions of this piece of legislation to enable the whole Police Force to take firm actions against contraveners in the future;
- (iii) the strength of the *Police de l'Environnement* has been increased by 15 additional officers to reinforce enforcement of environmental laws and the total strength is now 42, and

- (iv) the Commissioner of Police has been approached with a view to providing stiffer penalties including seizure of auto motorcycles. Today itself, a reminder has been sent on this issue.

Mr Ameer Meea: This issue of noise pollution, I, myself, have canvassed it several times in this House during the years, and this year itself I came with a PQ on the same issue. It is really shocking what I have just heard from the hon. Minister that sound meters cannot be used. This answer was given to me back in January and now we are in October, this problem of noise pollution is aggravating day by day and nothing is being done by your Ministry. The hon. Minister promised *une opération coup de poing* last time.

The Deputy Speaker: Hon. Ameer Meea, please sit down!

(Interruptions)

Hon. Ameer Meea, a question is to seek information, not to give an opinion. Well, I will not accept the question.

Mr Ameer Meea: Mr Deputy Speaker, Sir, my point is that nothing is being done to remedy the situation. If there are no proper sound meters, you should purchase proper sound meters now and not wait for one year. You also said that you approached the Commissioner of Police...

The Deputy Speaker: Hon. Ameer Meea, again!

(Interruptions)

No! You are expressing your opinion on a question.

(Interruptions)

Please sit down when I am on my feet! I have just ruled it out of order. Hon. Mahomed!

Mr Mahomed: The hon. Minister has provided a very comprehensive answer which I believe I will need to go through again. May I just ask at source level - garages that modify motorcycles to this end, what is the policy of the Government on this?

Mr Dayal: A very good question, Mr Deputy Speaker, Sir. We are taking very bold actions. I have already given directives and I stated in this House itself that in case of contraventions at an unacceptable level, we are going to seize the auto motorcycles. Seizure will be the solution.

Now, concerning your particular question, we are going to investigate. We have the means to investigate where it is being done and we are going to see - because we are *un État de droit* – how best we can enforce the law in that direction. But, I must tell the hon. Member one thing, that we are in a system where we have to make budget provisions so that we can procure equipment. We cannot do it like this out of the blue.

Mr Bérenger: We have been told that *l'action coup de poing*, we are acting and so on. Can I know, since the beginning of the year, how many convictions there have been for that offence?

Mr Dayal: Contraventions I said, 1047.

(Interruptions)

I said for contraventions and convictions, we will have to go for investigation and this takes time.

Mr Bhagwan: Mr Deputy Speaker, Sir, as rightly stated by the hon. Leader of the Opposition, there is no conviction as at today. The *Police de l'Environnement* by itself won't be able to attend this very acute problem? So, can the hon. Minister inform the House whether he has discussed with the Commissioner of Police to have the support of all the Divisions of the Police, the Traffic Division so that, at least, we must not rely on the *Police de l'Environnement* by itself?

Mr Dayal: I just answered. I stated that we are seeking the support of the whole Police Force today with this issue.

Mr Baloomoody: The hon. Minister could not answer to the question put by the hon. Leader of the Opposition as to how many convictions there have been. Is the hon. Minister aware that there will be no convictions whatsoever until and unless we have that meter? You cannot convict somebody just by the ear of a Police Officer. So, can I know from the hon. Minister when he intends to acquire that meter?

Mr Dayal: This is why I stated that because of the intricacies of the issue, we will have to procure additional equipment, but we need a budget for it. I must say it very openly that the last Government did not make even a functional budget. Therefore, how can...

(Interruptions)

The Deputy Speaker: Order!

Mr Dayal: So, we are making budget allocations and procuring additional equipment.

(Interruptions)

The Deputy Speaker: Hon. Ameer Meea!

(Interruptions)

Hon. Jhugroo!

Mr Dayal: Now, to answer to the question of the hon. Leader of the Opposition which the hon. Member raised, I stated that investigation is on. Now, we have got various means of ascertaining certain facts and we have got equipment on board right now. Therefore, it is a question of investigation and the Police is responsible for that.

The Deputy Speaker: A last supplementary question, hon. Ganoo!

Mr Ganoo: Can I ask the hon. Minister if he could confirm the fact that this whole situation is at it is because the last time when these sound level meters were ordered, the order was wrongly done in view of the fact that there was no consultation between the different Ministries, the NTA, the Ministry of Environment and so on. That is why these sound level meters have not been able to be used to book the contraveners. Can I ask him the next time the order is made to see to it that the proper order is made after consultations between all the different Ministries and Departments?

Mr Dayal: I fully appreciate the observation of the hon. Member. I would add that I stated that the equipment was purchased in 2011 when I was not a Minister. Therefore, it is very clear who took the decision, so, I can't be blamed for that.

(Interruptions)

The second thing is that I fully take on board ...

(Interruptions)

The Deputy Speaker: Hon. Mahomed!

Mr Dayal: I fully take on board the suggestion of hon. Ganoo that in the next procurement exercise, we will take all parties on board.

The Deputy Speaker: Next question, hon. Mahomed!

Mr Mahomed: I just want to add that if those sound meters....

The Deputy Speaker: Sorry, I said next question!

Mr Mahomed: Okay! Thank you.

ISLAMIC CULTURAL CENTRE - UMRAH 2015 - VISA

(No. B/787) Mr O. Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Vice-Prime Minister, Minister of Housing and Lands whether, in regard to the Umrah 2015, he will, for the benefit of the House, obtain from the Islamic Cultural Centre, information as to if the visas issued by the Saudi Authorities therefor are subject to charges and, if so, indicate the –

- (a) rate thereof, and
- (b) final rate thereof charged to the pilgrims by the organisers thereof.

The Vice-Prime Minister, Minister of Housing and Lands (Mr S. Soodhun): Mr Deputy Speaker, Sir, first of all, I wish to inform the House that the Islamic Cultural Centre has not been monitoring Umrah Pilgrimage up to now and is not intervening in the issue of visas for Umrah.

I am given to understand that the pilgrims going for Umrah made their own arrangements to obtain their visas from Saudi Embassy in South Africa through the travel agents or Umrah organisers.

In reply to the question of the hon. Member, I have been informed that the Saudi Authorities do not charge any amount for the issue of Umrah visa.

Regarding part (b) of the question, the pilgrims can only obtain visa by applying through the registered agent with the kingdom of Saudi Arabia who is in turn go through their counterparts for processing of visas through an IT system approved by the Saudi Authorities. The pilgrims pay a service fee to the agents involved who make the necessary arrangements to obtain their visas from South Africa. There is no fixed fee payable and the amount charged is not the same from one agent to another. I have been given to understand that the fee charged include courier charges, local agency fees and fees payable to their officially registered counterpart in South Africa. The pilgrims are free to choose their agents or organiser and must ensure the amount payable before submitting their passports to them.

I am informed that the final fee payable is in the range of Rs3,000 to Rs4,000 except for the month of Ramadan when the fees claimed range between Rs6,000 to Rs7,500.

Mr Deputy Speaker, Sir, I have now been made aware and I am asking the ICC to look into the organisation of Umrah and the cost of visas and to ensure that there is no abuse of the system and that the fees charged are fair and reasonable.

The Deputy Speaker: Hon. Mahomed!

Mr Mahomed: I thank the hon. Vice-Prime Minister for his answer. May we expect this to be applicable to the next Umrah batch which will leave soon?

Mr Soodhun: In fact, Mr Deputy Speaker, Sir, I am taking Umrah as a whole, even for the airfare. I am having the negotiation with the Emirates Airline to reduce the price, before it was Rs42,000, and I am also taking into consideration the organisations which are charging the fees excessively. I can assure the House because I was not aware, since I have been appointed as the Minister responsible for Hajj affairs, I am now going to take the Umrah affair also.

The Deputy Speaker: Hon. Uteem!

Mr Uteem: Thank you, Mr Deputy Speaker, Sir. Under the Islamic Cultural Centre Trust Act the ICC has been given the statutory duty of not only organising the Hajj pilgrimage, but also the Umrah pilgrimage. So, may I know from the hon. Vice-Prime Minister in what ways would the ICC get involved in the delivery of these Umrah visas? Is there going to be an agreement between the ICC and the authorities in Saudi? I mean how does he intend to implement what he has just mentioned about putting an order in the distribution of visas for Umrah?

Mr Soodhun: Mr Deputy Speaker, Sir, I understand the point of my hon. friend. But, I am not in a position to answer this question because I am going to have a meeting on Thursday next with the ICC to look after all this. But, I agree with all my hon. friends that there is an abuse on it and we have to stop it. It is now to stop.

The Deputy Speaker: Last supplementary to hon. Ameer Meea!

Mr Ameer Meea: Thank you, Mr Deputy Speaker, Sir. The hon. Vice-Prime Minister mentioned the price of air ticket for Umrah and I thank him to have raised this matter in this House. The price of Umrah air ticket is Rs40,000 for a six hour flight whereas Emirates is in a situation of monopoly for Umrah passengers. When you see flights to Europe are sometimes Rs25,000 to Rs30,000 for a 12 hour flight. Therefore, can I ask the hon. Vice-

Prime Minister to use his good office and his personal contacts in Dubai and the Emirates Airline so as to reduce this sum of Rs40,000 which, for me, is *exorbitant*?

Mr Soodhun: In fact, with the blessing of all the hon. Members maybe, because in the case of Hajj we have been able to reduce the price and I am sure that I am going to take the matter next Sunday with Sheikh Ahmed bin Saeed Al Maktoum, the owner of Emirates Airline and I am going to discuss the price. I am sure I am going to inform my friends when I am going to have the meeting. Thank you.

The Deputy Speaker: Time is over! The Table has been advised that Parliamentary Question No. B/793 has been withdrawn.

MOTION

SUSPENSION OF S.O. 10 (2)

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

The Vice-Prime Minister, Minister of Housing and Lands (Mr S. Soodhun) rose and seconded.

Question put and agreed to.

STATEMENT BY MINISTER

(4.13 p.m.)

DISABLED PERSONS – WHEELCHAIRS

The Minister of Social Security, National Solidarity and Reform Institutions (Mrs F. Jeewa-Daureeawoo): I wish to respond to the matter raised in relation to wheelchairs by hon. Dr. Sorefan, Fourth Member for La Caverne & Phoenix at adjournment time at the sitting of 13 October 2015.

It is the policy of the Ministry of Social Security, National Solidarity and Reform Institutions to issue wheelchairs to needy and disabled persons on request under the Social Aid Programme. Procurement exercise for the current year's requirements started in January 2015. Tenders were launched on 03 April 2015 through open advertised bidding after

clearing the technical specifications with the Ministry of Health and Quality of Life. At the closing date on 08 May 2015, four bids were received. However, the Departmental Bid Evaluation Committee found none of the bids to be responsive to the tender requirements. Either the prices quoted were much higher than the estimated cost or they were not compliant with the technical specifications. Consequently, the tender exercise had to be cancelled.

A new bidding exercise is now being initiated. It is expected that the said exercise will be completed by the end of this year and the next consignment of wheelchairs may be received by February 2016.

However, in the meantime, in order to alleviate the hardship faced by the severely mobility impaired persons, the Ministry is issuing to them commode wheelchairs in lieu of ordinary wheelchairs. I wish to point out that commode wheelchairs are multi-functional as compared to ordinary ones.

I do hope that my answer has enlightened the hon. Member. Thank you.

PUBLIC BILLS

Third Reading

On motion made and seconded, the Supplementary Appropriation (2014) Bill (No. XVII of 2015) was read the third time and passed.

THE NATIONAL FLAG BILL

(No. XV of 2015)

Order for Second Reading read.

(4.16 p.m.)

The Ag. Prime Minister: Mr Deputy Speaker, Sir, with your permission, I move that the National Flag Bill be read a second time.

The main object of the Bill is to provide for the better protection of the National Flag by regulating its use. The display of the National Flag with inappropriate specifications and any behaviour which dishonours it will be made an offence under this legislation.

Mr Deputy Speaker, Sir, a National Flag is undoubtedly the most important symbol of a country and is a visual representation of its identity and people. It is a priceless possession that represents the sovereignty of a State and is flown with pride during national events and official ceremonies. It should, therefore, be respected and honoured for what it represents.

On the historic day of 12 March 1968 at noon, at the Champ de Mars, the Union Jack, symbol of the British presence in Mauritius, was brought down and replaced by our four colours striped flag. This was a unique moment being given that we did not have any flag representing the country before.

The accession of Mauritius to the status of Republic on 12 March 1992 completed this process of independence and self-determination. The Flag of the Republic of Mauritius is now proudly flown at the seats of the United Nations, the Commonwealth Secretariat and other international and regional institutions to which Mauritius is a member.

Mr Deputy Speaker, Sir, each of the four colours of the Flag, namely, red, blue, yellow and green has been given a meaning as a legacy to our future generations –

RED - representing the struggle for freedom and independence;

BLUE - representing the Indian Ocean in the middle of which Mauritius is situated;

YELLOW - representing the new light of independence shining over the island, and

GREEN - representing the agriculture of Mauritius and its colour throughout the 12 months of the year.

Mr Deputy Speaker, Sir, to fly the National flag with respect is a sign of patriotism and a positive affirmation of loyalty. It is around this very strong symbol of the country that our children gather each year to sing the national anthem.

The ceremonies around the flag awake their patriotic fibre and instil into them a deep sense of civism, which are the corner stones for building a united and peaceful society.

The public dishonouring of the flag is, therefore, regarded as an extreme form of dissent in most countries and is punished accordingly. This should likewise apply to our young nation. Such acts of dishonour cannot be condoned and left unpunished. Unfortunately, our present legislation does not address this issue and it is high time that appropriate actions be taken to ensure that our national flag is given the respect it deserves.

Mr Deputy Speaker, Sir, there are two facts that have come to our knowledge, which have prompted us to introduce this Bill during this session itself.

Firstly, we have been informed that there has been in a recent past cases of the national flag flying on some public and private buildings during official functions, which

were not in accordance with the official colour codes as defined by the Mauritius Standards Bureau.

Secondly, we have also been apprised that there have been some instances where individuals have shown disrespect to our flag.

In fact, clause 18A of the Civil Code provides that –

“Any person who brings a Flag of Mauritius or of any other State into hatred or ridicule shall commit an offence and shall on conviction be liable to a fine not exceeding Rs10,000 or to a term of imprisonment not exceeding 2 years”.

However, this clause cannot be enforced, as our National Flag is neither defined in the said Code nor in any other piece of legislation. It is clear, therefore, that there is a loophole in our law that needs to be addressed.

I am sure that the House will agree that any reprehensible behaviour towards our National Flag cannot be tolerated at a time when the Republic of Mauritius is going to celebrate its 50th Anniversary as a nation and 26th Anniversary as a Republic in a few years to come, more precisely in 2018.

Mr Deputy Speaker, Sir, let me now highlight some of the provisions of the proposed Bill.

Clause 4 provides for the regulation of the national colours, the symbolic meaning of each colour and the related length and width of the National Flag.

