



SIXTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

FIRST SESSION

WEDNESDAY 30 NOVEMBER 2016

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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
Hon. Charles Gaëtan Xavier-Luc Duval, GCSK	Deputy Prime Minister, Minister of Tourism and External Communications
Hon. Showkutally Soodhun, GCSK	Vice-Prime Minister, Minister of Housing and Lands
Hon. Ivan Leslie Collendavelloo, GCSK, SC	Vice-Prime Minister, Minister of Energy and Public Utilities
Hon. Pravind Kumar Jugnauth	Minister of Finance and Economic Development
Hon. Seetanah Lutchmeenaraidoo, GCSK	Minister of Foreign Affairs, Regional Integration and International Trade
Hon. Yogida Sawmynaden	Minister of Youth and Sports
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Hon. Mrs Leela Devi Dookun-Luchoomun	Minister of Education and Human Resources, Tertiary Education and Scientific Research
Hon. Anil Kumarsingh Gayan, SC	Minister of Health and Quality of Life
Dr. the Hon. Mohammad Anwar Husnoo	Minister of Local Government
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Hon. Mrs Marie-Aurore Marie-Joyce Perraud	Minister of Gender Equality, Child Development and Family Welfare
Hon. Sudarshan Bhadain, GCSK	Minister of Financial Services, Good Governance and Institutional Reforms

Hon. Soomilduth Bholah	Minister of Business, Enterprise and Cooperatives
Hon. Mrs Fazila Jeewa-Daureeawoo	Minister of Social Security, National Solidarity and Reform Institutions
Hon. Premdut Koonjoo	Minister of Ocean Economy, Marine Resources, Fisheries, Shipping and Outer Islands
Hon. Marie Roland Alain Wong Yen Cheong, MSK	Minister of Civil Service and Administrative Reforms, Minister of Environment, Sustainable Development and Disaster and Beach Management
Hon. Soodesh Satkam Callichurn	Minister of Labour, Industrial Relations, Employment and Training

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Deputy Speaker	Duval, Hon. Adrien Charles
Deputy Chairperson of Committees	Hurreeram, Hon. Mahendranuth Sharma
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MAURITIUS

Sixth National Assembly

FIRST SESSION

Debate No. 35 of 2016

Sitting of 30 November 2016

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

The National Anthem was played

(Madam Speaker in the Chair)

ORAL ANSWER TO QUESTION

RODRIGUES REGIONAL ASSEMBLY (AMENDMENT) BILL – INTRODUCTION

The Leader of the Opposition (Mr P. Bérenger) (*by Private Notice*) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the Rodrigues Regional Assembly (Amendment) Bill and the revised version thereof respectively which have been referred to the Rodrigues Regional Assembly, he will state why same have not been communicated to the National Assembly as at to date, indicating –

- (a) if the introduction of a proposed amendment to the Constitution in the National Assembly in relation thereto is being envisaged;
- (b) if the Rodrigues Regional Assembly has adopted a Motion of Concurrence thereof;
- (c) if consideration is being given or not for the imposition of a two thirds majority vote for the adoption of the Rodrigues Regional Assembly (Amendment) Bill on the introduction thereof in the National Assembly, and
- (d) when elections are expected to be held in Rodrigues.

The Prime Minister: Madam Speaker, in my reply to the Private Notice Question of 19 July 2016, I explained that amendments are being proposed to the Rodrigues Regional Assembly Act to address the important flaws which were observed during the last 15 years that the existing electoral system in Rodrigues has been in operation. These weaknesses in the electoral system penalise the winning party and frustrate the will of the electorate. They are also not conducive to the political stability and prosperity of any country.

Madam Speaker, subsequently, Sir Victor Glover was designated to prepare a first draft of the Rodrigues Regional Assembly (Amendment) Bill after wide consultations with different stakeholders, including the Chief Commissioner. The proposals made by Sir Victor Glover were thereafter referred to the Ministerial Committee on Electoral Reforms chaired by the Deputy Prime Minister, Minister of Tourism and External Communications. The draft proposals of Sir Victor Glover had the following implications -

- (i) it would eliminate the Proportional Representation System and replace it by a system where there would be no perfect voting formula;

- (ii) only the most successful and the second most successful parties that win First Past the Post seats would share the additional seats;
- (iii) if only one party won all the 18 seats, it would be allocated one additional seat, and no additional seat would be allocated to the losing party, leading to a situation of 19-0;
- (iv) the allocation of the additional seats would be based on the number of elected members of the two most successful parties and not on the percentage of votes polled by them;
- (v) other parties which might win First Past the Post seats would be disqualified for the allocation of additional seats;
- (vi) the party vote would be eliminated and electors would have to vote for candidates only, and
- (vii) there would be no threshold for additional seats.

The Ministerial Committee reviewed the recommendations made by Sir Victor Glover, and came up with a new set of proposals pertaining to the reform of the electoral system in Rodrigues including -

- (i) Maintaining Proportional Representation;
- (ii) Gender Neutral Quota of at least one third candidates of the same sex for all parties, both for local and island region elections;
- (iii) Maintenance of two sets of votes, namely for -
 - (a) Two candidates for the First Past the Post seats, and
 - (b) One party vote for the Proportional Representation seats;
- (iv) Maintenance of threshold of ten percent for entitlement of parties to Proportional Representation seats, and
- (v) Introduction of anti-defection measures to enhance stability.

A revised draft of the Rodrigues Regional Assembly (Amendment) Bill was thereafter prepared by the Attorney-General's Office.

Subsequently, a team led by the Chairperson of the Ministerial Committee on Electoral Reforms proceeded to Rodrigues to hold further consultations on the proposals made in the revised draft. They had meetings with all the Rodriguan stakeholders, including the *Forces Vives*.

With the approval of Cabinet, the proposed Rodrigues Regional Assembly (Amendment) Bill was forwarded to the Rodrigues Regional Assembly on 07 November 2016 for its concurrence. On 18 November 2016, the Chief Commissioner informed my Office that a special meeting of the Rodrigues Regional Assembly had been convened on 16 November 2016 to examine the Bill.

However, no consensus was reached on some of the proposals contained in the Bill and the Motion was not concurred to by the Rodrigues Regional Assembly. The Rodrigues Regional Assembly, by way of a Resolution, made certain counter-proposals and the Chief Commissioner requested that Cabinet be apprised of the deliberations of the Rodrigues Regional Assembly.

Subsequently, the counter-proposals made by the Rodrigues Regional Assembly were examined by my Office, in consultation with all stakeholders, including the Chairperson of the Ministerial Committee on Electoral Reforms, and a revised Bill has been prepared and referred to the Rodrigues Regional Assembly on 25 November 2016, following Cabinet's approval.

It is noteworthy that following objections from the Rodrigues Regional Assembly, the proposal on double candidacy has been dropped and the anti-defection clause has been deferred for further legal advice and consultation.

Madam Speaker, in regard to the question as to why the Rodrigues Regional Assembly (Amendment) Bill has so far not been communicated to the National Assembly, I wish to refer the House to the provisions of section 75E of the Constitution which provides, I quote -

“subject to the provisions of the Constitution, any law giving effect to this Chapter (VI A) and to any matters incidental thereto shall not be altered without the concurrence of the Rodrigues Regional Assembly unless such alteration is supported at the final voting in the National Assembly by the votes of not less than two thirds of the Members.”

Madam Speaker, I wish to emphasise the fact that Government is mindful of the wish of the people of Rodrigues, especially in regard to an issue of such importance. Any amendment to the electoral system will be done with the concurrence of the Rodrigues Regional Assembly and we do not intend to impose our own views in this matter on the

people in Rodrigues by using the powers conferred on the National Assembly under section 75E of the Constitution and passing the Bill by a majority of two thirds of the Members.