In clause 5 of the Bill, provision is made for the protection of the National Flag as well as the flag of any other State. It proposes that the national flag shall be considered as a symbol of the Government and the people of Mauritius and no person shall be allowed to bring it into hatred, ridicule or dishonour by, *inter alia*, burning or mutilating it, by placing another emblem or exhibiting any other item on it.

Any person who contravenes clauses 4 and 5 of the Bill shall commit an offence and shall be liable to a fine not exceeding Rs100,000 and to imprisonment for a term not exceeding two years. In addition to the penalty imposed, any material used for the commission of the offence shall be forfeited.

Clause 6 of the Bill provides for the making of regulations with regard to the colour codes, sizes and dimensions of the National Flag without departing from the general design

as specified in clause 6(1). The flexibility given in the regulations makes it possible for the colour codes to be updated whenever the technology related to colour is innovated.

Mr Deputy Speaker, Sir, I am sure that Members of the House will agree with me that such a piece of legislation is long overdue. There is need to regulate the use of our National Flag, which symbolises our unique identity as a nation.

With these words, I commend the National Flag Bill to the House.

Thank you, Mr Deputy Speaker, Sir.

The Vice-Prime Minister, Minister of Housing and Lands (Mr S. Soodhun) rose and seconded.

At this stage, Madam Speaker took the Chair

(4.24 p.m.)

Mr R. Uteem (First Member for Port Louis South & Port Louis Central): Madam Speaker, it is quite amazing that we have had to wait for almost half a decade after our independence for there to be a law setting out what our national flag is, what its colours are, and what their meaning is. Almost half a decade after the Union Jack Flag was replaced by our quadricolour.

(Interruptions)

Yes, half a century, not a decade.

The flag was recorded at the College of Arms in London on 09 January 1968, but never made its way to our statute until today. In 1991, the Public Gathering Act amended the Criminal Code to introduce the offence of bringing the flag of Mauritius into hatred or ridicule. But even in that piece of legislation in 1991, we did not define what the flag of Mauritius was. Instead, under section 181A (2) of the Criminal Code, it is provided and I quote –

“Where in any criminal proceedings, any question arises whether or not a flag is the flag of Mauritius or that of any other State, a certificate issued by or under the authority of the Prime Minister stating any fact relating to the question shall be conclusive evidence of that flag.”

So, even in 1991, instead of actually legislating what the flag of Mauritius is, there was a provision that it is the Prime Minister's Office that is going to issue a certificate to certify conclusively whether a flag is that of Mauritius or not. This was certainly not a satisfactory state of affairs. The more so as section 4 (2) of the Bill rightly points out –

“The national flag shall be the symbol of the Government and the people of Mauritius.”

So, to the extent that it clarifies what the national flag is, this Bill is most welcome.

Madam Speaker, I have to confess that I have not been able to ascertain with any degree of certainty the exact origin of our national flag. As I mentioned before, the description of our national flag was not in the Mauritius Independence Order 1968, it was not in our Constitution and it was not even in the UK Mauritius Independence Act of 1968. So, what I did is to Google it, and I came across a very interesting website, www.flagmakers.co.uk, which sets out a brief history of all national flags in the world, including Mauritius.

According to that site, the first flag that was flown in Mauritius was in 1638 and it was the red, white, blue horizontal tricolour flag of the Dutch East India Company. That was during the Dutch colonisation era. No mention on this site is made of the flag of Mauritius in the days where the Arabs discovered it and named it Dina Robin. Equally, no mention was made of whether the Portuguese flag flew in the sky of Mauritius when Mauritius was known as Cirne or one of the islands of the Mascarene. When the island was colonised by the French and known as Ile de France, the Standard of the King of France was adopted as the official flag. Then came the French revolution and our flag became the French tricolour.

When the British took control in 1810, our flag was changed to a traditional British Blue Ensign with the coat of arms at the centre right. The coat of arms was a shield quartered with a ship, three palm trees, a key and a white star. This coat of arms was changed in 1906 with the addition of a dodo and a deer holding the shield.

In 1968, we adopted the four-banded horizontal flag.

It is quite rare, Madam Speaker, for a country to have four equal bands in flag. The only other country which has a flag which has those four bands is that of Central African Republic. So, why have we chosen red, blue, yellow and green? Part 2 of the First Schedule to the Bill provides a symbolic meaning of the national colours. This may be so, but I have not come across any explanation as to these colours in the history of Mauritius' books - which I have

consulted - dealing with the independence era. The more plausible explanation, Madam Speaker, is that given by DK, Ultimate Pocket Flags of the World, and I quote –

“The flag was designed by the College of Arms in Britain prior to independence and is a simple statement of the colours found in the coat of arms».

But, of course, Madam Speaker, we don't have any issue attributing the symbolic meaning to each colour as is stated in Part 2 of the First Schedule. But if we look at the coat of arms, there is already in the first quadrant a yellow ship with a blue background, next to it you have the three green palm trees in the yellow background, at the bottom you have a red key with a yellow background and in the last quadrant you have a star with a blue background. So, the four colours of our national flag were already on that coat of arms which, as I have stated, Madam Speaker, was adopted as far back as 1906.

Madam Speaker, the Bill which provides for the colours of the National Flag does not mention the shade of the colour. The hon. Ag. Prime Minister did mention that one of the problems faced recently was that people were flying flags of different colours which were not the standardised colours; there were many shades. Section 6 (2) (a) of the Bill provides that the Prime Minister may by regulation provide for the colour codes corresponding to colours of the national flag. In fact, Madam Speaker, the Mauritius Standards Bureau did not wait for the regulation, it embarked on a project to develop a specification for the national flag covering the essential requirement, including its colours. Their findings were published in the first issue by the Mauritius Standards Bureau, known as Standards Watch. The first issue was in October 2008 and, the Mauritius Standards Bureau used a specific Pantone Matching System (PMS) which is a standardised colour reproduction system and is widely used to describe the colours of the flag. So, each colour red, blue, yellow, green was allocated a specific PMS code. So, already this is provided by the Mauritius Standards Bureau. In fact, the Bureau concluded, and I quote, Madam Speaker –

“The Bureau has allocated MS 1 (the first of its series of Mauritian Standards) to show respect and reverence to the National Flag”.

So, this has been done by the Mauritius Standards Bureau. Now, we only need the regulation to make that applicable, so much, Madam Speaker, for the description of our National Flag.

With your permission, Madam Speaker, I will now turn to the main object of the Bill which is, and I quote –

“(...) to provide for the better protection of the national flag of Mauritius by regulating its use.”

As I mentioned at the beginning of my intervention, Madam Speaker, Section 101A of the Criminal Code already makes it an offence for any person to hold up to or bring into hatred or ridicule the flag of Mauritius or of any other State.

The sentence for such an offence was initially a fine not exceeding Rs2,000 and a term of imprisonment not exceeding two years. Then the law was subsequently amended, the maximum fine was increased from Rs2,000 to Rs100,000 and the maximum term of imprisonment was changed from two years to five years.

Now, Section 5(2) of the Bill goes back to keep the maximum fine of Rs100,000, but reduces the term of imprisonment from five years to two years and we have not heard any explanation as to why this has been increased and then reduced now again.

Madam Speaker, before coming to the new offences being created by this Bill, I would like to draw the attention of the Government to Section 5(1) (c) - unfortunately, the hon. Ag. Prime Minister is leaving; this is something quite important - which creates an offence to place any emblem, any marking on the national flag. I can see the rational why we would like to not desecrate the flag by prohibiting the addition of any symbol or anything on the flag. But we need to carve out, Madam Speaker, the placing of our coat of arms and, in particular, the coat of arms used by the President of the Republic.

Hon. Members may be aware that the coat of arms used by the President of the Republic is very much what is on top of where Madam Speaker is sitting, which is the emblem, and then, at the bottom of the coat of arms, there are the initials ‘RM’, Republic of Mauritius. This is the emblem which the President of the Republic uses. And most of the time on the flag in a correspondence, on official documentation, the Presidency uses this coat of arms and then, at the background, there is the flag of Mauritius. So, this is perhaps something that we need to carve out, the use of the addition of a coat of arms of Mauritius to the flag because, right now, it would seem to be under Section 5 (1) (c) and become an offence.

Madam Speaker, this Bill makes it an offence to desecrate, dishonour, burn, mutilate or otherwise destroy our national flag or the flag of any other State. Madam Speaker, our national flag, as rightly spelled out under Section 4 (2) of the Bill is the symbol of the Government and, more importantly, the symbol of the people of Mauritius. It is our national pride, it is what binds us together and it is a matter of pride for all Mauritians to see our

national flag, whether in Mauritius or abroad. How proud we are, Madam Speaker, when on TV or live, we see that one of our sportsman has won a medal and the national flag is floating! We have seen it in the Olympic Games and in other Games. Unfortunately, during the last *Jeux des Iles de l'Océan Indien* we were deprived of that tradition – but this is not the occasion to deal with that issue, Madam Speaker.

Madam Speaker, our national flag symbolises values which goes beyond the symbolic meaning of the national colours that are set out in Part 2 of the First Schedule. It represents our territorial integrity; it is a reminder of where we come from and what we stand for. It symbolises unity, '*Enn sel nation, enn sel lepep.*' And these are values, Madam Speaker, that are worth fighting for, values that are worth dying for. So, we welcome, Madam Speaker, the addition of the new offences to the extent that the intention is to better protect our flag.

However, Madam Speaker, we need to strike the right balance between, on the one hand, the need to preserve the sanctity and respect for our national flag and, on the other hand, the freedom of expression which is enshrined in Articles 3 and 12 of our Constitution. This balancing Act has been the subject matter of many judicial pronouncements in several countries and not unsurprisingly, Madam Speaker, there is no right or wrong answer. Different countries have reacted differently when trying to strike the right balance between preserving the honour of their flags and preserving the right of freedom of speech of their citizen.

Probably, the most extreme example is in the United States. The United States Supreme Court, on not less than three occasions, has ruled that the law criminalising the burning of the US flag in a demonstration was anti-constitutional, in violation of the first amendment which protects freedom of speech. In *Texas v. Johnson*, the accused had burned an American flag during a demonstration to protest against the policies of the administration. The Supreme Court, for the first time, stated that it was unconstitutional to criminalise the burning of the US flag.

In the *United States v. Eichman*, the most recent decision on this matter in the United States, the Supreme Court held, and I quote –

“We are aware that desecration of the flag is deeply offensive to many, but punishing desecration of the flag dilutes the very freedom that makes this emblem so revered, and worth revering.”

But I have to add, Madam Speaker, that the United States is quite isolated in this position that it has taken by, you know, leaning completely on the side of freedom of speech, freedom of expression, freedom of opinion which is guaranteed by the first amendment to the US Constitution.

Most countries in the world, be it China, Algeria, India, Iraq or even Finland, France and Germany, have specific laws which punish flag desecration. And in those countries like in England which doesn't have specific laws, such acts may be prosecuted under disorderly conduct or arson. But, of course, human right activists, in all these countries, quite understandably, militate against the use of such law. This is perfectly understandable because people who desecrate a national flag often do so to protest against a conduct of Government of the day which they consider to be at odds with what is a free, open and tolerant society. To quote one of these militants who warned against the danger of the State using the law to oppress protesters -

“Respect is earned; it cannot be imposed.”

Madam Speaker, most of the countries which punish flag desecration or burning, do so when the offence is committed in public. However, this Bill, unfortunately, does not make any distinction between an act committed in public and an act committed within the privacy of one's own home. To take an extreme example, Madam Speaker, a person who burns the national flag in his yard because it is old and stained, or for any reason, may be caught by this Act. So too can a textile factory which is disposing of extra flags which it prepared. Every year, hundreds of paper flags representing our national flag are destroyed after the Independence Day celebrations. Surely, the intention of this Bill, Madam Speaker, is not to punish these types of situations. Surely, it is not to punish those persons who do so without, in any way - who burn the flag, dispose of the flag - meaning or intending to offend the national flag. But, unfortunately, Madam Speaker, they may very well be caught by section 5 (1) (b) of the Bill which states, and I quote –

“No person shall, without lawful authority, burn, mutilate or otherwise destroy or damage the national flag or the flag of any other State.”

The clause provides that it is only an offence if the act of burning, destroying, damaging is done without lawful authority. This will surely cover instances where Government authorises the destruction of flags or the disposal of flags.

But, again, Madam Speaker, I don't think that, without lawful authority, would cover those instances of people who, in the privacy of their home, dispose of the flag.

This anomaly, Madam Speaker, in my opinion, could have been very easily cured by better drafting this clause by a simple addition after the words 'without lawful authority', the following words 'or without any reasonable justification' so that the burden will then shift on the person who has burned or destroyed the flag, to come and say that he did not intend to burn it because he was angry against the flag, but he did so because he wanted to dispose of it in an orderly manner.

Madam Speaker, this Bill does not only protect our national flag, but it also makes it an offence to desecrate or burn a flag of another State. This provision, in a different form, was already there in section 101 (a) of the Criminal Code which prohibited turning into ridicule a foreign flag.

The rationale, of course, is that we should not offend our friendly countries and in this respect Mauritius is not unique. There are several other countries also which make it an offence to burn foreign flags, for example, in Japan and in Denmark. However, there may be many unintended consequences, Madam Speaker.

It is not uncommon, Madam Speaker, for demonstrators to protest against the policy of a foreign State and to get carried away in demonstration and to burn national foreign flags. This has happened in the past in Mauritius. This has happened in apartheid days. This has happened in oppression. So, today, this will become an offence. So, if there is a dictator, a tyrant who oppresses his people, who wages war against his neighbours, who kills innocents and we, Mauritians, take to the street, to demonstrate against this tyrant, against this dictator, if carried away someone in the crowd, decides to burn the foreign flag which represents the authority of that tyrant, that dictator, henceforth that would become an offence.

The question will probably be raised, Madam Speaker, if such a case comes before the Supreme Court as to whether this is a justifiable restriction on our freedom of expression if we were to – and we are talking not about the national flag; for the national flag, I am very confident that there is nothing anti-constitutional in what we are doing today, but when it comes to foreign flag, the Supreme Court will have probably to weigh again this balancing act between protecting the foreign flag and protecting our constitutional right for freedom of speech.

So, Madam Speaker, again, as I said, on this side of the House, we welcome this Bill subject to the reservation that I have made.

Thank you.

Madam Speaker: Hon. Dayal.

(4.46 p.m.)

The Minister of Environment, Sustainable Development and Disaster and Beach Management (Mr R. Dayal): Madam Speaker, at the very outset, the Rt. hon. Prime Minister, Sir Anerood Jugnauth has to be wholeheartedly congratulated for coming up with this Bill which was long overdue given the overriding importance of a national flag in the history of a nation. He was the stalwart of the struggle for independence and took an active part in the constitutional conference in UK. It is highly symbolical that he is behind this Bill.

A flag, in the life of a nation, has got overriding importance and significance in terms of symbolism and patriotism. Why symbolism? Because a flag radiates a whole spectrum of ideas, philosophies and feelings in terms of a rolling point as an epitome of national identity, its vital importance to trigger a sense of patriotism belonging, it infuses the blood and sinews for noble pursuits in the Altar of our Motherland.