In this context, the concurrence of the Rodrigues Regional Assembly has been sought and is awaited. Once the concurrence is obtained, the Rodrigues Regional Assembly (Amendment) Bill will be presented in the National Assembly.

Madam Speaker, in regard to part (a) of the Private Notice Question, amendment to section 16 of the Constitution regarding Protection from Discrimination is envisaged so as to provide for a minimum number of candidates for election to the Rodrigues Regional Assembly to be of a particular sex with a view to ensuring adequate representation of each sex in the Rodrigues Regional Assembly.

Madam Speaker, as for part (b) of the Private Notice Question, I am informed that a special meeting of the Rodrigues Regional Assembly has been convened today to debate on the revised Rodrigues Regional Assembly (Amendment) Bill. I understand that the Chief Commissioner will be moving for a Motion for concurrence therewith during that meeting.

Madam Speaker, in regard to part (c) of the Private Notice Question, we believe in the autonomy of Rodrigues as provided in the Rodrigues Regional Assembly Act and I reiterate that we do not intend to impose anything on them.

Any reasonable view should be given due consideration. Therefore, if the concurrence of the Rodrigues Regional Assembly is not obtained this time again, it is not proposed to go ahead with the amendments.

Madam Speaker, as for part (d) of the Private Notice Question, section 3(5) of the Rodrigues Regional Assembly Act provides that the Regional Assembly shall continue for five years from the date of the first sitting after any ordinary election unless sooner dissolved. The last election was held on 05 February 2012 and the first sitting of the Regional Assembly was on 24 February 2012. Pursuant to section 3(5) of the Rodrigues Regional Assembly Act, the Regional Assembly can sit up to 23 February 2017. Elections will be held within the delay prescribed by law.

Mr Bérenger: Of course, we know that the Constitution says we cannot change the laws, pertaining to Rodrigues unless the Regional Assembly has expressed its concurrence. Of course, we know that! That is not my point. My point is, just like the Government has circulated this new piece of legislation for consultation on the Police evidence and so on, what I am saying is that the Bill, the amendment, then the amended amendment was

circulated in Rodrigues, well, out of due respect for this House which will be called upon to vote later on, it is because, with due respect, it should have been communicated to Members of this House, not to vote upon, but to take cognizance and see how things have evolved. Will not the Rt. hon. Prime Minister agree with me that there was no intention to say: “Well, we must vote”? Of course, not! The Constitution does not allow, but I have had to wait until this morning to have a copy through friends in Rodrigues of what is public there. Therefore, can I ask the Rt. hon. Prime Minister to let us have the first amended version, then the amended amendment version, but also why not provide us with the Minutes of proceedings of the debate there? We are not imposing anything. We are interested, we want to see how it goes in preparation for the time when we will have a vote here.

The Prime Minister: Well, insofar as we are concerned, we are acting under the provisions of the Constitution. When the Bill will be ready finally to be brought to the House, it will be circulated to the Members of the House.

Mr Bérenger: I did not understand what the Rt. hon. Prime Minister said. My question was whether the Constitution of Mauritius is going to be amended to provide for this new system in Rodrigues. Why I put this question, it is because hon. Xavier-Luc Duval said so in yesterday’s paper. I quote, he said –

“Si la motion est votée ce mercredi, le projet de loi sera présenté à l’Assemblée nationale avec à la clé les modifications à apporter à la Constitution .”

Therefore, my question is whether we are preparing to amend the Constitution of Mauritius in the context of that electoral reform in Rodrigues.

The Prime Minister: Yes, insofar as gender, it has to be done.

(Interruptions)

Yes, it has!

Mr Bérenger: Good! Now, as far as the Motion of Concurrence is concerned, Madam Speaker, I understand, therefore, that there was a debate in the Rodrigues Regional Assembly and that in a way if I can call it that, a conditional Motion of Concurrence was voted there, which is not a real Motion of Concurrence, but, supposedly. Can we have therefore the text of all this, all that took place and the text of that conditional, if I can call it, Motion of Concurrence? This afternoon, there is going to be a debate there. Can I know – whether the hon. Prime Minister can tell me - when was the final version that is before the Rodrigues

Regional Assembly - the amended amendment - communicated to Members of the Rodrigues Regional Assembly and how much notice was given for this afternoon? Because I understand that Air Mauritius apparently *fait des émules*. I understand that it is only last few hours that notice and the amended amendment were circulated to hon. Members.

The Prime Minister: Well, the final draft of the amendment was communicated to the Regional Assembly of Rodrigues on 25 November 2016.

Mr Bérenger: Notice of this afternoon's meeting.

(Interruptions)

It is no secret, what is the point. I just want to know - because we are interested, because there are brothers and sisters - when was the notice of the meeting of this afternoon given to Members of the Rodrigues Regional Assembly. What is the secret about that?

The Prime Minister: Well, that is the responsibility of the Regional Assembly over there. It is none of my business.

(Interruptions)

Madam Speaker: Order, please!

(Interruptions)

Order!

(Interruptions)

We cannot hear what the Rt. hon. Prime Minister is saying! Please!

The Prime Minister: Well, I made it very clear that we communicated it to the Rodrigues Regional Assembly. It is their business to communicate to their Members and none of our business.

Mr Bérenger: I am interested to know how much notice the Members, including your position, in the Rodrigues Regional Assembly – if we cannot be provided with that information, fair enough! We respect fully. We voted the laws for autonomy, we respect fully autonomy. Since that kind of reply is coming, let me say the following, Madam Speaker.

This afternoon a vote is being asked from the Rodrigues Regional Assembly. Can I ask the Rt. hon. Prime Minister whether he is aware that there is a lot of *colère* in Rodrigues. Everybody is *en colère*. Everybody!

(Interruptions)

Madam Speaker: Order, please!

(Interruptions)

Mr Bérenger: Madam Speaker...

(Interruptions)

Madam Speaker: Order!

(Interruptions)

Order, please!

Mr Bérenger: The two Opposition parties are boycotting this afternoon's meeting. One of the Opposition parties has three of its four Members suspended. I am not saying wrongly or rightly. I am stating facts. And the OPR itself, Rt. hon. Prime Minister, I am sure you have read their press! Very interesting! They talk of *totalitarisme* in imposing on Rodrigues what has been proposed, they talk of *nouveau colonialisme* and we all know that the basic request from OPR has not been granted, that is, abolition of a *dose de proportionnelle*. Therefore, can I appeal to the Rt. hon. Prime Minister to keep in mind the mood even if that is approved this afternoon and we respect it, but it will be with the Opposition boycotting and with the OPR itself had objected to this first draft because it did not provide for elimination of *proportionnelle*. Is the hon. Prime Minister aware of the situation there, *la colère, la frustration* in Rodrigues?

The Prime Minister: I am not aware of the *frustration* or *colère*. The Members there have to take their responsibility and if there is no unanimity, well, it is not my business. We do not expect unanimity. Even here, when we bring a Bill in this House, it is not always voted unanimously. So, why do we expect it to be so in Rodrigues?

Mr Bérenger: As far as the next elections are concerned, we know what the law provides. Does the Rt. hon. Prime Minister feel that we have time, if the motion of concurrence is approved in Rodrigues, here to amend the Rodrigues Regional Assembly to do the required for elections and the new conditions to be carried out or whether it would be better to have elections within the legal delay under existing provisions and then after the elections, *à tête reposée*, re-examine the whole question including giving OPR the chance to say why they were and they still are in favour of doing away with a *dose de proportionnelle*, allowing everybody *à tête reposée* after elections to come forward again with their proposals?

The Prime Minister: Anyway, if they vote for this amendment which has been already presented to the Regional Assembly I see no problem, no discussion and no clarification to be given on that. Government has done what had to be done. If the Rodrigues Regional Assembly approves the proposal today, then the Bill can still be introduced in the National Assembly, otherwise, it would be too late. Well, this is exactly what I was saying that if it is approved, election will be held in due time and under the new amendments to the electoral system of Rodrigues.

Mr Bérenger: Will the Rt. hon. Prime Minister allow me to say that I am in full agreement with the idea that if the Regional Assembly does not approve it, we will not use what the Constitution provides, that is, a two-third majority here in the National Assembly to impose the reform on Rodrigues because I won't come back on certain statements that have been made recently, but that impression was given *à la lumière d'un* statement in the Press. Therefore, can I ask to get it very clear that there is no intention even if the vote goes against in Rodrigues, especially if the vote goes against the revised amendments, to bulldoze the autonomy in Rodrigues through this Assembly here with a two-third majority?

The Prime Minister: We never had the intention to do that. I have made it very clear, even to the Committee that was looking after this matter, that if there is no approval by the Regional Assembly of Rodrigues then all this will be set aside and election will be held under the law as it exists.

Madam Speaker: Hon Leopold!

Mr Leopold: Thank you, Madam Speaker. I just want to reassure the House that everything is under control in Rodrigues.

(Interruptions)

We are a very peaceful nation, but if people come to stand on our feet, we will let them know.

(Interruptions)

Madam Speaker: What is the question of the hon. Member?

Mr Leopold: I would like to ask the Rt. hon. Prime Minister if due consideration will be given for future amendments as it is in Trinidad and Tobago to have a Conflict and Mediation Committee in-between the two Parliaments just to harmonise laws so as to prevent any ambiguity and to invite the Chief Commissioner into Cabinet as the law states.

The Prime Minister: Well, I can't say what is going to happen after this law is adopted; election takes place, then we will consider whether there is need in due course, in the future, for further amendments, we will consider it.

Madam Speaker: Hon. Baloomoody!

Mr Baloomoody: Madam Speaker, the Rt. hon. Prime Minister just informed the House that at its sitting on 16 November there was no concurrence and there was a counterproposal sent to the Rt. hon. Prime Minister. Can I know from the Rt. hon. Prime Minister whether there have been consultations with all the parties in Rodrigues on the counterproposal and, if so, how were the consultations done?

The Prime Minister: Well, all consultations were done first by Sir Victor Glover and then by the Members of the Committee. Yes! The hon. Member shakes head!

(Interruptions)

Madam Speaker: Hon. Baloomoody, no crosstalking! You have asked your question, fair enough! Allow the Prime Minister to answer!

The Prime Minister: The members of the Committee went there, OPR Members came here and we had consultations. There is only one fellow who has stood away and it is Mr Roussety. So, I am not going to beg from Mr Roussety!

Madam Speaker: Hon. Mrs Selvon!

Mrs Selvon: Thank you, Madam Speaker. Can the Rt. hon. Prime Minister state, in the light of amendments being made by the Rodrigues Regional Assembly because of the anti-constitutional aspects of the recommendations, un rapport défectueux, pitoyable by Mauritius to Rodrigues, if he trusts this same Committee to provide a report for electoral reform in a more complex country like Mauritius?

(Interruptions)

The Prime Minister: Well, I hope she will do better if ever she becomes Prime Minister of Mauritius!

(Interruptions)

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. The Rt. hon. Prime Minister mentioned that if the law is consented to in Rodrigues, he intends coming forward with appropriate

amendments to the Constitution to make it constitutional to have, at least, one-third of the candidates from the same sex. May I know from the Rt. hon. Prime Minister whether this amendment to the Constitution will also be applicable to general elections that are held?

The Prime Minister: No, because this is for Rodrigues. We will come with reform for Mauritius in due course.

Madam Speaker: Hon. Leader of the Opposition, no question? Okay! Hon. Baloomoody, do you want to have a last question?

Mr Baloomoody: If I can, I will ask a question. The main Opposition party in Rodrigues did propose five amendments and the amendments apparently have not been accepted. Can I know from the Rt. hon. Prime Minister whether they have been informed as to why their amendments have not been accepted because unfortunately it leaves a very bad taste. I think there has been a collusion between the Government of Mauritius and the OPR on this issue. So, can I know whether they have been informed? They have made propositions...

(Interruptions)

Madam Speaker: No statement, but questions!

(Interruptions)

Mr Baloomoody: Can I know whether they have been informed?

(Interruptions)

Madam Speaker: No statement and no unfounded allegations, please!

(Interruptions)

The Prime Minister: Well, as a matter of fact, what OPR wanted was mostly in the report of Sir Victor Glover and we did not agree with that and this is why we came with a new text. As the matter stands, I can't see anybody telling that as if it is OPR that has dictated everything and that we are pleasing. In fact, what the other parties wanted was beyond the electoral reform, other reforms with which we were not concerned in this particular case because what was asked for from the very beginning is the reform of the electoral system.

Madam Speaker: No other questions! Time is over!

MOTION**SUSPENSION OF S.O. 10(2)**

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

The Deputy Prime Minister rose and seconded.

Question put and agreed to.

PUBLIC BILLS*Second Reading***THE POLICE (MEMBERSHIP OF TRADE UNION) BILL****(NO. XXVII OF 2016)**

Order for Second Reading read.

The Prime Minister: Madam Speaker, I beg to move that the Police (Membership of Trade Union) Bill (No. XXVII of 2016) be read a second time.

The main object of the Bill is to allow members of the Police Force to unionise.

Madam Speaker, the issue of Police unionisation is a subject that has always conjured strong emotions and great controversy ever since it started to be debated in the early twentieth century. It is an issue having its own share of proponents in both sides of the fence.

On the one hand, there is strong conviction that Police should be silent and everything will happen accordingly and, on the other hand, there is a voice that advocates the involvement of the Police in the running of their own affairs. History of Police Associations all over the world reveals that no such rights were easily granted willingly by Governments without some sort of organised campaigns and struggle by the officers themselves. For instance, the Police Federation of England and Wales which represents the interests of all Police Officers in the countries was established in 1919 following a strike in London concerning a pay increase and a request for reinstatement of officers who had been sacked because of their union activities. Nowadays this Federation negotiates on a wide range of subjects which affect the Police Service in the UK.

Madam Speaker, it took some time before police unionisation was accepted internationally. In fact, according to the International Labour Organisation (ILO), freedom of association and the right to organise and bargain collectively are recognised fundamental rights. However, these guaranteed rights do not apply automatically to the Police and Armed Services. For instance, in 2003, Argentinean Police approached the ILO when their Government refused to allow them to unionise, but the ILO deliberated in favour of the Argentinean Government citing national laws and regulations as taking precedence in the cases of Police and Armed Forces.

Nevertheless, Police unions are now an increasingly prominent feature of the modern police organisation. They are accepted in most western democratic countries and, in most cases, have as major objective the promotion of welfare of the officers, the enhancement of their working conditions and environment as well as improvement in their professional efficiency. I must point out that in the African region, the only existing police union is the Police and Civil Rights Union in South Africa, but discussions on the issue are ongoing in other countries such as Botswana, Lesotho, Swaziland and Kenya.

Madam Speaker, in Mauritius, regulations were made under the Police Act since 1974 for the setting of a Police Federation as a platform through which Police Officers could express their views on matters pertaining to their welfare and efficiency. The Police Federation Regulations 1974 were replaced in 2004 by new Regulations in order to broaden the scope of the Police Federation. The aim was to create a congenial forum where Police Officers could meet and discuss issues relevant to their welfare and working conditions and at the same time giving officers of lower ranks the opportunity to apprise the top management of problems that they are facing at their workplace.