Just by the sight of the flag, the heart is invigorated; the mind vibrates to lucky ideals for the general good, irrespective of selfless motives and petty gains embracing altruistic pursuits for the cause of national unity. It has a beauty of its own that can only be measured through dreams to nurture what Mother Earth has gifted to all living entities throughout the State of Mauritius. It has got a sacred aura of its own in terms of solidarity and service. Solidarity with the weaker elements of our society and service by the side of the less fortunate with whom we are called upon to live and work with the common objective of glory to the Motherland.

It is a common link between man and land, the heart and the mind having the bonding power of humanism that transcends all the barriers of blood and differences.

The national flag is of all things close to us, the symbol of our motherland, bereft of any political linkages and connotations that we must learn and care at the cost of even the highest sacrifice.

Therefore, the national flag has to be viewed as a multipronged entity as enshrined in our national anthem with the sweetness of beauty and fragrance. Traditions bring us together, as one people and one nation for peace, justice and liberty for ever and ever in time and space and for posterity. No wonder that the most ultimate draping for all heroes and great statesmen and all deserving sons of the land is to be honoured at the ultimate moment of life with the serenity and peace that the national flag carries.

The national flag has to be protected at all costs and given and showered in an unlimited fashion. The best we have in ourselves in terms of respect and admiration to be animated with lofty ideals, altruism, love and compassion, encompassing the philosophy of true citizenship.

It has to be highlighted that it is the sacred duty of all guardians of peace to be considerably vigilant to. Equally important is the duty of all men in uniform to spare no effort in making sure that the flag is respected and guaranteed in special place of choice wherever it is in keeping with the ceremonial decorum that befits a nation worthy of acclaim. At all times, it is anchored in democratic traditions to safeguard the rights and liberties of one and all who thrive under its *chatra chaya* meaning under its aura and shade.

Our society has the prime responsibility, while respecting and protecting the national flag with our hearts and minds, to prevent the erosion of ethics and values likely to impact on the credible image of the flag of Mauritius. The national flag epitomises the Coat of Arms anchored in the motto *Stella Clavisque Maris Indici*, Star and Key of the Indian Ocean with the Dodo and the sambur deer each supporting our sugarcane erect proper with green leaves. Heraldry has it, with the four colours of the national flag all our special significance, in our case: red for the struggle for freedom and Independence; blue the Indian Ocean in which Mauritius is located, yellow as the new light of Independence shining over the island and green represents the agriculture of Mauritius and its colour through the 12 months of the year.

Although the national flag was unfurled on 12 March 1968 for the first time coinciding with the Dandi March of Mahatma Gandhi who through his triad of patriotic endeavours, inspired from the African Continent and Mauritius in 1901, namely *Swaraj* true freedom for self-realisation.

The *Satya Graha*, the past for good governance where truth prevails, and nonviolence sheltered in the ultimate power to face humiliation with sweat and tears to achieve the ultimate victory of our injustice in all forms. It is good for us to understand the ramification

of the national flag at all moments of life of our nation whether it is carried by the Special Mobile Force as the colours to welcome all privileged guests of the Republic of Mauritius or to make the flag touch the ground for the highest form of salute to the dignitary for the general salute. The regimental colours are the rallying point of the Special Mobile Force and emanation of the Police Force signifying common purpose of loyalty.

Mauritius decided to break off the umbilical link with Britain at the historic meeting of the Legislative Assembly held on 10 December 1991 when the Constitution of Mauritius was amended turning Mauritius into a republic. After 24 years of Independence, Mauritius obtained complete freedom from its former colonial masters. Here, I must underline that the Coat of Arms was then modified by our first President-to-be, Sir Veerasamy Ringadoo. Thus, the Head of the State represented by our Governor General, subsequently, became the President of the Republic of Mauritius with the Republic flag in a new dimension of 100 inches by 48 inches (8'4" x 4").

Protection of National Flag

This Bill is to provide for better protection of the Flag of Mauritius as spelt out in section 5 subsection 1 with subsection (a) to (f) where, in clear terms, the whole ambit of the decorum and dignity of the National flag of Mauritius.

In all countries of the world, irrespective of their origin, faith and belonging to specific political system, people value their flag as a symbol of patriotism and a sense of belonging.

We are already aware of diplomatic incidents occurring because of the non-respect of a flag when it is being used contrary to establish protocols. Some countries even go as far as breaking diplomatic relationship because of certain reprehensible behaviour against the National flag.

Madam Speaker, therefore, a legal framework for the protection of all flags is of paramount importance brought at national and international levels.

I would like, here, to place on record a document - 35 pages that I produced when I was Commissioner of Police on 27 April 1996. It was named 'Flag Code' and it was done with the approval of the Prime Minister. It spells out lot of pertinent details concerning our national flag. I only wish that, in the regulations that we are going to make, these details are reproduced, for example, the pledge. It is very important to know that we have to make various pledges concerning our national flag and it is all there in terms of the wording what

should be done. For example, flags to be placed on motorcars, whatever flag should be placed, on aircraft. All these are spelt out very clearly in terms of size and for the appropriate ceremonial decorum. This is what I had to say about the national flag.

Thank you.

Madam Speaker: I suspend the sitting for half an hour.

At 4.53 p.m. the sitting was suspended.

On resuming at 5.34 p.m. with Madam Speaker in the Chair.

Madam Speaker: Hon Boissezon!

Mr E. Boissezon (Third Member for La Caverne & Phoenix): Madame la présidente, merci de me permettre de participer au débat relatif au projet de loi *the National Flag Bill*.

Tout d'abord, je voudrais faire ressortir que la magie du drapeau national a encore fait un rassemblement. Après avoir écouté le discours de l'honorable Reza Uteem, je serais très bref parce que la préparation de mon discours était presque la copie conforme de ce qu'il a dit.

A la fin du XVIII siècle, après les révolutions américaines et françaises, à l'aube d'une nouvelle ère de la construction moderne de la nation, le drapeau devint un indicateur de nationalité. Avant les gens marchaient derrière le drapeau du roi.

La valeur symbolique du drapeau national est indéniable et indiscutable dans l'ère de la démocratie. Le drapeau national a pris encore plus d'ampleur au cours de la première guerre mondiale et l'on commença à parler de mourir pour la patrie.

Le drapeau fait partie intégrante de l'identité nationale. Il est le symbole de l'unité nationale car il représente, sans l'ombre d'un doute, toute la population, sans distinction de race, de langue, de croyance ou d'opinion, qu'il rassemble autour de son mât.

Le drapeau national est le symbole même de la nation, de sa fierté et de sa capacité à rallier la population dans ses cieux. La nation est d'abord des gens nés dans une même population. La nation a toujours semblé être un cadre naturel spontané pour la famille. La nation, la patrie est une famille des familles. Quand un membre de la famille est en danger, les autres membres se regroupent pour lui porter main forte. Le drapeau national représente la mission de l'État.

Aujourd'hui, à l'aube du deuxième miracle économique, la nation doit garder la mission patriotique qu'elle s'était investie en mars 1968. Symbolisée par la couleur jaune – *represents the new light of independence* - c'est-à-dire de protéger, de défendre les droits, d'éduquer, de soigner et de créer l'environnement soutenable aux développements économiques du pays.

Le drapeau a une charge émotionnelle en celui qui n'a rien. La patrie, représentée par son drapeau, est son seul bien, mais aussi bien des jeunes, des vieux, des malades, car seule la nation dispose d'un système de solidarité permanent entre les différentes catégories de la société : jeunes/vieux, riches/pauvres, célibataires/familles, valides/malades, travailleurs/chômeurs. Le drapeau incarne le respect.

Le drapeau national, qui fut hissé et déployé pour la première fois à Maurice en 1968, représente le symbole le plus respecté de la nation Mauricienne. Malheureusement, au cours de cette décennie, dans le passé dans certains états, le drapeau national a été profané et au grand dam des dirigeants de constater que de tels actes ne pouvaient être punis par manque de loi adéquate. J'ai une idée d'un pays du continent Européen, une superpuissance dont le drapeau fut spolié et le ministre de l'Intérieur qui disait –

« On peut penser qu'il y a déjà dans l'état actuel du droit des moyens juridiques pour sanctionner un acte aussi intolérable contre la nation. Mais le droit actuel ne révèle qu'être lacunaire sur ce point. »

En Inde, en 1971, le Parlement a voté le *Prevention of Insults to National Honour Act* parce que le drapeau avait été bafoué. En Amérique, le fameux cas créa la déception des Américains et un journaliste déçu écrivait –

“We cannot allow our proud flag and our proud nation to be ripped apart piece by piece. Most Americans, myself among them, hate what Johnson did to the flag. From the cradle we are taught to respect it as a symbol of our unprecedented form of democracy.”

De ce côté, quand nous parlons du *freedom of speech* beaucoup a été dit en Amérique sur ce point et fait sans précédent, la cour, par une majorité de cinq contre quatre en faveur de Johnson avait donné l'impression que l'Amérique était d'accord. Mais force est de reconnaître que le juge Anthony Kennedy écrivit ce jour –

“The hard fact is that sometimes we must make decisions we do not like. We make them because they are right, right in the sense that the law and the Constitution, as we see them, compel the result.”

Kennedy dit encore –

“And so great is our commitment to the process that, except in the rare case, we do not pause to express distaste for the result, perhaps for fear of undermining a valued principle that dictates the decision. This is one of those rare cases.”

Mais nous devons soutenir le point. Mais aujourd’hui nous n’avons pas de premier amendement dans notre Constitution, nous devons maintenir l’intégrité de notre drapeau.

Même à l’île Maurice, pour le 45^e anniversaire de l’indépendance, notre drapeau fut spolié par un des manifestants contre le projet charbon à Albion et on se souvient que sur le drapeau national on avait écrit « *no to coal* ». Malheureusement, comme l’honorable Uteem a dit, vu que nous n’avons pas de description de notre drapeau national on n’a pu prendre aucune sanction contre lui.

Je félicite le Premier ministre par intérim qui présente ce projet de loi. Il est temps, comme l’indiquent les objectifs du projet de loi, de le protéger et de réglementer son utilisation. Comme j’ai dit précédemment, le Mauricien aime et il est fier de son drapeau. Mais quelquefois nous notons une mauvaise utilisation par manque d’un protocole et des étiquettes régissant l’utilisation de ce drapeau. Nous notons bien souvent pendant la période précédant le 12 mars de chaque année un élan de patriotisme gagne la population et tout le monde fait flotter le drapeau. Mais c’est un peu du n’importe quoi ! Il est temps que la population soit instruite sur l’utilisation du drapeau.

Au Canada, en Australie et dans d’autres états encore il existe des codes d’éthiques quant à l’utilisation du drapeau. À Maurice, nous ne sommes pas en reste. La *Mauritius Standard Bureau* a déjà préparé des *standards* concernant les couleurs du drapeau et l’utilisation. Je parle ici du MS Code 11 de 2011 amendé en 2013 et d’un MS Code que peu de personnes connaissent, le MS Code 2 de 2011. Nous pourrions très vite préparer les *regulations* qui sont mis dans la loi en utilisant le document présenté par l’honorable ministre Dayal et ce fameux MS Code.

Je parlerai de la commercialisation du drapeau. Le drapeau mauricien ne devrait pas être vendu à même le sol par les *hawkers*. Le projet de loi fait mention de l’obtention

préalable du Premier ministre pour la vente des produits portant le drapeau national. Il faudrait que le demandeur présente un échantillon du produit qu'il a l'intention de vendre et de soumettre son plan de distribution.

Le MS Code dont j'ai parlé précédemment fait mention que tout drapeau doit être étiqueté et je pense que nous devons, dans les *regulations* que nous allons présenter, demander que tous les drapeaux soient étiquetés faisant mention du nom du producteur, de son adresse et du produit d'origine du drapeau.

J'aurais un mot spécial concernant l'intervention de l'honorable Uteem concernant la section 5 (c) du projet de loi lui-même -

“Alter the national flag by placing thereon any letter, emblem or representation or by any other manner whatsoever (...)”

J'avais noté cette variance et je souhaite que le Premier ministre par intérim nous éclaire concernant le drapeau que la Présidente de la République utilise. Est-ce qu'il faudrait faire un changement et mettre un amendement dans ce présent projet de loi ou demander à la Présidente de changer son fanion ?

Autre point que j'ai noté dans la section 5 (2) *Protection of the National Flag*, c'est qu'il y avait une réduction dans le terme d'emprisonnement.

Auparavant, c'était cinq ans et aujourd'hui nous notons que c'est *not exceeding two years*. Mais je pense que cinq ans est un peu dur. Moi, je crois que le législateur qui a préparé ce document - je vois l'honorable Uteem qui sourit - et je pense qu'il serait d'accord avec moi qu'on peut laisser ces deux ans.

Autre point que je note concernant ce projet de loi, c'est la section 4 –

“No person shall commit an offence under subsection (1)(d) where that person is a minor who, in good faith or in the course of educational or social activities, represents as the national flag a flag which is not as described in section 4(1)”.

Il faut faire attention. Quand on parle de mineurs, un mineur c'est quelqu'un qui a moins de 18 ans. Aujourd'hui beaucoup de jeunes vont au collège et étudient jusqu'à l'âge de 26 ans ou de 30 ans. Si dans le cours de son éducation et d'une activité sociale, il y a une infraction aux réglementations de cette présente loi - je pense qu'il faut bien voir entre *minor and somebody who is in the course of educational or social activities*.

En parcourant la loi, je vois qu'on parle de *regulations*, du temps et de la manière de présenter le national flag. J'ai cru comprendre que dans beaucoup d'endroits, surtout dans les pays étrangers, que le *national flag* n'est pas bien disposé. Il serait temps qu'on fasse comprendre que ce *MS code* soit distribué dans toutes nos ambassades pour faire partager les principes, les règlements concernant le *national flag* de Maurice.

Ceci dit, Madame la présidente, je dirais: vive notre quadricolore national! Vive l'Ile Maurice!

Merci.

Madam Speaker: Hon. Ramful!

(5.51 p.m.)

Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien): Madam Speaker, let me first of all thank the hon. Ag. Prime Minister for coming before this Assembly with this Bill. It is the first time that we are, in fact, giving legislative meaning to our national flag. I would be very brief and short as usual, Madam Speaker.

Our national flag introduced back on the 12 March 1968 is a symbol of freedom. Freedom of our people from slavery, freedom of our people from indentured labour and freedom from the grip of colonialism and bringing an end to foreign rules in our country. Our national flag also represents a symbol of patriotism. It represents unity, peace and harmony among our multi-cultural society and is, therefore, in my humble opinion, the most sacred thing that a nation can ever hold. It is, therefore, of utmost importance that we protect our national symbol and we regulate its proper use. To that end, I therefore, welcome this Bill as it seeks to consolidate the law on the protection of our national flag. However, I have a very few suggestions to make.