I understand that the Police Federation has been fulfilling its role and functions for which it was established. On a regular basis, members of the four committees namely Police Constable Committee, Police Corporal and Police Sergeant Committee, Inspectorate Committee and a Joint Committee have been sitting and making recommendations to the Commissioner of Police for improving the welfare of their members.

Madam Speaker, over the years, the role and functions of Police in society have evolved into a complex and dynamic one. In the same breath, the organisational structures, systems and processes as well as the work conditions and environment have been subject to continuous change. These have put additional pressure on Police Officers who are now

looking for a more appropriate and modern framework which would enable every Police Officer to express his grievances and make proposals for improving the working conditions and also addressing other Police related issues. In fact, since 2012, a group of Police Officers had approached the then Prime Minister through the Federation of Public Sector and Other Unions regarding the need to amend Section 17 of the Police Act which prohibits Police Officers from being members of a trade union or any association having as objects the control or influence of the pay, pensions or conditions of service of the Police Force. Their appeal to the then Government was however not taken into consideration. It is precisely in this context that my Government announced in its Programme for 2015-2019, that Police would be allowed to syndicate.

Madam Speaker, today is a turning point for the Police Force as we are introducing the Police (Membership of Trade Union) Bill. Clause 3 of the Bill will give the right to Police Officer to be a member of a trade union or association of employees, having as object the control or influence of the pay, pensions, or conditions of service of the Police Officers.

Madam Speaker, the coming of the new Bill warrants consequential amendments to both the Employment Relations Act and the Police Act.

Let me now highlight the main amendments that are being proposed to each of the abovementioned legislations.

The Employment Relations Act

- (a) section 3(2) of the Act is being amended so that the Act applies to the Police Force;
- (b) a new subsection is being inserted in section 15 so as to provide that a trade union of Police Officers shall not amalgamate with another trade union, except with another trade union of Police Officers;
- (c) two new subsections are being inserted in section 16 so as to provide that -
 - a trade union of Police Officers shall not join with any other trade union to form a federation, except with another trade union of Police Officers, and
 - a federation of Police Officers shall not join with any other federation to form a confederation, except with another federation of Police Officers, which will consist of two or more trade unions.

- (d) section 70(3) is being amended to include the Mauritius Police Force so that, as is the case for officers of the Mauritius Fire and Rescue Service and the Mauritius Prisons Service, where a labour dispute is reported to the President of the Commission for Conciliation and Mediation, the President shall forthwith refer the dispute to the Employment Relations Tribunal and the Tribunal shall, within 30 days of the referral, enquire into the dispute and make an award thereon, and
- (e) section 76(2) of the Act relating to the right to strike is being amended so that no member of the Mauritius Police shall have the right to strike under any circumstance.

The Police Act

- (a) section 17 of the Police Act which prohibits Police Officers to be members of a union and which also provides for the establishment of a Police Federation is being repealed, and
- (b) section 25(3)(g), which includes the 'Police Federation' as being one of the areas, amongst others, where the Commissioner of Police may make regulations, is being repealed as well.

Madam Speaker, with the Police (Membership of Trade Union) Bill, my Government wants to ensure further that the Police Force is provided with the necessary tools and facilities, and above all, a conducive working environment where all Police Officers can perform their duties with diligence, serenity. However, for obvious reasons, provisions have been made in the Bill for the right to strike and the right to federate with another trade union or to join a federation of trade unions, to be not applicable to forthcoming Police Trade Union(s). Different Police Trade Unions will, however, have the opportunity to create a federation amongst themselves.

Though lately there have been some events which have, in some way, tarnished the image of the Police, members of the Police Force in general have always demonstrated that Government and the population can count on them when it comes to the preservation of law and order. I trust that they will utilise the tool that is being put at their disposal today in a responsible manner to build a new image for the Police Force.

Madam Speaker, with the Police (Membership of Trade Union) Bill, my Government is, once again, living up to its promises. I am convinced that the unionisation of the Police

will play a pivotal coordination role in the promotion of constructive dialogue between Police Officers and Police management for the training and development of Police Officers and the general improvement of conditions of service within the Force.

With these words, Madam Speaker, I commend the Police (Membership of Trade Union) Bill to the House.

Thank you, Madam Speaker.

The Deputy Prime Minister rose and seconded.

Madam Speaker: Hon. Leader of the Opposition!

(12.21 p.m.)

The Leader of the Opposition (Mr P. Bérenger): Madam Speaker, I can't speak for other parties in the Opposition, but we, in the MMM, agree fully with the Bill, and I hope that there is *unanimité*. I think this is one occasion where there should be, and I hope that there is *unanimité* in the House in favour of allowing members of the Police Force to unionise, that is, to set up and belong to one trade union or trade unions.

Already - I am sure we have read comments - there is no great enthusiasm in the Police Force, including amongst those who have always been pushing for the right for Police Officers to form trade unions. Indeed, there has been very harsh criticism saying that what is being proposed is a change in name only from 'Police Federation' to 'Police Trade Union' and that nothing else changes, except the name. And what's in a name! I don't agree with that. When we look at the fine print, I don't agree. I think we are taking a big step forward, and I will come into details later on. Therefore, I don't agree with those who say that it is a non-event; it is a change of name only. And I will say why. But, at the same time, I understand that kind of reaction, because we have a *précédent*.

Already, a good number of years back, the law was amended to allow Prison Officers to form and belong to a trade union, and the results have not been very encouraging. The Police Officers interested, the Police Officers in the Police Federation, those who have been pushing for the right to unionise know that. They have been following as closely as we can, from the outside, how the trade union of Prison Officers has performed. This *précédent* has not encouraged some of them to react positively to what is being proposed now. So, I think we should have to be careful, to *tirer les leçons* of what has happened in the case of the Prison Officers and not repeat mistakes, bad habits that are still with us.

One point, I think, we can all agree upon is the part of the law which prohibits the right to strike. As we know, there is a section 16 and after section 16 we are adding the following subsection –

“Notwithstanding subsections (1) and (2), no member of the Police Force shall have the right to strike under any circumstance.”

I have not heard anyone, including in the Police Force, saying that this is an attempt *aux libertés fondamentales* and so on. Therefore, I think there is consensus that the right to strike cannot be accommodated in the case of Police Officers. But there is a lot of *grognements* on two provisions that the Rt. hon. Prime Minister has commented, that is, the paragraph which says –

“A trade union of Police Officers shall not amalgamate with any other trade union (...)”

Now, we know that in the Employment Relations Act there is a definition of ‘amalgamation’ and, therefore, this provision in the present Bill does not bother me at all. We are talking about amalgamation. There is another paragraph later on, section 16, which reads in the present Bill –

“A federation of police officers shall not join with any other federation to form a confederation (...).”