As I have said, Madam Speaker, it is for the first time that we are giving statutory meaning to the colours of our national flag. When we give statutory meaning to anything, it has to be done with precision. It has to be explicit. As the hon. Ag. Prime Minister just said in his speech, himself, that we are leaving a legacy for our future generation. The meaning that we ascribe to the colours of our national flag, will remain in the statutory books. So, it needs to be precise. We should not be perceived as trying to obliterate the history of our nation. I am referring in particular to the symbolic meaning of the colours in the first schedule of the

Act. The colour red, it is not because I belong to a party which has got its political colour as well, but I have tried to look at the origin of the colours like my colleague hon. Uteem, I have not seen the origin of those colours. But I have read in Wikipedia - the official site - that the meaning given to the colour red represents the bloodshed at the time of slavery and colonisation.

When we read the meaning as ascribed to it in the schedule, we see that red represents the struggle for freedom and independence. I said that when we are giving legislative meaning to any word, it has to be done with precision, so as to prevent any confusion. Some people might think that the meaning of the colour is not that important, but those who know the history of our nation, would agree with me that we have ascribed the proper meaning to these colours.

Now, the struggle for freedom from slavery and the struggle for freedom from colonialism are two separate historical events that have marked the history of our nation. It is, therefore, legitimate that we have to spell it out expressly in the definition of the colour red that it represents bloodshed at the time of slavery and colonisation, so that we prevent any confusion.

I think if we leave it as it is, we would be defacing the course of history. I believe that we owe it to those who have contributed to the descendants of slaves and indentured labourers, we owe it to them that this should be reflected truly and clearly in the statute book.

The second proposition that I wish to make is about section 5(1)(f), the first part and it reads as follows –

- “(1) No person shall –
- (f) without the authorisation of the Prime Minister –
 - (i) in connection with any business, trade, calling, advertising or any professional (...)

I have no problem with these.

“(...) or public activity, make use of the national flag.”

So, no one without the authorisation of the Prime Minister can make use of the national flag for a public activity. I find this very restrictive. First of all, no definition has been given to the wordings ‘public activity.’ Would that include for example, the celebration

of the Independence Day? Would that include, for example, if the Mauritian team is playing, am I entitled to display the national flag or do I need the authorisation of the Prime Minister?

I see that there will be regulations that will be provided for the manner in which the national flag will be flown. I expect that there are some precisions that will be brought in as regards when, on which event we are allowed, as citizens of this country, to fly our national flag. I say this because we should be very careful in not unjustly restricting the rights of the citizens to the extent that this infringes their freedom of expression under the Constitution.

If I may refer the House to the United States, for example, in the case of the United States against Eichman, it was held that the law preventing the desecration of the US flag was unconstitutional as it infringes the freedom of expression as guaranteed under their Constitution. My friend, hon. Uteem, has made reference to that. In fact, in Germany as well, the Federal Constitutional Court has held that the federal flag did not have constitutional value so as to take precedence over the fundamental basic right of freedom of expression. It was held that the flag desecration was legal provided that it did not endanger the continued existence of the nation itself. In India, the Flag Code initially prevented the use of the Indian flag by the citizens except on Independence Day and the Republic Day. The Supreme Court of India held that the Flag Code was unreasonably restrictive as it infringes the right to freedom of speech and expression and the Court recognised the right of every citizen to display the Indian flag.

This is why I say we should not give restrictive meaning to the provisions. As I have said, public activity has not been defined; in which way would a citizen be allowed to fly the national flag. My pledge to the Government is that we should not ascribe a restrictive meaning to the words.

I would also agree with my friend, hon. Uteem, as regards the provisions of section 5, sub-section 1A, which provides for an offence if any person would bring into hatred the flag of any other State. My question is this: if the Supreme Court of the United States has ruled that it is legal in America to burn the United States flag, if the German Supreme Court has ruled that it is legal in Germany to burn the German flag, so why here in Mauritius are we providing for this?

I am sure in the days to come we might be faced with challenges before the Supreme Court. Then, there might be some debate about whether we should give precedence to the freedom of expression and speech, as provided and our Constitution, or we should give

precedence to the protection of a foreign flag. So, these are the few remarks that I wanted to make.

Thank you, Madam Speaker.

(6.03 p.m.)

The Minister of Social Security, National Solidarity and Reform Institutions (Mrs F. Jeewa-Daureeawoo): Madam Speaker, our national flag is our identity, our pride; it reflects our ideal and it is a symbol of the history of Mauritius. If I can say, it is more than a mere signage. It marks our loyalty to our dear country and it was recorded at the College of Arms in London on 09 January 1968. The national flag fluttering fearlessly at the top of a pole which stands majestically in the yard of the Government House, schools or courthouses denotes our patriotism. I would dare to go a step further and declare that over time our national flag has become much more than just a means of identification. It symbolises the Mauritian values and the battles we have fought for the shaping of the Mauritian economy. Each colour of our national flag adds a layer to our history.

Madam Speaker, let us pause and reflect on the four bands. I quote –

‘Red represents the struggle for freedom and independence’. Unquote

We remember here the determination and fervour of our countrymen who freed Mauritius from the British colonial system.

“Blue represents the Indian Ocean in the middle of which Mauritius is situated”.

This allowed us to rejoice in our strategic position in the world geography. We cannot only take great advantage of our position to enhance international trade, but we can also enjoy the richness of the marine resources.

“Yellow represents the new light of independence”.

We remember those who have struggled for many years to create a new sense of unity and above all to give a meaningful start for the Mauritian diversity.

“Green represents the agriculture of Mauritius and its colour throughout the 12 months of the year”.

Now, this undoubtedly link us with our economic history and the different phases we have passed through; the Dutch occupation, our sugarcane estates and the transition periods.

I have invited hon. Members to ponder on the significance of each colour decorating our national flag for the very reason that we should instil in our citizen's mind that a country's flag is not merely a piece of coloured fabrics. It connotes the struggle of those who have defended our country and it stands for those who have suffered in their endeavour to protect our country's honour.

As has been rightly pointed out by hon. Uteem, our national flag is not mentioned or described in our Constitution. It is indeed unfortunate. However, our Government has felt the need to come up with this piece of legislation to protect the physical integrity of the national flag. It is very important that when a person ill-treats our national flag, the justice system should be prepared to mete out instantly the necessary sanction to ensure legal protection of the national flag.

Now, let me come to section 181A of the Criminal Code Act 1838, which does make provision for the protection of our flag and that of any other State. Under this section of the law –

“Any person who by any means or in any manner holds up to or brings into hatred or ridicule the flag of Mauritius or any other State shall commit an offence and is liable on conviction to a fine not exceeding Rs100,000 and/or to imprisonment for a term not exceeding five years”.

However, we have to admit that it does not quite reflect the degree of respect we have towards our national flag. The law as it is does not explain to our fellow citizens the ‘raison d’être’ of our national flag and the dignity to be attached to our national flag. By proposing here to repeal section 181A of the Criminal Code Act 1838 and introducing this present Bill, we are, in fact, paving the way towards the promotion of respect for specifically our national flag.

It was indeed high time that we had a full-fledged Act of Parliament which, not only makes provision for the respect which should be accorded to the national flag by every citizen but also provides in details the prohibitions placed on the use of our national flag.

Let us have a look at clause 5 of the Bill. Clause 5 of the Bill does expatiate on the various means by which a person can be prosecuted for an offence under this Bill. This was lacking in Section 181A of the Criminal Code Act 1838. Now, each and every citizen will understand, in clear and simple terms, that the national flag is the visual symbolism of our

national identity on the national level as well as on the international front. There is a legal obligation, not only a moral one, to protect our national flag in every circumstance.

Let me now come to clause 5(2) of the Bill which has been highlighted by orators before me. True it is, Madam Speaker, that clause 5(2) of the Bill appears to be somewhat more lenient in the provision of sentence than section 181A of the Criminal Code Act 1838. However, I do believe, Madam Speaker, that there is rationality in the prescription of this lower, but equally strict sentence of imprisonment. I am of the view that with The National Flag Bill, every person will now be fully aware of his obligations towards the national flag and as such we do expect to see a drastic fall in the number of convictions for this offence as a whole.

We should also consider that the Bill does make provisions for the making of regulations to further provide for contravention by persons and related offences. In general, the very act of passing the Bill will convey the message to the citizens of Mauritius that the national flag is, indeed, the concern of all of us.

Last but not least, the Bill also makes provisions for the prohibition on the commercial use of the flag for any commercial purpose unless authorised by the Prime Minister and, most importantly, the Bill brings amendment to the Copyright Act 2014 to include the national flag in the definition of artistic, literary or scientific work protected as being an original, intellectual creation in the artistic, literary or scientific domain. This is, indeed, a good move.

With these words, Madam Speaker, I commend and thank the Rt. hon. Prime Minister, Sir Anerood Jugnauth, and the hon. Ag. Prime Minister for bringing forward the present Bill for the better protection of our Mauritian patrimony. Our national flag is our pride.

Thank you.

Madam Speaker: Hon. Mrs Jadoo-Jaunbocus!

(6.12 p.m.)

Mrs R. Jadoo-Jaunbocus (Second Member for Port Louis South & Port Louis Central): I thank you, Madam Speaker, for giving me the opportunity to address this House on such a material Bill that has come before this House.

It is ironical that last week we talked about the languages of culture and this week we talk about languages, languages of the country, of the nation, that is, the national flag.

Indeed, why do we come with a flag law? Historically, flags originate as military standards used as field signs. That is the origin of flags. The practice of flying flags indicate the country of origin, indicate the context of warfare and has emerged with such kind of flags in warfare, then we have gone on to maritime flags, introduced in the age of sail in the early 17th century. Then, with the emergence of nationalist sentiments in the 18th Century, there was the felt need, the expressed desire to display the national flags in the civilian context. So, that is how flags have come about.

It is also symbolic that yesterday we celebrated the 181 years since our ancestors set foot through the Aapravasi Ghat and climbed the stairs to come to Mauritius and, today, we are debating the Flag Bill which symbolises the ultimate freedom that these people came and fought for. In 1968, the British flag, the Union Jack - the symbol of the British presence in Mauritius since the 1810 - was brought down. History was unfurling then and in the place the Union Jack, what we have, is our *quadricolore*; a new chapter unfurling for the nation. The fight for freedom has, indeed, succeeded.

In this breath, I must congratulate the Rt. hon. Prime Minister, and the hon. Ag. Prime Minister to come with such a Bill before this House. This shows the seriousness with which this Government considers patriotism and the need for a national identity through our flag because the national flag does symbolise any country indeed, its nationality and its patriotism.

Traditionally, the national flag has, in fact, often but not always, mentioned or described in the country's Constitution, then we have secondary laws or regulations which talked more in details about these flags. They described the flags and the prescribed conditions and protocols attached to those flags, such as is the case in Germany, in Serbia, in the United States, etc.

In Mauritius, our four-band was adopted, as I have said, on 12 March and was recorded at the College of Arms in London. It was recorded then on 09 January 1968. Since then, many decades, almost half a century has gone by and now as we are stepping into a new era of economic development, as we are consolidating Mauritius as it is and preparing it for future generation, I again pay homage to the hon. Ag. Prime Minister for coming with such a law.

When we look at such a Bill itself, as has been debated by those who have intervened before me - in fact, most have been said and little has been left to say, Madam Speaker.

There has been reference to clause 5 mostly. The description is more or less straightforward and most people are *ad idem* with that in this House. We don't have me to dispute, save for what hon. Ramful has said about the red colour. We come to clause 5 (1) (b), (c), (d), (e) and (f); we find that at subsection (2), the penalty has been lessened to two years. Now, the reasoning behind this, I am sure and I would urge the House to consider, why do we come and bring and inflict a penalty of five years - which is quite strong - when, in fact, what we are saying is love your nation, honour your nation, pay tribute to your nation, pay tribute to your nation through your flag, hoist the flag and pay respect to it. So, at the end of the day, if we want a nation who believes in what this Government is doing, who believes in the epitome, in the pinnacle of what the flag represents, then we do not really need such severe sentence to curb the desire to go and destroy that epitome, that symbol.

That is one of the reasons that the legislators must have brought it down to two years but, simultaneously, coming with this Flag Bill to say that: "Yes, we should believe in this". So, in effect, we are bringing about a new way of looking at the flag or rather strengthening the way of looking at the flag.

I also notice in clause 7(1), the Copyright Act is being amended and, rightfully so, to encompass the national flag in the definition of artistic, literary or scientific work by adding the national flag, inserting it as a new paragraph. The reason is that we are now moving with times. In fact, the Copyright Act has been brought about by this House in the past to protect artists, to protect all kinds of productions, etc.

So, what better than to give protection to our national emblem, especially when we come in an age where things are being readily copied by technology and are being spread very quickly and can easily be altered. Therefore, we are about setting up to protect the whole world and what we do by this amendment is, in fact, protecting our own national flag, thus giving it even more symbolism when we do that and more value when we do that.

The Criminal Code has already been debated about. Now, we look at the amendment brought to the Merchant Shipping Act where, in fact, in effect what we are saying, what is being replaced is that, formerly, through the Merchant Shipping Act when a Mauritian ship would, upon a signal being made to it by any ship in the service of the Government or upon entering or leaving any foreign port or when entering and leaving a coach, in these occasions,

the Mauritian ship was required to hoist the national colours and now instead they are being required to hoist the flag. So, this is, in effect, a major amendment brought by clause 7 subsection (i), (ii) and (iii) which goes in line with the philosophy of the bringing about of the very National Flag Bill.

As I am addressing the House on the national flag, it is very important that we talk about the protocol of hoisting a national flag. When we do some research, what I have been able to find is, firstly, the Flag Code - kindly pointed out to me by hon. Minister Dayal - the Flag Code that the Mauritius Police Force in 1996, under the prime ministership of Sir Anerood Jugnauth, produced and what it did, the Flag Code was that it explained and put codified how the flag should be dealt with and it deals with the protocol of flag raising of a country. Again, the MS 12 of 2011, once more talks about the Flag Code of Mauritius. The basic principle is that where there is a great deal of protocol when we are dealing with the national flag and the proper display thereof.

A general rule is that the national flag should be flown in the position of honour and not in an inferior position to any flag, though some countries where they have sovereigns they make exception for the royal standards. But the general rule is typical and it says that whenever the national flag is displayed with any other flag, it must be hoisted first and lowered last and if displayed with other national flags of other countries, then such flags must be of equal size and must be flown at equal height, although the national flag of the host country should be flown in the position of honour. There are a number of other protocols that have to be observed. So much for protocols and, therefore, as I have said, I have found it in these two places and it is food for thought to consider, Madam Speaker, for this House.

I shall end on the pledge that the Flag Code gives to the nation in hoisting the flag and it goes as follows –

‘We pledge to make of this nation of ours our family. To keep this land in trust for future generations, we pray before God and men for this republic to be a haven of freedom and harmony, compassion and caring.’

Let us put all this into action through our National Flag Bill.

Thank you, Madam Speaker.

(6.22 p.m.)

Madam Speaker: Hon. Mahomed!

Mr C. Osman Mahomed (Third Member for Port Louis South and Port Louis Central): Madam Speaker, I thank you for giving me the opportunity to speak on the National Flag Bill which seeks to provide for better protection of the national flag of Mauritius by regulating its use.

I am speaking almost last. So, my speech has become slicker with each passing orator whom all I congratulate for their beautiful speeches.

Madam Speaker, our national flag, also known as the four bands or *les quadricolores*, was registered at the College of Arms in London on 09 January 1968. If our nation, by God's grace, endures a thousand years, the 12th day of 1968, when the flag was first flown on Independence Day - only 3 days before I was born – will always be remembered as a milestone in Mauritius national progress.

The national flag belongs to the nation and the Father of the nation gave forceful symbolical meaning to the flag –

“Around thee we gather (...) in peace, justice and liberty”.

The national flag is the torchbearer of the nation in all fora which we fly at full mast. It symbolises our territorial integrity. I, therefore, commend the Government for coming forward to regulate for the sake of enhanced protection of a national symbol for over the years there have been far too many mishaps in the way our national flag has been handled.

I for one recall having read in 2010, a secondary school, through the national flag upside down on National Day. In 2013, my office, together with the Ministry of Arts and Culture organised a logo competition on *Maurice Ile Durable* which was the theme of the National Day that year. We had nearly a 100 entries and I had the chance to view all of them. I was so surprised to see how different the submissions were insofar as colour codes were concerned, not as per the Pantone Matching System under which the colour codes are referenced. But, we finally chose a logo with the right code and that became the logo of the commission which I chaired.

Sometimes you go to some functions and you see the same colour code problem and this does so much injustice to our four vibrant colours. So, I am glad to read that under section 6 – Regulations – in particular provide for the colour codes corresponding to the

colours of the national flag. In there, the manner in which the flag is to be flown is covered as well.

Madam Speaker, this Bill contains a very interesting and pertinent word and that is the word 'desecration'. To desecrate means deface, damage or otherwise physically mistreat in any way that the perpetrator knows, will seriously offend one or more persons likely to observe or discover his action. However, the word 'desecration' might be open to various interpretations concerning the uncertainty of the context of desecration. For example, uncertainty might be over whether the term includes the wearing of the flag as a tattoo or flying the flag upside down - in the case of the school I mentioned just now - or wearing the flag as a cloth, as clothing, or indeed burying of the flag.

Inasmuch as section 5 (1) (a) provides for the desecration of our national flag or the flag of any other State, I wonder how in the future the following situation will be dealt with.

Only last month, during the Conference on Palestine organised by the Ministry of Tourism – hon. Duval was there – a woman dressed in the Palestinian flag caught the attention of many. Now, how does the law treat this? She is wearing the flag of another State as cloth. In that same conference, the Palestinian Minister, Mrs Rula Ma'ayah, explained how ruthless the Israelis were to the point of even massively cutting down olive trees so as to deprive the Palestinians of a source of revenue and livelihood. Now, in that same function, should people decide to burn the flag of Israel, is that considered illegal under this law, although authority must be sought under section 5 (1) (b), but on the spur of the moment, people could just react by burning the flag? So, is that considered illegal as from now? I am wondering whether the Government...

(Interruptions)

Madam Speaker: Order! Please, order!

Mr Mahomed: So, I think it is time that we walk the talk on the subject of Palestine and Israel - the Ag. Prime Minister hon. Duval is here – just like the previous Government which had put a ban on the importation of products from Israel. So, I believe we have to take bold steps given the circumstances.

But our liberties in this land of the free include the liberty to protest and to burn the flag if we so wish. What is more important than our liberty to protest, to speak out for freedom or to take very pompously the preservation of a piece of cloth? What did slaves and

indentured labourers give their life for, if not to be symbolised in the flag? My colleague, hon. Ramful, spoke about the meaning of the red colour just now.

Madam Speaker, as I mentioned earlier, the national flag is a symbol of our territorial integrity and it is regrettable that the Government of Mauritius remained insensitive to the legitimate protest made by the Comoros following the diplomatic row in respect of the lining up of Mayotte athletes behind the flag bearer of France at the Indian Ocean Games. It is unfortunate that Mauritius did not take a bold stand despite clear violation of the rules of the games. Madam Speaker, Comoros is a loyal supporter of Mauritius in all fora and we always put up a common front on the sovereign issue.

On a different note, section 6 (2) (c) provides for regulations as regards the manner to which the national flag is to be flown. Does this, for example, forbid or allow citizens to fly the flag from vehicles during National Day and from homes at any time during the year? I question! Flying the flag from vehicles on the day of Independence, for example? As regards the same regulations, may I suggest that it is only for official purposes one should be bound by these intricate provisions and only the Government that may ask for the flag to be lowered to half-mast in the event of the death of an important person or for national mourning and that no person is permitted to use the flag at any private funeral ceremony.

Furthermore, let it be limited to the Government to be obliged to avoid displaying any flag that is damaged or dirty and that any worn out or damaged flag should be packed in a sealed, black or opaque trash bag before being disposed and not left visible in dustbins as a sign of respect.

Madam Speaker, I am hoping that, under this enhanced protection of our flag for Government purposes, our youth may find new inspiration for liberty in Mauritius and as loyal citizens to enjoy that liberty by reviewing the work of the Government and protesting when protest is due as patriotic citizens with deep and equal pride of that all Mauritians to take steps in due protest that may even entail burning the flag, with due authority however, as per Section 5 (1) (b) of the Bill when they feel that their trust has been betrayed.

I think my colleague, hon. Ramful, had touched about this issue earlier – burning of the Mauritian flag. So, I think we need to have a closer look at this. That, Madam Speaker, is a true test of whether we have become a mature democracy, defending the rights and liberties of our citizens. So, I hope the acting Prime Minister can touch on this in his summing-up or later during regulations.

I am here drawing a parallel between the decision that the US Supreme Court took in 1969, just a year after our Independence, that burning of the US flag in protest, in that case it was against the Vietnam War, was not illegal as the Constitution allowed such freedom of speech and protest as an integral part of liberty. So, Madam Speaker, let us defend our liberties of protest and let the objective of this law be confined at most to get in the colours of the flag right before burning it.

To end, Madam Speaker, I say: national flag of Mauritius, may you continue to flow in the breeze and show glory in the wind whilst peace, justice and liberty are enjoyed in this land and the right of protest protected in our laws. But, let us, at least, get the colours of the flag right before we burn it in protest. That I believe should be the limit of this law for, I believe, Madam Speaker, that the flag of liberty that we won in 1968 should be above all else the most cherished symbol of our nation's pride.

God bless our flag, God bless our liberties and God bless Mauritius. Thank you.

Madam Speaker: Hon. Ag. Prime Minister!

(6.34 p.m.)

The Ag. Prime Minister: Madam Speaker, let me thank all the hon. Members who have intervened during this debate. I am happy that there is, once again, consensus on a Bill and on a need for legislation to better protect our national flag.

Madam Speaker, this Bill was prepared in consultation with the relevant Ministries and Departments concerned namely the Ministry of Industry, Commerce and Consumer Protection, the MRA, the Government Printing Department and the Mauritius Standards Bureau. Under this Bill, Madam Speaker, three major components of the flag: the colour, codes, the size and the material to be used will be regulated through regulations. We will thus, Madam Speaker, have the flexibility in the future to adapt to any new technology that may arise with time.

The required specifications for the mast flag, the desk flag, hand held flag and the car flag were already prepared as far back as 2011 by the Mauritius Standards Bureau. However, nothing came of it until the hon. Prime Minister took office, he gave instructions in December 2014. He gave instructions so that matters be expedited and that this Bill be presented to Parliament. Government wishes to avoid any recurrence of the issues I

mentioned during my Second Reading concerning misuse of the flag, disrespect of the flag and inappropriate colours being used. We find this to be unacceptable in a civilised society and acts which must be criminalised, at least, so far as disrespect to our national flag is concerned.

The issue raised by hon. Members regarding the use of a logo or any other emblem on the national flag, Madam Speaker, will not be allowed under this new legislation. So, there will be no logo or anything else printed on the national flag by anyone because Government feels there cannot be two or three types of national flags. There should just be one national flag without any logo or emblem thereon. So, Government will not accommodate any special request with regard to this, Madam Speaker, because the whole point of this Bill is to better protect the national flag.

As regards the question of contravention, there was, of course, as we know and as it was stated, 5 years provision for custodial sentence in the previous provision but it was not applicable as there had not been codification of the flag so it only existed on paper and could not be prosecuted in practice. We feel, Madam Speaker, that the 2-year custodial sentence being provided for and/or the fine is sufficient to start with. Let us see how it goes. We feel that in the place of nothing that we had for 40 years or so, now we have the 2-year custodial sentence and the fine. We will go along with that for the moment, Madam Speaker. So, it is being reduced but, as I mentioned, it was not effective anyway.

Madam Speaker, several Members have raised the issue of the freedom of expression which we, of course, fully conquer with on this side of the House, but we feel that this cannot be at the expense of either our national flag or other nations' national flags. We are providing in this Bill protection for our national flag and surely, we would not want our national flag to be badly treated overseas. We feel, therefore, that we should extend the same courtesy to other nations. It is like as if you protect your own house against burning but you can go and burn that of your neighbours'. This is not right! So, we feel that we should provide the same protection to everyone, all the countries in the United Nations at least.

Now, as far as the issue of unusable flags that need to be destroyed by individuals or factories or whatever in the normal course of affairs is concerned, regulations that are provided for in this Bill will be made so as to be more explicit. Obviously, we do not want to catch *bona fide* destruction of these flags, those which are no longer usable or have been damaged in some way.

Similarly, Madam Speaker, as far as public activity is concerned - it is public activity like you have a public meeting or you have something like that and using the national flag. The public activity, as I am being told, is not putting a flag on your house or a flag on your car; that is private, not public. Public activity is using in a sort of public function and that will also, most probably, be provided for by way of regulations as the need arises.

We are also taking note of the point made by hon. Boissezon concerning the need maybe to have some sort of indication on the flag as to the manufacturer's name. I do not know how practical that can be, but I have taken note of that suggestion.

Madam speaker, I would like to thank all the hon. Members who have participated in this debate. I think I have dealt with most of the points raised. I, therefore, commend the Bill once more to the House.

Thank you.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(Madam Speaker in the Chair)

The National Flag Bill (No. XV of 2015) was considered and agreed to.

On the Assembly resuming with Madam Speaker in the Chair, Madam Speaker reported accordingly.

Third Reading

On motion made and seconded, the National Flag Bill (No. XV of 2015) was read the third time and passed.

Second Reading

THE PUBLIC HOLIDAYS (AMENDMENT)

BILL (NO. XIV OF 2015)

Order for second reading read.

The Ag. Prime Minister: Madam Speaker, with your permission, I move that the Public Holidays (Amendment) Bill (No. XIV of 2015) be read a second time.

The main object of the Bill, Madam Speaker, is to bring specific amendments to the Public Holidays Act to incorporate the dates of celebration of public holidays which are not of a religious character as well as to accommodate the requests from some religious bodies to observe certain specific religious public holidays on an alternate basis.

Madam Speaker, the Public Holidays Act dates as far back as 1968 when about 20 days were being declared public holidays. The objectives, amongst others, were to build cohesion among all the components of the Mauritian society and to ensure harmony in our multi-cultural and multi-ethnic country. The Act has subsequently been amended in 1983, 1987 and 1991, bringing the number of public holidays to 13 whilst maintaining the social balance which makes our reputation as a peaceful country respectful of the rights of its people.

However, over the years, additional public holidays have been celebrated each year by way of proclamation and which have not been reflected in the Public Holidays Act.

Madam Speaker, section 3 of the Public Holidays Act specifies in the Schedule to the Act, 13 days to be observed as public holidays each year. Accordingly, every year, the dates for the celebration of these public holidays which are of a religious character are fixed in accordance with the Act and after consultations with the different religious bodies.

However, following Government decisions in 2001 and 2002, the first of February and second of November were declared public holidays to commemorate the Abolition of Slavery and the Arrival of Indentured Labourers in Mauritius, respectively; bringing the total number of public holidays observed in Mauritius to 15 days. These two public holidays have up to now been declared by way of proclamation and have not yet been incorporated in the Schedule to the Act.

Therefore, in addition to the Public Holidays listed in the Schedule to the Public Holidays Act, the list of the public holidays published annually, have, over the years, also included 1st February to mark the “Abolition of Slavery”, and 2nd November to commemorate the “Arrival of Indentured Labourers” in Mauritius, respectively.

Madam Speaker, given the national importance of these two landmark events in the history of Mauritius, it is felt opportune that these two days be also included in the Schedule

to the Act once and for all so as to remain for posterity and remind our future generations of the significance of these two commemorative dates.

Madam Speaker, the House is also aware that every year, either the “Assumption of the Blessed Virgin Mary” or “All Saints Day” is being alternately observed as public holiday in Mauritius.

This follows a decision taken by the then Government in 1998, at the request of the Christian Authorities.

Moreover, this year, a request has been received from the Mauritius Tamil Temples Federation for either Tamizh Puttaandu, that is, Varusha Pirappu or Thaiposam Cavadee to be declared public holiday on an alternate basis.

Accordingly, the Federation has proposed that Tamizh Puttaandu which would be celebrated on 14 April 2016, be declared public holiday.

This request is similar to the arrangement made with the Christian Authorities and would be strictly on an alternate basis as provided in the Amendment Bill.

Madam Speaker, this Amendment Bill which is before the House, provides at clause (3) for the repeal and replacement of section 3 of the Public Holidays Act which comprise an amended First Schedule, listing 13 out of the 15 public holidays to be observed every year, including the first of February to commemorate the Abolition of Slavery; and the second of November to commemorate the Arrival of Indentured Labourers in Mauritius.

The new section 3 also provides for a new Second Schedule specifying the 2 remaining public holidays to be observed on an alternate basis every year.

Accordingly, the amendments at clause 3(2) and clause 3(3) of the Bill now include either the day of celebration of the Assumption of the Blessed Virgin Mary or All Saints Day to be declared Public Holiday in one year on an alternate basis; and either the day of celebration of Varusha Pirappu, that is, Tamizh Puttaandu or Thaiposam Cavadee to be declared Public Holiday in one year, on an alternate basis as from 2016.

The amendment at clause (4) of the Bill provides for the insertion of a new section 7A after section 7, to allow the Minister to make regulations as he thinks fit for the purposes of the Act and to amend the Schedules. This is a general clause which is contained in many pieces of legislation to build flexibility in administering the law.

The amendment at Clause 5, allows for the repeal and replacement of the First Schedule to the Act and Clause 6 provides for the amendment of the Principal Act to add a Second Schedule. It is to be highlighted Madam Speaker, that the objective of this Bill is not to increase the total number of public holidays in a year. In fact, the proposed changes do not have any consequential bearing on the number, but rather we are proceeding with amendments which were long overdue whilst taking into consideration the additional request from the Mauritius Tamil Temples Federation since 2006.

Nevertheless, the enactment of this amended Bill, will eliminate the need to declare any public holiday by way of proclamation. Once allowing for changes at the new Section 7A, if circumstances so require. The Act would come into operation as from 01 January 2016.

With these words, I commend the Public Holidays (Amendment) Bill to the House.

Thank you Madam Speaker.

The Vice-Prime Minister, Minister of Housing and Lands (Mr S. Soodhun) rose and seconded.