Again, in the main Act, in the Employment Relations Act, there are definitions of ‘federation’ and ‘confederation’. As a result thereof, although it makes the Police Officers *à l’avant-garde*, they are unhappy with that. They think that the Police trade union should be able to federate or confederate, as defined in the law. I personally don’t pick a quarrel with that, but where I think we are moving forward, and I hope everybody is conscious of that and that we will give it a chance to work, in the Police Act, section 17 is being done away with. Section 17 which refers, therefore, to the Police Federation, has this very prohibitive clause at subsection 4, ‘The Police Federation shall be independent of and not associated with any organisation or person outside the Police Force’. This is being done away with. I think we should realise what it means. I agree fully that it should be done away with, but the key word is ‘associate’. Because this is what the Police Officers *à l’avant-garde* are worried about. They interpret what is in the present Bill as meaning that it will not be possible for them to associate with other trade unions. We are doing away - and it is a big step forward, it’s a big change – with that section 17 of the Police Act. Therefore, strictly as from now on, the

Police Officers belonging to and managing the new Police Union will be allowed to associate with other unions, including unions of non-Police Officers. The interdiction was to associate in any way; now we are doing away with that, therefore, they will be able – my reading of the law – to hold Press conferences, to have meetings, to prepare memoranda together and so on. I repeat, what disturbs the Police Officers at *l'avant-garde* is that they think that the law interdicts their association in any way as was the case with the Police Federation under the section 17 of the Police Act. Therefore, it is a big change, a big move forward and I wish the Police Officers concerned, especially those who will take the responsibility when we do away with the Police Federation and we have a Police Trade Union to be conscious of that. I am sure they will exercise that new power to associate with non-Police Trade Unions very responsibly.

The second point where the Police Officers are unhappy, from what I heard, is the scope of the Bill, that is, what the Police Union will be allowed to do. The definition of Trade Union of Police Officers means a trade union, the membership of which is limited to Police Officers, having for its objects and control the control or influence of the pay, pensions or conditions of service. So, they feel that this is restrictive if they have, as a trade union, to restrict themselves to influencing pay, pensions and conditions of service. They feel that it won't give them the scope necessary, especially when we come to discipline, transfers and promotions in the Police Force. Now, we know what the law provides for and we know that there must be discipline in any Police Force. I have not seen details of what the Police Officers concerned wish as far as matters other, as I said, than pay, pensions and conditions of service. What I hope is that when this new Trade Union of Police Officers is set up, I am sure that they will come forward in due course when they have settled down, when they have well thought about it. I am sure they will come with proposals and amendments to be brought to the scope of the Bill that is before us to allow Police Officers to set up Trade Unions and it is a Bill, as I said, with which we fully agree.

Thank you, Madam Speaker.

(12.32 p.m.)

The Vice-Prime Minister, Minister of Energy and Public Utilities (Mr I. Collendavelloo): Madam Speaker, I shall be very brief, especially after the speech of the hon. Leader of the Opposition.

Let us see what is happening today. Until today, we have always thought of Police Officers as being a species of their own, that is, that they had a special corps so disciplined that we could not give them any freedom of expression. That has created lots of problems, especially in the last 10 to 15 years.

A long time ago, when the Police Officers had come out of the Second World War as soldiers or were still under the influence of military formation, the sense of discipline, the sense of appurtenance to the corps of Police Officers were such that they could live with the absence of freedom of expression. Then, we have had in the last years a feeling of dissatisfaction because there was no way in which they could express their dissatisfaction with their conditions of service.

Police Officers go to work at set hours; they have three shifts every day. They have to wear special uniforms, they go to patrol, sometimes two only of them, without any equipment, any arm. They go just by themselves; they have their own body only to protect them. They are not immune from influences; they are human beings and they fall prey to weaknesses of all sorts, as we have seen recently in the papers. In other words, Police Officers are workers just as any worker. They have got health and safety issues. All these issues must be catered for. When it was a small Police Force, the Commissioner of Police could be the only one to deal with it, he would listen to his men and solutions would be worked out.

Today, we have recognised that there is only one form of association that can protect the rights of Police Officers and, under our law, it is the trade union. It will be up to the Police Force to have the trade union that it merits. The example of the Prison Service is a good example where it has not worked. But then, the Prison Officers should have themselves to reflect upon in order to know why it has not worked. If they are unable to collectively represent their own members and if their members are unable collectively to put at the head of the unions those whom it feels can protect their interests, there is nothing that we, in Parliament, can do, whether Government or Opposition. Let us hope for the best for this trade union. Among these Police officers there are a number of them who are bright intellects - we have worked with them for many years - and who have lots of ideas, and I am sure that if the Commissioner of Police pays due attention, and that is also another point to make that the Commissioner of Police or the Commissioners of Police to come must pay due attention to the trade union and must not look at the trade union as long ago it was in the private sector as if they are a thorn in the bush, as if they are an embarrassment to work. No! On the

contrary, they are partners in the development of the Police and that will help towards the betterment of the law and order situation.

Of course, no law is ever perfect. We will learn from the errors and the trade union will be able to see what is lacking in the law as and when we go along. We have made it a point to state that the trade union cannot join another trade union or form a federation except if it is with another trade union of Police officers. Let me just say that when we read this section, immediately I get scared of one thing: that we will have a multiplicity of trade unions. That is the worst thing that can happen to the Police Force that we have a trade union which looks for the SSU, another trade union for the VIPSU, another trade union for the Coast Guards and then they start fighting with each other and the whole time is spent on why the VIPSU is getting Rs2,000 and why the Coast Guard is getting Rs,3000 and then they stop looking at the interest of the body as a whole, but they start looking at their own selfish interest. We have seen that so many times in Mauritius in the private sector and indeed in the public sector itself where the division between trade unions has done maximum harm to trade unionism itself. Trade unionism has suffered from self-inflicted injuries. Let us hope that we do not get that multitude of trade unions but, on the contrary, even if there are three or four trade unions which are formed, which is democracy, which is inherent right, at least, this section will encourage all these trade unions to come together into one single trade union.

I have done.

(12.40 p.m.)

The Vice-Prime Minister, Minister of Housing and Lands (Mr S. Soodhun):
Madam Speaker, allow me first to commend the Rt. hon. Prime Minister, Sir Anerood Jugnauth, for his historical decision to give the Police Officers the right to be members of trade unions.

We are today implementing another Government's promises made to the workers in its electoral programme. It is under the leadership of Sir Anerood Jugnauth who has always stood by the side of the workers during his long political career. Many of us may have forgotten that Sir Anerood Jugnauth, the actual Prime Minister, has been the Minister of Labour in 1966 and also the legal adviser of a trade union during *les années de braise* of the 1970s.

History will recall that it was also under his Prime Ministership that the Government introduced some very important legislation to better protect workers' rights and improve their

welfare. Madam Speaker, I would like here to mention just two examples amongst others: the introduction of the Termination of Contract of Service Board (TCSB) in the Labour Act in 1983 to protect workers against abused economic termination and also the establishment of the Export Processing Zone Welfare in 1987 to improve the quality of life of the EPZ workers. Madam Speaker, we have gone a long way since the enactment of the Industrial Association Ordinance of 1938 which, for the first time, made it lawful for the workers to form associations to safeguard and promote the industrial interest.

This amendment Bill which gives the right to unionisation to the Police to another landmark development in the industrial relation as my good friend the Vice-Prime Minister just explained. Madam Speaker, this amendment Bill, as I mentioned to you, was for the obvious security reason to exclude the Police Force from the right to unionise. However, things started to change in the year 2000 when upon my initiative as Minister of Labour of Mauritius ratified the ILO Convention 87 on the Freedom of Association. I remember having discussed with the then Director of ILO Mr Juan Somavia of the Government's intention to extend the right to join a trade union to the Fire and the Prison Services in the first instance and of the possibility to extend the right to the Police Force at a later stage.

We have honoured our engagement and proposed the right to unionise to the officers of the Fire and Prisons Services in the first versions of the Employment Relations Act in 2005 which was enacted in 2008.

Madam Speaker: Hon. Vice-Prime Minister, can you just please not enlarge the debate too much, but come...

Mr Soodhun: Sorry?

Madam Speaker: Please do not enlarge the debate too much but you come back to the main Bill...