(6.50 p.m.)

Mr Bérenger: As the Ag. Prime Minister has said but without making that clear, the Bill before the House neither decreases nor increases the number of public holidays. It does two things, puts into the law two public holidays that were already not in the law, but through proclamations for a number of years had been with us. The 1st of February, the cut off date for the abolition of slavery had been with us for quite a while when Government voted into power in 2000, the MMM/MSM Government decided that something must be done concerning the arrival of indentured labourers and the situation was not that easy because the 1st of February is a cut off day, it is a clear date, but indentured labourers came over a number of years and there is no clear cut off point concerning indentured labour. Therefore the 2000 and 2005 Government requested me as then Deputy Prime Minister to chair a Committee of historians, to make recommendations to Government how to celebrate whereas we were already celebrating on the 1st of February the abolition of slavery, how to celebrate the contribution of indentured labourers to the development of Mauritius. We sat, we worked, we came with the recommendation that was agreed upon by the then Government and since then the 2nd November was decreed a public holiday also. I am very proud to have been given the opportunity of playing that role, of working with historians and coming with a proposal

that was unanimously accepted and therefore for years now the 1st of February and the 2nd of November have been with us as public holidays and now what we are doing is putting it in the law itself. There is no polemic around that, there is no controversy around that, but it is a good thing that we put that in the law itself.

The second thing which this Bill does is to provide for alternate public holidays in the case of Catholic community and the Tamil community. In the case of the Catholic community, I understand that there also there is no controversy. The Catholic authorities are not only agreeable, but have proposed that as the Bill says, there should be an alternate public holiday and there is no controversy. In the case of the Tamil community, I have heard the Ag. Prime Minister say that, in fact, it is at the request of the Mauritius Tamil Temples Federation that again the law is going to provide for either Cavadee or Varusha Pirappu to be a public holiday. There is a controversy around that. Let us not hide the fact that it does not carry unanimity, there is a problem. But being given what the hon. Ag. Prime Minister has said that it is at the request of the Mauritius Tamil Temples Federation that this is being adopted, I won't say more, we can't be *plus royaliste que le roi*.

There had been a request that there should be some form of consultation, of referendum amongst the components of the whole country. No one has formerly proposed that and being given that it is being put on record today that it is the Mauritius Tamil Temples Federation that made that request, I leave it at this stage Madam Speaker. Therefore, except for this controversy in the case of the Tamil Community, there is no real controversy on the Bill generally, but I don't understand that an amendment is going to be proposed by hon. Shakeel Mohamed from what has been circulated. I am going to say a few words and then I will speak at Committee Stage if and when the amendment itself is moved.

I'll just say our reaction at this point. As I have said, the Bill that is before us proposes neither an increase nor decrease in the number of public holidays. The amendment that has been circulated proposes an increase in the number of public holidays. If that is to be considered or granted, the question arises - which additional public holidays? It is a very delicate issue and it is an issue that has been handled and that should be handled now and in the future with extreme care, with great care, Madam Speaker.

In the amendment that has been circulated, it is proposed that Easter Monday - in the case of the Catholic community - should become a public holiday. It needs careful consideration because the Bill that is before us says that on an alternate basis, Assumption of

the Blessed of Virgin Mary or All Saints Day will be alternate public holidays. Not as the amendment proposes Easter Monday. Therefore, there is need to consider carefully to get the reaction of Catholic authorities before we move forward with such a decision. The same thing in the case of the proposals is for three additional public holidays: Easter Monday, Eid al-Adha, Qurbani and Holi. But of course we live in Mauritius, in the case of the Tamil Community, we are in the Bill proposing that on an alternative basis it will be either Varusha Pirrapu or Cavadee. Well, of course, if we propose an increase in the number of other public holidays and we don't make any move then, we are asking for trouble. Therefore, it is a very tricky amendment proposal, we are not against it, but I suggest and understand - as the Rt. hon. Prime Minister is not here - we are going to postpone debate, that will give us time to reflect. I see no! I understand that we are postponing debates? Therefore we will have time to consider ...

No, you should have gone like that, not like that!

(Interruptions)

Therefore, I make a formal proposal. If Government is agreeable to increasing the number of public holidays - we are not against. There are tricky issues, as I have just pointed out - therefore, the way forward, I move, would be through a Select Committee set up by the Rt. hon. Prime Minister himself and that Select Committee would, as in the past on such issues, listen to the religious authorities concerned, to everybody that has something to say.

Therefore, we will have time between now and the time hon. Shakeel Mohamed speaks. We will see what stage we have reached, whether the amendment is moved. In the meantime, I would request the Government to consider the proposal that, if Government is agreeable to increasing the number of public holidays, the way forward is through a Select Committee of the House.

Thank you, Madam Speaker.

(6.59 p.m.)

The Ag. Prime Minister: On a point of personal explanation, I would like to make it very clear that I did not say: "Government was in favour of extending public holidays by another three". It is not controversial. In fact, I can tell you right now that Government is not

in favour of the amendment being proposed and is not in favour of any extension in the number of public holidays.

Mr Sawmynaden: Madam Speaker, I move that the debate be now adjourned.

Mr Gayan rose and seconded.

Question put and agreed to.

Debate adjourned accordingly.

ADJOURNMENT

The Ag. Prime Minister: Madam Speaker, I beg to move that this Assembly do now adjourn to Tuesday 10 November 2015 at 11.30 a.m.

The Vice-Prime Minister, Minister of Housing and Lands (Mr S. Soodhun) rose and seconded.

Madam Speaker: The House stands adjourned.

At 6.58 p.m. the Assembly was, on its rising, adjourned to Tuesday 10 November 2015 at 11.30 a.m.

WRITTEN ANSWERS TO QUESTIONS

RIVIÈRE DES ANGUILLES - GROS RUISSEAU - POLLUTION

(No. B/788) Mr M. Gobin (First Member for Rivière des Anguilles & Souillac) asked the Minister of Environment, Sustainable Development and Disaster and Beach Management whether, in regard to the place called Gros Ruisseau, situated in the village of Rivière des Anguilles, he will state the remedial measures that are being envisaged, if any, to address the pollution problem prevailing thereat.

Reply: As per record of my Ministry, in August 2011, the then Grand Port/Savanne District Council convened my Ministry, along with other stakeholders, for a joint site visit at Gros Ruisseau with respect to littering and dumping under the Gros Ruisseau bridge. This site was subsequently cleaned and a 'No dumping' sign was also placed by the Grand Port/Savanne District Council. Since then, no complaints have been recorded at my Ministry.

An urgent joint site visit effected by officers of my Ministry, together with officers of *Police de l'Environnement* and Savanne District Council last week at Gros Ruisseau, revealed that domestic waste were dumped on the reserves of the canal "Gros Ruisseau" both upstream and downstream along a stretch of about 5 m. In this regard, the Savanne District Council was immediately requested to clean the site and I am informed that the river bank is now cleaned.

The Rivière des Anguilles Police Station and the *Police de l'Environnement* have also been requested to effect regular patrols at the subject site and initiate enforcement actions against contraveners.

LA FLORA BOIS CHERI ROAD – SPEED LIMIT

(No. B/789) Mr M. Gobin (First Member for Rivière des Anguilles & Souillac) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the La Flora Bois Cheri Road, he will state if consideration will be given for the taking of measures to prevent speeding along same.

Reply: I am aware of the problems along La Flora Bois Cheri Road. In fact, following occurrence of many accidents along the stretch of the road between the signalised junction at La Flora and Bois Cheri, various road safety measures have been taken as follows

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- A speed limit of 60 km/h is already affixed on this particular road with effect from 02 April 2015.
- Pelican crossing, traffic lights and road humps have already been implemented by the Traffic Management and Road Safety Unit since October 2012 to deter speeding and to enhance safety along this road.

I have also been informed that a survey was carried out in the year 2014 along the La Flora Bois Cheri Road for the implementation of a speed camera thereat. However, due to space constraint, no place could be identified for the installation of such an equipment.

The Police has, therefore, been requested to carry out frequent speed checks along that road and in the adjoining villages in order to deter speeding.

BATIMARAIS & CAMP DIABLE

- “PARRAINAGE” CONCEPT - IMPLEMENTATION

(No. B/790) Mr M. Gobin (First Member for Rivière des Anguilles & Souillac) asked the Minister of Finance and Economic Development whether, in regard to the proposed implementation of the innovative concept of “parrainage” for the villages of Batimaraïs and of Camp Diable, in Constituency No. 13, Rivière des Anguilles and Souillac, he will state where matters stand.

Reply: I wish to re-assure the hon. Member that the EDC Batimaraïs, Rivière des Anguilles and EDC Camp Diable are among the 38 priority pockets of poverty that will be taken care of under the *Parrainage* project, to be implemented by Lovebridge Ltd.

Lovebridge Ltd has been duly incorporated barely three weeks and it has already initiated the process of recruiting social workers and district coordinators. It is also establishing its operational procedures and financing arrangements and finalising with participating companies on the pockets of poverty that each will adopt.

The House will appreciate that we are making solid progress on the implementation of the ‘*Parrainage*’ project.

BAGATELLE WATER FILTRATION PLANT - IMPLEMENTATION

(No. B/792) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac) asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to the proposed implementation of the Bagatelle Water Filtration Plant, he will, for the benefit of the House, obtain from the Central Water Authority, information as to where matters stand.

Reply: I am informed by the Central Water Authority that the procurement exercise for the Bagatelle treatment plant has been suspended as the Supreme Court has granted an injunction order at the request of one aggrieved bidder prohibiting the Central Water Authority from awarding the contract to the selected bidder.

I am further informed that the matter is still before the Supreme Court.

CEB – TECHNICAL STAFF – MISSION OVERSEAS

(No. B/793) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac) asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to the official mission undertaken by the technical staff of the Central Electricity Board in Europe over the period 03 to 16 October 2015 he will, for the benefit of the House, obtain from the Board, information as to the –

- (a) composition of the delegation thereof, indicating the qualifications held by each member thereof, and
- (b) purpose thereof.

(Withdrawn)

GRAND BOIS CREMATORIUM - UPGRADING

(No. B/794) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac) asked the Minister of Local Government whether, in regard to the Grand Bois Crematorium, he will state if consideration will be given for the upgrading thereof and, if so, when and, if not, why not.

Reply: I am informed by the District Council of Savanne that there are two cremation pyres, one covered and one uncovered at the Grand Bois cremation ground. The shelter of the covered pyre was pulled down on 29 September 2015 for safety reason.

In this context, the Ministry has conveyed approval on 14 October 2015 to the District Council of Savanne for the upgrading of the cremation ground at Grand Bois. Pending the construction of a new shelter, the existing uncovered pyre will be upgraded by the in-house labour of the Council, for use by the inhabitants of the region. These works will start on 16 November 2015 and will be completed around 30 November 2015 and are expected to cost around Rs50,000.

MINISTRY OF HEALTH AND QUALITY OF LIFE – DRUGS - PROCUREMENT

(No. B/795) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien) asked the Minister of Health and Quality of Life whether, in regard to the procurement of

drugs by his Ministry, he will state the measures that have been taken to ensure that the drugs procured are of standard and acceptable quality.

Reply: I wish to inform the House that the Ministry of Health and Quality of Life procures medicines through a bidding process as provided for in the Public Procurement Act 2006.

As per the tender requirements, all suppliers/bidders must at time of submitting tender documents produce evidence to the effect that the products which they intend to supply meet the required quality standard. Bids must be supported by certificate of Good Manufacturing Practice (GMP) and Certificate of Pharmaceutical Products (CoPP) issued by the Regulatory Authority of the country of origin in order to ensure that the products selected during evaluation are of the required efficacy and safety.

The Certificate of Pharmaceutical Products (CoPP) which is in the format recommended by the World Health Organisation (WHO) establishes the status of the Pharmaceutical Product and of the applicant for the certificate in the exporting country. It is for a single product only. It also states that the facility and product comply with good manufacturing practice and regular inspections. This document is also called a WHO certificate.

According to established guidelines by the WHO, Good Manufacturing Practice (GMP) is a system for ensuring that products are consistently produced and controlled according to quality standards.

The GMP covers all aspects of production from the starting materials, premises and equipment to the training and personal hygiene of staff.

The GMP certificate indicates that the manufacturing plant complies with the established WHO good manufacturing practice guidelines.

These two documents are required for pharmaceutical products moving in the international commerce as recommended by the WHO.

Each consignment of medicines received in stores is compulsorily accompanied by a batch analysis certificate from the Quality Control Department of the company certifying that the products have passed all the tests of quality.

The official standards used in the procurement of drugs are the British Pharmacopoeia (BP), the United States Pharmacopoeia (USP) and the European Pharmacopoeia (EU).

Furthermore, the Ministry carries regular random sampling on consignments received at Central Supplies Division and sends samples to be analysed both at the Government Analyst Division and to QUANTI LAB, a level 3 private lab that is Mauritas accredited.

The Ministry of Health and Quality of Life has taken a host of measures to ensure that the drugs procured are of acceptable standard and quality namely-

- (a) With regard to critical drugs, the Ministry only considers drugs that are registered with the drug regulatory authority of a country of the EU zone or with the Australian Therapeutic Goods Administration (Australian TGA), South African Medicines Regulatory Authority (South African MRA) or the United States Food and Drugs Administration (US FDA).
- (b) For non-critical drugs, the Ministry considers drugs from Pharmaceutical Inspection Convention and Pharmaceutical Inspection Cooperation scheme (jointly referred to as PIC/S) countries, from Gulf Cooperation Council and also suppliers from India and Bangladesh whose manufacturing sites have been inspected by a regulatory authority in the EU zone and who appear on the EUDRA GMP database.
- (c) All consignments received at the CSD are inspected by Pharmacists before acceptance.
- (d) The Ministry requests regular feedback from user departments on issues regarding quality of drugs during the weekly Drug Monitoring Committee that is held at the Central Supplies Division.
- (e) The Ministry does supplier rating and the rating is considered during evaluation.

BLUE LAGOON & SHANDRANI HOTEL – TAXI STANDS

(No. B/796) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the proposed setting up of taxi stands for the taxis attached to the Blue Lagoon Hotel in Blue Bay and to the Shandrani Hotel in Le Chaland, he will state where matters stand.

Reply: I am informed by the NTA that the taxi stand along Pointe d'Esny, Blue Bay near Blue Lagoon Beach Hotel consisting of seven slots has already been proclaimed in 2006 and is operational.

As regards taxis operating at Shandrani Hotel, I am informed that the area occupied by taxis is of an approximate extent of 728.71m² and forms part of a larger plot of land vested in the Prime Minister's Office for the construction of a Police Training School.

The Ministry of Housing and Lands is considering the possibility to regularize the present location of the taxi stand after consultation with the Prime Minister's Office.

BUS INDUSTRY EMPLOYEES WELFARE FUND – LOANS & GRANTS

(No. B/797) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the Bus Industry Employees Welfare Fund, he will, for the benefit of the House, obtain therefrom, information as to the –

- (a) amount of money available in the General Fund thereof, and
- (b) terms and conditions of the loans granted to the bus employees, indicating if consideration will be given for changes to be brought thereto in order to better benefit the bus employees.

Reply: I am informed by the Bus Industry Employees Welfare Fund that as at 31 December 2014, the General Fund amounted to Rs55.3 m.

As regards part (b) of the question, annually a budget of Rs7.1m. is allocated for loans and grants although contribution of employees and bus operators is less than this amount.

The terms and conditions of loans granted to bus employees vary according to each type of loan. I am tabling a copy of the terms and conditions of all types of loans.

I am further informed that the Board at its meeting held on 21 September 2015 approved that amount earmarked for loans and grants be increased to Rs10, 780,000. The increase will be effective as from January 2016.

MBC - TELEVISION LICENCE FEE

(No. B/798) Mr A. Ganoo (First Member for Savanne & Black River) asked the Minister of Financial Services, Good Governance and Institutional Reforms, Minister of Technology, Communication and Innovation whether, in regard to the Television Licence Fee, he will for the benefit of the House, obtain from the Mauritius Broadcasting Corporation, information as to -

- (a) the total amount thereof collected for each of the years 2013 to date, and
- (b) state if consideration will be given for the non-levying thereof on the -
 - (i) subscribers of MyT, and
 - (ii) persons who are on the social register.

Reply: With regards to part (a) of the question, I am informed that the MBC has collected fees reaching a total amount of Rs388,650,619.75 in 2013, Rs537,476,412.94 in 2014 and Rs465,301,344.51 from January 2015 to 30 October 2015.

The House may wish to note that the previous Government decided to impose a 50% increase in the TV licence fee as from August 2013. In spite of this increase, the MBC has accumulated an outstanding debt of around 1 billion rupees. Such a precarious financial situation has been caused by mismanagement and an obvious overstaffing which has reached some 800 persons.

With regard to part (b) of the question, I wish to inform the House that Section 3 of the Mauritius Broadcasting Corporation (Collection of Licence Fees) Act stipulates that every person who is liable to pay an electricity bill for domestic consumption must pay the Television licence fee unless he does not possess a TV set.

In other words every person holding a TV set is liable to pay the TV licence fee irrespective of the fact that he may be a subscriber of MyT or not.

Furthermore, Section 4 of the same Act provides that all hotels, restaurants, café and other business establishments shall pay the TV licence fee for TV sets found on their premises.

I am informed that there are some 9450 families on the Social Register. Under the First Schedule of the MBC (Collection of Licence Fees) Act, domestic consumers with an electricity consumption of not more than a total of 396 KW hours in a year pay only Rs20 as

monthly Television Licence Fee as compared to Rs150 for other domestic consumers. I am pleased to inform the House that according to MBC records there are more than 20,000 households who fall in this category and pay only Rs20 as monthly TV licence fee.

TAMARIN & PETITE RIVIERE NOIRE - SALT PANS - CLOSURE

(No. B/799) Mr A. Ganoo (First Member for Savanne & Black River) asked the Minister of Industry, Commerce and Consumer Protection whether, in regard to the salt pans found at Tamarin and at Petite Rivière Noire, he will state if Government has been informed of the closure thereof and, if so, indicate –

- (a) if it has agreed thereto and if it is proposing to come up with a rescue plan therefor in a bid to preserve the national heritage that they represent, and
- (b) the number of employees that have been made redundant as a result thereof and the quantum of compensation that have been paid out thereto.

Reply: I am informed that there are three salt pans in the district of Black River. Two are found in Tamarin and one in Petite Rivière Noire.

With regard to part (a) of the question, I am informed by the Ministry of Arts and Culture that the salt pans are not listed as national heritage, but they bear historical value. I am further informed that the Black River District Council has granted an Outline planning permission to Mont Calme Ltd for a development project at Les Salines Tamarin.

On 25 May and 2 July 2015, site visits were effected by the National Heritage Fund with representatives of the Black River District Council and the promoter. It was noted that the proposed development project was in line with the planning policy of the Black River District Council.

Subsequently, the National Heritage Fund Board has made the following recommendations to the Black River District Council -

- (i) to consider increasing the number of stone ponds for preservation and integrate them in the project;
- (ii) maintain and reinstate the stone ponds in their original state and not to tamper with them, and
- (iii) to harmonise the project with the environment.

With regard to the closure of the salt pans found in Tamarin and Petite Rivière Noire, I am informed by the Ministry of Labour, Industrial Relations, Employment and Training that Mont Calme of Tamarin and Société RPA De Ravel of Petite Rivière Noire have given written notice to that Ministry of their intention to reduce their workforce. On 21 August 2015, Mont Calme gave notice of the termination of employment to 19 of its 25 workers for 21 September 2015 on grounds of economic conditions. Société RPA De Ravel of Petite Rivière Noire gave such a notice on 14 August 2015 to 14 out of its 16 workers for 15 September 2015 on the same grounds of economic conditions.

I am further informed that the thirty-three (33) workers who have been laid off have registered cases of unjustified termination of employment at the Bambous Labour Office and the cases are being dealt with by the Ministry of Labour, Industrial Relations, Employment and Training.

With regard to part (b) of the question, as already mentioned, 33 workers have been made redundant. The employers have proposed to pay to the redundant workers -

- (a) an End of Year Bonus on a pro-rata basis ;
- (b) refund of outstanding Annual Leave, and
- (c) compensation as follows -
 - i. 6 days wages for each 12 months employment for those workers reckoning one year and up to 12 years service;
 - ii. 10 days wages for each 12 months employment for those workers reckoning 12 years service and up to 20 years service; and
 - iii. 15 days wages for each 12 months employment for those workers reckoning more than 20 years service.

However, no payment has been effected so far as the workers are contesting the reasons for the termination of employment. A meeting was held on 30 October 2015 at the Ministry of Labour, Industrial Relations, Employment and Training with representatives of the employers and employees including Trade Unionists as well as a representative of my Ministry. The employers have stated that they are not prepared to reconsider the decision to reduce the workforce. In the light of this stand, the trade union has requested that negotiations be held with a view to enhancing the amount of compensation initially proposed by the employers. Another meeting has been scheduled for 09 November 2015.

I wish to assure the hon. Member that the Ministries concerned will explore all avenues so that a satisfactory agreement is reached between the employers and the workers.

MINISTRIES & PARASTATAL BODIES – TELEPHONE BILLS

(No. B/800) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix) asked the Minister of Finance and Economic Development whether, in regard to the Ministries, Government Departments and Parastatal bodies, he will state the measures that have been or will be taken to reduce the monthly telephone costs thereof, indicating if –

- (a) dormant telephone lines and telephone lines with rental only will be cancelled to avoid the payment of monthly rental fees and surcharges, and
- (b) instructions will be given thereto for the installation of GSM gateways for mobile phones to their existing PABX telephone systems with a view to reducing the monthly telephone costs when calling to a mobile service provider.

Reply: Indeed, there is room for reducing public expenditure on telephone bills, the more so with new technologies and new systems available now.

Under the provisions of the Financial Management Manual, Accounting Officers of Ministries/Departments are responsible for the management of funds under their respective budgets as appropriated by the National Assembly. In this respect, this Ministry initiated a survey on telephone lines in Ministries and Departments in 2013 and Accounting Officers were requested to do the needful regarding disconnection of some 250 dormant telephones and unused telephones lines identified.

We are now carrying out a fresh exercise to review the progress achieved and take remedial actions, where necessary.

With regards to part (b) of the question, I am informed that some Ministries have already made the shift from analogue to digital PABX that can be enhanced with GSM gateways for supporting mobile phone calls.

I am further informed that the Ministry of Technology, Communication and Innovation is also currently working on a pilot project for the setting up of Voice Over IP facilities. Voice Over IP is a system which allows telephony to operate on the internet at practically no recurrent cost.

Additionally, some Ministries/Departments are already making use of Skype and Viber or similar applications through the Internet for video conferencing and making phone calls including international calls at no additional cost. This Ministry is also proposing to advise officers proceeding on overseas missions to use such applications, wherever possible, for making phone calls instead of resorting to normal phone calls which lead to high charges on account of roaming costs.

TERRE ROUGE-VERDUN LINK ROAD PROJECT – CONSULTANTS - REPORTS

(No. B/801) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the Terre Rouge-Verdun Link Road Project, he will state the recommendations of all the reports submitted by all the consultants appointed in relation thereto since the start of the implementation thereof to date, indicating the names of the qualified engineers who interpreted the findings thereof, if any.

Reply: I have to inform the House that as a consequence of the rapid economic development of Mauritius during the past decades, as far back as in 1994, it was decided to build a new corridor by-passing the capital city of Port Louis.

Originally, in 1994, Lux Consult S.A. was appointed for the detailed engineering and preparation of bidding documents for the construction of Malenga-Crève Coeur Road. The assignment was completed in August 1998. Due to financial constraints, the project was not pursued.

I am informed by the RDA, that in view of the high cost of the original alignment, following a bidding exercise launched in February 2005, the highway authority appointed the Bureau Central d'Etudes d'Outre Mer (BCEOM) for the review of the design and supervision of the Malenga-Crève Coeur Road in March 2005.

In its inception report, the Consultant recommended that the project should be reviewed and should take into consideration future developments in the region of Moka and the Ebène Cybercity Project. Such approach would provide an alternative access to the development at Ebène, and a link from the North to the East and to Plaines Wilhems, resulting not only in relieving traffic on the Motorways M1 and M2 between Phoenix and Terre Rouge but also catering for the future development in the Moka area.

In this connection, the Consultant has identified a new alignment from Terre Rouge to Verdun through Ripailles which could also be connected to the new interchange at Trianon and eventually with B6 Road at Quartier Militaire.

Consequently, on 03 February 2010, the RDA appointed BCEOM (with GIBB (Mtius) Ltd as sub-Consultant), now known as EGIS-BCEOM International, the award for the design and supervision of the Terre Rouge-Verdun Link Road.

The implementation of the project itself started on 18 February 2010 with Contractor JV Colas Maurice/Madagascar and the works were completed on 30 November 2013.

During the implementation of the project, several reports were produced by geotechnical experts, appointed by Consultants EGIS/BCEOM, as follows -

- (i) Mr Pierre Plotto carried out a review of cut slope in June 2010 following borehole investigations. He also undertook an assessment of landslides with recommendation for remedial measures in December 2011,
- (ii) Another expert, namely, Mr Fabienne Dermenonville carried out the following -
 - an assessment of landslides and definition of remedial works in May 2012;
 - a follow-up of remedial works in December 2012;
 - a further assessment of landslides was done and a programme of geotechnical investigation was defined in February 2013, and
 - a design of remedial measures based on coring and laboratory tests results was carried out in May/June 2013.

I am further informed by the RDA that in November 2012, Mr Fournet, an Independent Engineer was appointed by RDA for an audit report on the project. In the report, he highlighted the shortcomings of EGIS in relation to the design and contract management.

As the House is aware, following the observation of cracks on the Terre-Rouge Verdun Link Road on 18 January 2015, the services of Experts of the Japan International Cooperation Agency (JICA) (who were already providing technical assistance to the Ministry of Public Infrastructure and Land Transport in regard to the monitoring of landslides in

Mauritius) were informally solicited. Thereafter, the RDA and the Police collectively decided to close the road to traffic from both sides as from 21 January 2015.

From their preliminary observations, the JICA experts attributed the cause of the cracks to accumulation of excessive water following the heavy rainfall as the main cause of the cracks and settlements. The Consultant of COLAS, Contractor for the road works, also identified the same cause.

In February 2015, it was observed that the embankment failure was continuing to subside despite the fact that the water level had receded. Consequently, on 2 March 2015, the RDA had recourse to the services of ARQ (Pty) Consulting Engineers Limited to investigate, monitor, test, analyse and design the damaged section of the TRV Link Road. The assignment lasted from 8 April to 30 September 2015.

I am informed that the services of ARQ (Pty) Ltd have also been retained by the RDA for the evaluation of cuts between Ripailles and Valton roundabout and an assessment of section of the Terre Rouge-Verdun Link Road which collapsed in June 2015. The project started on 01 September 2015 and is expected to be completed by December 2015.

As regards the “Treatment of Landslides and Remaining Road Works on the Southbound Carriageway at Ripailles” project, the RDA has hired geotechnical expertise from GETS to reassess the design made by EGIS-BCEOM International jointly with ARQ (Pty) Ltd.

According to information obtained from the RDA, with the exception of the report of ARQ (Pty) Ltd, the Consultant hired by the RDA to investigate, monitor, test, analyse and design the damaged section of the TRV Link Road, all the reports that have been received so far have been interpreted by the Resident Engineers deployed by EGIS/BCEOM during the implementation of the project viz Jean Carbonel, Jean Louis Lepaysan and André Vistasoa. The Resident Engineers were assisted by Deputy Resident Engineers Messrs Laurent Graille, Pierre Martinez, Martial Remacle and Lucky Rakotosoa.

Concerning the recommendations formulated in the reports of the Consultants I mentioned above, these are of highly technical nature and voluminous. I am tabling a copy of each of the reports for consultation.

GRNW & PORT LOUIS WEST - POCKETS OF POVERTY

(No. B/802) Mrs D. Selvon (Second Member for GRNW & Port Louis West) asked the Minister of Social Integration and Economic Empowerment whether, in regard to the poor and vulnerable persons residing in “*poches de pauvreté*” in Constituency No. 1, Grand River North West and Port Louis West, he will state the measures taken by his Ministry in relation thereto as at to date.

Reply: The National Empowerment Foundation collects and compiles data on a district wise basis and not according to Constituency.

The pockets of poverty falling within that Constituency are Débarcadère and Bain des Dames in the district of Port Louis, Guibies, Camp Chapelon and Cite St Louis fall within the district of Moka whereas Cite Richelieu falls within the district of Black River.

Following the new Government policy that all beneficiaries should now be eligible under the Social Register of Mauritius (SRM), the Foundation proceeded with the registration of its beneficiaries and the exercise is nearing completion. The SRM database, which will provide the needs of the individual members of vulnerable households, will be of paramount importance for the implementation of the Marshall Plan and the “*parrainage*” concept.