Mr Soodhun: No, I am just giving you the history here. I am not going to enlarge because it was just to put the history. That is very important, Madam Speaker. Don't forget that we have only three trade unions leaders here, myself, the hon. Leader of the Opposition and my good friend hon. Benydin and we know the history. This is very important for us because we have all our struggles in the trade union movement.

Madam Speaker, I have just mentioned that there was no legal framework for the collective bargaining and the various institutions such as the Commission for the Conciliation and Mediation and Employment Relation Tribunal were not open for members of the Police

Force. This is a fact! Madam Speaker, the Government is anxious to redress the situation by providing to the members of the Police, as today we are doing it. The legitimate grievances will be fairly considered and labour dispute may be reported to the Commission for Conciliation and Mediation or referred to the Employment Relation Tribunal for voluntary arbitration. It is very much to be hoped that being able to unionise in this respect will have a good and permanent influence on members of the Police Force to safeguard their reputation and, indeed, restore the confidence to win back the administration of their fellow countrymen which was perhaps temporarily disturbed by some unfortunate *brebis galeuses* a few days ago.

Madam Speaker, coming to this Bill, I would, very briefly, outline four principal objectives which we seek to attend -

- (i) it enables the Government to give effect to its electoral manifesto;
- (ii) it seeks to provide a statutory structure and legal framework for Police trade unions to negotiate effectively their conditions of service and enter into collective agreement;
- (iii) it aims to bring the principle of good faith and reprehend unfair labour practice in collective bargaining which is central to the Employment Relation Act 2008, and it underpins the Act aimed at building productive working relationships in the Police Force, and
- (iv) it will preserve the national security by withholding the rights to strike by Police officers which are the guarantors of public safety and security.

Madam Speaker, as a responsible Government, it is our duty to ensure that the right granted to Police officers to unionise does not affect peaceful harmony of the society. The Police officers should understand that they should make a clear distinction between their rights as a trade union member and their responsibility as Police officers towards the nation. The exercise of the rights of a union member should not affect, in any way, their mission as a Police officer. The Police officer should understand that they should exercise their union rights judiciously within the legal limit.

Madam Speaker, a Police trade union is needed to be seen to be a concern. It is not just about pay and condition, but also about the conscious of the service and expert voice of fighting crime. It is the Government and public interest for the Police to have a strong union association as it leads to a better policing.

Madam Speaker, Government is making history today and I am proud as an ancient union leader to form part of this Government.

Once again, I would like to thank the Rt. hon. Prime Minister, and today he is making history.

Thank you very much.

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

At 12.49 p.m. the sitting was suspended.

On resuming at 2.27 p.m. with Madam Speaker in the Chair

Madam Speaker: Hon. Mrs Jeewa-Daureeawoo!

The Minister of Social Security, National Solidarity and Reform Institutions (Mrs F. Jeewa-Daureeawoo): Madam Speaker, allow me, at the very outset, to thank the Rt. hon. Prime Minister for bringing forward this important piece of legislation. As has been rightly said by the hon. Leader of the Opposition, indeed, the present Bill is a step forward.

I am personally proud that for the first time in the history of our country, Police officers will have a vehicle through which they can fight for their rights. Our Constitution, under section 13 expressly provides that -

“No person can be hindered in the enjoyment of his freedom of assembly and association except with his own consent.”

This freedom of association includes the person's right to freely assemble and associate himself with other persons to form trade unions for the protection of his interest. A lawful restriction on the freedom of association of a person can be imposed, for instance, where it is in the interest of defence or public order. It has long been the consensus among various Parliamentarians that Police officers should be considered in those categories of persons whose freedom of assembly and association should be lawfully restricted. As such, section 17(2) of the Police Act 1974 only allowed Police officers to establish a Police Federation which could only bring to the notice of the Government all matters affecting their welfare and efficiency. Police officers could not be members of any trade union or of any association which could control or influence their pay, pensions or conditions of service.

I recall how the campaign to win rights for Police officers to become trade union members has intensified over years. Some believe that since the work of the Police officers is

considered to be an essential service to society, their duties must only be performed within the parameters of a disciplined force. Therefore, they should not be entitled to form trade unions which might paralyse the defence system in case of a tug of war between the authorities and such a trade union. Others are of the view that the duties of the Police officers entailed tasks that will usually qualify them as normal workers. Therefore, there should be no qualm about their right to associate themselves in a trade union. Indeed, the Police Force faces daunting challenges in their daily encounter with the bad elements of society. We should understand that to fuel their courage, we should ensure that the Police officers are granted satisfactory remuneration package with good conditions of work. It is in this regard that the Police (Membership of Trade Union) Bill (No. XXVII of 2016) has been introduced in the Assembly today.

Today, we are happy that we are attempting to grant the members of the Police Force the constitutional right to unionise. Section 17 of the Police Act 1944 shall rightly be repealed and section 16 of the Police Act 1974 shall rightly be amended to allow the Police officers to form a trade union having for its object the control or influence of the pay, pension or conditions of service of Police officers.

The Police (Membership of Trade Union) Bill (No. XXVII of 2016) further grants the Police officers the right to have their trade union joined with any other trade union of Police officers with a view to forming a federation. Moreover, two or more federations of Police officers can further form a confederation. I honestly believe that we are now living in an era where rights of all are being promulgated to the forefront. I must say that the provisions of the Police (Membership of Trade Union) Bill (No. XXVII of 2016) have correctly been designed to, on the one hand, achieved the right equilibrium between granting the Police Force their long deserved right to unionise and, on the other hand, ensuring that the national safety and defence system is not threatened.

The proposed amendment to section 3 of the Employment Relation Act 2008 rightly provides for the non-application of its part VII to a member of the Police Force. Thus, although Police officers can now form trade unions, federations or confederations, they are, however, stopped from having recourse to procedures such as strikes which can jeopardise the security of the country.

I would conclude, Madam Speaker, by saying we are here following the path of many countries such as Australia, Belgium, Denmark, France, USA and others by recognising the

right of our uniform men and women to form trade unions to defend their rights. I will reiterate that the nature of the functions of our Police officers present unique challenges. The Law Enforcement Agency thus, also requires that it will be allowed in a democratic society to form part of a union that can champion better wages and working conditions for its members.

So, I will end by wishing the Police Force good luck in the future.

Thank you.

Madam Speaker: Hon. Mrs Selvon!

(2.34 p.m.)

Mrs D. Selvon (Second Member for GRNW & Port Louis West): Merci, Madame la présidente. Madame la présidente, la loi autorisant les policiers à se syndiquer est due depuis longtemps à Maurice. Le droit syndical des policiers est un droit fondamental et démocratique. Il est conforme au tout premier article de la Constitution qui définit Maurice comme un Etat démocratique.

Le refus d'autoriser ce droit aux policiers mauriciens était donc contre l'esprit et la lettre de la Constitution. Tout simplement parce que les policiers sont des travailleurs employés par l'Etat mauricien et reçoivent des salaires et sont sujets à des conditions de travail qu'ils doivent avoir le droit de négocier. On sait aussi, Madame la Présidente, que le travail de policier est dur et ingrat et impose d'immenses sacrifices à eux et à leurs familles.