The following interventions have been carried out by the National Empowerment Foundation in these pockets of poverty -

District	Pockets of poverty	Interventions
Port Louis	Débarcadère	(i) 460 children of Débarcadère and Bain des Dames were provided with school materials for academic year 2015 (ii) 12 and 18 beneficiaries were provided with concrete housing units with corrugated iron sheet roof and corrugated iron sheet housing units respectively in 2014 (iii) a Multipurpose Centre with a Learning Corner was set up in March 2014 at Débarcadère for the benefit of some 500 beneficiaries of the region

		(iv) some 25 children participated in recreational activities organized by the Foundation on a yearly basis
	Bain des Dames	<p>(i) 9 and 18 beneficiaries were provided with concrete housing units with corrugated iron sheet roof and corrugated iron sheet housing units respectively from 2010 to date</p> <p>(ii) some 30 needy children attended remedial classes in 2013 and 2014;</p> <p>(iii) some 25 children participated in recreational activities organized by the Foundation on a yearly basis</p> <p>(iv) a job fair was organized at La Tour Koenig in 2013 and was attended by some 950 persons</p>
Moka	Pailles region (Guibies, Camp Chapelon and Cite St Louis)	<p>(i) 5 families were provided with corrugated iron sheet housing units from 2010 to date (1 in Guibies, 2 in each Camp Chapelon and Cite St Louis)</p> <p>(ii) 355 needy children received school materials for academic year 2015</p> <p>(iii) 20 children attended remedial classes in 2014</p> <p>(iv) 30 children participated in recreational activities on a yearly basis</p> <p>(v) 25 adults and 20 children participated in life skills training in 2013</p> <p>(vi) 50 beneficiaries were sensitised on substance abuse</p>
Black River	Richelieu (covering	(i) 300 children received school materials for academic year 2015

	Montee S, Allée Tamarin)	<ul style="list-style-type: none"> (ii) 2 and 21 families were provided with concrete housing unit with corrugated iron sheet roof and corrugated iron sheet housing units respectively from 2010 to date (iii) support under the “Upgrading of Houses” Scheme was provided to one beneficiary in 2014 (iv) 30 young children attended the junior life skills training course in 2013 (iv) 75 adults and children were sensitized on substance abuse in 2015 (v) 54 needy children aged 3 to 6 years received support under the “School Feeding” programme from 2012 to 2014 (vi) a job fair attended by some 200 persons was held in Richelieu in 2011
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The Foundation provided training opportunities to some 130 beneficiaries from the regions of Débarcadère, Bain des Dames, Pailles and Richelieu in 2013 and 2014. 19 beneficiaries from these regions benefitted from placement opportunities in 2013 and 2014.

GROS CAILLOUX - INTEGRATED SOCIAL HOUSING PROJECT

(No. B/804) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière) asked the Minister of Social Integration and Economic Empowerment whether, in regard to the construction of social housing units at Cité Betel, in Petite Rivière, he will state when the housing units will be delivered, indicating if a –

- (a) list of the beneficiaries thereof has been drawn and, if so, table copy thereof, and
- (b) survey of the social housing needs in the area has been carried out and, if so, indicate the outcome thereof.

Reply: It is assumed that the hon. Member is referring to the Integrated Social Housing project being implemented by the National Empowerment Foundation at Gros Cailloux.

Following the reply made to PQ B/286 in April 2015, the contract with T and T Construction Ltd was determined on 31 July 2015 by the MHC Ltd and a new tender was launched on 07 October 2015 for completion of all outstanding works. Hence, the housing units have not been delivered.

The closing date of the new tender is 03 November 2015. Upon award of the contract, the works are expected to be executed over a period not exceeding 60 days as per the bidding document.

With regard to part (a) of the question, a previous list of prospective beneficiaries was compiled in 2014. However, in view of the new government policy that all beneficiaries should now be eligible under the Social Register of Mauritius, a fresh list of SRM eligible beneficiaries is being compiled.

Concerning part (b) of the question, the SRM database, which is in its final stage, will provide a complete profiling of all eligible beneficiaries including social housing needs.

BEAU BASSIN & PETITE RIVIERE – CIS SCHEME - APPLICATIONS

(No. B/805) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière) asked the Minister of Social Integration and Economic Empowerment whether, in regard to the Scheme for the supply of iron sheets and wood for construction purposes, he will state if his Ministry is in presence of applications thereunder submitted by inhabitants of Constituency No. 20, Beau Bassin and Petite Rivière and, if so, indicate where matters stand in relation thereto.

Reply: The regions of Beau Bassin and Petite Rivière contain 3 and 2 pockets of poverty respectively which are within the Constituency No 20. These pockets of poverty are Verger Bissembar, Residence Barkly and Chebel which fall within the region of Beau Bassin, Gros Cailloux and Petite Rivière Village in Petite Rivière.

The National Empowerment Foundation has informed that it has received 16 applications for the CIS Scheme, of which 5 have so far been found eligible under the Social Register of Mauritius. These applications are being processed.

INDIAN OCEAN ISLAND GAMES 2019 - ORGANISING COMMITTEE

(No. B/806) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the Indian Ocean Island Games 2019, he will state when the organising committee therefor will be set up, indicating the procedure that will be followed for the selection of the members that will serve thereon.

Reply: The Charter of the Indian Ocean Islands Games provides for the creation of a Games Organising Committee within six months from the date of the closing ceremony of the previous edition.

Given that the *Conseil International des Jeux* (CIJ), has entrusted the organisation of the next edition to Mauritius only two weeks ago, my Ministry is presently having consultations with the Mauritius Olympic Committee for the setting up of the said committee.

I wish to inform the House that there are no established procedures for the selection of members of the Organising Committee in the Games Charter.

However, the Honourable Member may rest assured that all persons who would be called upon to form part of the Organising Committee, will be of the appropriate calibre and will have the required expertise to serve the Committee.

MRA – TAXES – REMISSIONS & WRITE-OFF

(No. B/807) Mr D. Sesungkur (First Member for Montagne Blanche & GRSE) asked the Minister of Finance and Economic Development whether, in regard to the taxes, he will, for the benefit of the House, obtain from the Mauritius Revenue Authority, information as to the total amount of revenue which has been lost through remissions and write-offs thereof, over the period 2005 to 31 December 2014, indicating –

- (a) the reasons therefor in each case, and
- (b) if he will table copy of the cases in respect of which the remission and write-off has been granted.

Reply: I am informed by the Mauritius Revenue Authority that the information on the total amount of remissions and write-off over the period 2005 to 31 December 2014 is being compiled and same will be tabled at the earliest.

Regarding parts (a) and (b) of the question, I am advised that it will not be legally in order to disclose individual tax payer information.

COURT CASES – CONCLUSION – AVERAGE TIME

(No. B/808) Mr D. Sesungkur (First Member for Montagne Blanche & GRSE) asked the Attorney-General whether, in regard to court cases/litigations, he will, for the benefit of the House, obtain information as to the average time taken for a case/litigation to be concluded before the District Courts, the Intermediate Court and the Supreme Court respectively, indicating –

- (a) if an assessment has been made of the reasons accounting for the time taken therefor, and
- (b) the remedial measures taken in relation thereto.

(Withdrawn)

RHEUMATOID ARTHRITIS - PHARMACOLOGICAL TREATMENT

(No. B/809) Mr S. Rutnah (Third Member for Piton & Rivière du Rempart) asked the Minister of Health and Quality of Life whether, in regard to Rheumatoid Arthritis, he will state the number of patients known to be suffering therefrom, indicating –

- (a) the age group thereof, and
- (b) the pharmacological treatment available therefor in the public health care institutions, indicating
 - (i) the number of patients thereof who do not respond thereto, and
 - (ii) if consideration will be given for the use of Mabtheraj (Rituximab) to the patients thereof who do not respond thereto.

Reply: I am informed that Rheumatoid Arthritis is a chronic inflammatory disorder which typically affects small joints of a person's hands and feet.

With regard to part (a) of the question, I am informed that it affects mostly people aged 40 and above and women are more likely to develop this disease.

Records available in respect of patients admitted in public hospitals from January to June 2015 are as follows -

Age Group	No. of patients admitted
0 up to 18	nil
18 up to 39	4
40 up to 59	10
60 and above	14

With regard to part (b) of the question, treatment is provided on the basis of severity of the disease condition. As at now, there is no cure for Rheumatoid Arthritis but only treatment to relieve patients from pain and to slow down the progression of the disease. Presently, the following drugs are available in public hospitals -

- (i) Non-Steroidal Anti-inflammatory drugs such as Ibuprofen, Diclofenac, Indomethacin;
- (ii) Glucocortico steroids such as Prednisolone, Methyl Prednisolone;
- (iii) Conventional Disease Modifying Anti-Rheumatic Drugs (cDMARDs) such as Methotrexate, Salazopyrine, Azathioprine and Hydroxychloroquine, and
- (iv) Biological Therapy such as Rituximab.

I am informed that four patients are presently on Rituximab as they have not responded to other treatment.

CONSTITUENCY NO. 14 - SAVANNE & BLACK RIVER - LOW COST HOUSING PROJECTS

(No. A/17) Mr E. Jhuboo (Third Member for Savanne & Black River) asked the Vice-Prime Minister, Minister of Housing and Lands whether, in regard to Constituency No. 14, Savanne and Black River, he will, for the benefit of the House, obtain from the National Housing Development Company Ltd., information as to if low cost housing projects have been earmarked therefor and, if so, indicate the –

- (a) proposed locations thereof, and
- (b) cost thereof.

Reply: The National Housing Development Company Ltd has informed this Ministry that, in Constituency No. 14, the construction of some 105 housing units will be implemented

on a plot of land of an extent of 7A00 at Bassin (Quatre Bornes). The Consultant for this project has already been appointed and works are expected to start by February 2016. The estimated project cost is Rs121 m.

Under the social housing programme of Government to provide some 10,000 housing units throughout the island over the next five years, other sites are being identified for social housing projects. Obviously, this applies to the regions of Savanne and Black River as well.

CANAL DAYOT & SABLE-NOIR – FLOOD – WATER DRAINAGE PROJECTS

(No. A/19) Mr P. Armance (First Member for GRNW & Port Louis West) asked the Minister of Environment, Sustainable Development and Disaster and Beach Management whether, in regard to Canal Dayot and Sable-Noir, he will state –

- (a) where matters stand as to the remedial actions taken to prevent the recurrence of floods which recently affected the regions thereof, and
- (b) if an emergency plan has been worked out therefor and, if so, indicate if the inhabitants thereof have been informed in relation thereto.

Reply: The National Development Unit (NDU) is implementing water drainage projects at Canal Dayot and Sable Noir with a view to preventing flooding at those areas.

The Rt. hon. Prime Minister replied to a Parliamentary Question (PQ B/206) on 31 March 2015 where he pointed out that the National Development Unit (NDU) had informed that the water drainage project at Canal Dayot, has been completed except for a part of the canal which could not be enlarged due to one of the owners having obtained a Court Stop Order regarding the enlargement of the canal over a stretch of about 75 metres.

This non-enlargement of the canal is preventing the free flow of water during heavy rainfall and causing flooding. NDU can take remedial action only when the Court case is disposed of.

There is also a proposal for the extension of the existing bridge along the main road of Canal Dayot. The NDU is liaising with the Road Development Authority on this issue.

As regards Sable Noir, the NDU has informed that the water drainage project has been completed and the NDU Zonal Contractor has undertaken the construction of a bridge to connect the existing road to Sable Noir Beach. The works have been completed on 15 September 2015. Moreover, the NDU has already sought the necessary clearances from the Ministry of Housing and Lands for the construction of a new road from the new bridge to

Sable Noir Beach. Works will be considered in the next financial year upon all clearances being obtained.

Regarding part (b) of the question, emergency planning has been made in the National Disaster Scheme (NDS) 2015 Edition under the Port Louis Flood Response Plan. This document defines the roles and responsibilities of all stakeholders as well as the actions required in the event of a heavy rainfall and/or flashfloods in the region of Port Louis including the regions of Canal Dayot and Sable Noir.

During heavy rainfall, the National Disaster Risk Reduction Management Centre (NDRRMC) is assisted by the police to visually assess the flow of storm water at Canal Dayot and Sable Noir. Liaison is also maintained with some designated local inhabitants to have real time feedback of the situation prevailing thereat. In addition, troops of the Special Mobile Force and Special Support Unit are pre-positioned during heavy rainfall events at these two places for quick intervention. Evacuation of the inhabitants has been planned at the Cite Vallijee Community Centre, the Cite Vallijee Government and Grand River North West Primary schools in case of flooding.

Details of the Port Louis Flood Response Plan will shortly be disseminated to the inhabitants of Canal Dayot and Sable Noir through drills and simulation exercises by the City Council of Port Louis in collaboration with the NDRRMC. In the meantime, the NDRRMC has already interacted with the inhabitants of Canal Dayot and Sable Noir and the latter have been informed of the measures taken by Government for their safety.

PUBLIC BEACHES - SABLE NOIRE & LA POINTE

(No. A/20) Mr P. Armance (First Member for GRNW & Port Louis West) asked the Minister of Environment, Sustainable Development and Disaster and Beach Management whether, in regard to the public beaches found between Sable Noire and La Pointe, at Pointe aux Sable, he will state where matters stand as to the proposed upgrading thereof.

Reply: With regard to the upgrading of the public beaches between Sable Noire and La Pointe, I wish to inform the House that the Beach Authority had already undertaken several works as follows -

- (i) repair of defective and damaged lighting systems were effected at Sable Noire public beach in March 2015;

- (ii) provision was made for a new lighting system with underground network at Pointe aux Sables public beach (Martello Tower) in February 2015; and
- (iii) beach protection works were undertaken on the main public beach at Pointe aux Sables in 2011, and maintenance of these works is being undertaken by the Beach Authority such as beach refill and pest control, amongst others.

Furthermore, the Beach Authority would undertake additional works during this financial year as follows -

- (i) the construction of a new toilet block at Pointe aux Sables public beach (near Fisheries Post and Training Centre); and
- (ii) repair of defective and damaged lighting system at Pointe aux Sables public beach (La Pointe), which would include provision of other amenities such as benches and fireplaces.

FEDERATION OF BODY BUILDERS ASSOCIATION

- CERTIFICATE OF RECOGNITION

(No. A/21) Mr P. Armance (First Member for GRNW & Port Louis West) asked the Minister of Youth and Sports whether, in regard to bodybuilding, he will state –

- (a) if his Ministry has suspended the Certificate of Recognition of the Federation of Body Builders Association
- (b) the activities for the promotion thereof organized by the Federation of Body Builders Association and by the New Body Builders Federation for the period 2012 to 2015, respectively, and
- (c) if his Ministry will consider referring the matter to the Ombudsperson for Sports to clarify the situation between the Federation of Body Builders Association and the New Body Builders Federation.

Reply: The recognition of the Federation of Body Builders Association has been suspended by the Ministry since 25 August 2014 under section 11 6(b) of the Sports Act 2013 as the Federation is not in compliance with the Act with regard to the required number of regions and clubs enrolled with it. Besides, there have been continuous internal conflicts

within the Federation since 2012. All efforts made by the Ministry to settle the dispute have up to now been fruitless. No settlement had also been possible in spite of the intervention of the International Body Builders Federation which delegated Dr. Adel Fahim El Sayed, to Mauritius with a view to conciliating the conflicting parties and to organising fresh election of the Managing Committee.

The Ministry had, therefore, no alternative than to suspend the recognition of the Federation.

As regards part (b) of the question, in view of the ongoing internal conflicts at the level of the Federation and the suspension of its recognition, no financial assistance was being provided to the Federation. However, with a view to ensuring that athletes are not penalised, assistance has been provided to them on request.

The Ministry has also never prevented the Federation of Body Builders Association and the New Body Builders Federation to organise the activities. Both Federations have participated in numerous competitions organised both locally and abroad.

As regards part (c) of the question, in accordance with section 42 of the Sports Act 2013 it is the onus of any aggrieved party to appeal to the Ombudsperson for Sports against the decision of any sports Organisations. Consequently, it is up to the Federation to refer the matter to the Ombudsperson for Sports.