Il y a eu aussi un certain nombre de policiers qui ont été molestés, blessés, et, parfois, ont perdu la vie en rendant service à l'Etat et à la population. Ils et elles ont des familles à nourrir, des enfants à éduquer et quand ils rentrent à la maison après de dures journées de travail, ils doivent pouvoir vivre dans des conditions de sérénité au lieu de désespoir. Un désespoir qui, dans certains cas, a poussé quelques policiers au suicide jusqu'à tout récemment, dû au stress considérable causé par les pressions de la vie d'un policier. Il est absolument certain, Madame la Présidente, que les policiers ont des devoirs envers l'Etat, mais que l'Etat a également des devoirs importants envers eux. Pour toutes raisons, nous avons promis aux policiers, durant la dernière campagne électorale, le droit de se syndiquer. Le projet de loi de l'honorable Premier ministre est donc le bienvenu dans cette Chambre. Je suis persuadée que c'est un projet de loi qui ne devrait pas verser dans la politique partisane, surtout que la jeune génération de politiciens, déjà en place, et les nombreux autres qui entreront au Parlement dans pas trop longtemps, ont une mentalité et des idéaux conformes à leur siècle.

Le reste de mon intervention, Madame la présidente, reposera essentiellement sur l'article 4 du projet. Cet article 4 impose essentiellement deux restrictions, l'une interdisant toute association avec les syndicats des autres secteurs du travail et l'autre est une interdiction à cent pour cent du droit de grève aux policiers.

Même sous l'article 4, il sera inévitable, je pense, que les syndicats de police vont, éventuellement, exprimer des opinions critiques en ce qui concerne des tâches anti-démocratiques qui pourraient leur être allouées, notamment la tâche de déchireurs d'affiches politiques, une réalité sous différents gouvernements. Il n'y a pas besoin d'une grève pour cela. Mais simplement comme en Europe ou aux États-Unis, une expression démocratique d'opinion soutenue par la loi et la Constitution par le syndicat de police.

Le syndicat peut dire et exiger qu'il veut que la police respectera en toutes circonstances la loi et la Constitution. Une simple expression d'opinion démocratique, même pas partisane, que personne n'aura le droit d'interdire à un syndicat de policiers. Souhaitons donc qu'avec ce projet de loi, tous les gouvernements vont être plus prudents concernant l'assignation de missions de politique partisane aux policiers surtout que de telles actions ne font pas honneur à leur uniforme.

On peut comprendre et accepter les restrictions de l'article 4. Je ne crois pas que le droit de grève doit être autorisé aux policiers. Cette question divise même l'Europe. Le droit de grève avait été offert aux syndicats de policiers par Madame Theresa May, alors ministre de l'intérieur de Grande-Bretagne, selon le *'Daily Telegraph'* du 01 Octobre 2010, mais en contrepartie d'un renoncement des policiers à certains privilèges, y compris certains droits salariaux. En fait, les syndicats de police n'ont pas eu le quorum nécessaire en 2013 pour qu'un vote des syndiqués, qui fut exprimé en faveur du droit de grève, soit approuvé au niveau syndical, écrit *'The Guardian'* du 04 Mai 2013.

Par contre, la Cour européenne des droits humains a interdit le droit de grève aux policiers dans un jugement en date du 21 Mai 2015. Les Etats ont raison en cela, au nom de la sûreté publique, a jugé la Cour européenne des droits de l'homme, saisie par un syndicat espagnol de policiers. Malgré cela, le 17 mai 2014, la *BBC* a annoncé que la police irlandaise avait obtenu le droit, je cite –“*to strike hold pay talks and organise a trade union*”, suite à un *ruling* du *European Committee on Social Rights* que l'Irlande aurait violé la charte européenne des droits sociaux autorisant ces droits aux policiers.

Il y a seulement quelques jours, en novembre 2016, le gouvernement irlandais faisait face à une possibilité de grève des policiers selon le *'Financial Times'* du 01 novembre 2016. Mais après une proposition faite au syndicat par le *Labour Court*, cette action de grève a été suspendue temporairement le 03 novembre. Entretemps, le gouvernement irlandais avait été forcé de trouver des alternatives pour la sécurité des aéroports.

À Maurice, un tel droit ne sera pas accordé, je présume, au nom de la sûreté de l'État. Mais la perception publique que la police est manipulée par tous les gouvernements depuis l'indépendance reste toujours très forte dans les partis de l'opposition et dans le public. Il faut que cette perception soit combattue comme il se doit par les syndicats de police.

Toujours est-il qu'il est clair que le gouvernement aura du pain sur la planche, quels que soient les partis au pouvoir, pour améliorer le sort actuel des membres de la force policière. Un sort qui est loin d'être enviable.

Pour terminer, je voterai en faveur du projet de loi. Je vous remercie, Madame la présidente, et je remercie la Chambre.

Madam Speaker: Hon. Dayal!

(2.41 p.m.)

Mr R. Dayal (First Member for Flacq & Bon Accueil): Madam Speaker, the establishment of the Police (Membership of Trade Union) Bill is a landmark initiative indeed by the Leader of the House, the Rt. hon. Prime Minister, Sir Anerood Jugnauth, in the Mauritius Police Force which has a history of 250 years. It is also a defining moment for Police officers who will now have the opportunity to engage into meaningful and constructive dialogue with management of the Force with regard to pertinent issues affecting the conditions of service and above everything, the morale which is of prime importance as far as the public interest is concerned.

It is an undeniable fact that Police have to deal with new and emerging challenges in the form of organised gangs, drug trafficking, having regional and international ramifications, counter terrorism, organised crime and money laundering as well as disaster management such as flash floods and other related disasters.

As a former Commissioner of Police, I will humbly request the Leader of the House to also consider that it is high time to revisit the Police Act of 1974 and come up with a legal framework which will review the duties and powers of the Police in the light of an ever-

changing operational environment. For instance, a Police officer, more precisely ADSU officers when required to board a shipping vessel beyond 12 nautical miles, they need to have recourse to Section 10 of the NCG Act; authority to board a vessel and be accompanied by NCG officers, although members of the NCG and ADSU are members of the Police Force.

Here, I would like to highlight that all Police Officers have a very important function, indeed, in law enforcement and they operate within our legal framework, which I must say, has to be revisited because of the changing policing environment locally, regionally and internationally.

The Police are the right arm of democracy and they have to respond without fear or favour, affection and ill will. This is why the safeguard that they should not be involved with other trade unions is of prime importance because in law enforcement it has to be tangible, visible that they are operating without any bias.

Our Police Force has done a yeoman task over the years and I had the privilege of joining the Police Force in 1970s when the Police Act was formulated and the Police Federation was created. Since then, we have seen that the Police Federation was basically involved in problem solving, conflict resolutions and certain issues affecting the welfare of the Police Force. But the very thorny issue of promotion, of creating career prospects, all these issues were left to other organisations outside the Police Force whom, I must say, with due respect, had little notion of the realities in which Police officers were functioning. I must say in the 1970s, it was easy because we had about 1,000 Police officers. But when I became Commissioner of Police in 1994, and Sir Anerood Jugnauth was the Prime Minister, it was felt that many issues concerning the morale and the welfare of the Force had to be re-engineered. We have done a lot - I won't repeat it here - but human factor engineering will become more evident and transparent with the trade union, where not only junior Police Officers will be involved.

We have three Committees in the Police Force: the Police Constable Committee, the Caporal and Sergeant Committee and we have the Joint Committee. But the thinking body, the gazetted officers, those people who have got the hand-on experience how to better the Police Force have basically no role. Now, this Government will empower them to provide the right input to better the conditions of the Police Force, to create avenues for promotion regarding specialised institutions. We have got so many specialised bodies in the Police Force

right now. All these bodies have big, should I say, expectation in terms of promotion. It is not possible!

In 1970, when I joined, we had no air force, no aircrafts; we had no seagoing vessels, we had no helicopters, but now we have an array of technological support to respond to the exigencies of the service. Because of this, there is a dire need, and the Rt. hon. Prime Minister had thought it proper to create the right avenue. It is up to the Police Officers now to join hands and do the right brainstorming. In my days, when I was Commissioner of Police, as Commissioner of Police and the Security Adviser, we did brainstorming, how to reengineer the Police Force in terms of career prospects, but then it could not be implemented. Mr Boojhawon is here. This is where the Police Trade Union will have a golden opportunity to make sure that their interest is safeguarded. Before safeguarding the interest of other people, looking at the life, rights and liberty of other people, it is best that we entrust, we empower the Police Force, so that they can look after their own fundamental rights and liberties and do things in the public interest.

We want a Police Force that will be functional. We have a unique Police Force compared to all the Police Forces in the world. We do defence, internal security, we look after EEZ, we look after so many issues pertinent to law enforcement unlike other Police Force in the world. We have a special character and personality as Police Officers. Therefore, we have to make sure that, at the end of the day, our Police Force is functional, the morale is high, and their welfare is attended to in a timely manner whereby they would not feel frustrated. It is a fact, an undeniable fact, that there have always been problems about promotions; there have always been problems about recruitment policy. We have recruitment of Police Officers right now. There has been a lot of hue and cry about it in terms of Body Mass Index. But, in my days, I must tell you, we had a Police Training Officer, Mr Sherman. When the Riots Unit No. 3 was being created, we had 100 Police Officers. He singled out 60 to form part of the unit No. 3 because of the body structure of the Police Officers. We want Police Officers that can be credible in the enforcement of the law and respected for the exercise of their duties and responsibilities.

To do that, it is good that the Police formulate what the Minister of Defence, Home Affairs will decide upon, based on his experience. We are fortunate to have a very seasoned Prime Minister, who has handled a variety of contingencies, law enforcement, disaster and management, strikes. Name it! Therefore, we have a very important golden opportunity to make our Police Officers function with high morale and the right avenues for job satisfaction.

I must commend the Rt. hon. Prime Minister for bringing this Bill to the House, and I have no doubt whatsoever that the Police Trade Union will rise to the challenge and make the Police Force better in the interest of each and every one.

Thank you very much.

Madam Speaker: Hon. Members, I have to draw your attention to the fact that, in less than one hour, I have heard two phones ringing in this august Assembly and I believe this has become a habit for hon. Members to come to the Assembly with their mobile phones not on silent mode. Can I appeal to all of you to put your mobile phones on silent mode when you come to this august Assembly. Thank you.

Hon. Benydin!

(2.52 p.m.)

Mr T. Benydin (First Member for La Caverne & Phoenix): Thank you, Madam Speaker. Permit me, first of all, to thank and congratulate the Rt. hon. Prime Minister to introduce the Police (Membership of Trade Union) Bill in this august Assembly.

This Bill is yet another of our promises made to the population and workers of our country, and being honoured by *l'Alliance Lepep*. This legislation is, indeed, a real milestone in the annals and history of trade unionism and industrial relations in Mauritius, and constitutes a new era of social development. At the same time, this Bill is charting progress that will be made in the field of freedom of association, the right to organise, and collective bargaining. I make it bold to say that the previous Government never thought of eliminating this glaring discrimination to allow Police Officers to unionise and participate in the decision making process.

Madam Speaker, Mauritius has ratified Convention 87 of the ILO some years ago. I think that this Convention was brought when hon. Soodhun was Minister of Labour, and I still remember I was president of the National Trade Union Confederation, and this Convention was adopted by the Government. When we have adopted this Convention, I mean Convention 87, all workers should have the right to join trade unions of their own choosing without discrimination whatsoever. I think hon. Minister Jeewa-Daureeawoo already pointed out in her speech section 13 of the Constitution of Mauritius, where workers can associate with other persons and in particular to form or belong to trade unions or other associations for the protection of their interests.

Madam Speaker, until September 2008, Disciplined Forces were debarred from establishing trade unions. With the coming into force of the Employment Relations Act 2008, Officers of the Mauritius Prisons Service and Fire Services have been allowed to freely form their trade unions. However, this union right was not extended to the Police Force. The right to strike is also prohibited to Prisons Service and Fire Services. It is to be underlined in this context that Article 9 of Convention 87 of the ILO stipulates that, and I quote –

“The extent to which the guarantees provided for in this Convention shall apply to the armed forces and the police shall be determined by national laws or regulations.”

Article 8 of the Convention underlines also that “workers and employees and their respective organisations like other persons or organised collectivities, shall respect the law of the land.”

“In exercising the rights provided in this Convention workers and employers and their respective organisations, like other persons or organized collectivities, shall respect the law of the land.”

It also emphasised that –

“The law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in this Convention.”

In countries where the Disciplined Forces are allowed to constitute trade unions, there are reservations regarding the right to strike. By introducing this Bill in the House, it is evident that this Government has manifested, in unequivocal terms, its political will to allow workers, without discrimination to exercise freely the right to form trade unions.

Through this legislation, Mauritius will also belong to the concert of nations and democratic states like Australia, Belgium, Denmark, Finland, France, Germany, Netherlands, Portugal, USA, and so on which allow members of the Police Force to unionise and to furthering and defending their occupational and economic interests.

In Africa, the following countries, namely South Africa, Senegal, Malawi, Côte D’Ivoire, Lesotho, Niger, Swaziland, Tunisia and quite recently Kenya have recognised the rights of uniformed officers to form trade unions to defend their socio-economic rights.

Madam Speaker, I still remember when I was president of the Federation of Civil Service and Other Unions and when Police officers - as pointed out by hon. Dayal, the moral were down, I think there were cases of suicide and other problems - Police officers could not

defend their fundamental rights for better working conditions and conditions of service. I personally wrote to the Commissioner of Police to ask him to set up in lieu of a trade union, a social dialogue mechanism whereby, Police officers could exercise their rights to discuss and influence work-related matters that directly concern them. In other words, a forum where their voices could be heard and be taken into consideration.

Unfortunately, Madam Speaker, this proposal was not accepted as the Commissioner of Police replied that Police officers have already a Police Federation. But we all know that this Federation cannot operate like a union and cannot engage in collective bargaining or in any consultation process relating to conditions of work. It is evident that as such, the Police Federation could not be a substitute for the negotiating and consultative machinery.

Madam Speaker, with regard to section 76 whereby a new subsection will be added and which makes mention of the fact that –

“No member of the Police Force shall have the right to strike under any circumstance (...)”

This restriction, we know is also applied, as I pointed out earlier, to the Mauritius Prisons Service and the Fire Services. In spite of these constraints, the unions in both services have the necessary structure and leadership to defend their members and promote their interests and are doing, according to my information, relatively well regarding industrial and labour issues.

Earlier I think the hon. Leader of the Opposition made mention of the fact that the scope of activities of the Police union will be limited only to pensions, conditions of service. I think that this is in the broad sense of the word, but we all know that when a trade union is created where they represent the majority of the workers, they will have the right to sign a procedure agreement with the management. And, I think in this procedure agreement the scope of activities, what we call the *cahier de revendications* could be mentioned as well. The law is here, but it can be defined more broadly in what we call the procedure agreement.

Madam Speaker, the right to strike is not explicitly stated in the ILO Constitution, nor specifically recognised in Conventions 87 and 98 (The Right to Organise and Collective Bargaining Convention). I know when I was very active in the trade union movement we had no alternative at times, even in the Public Service, than to have recourse to strike. But some of my elders reminded me, saying “Mr Benydin, you know, strike is an occasional medicine but not a daily diet.”

I gave some consideration to that and said that we are living in a modern world, so let us favour also collective bargaining and let us go to negotiate. But, of course, things have changed. Trade unions make some claims and by the way they act it also depends on the employers, on management. If we want collective bargaining to take place in a peaceful climate, both trade unions and management should negotiate in good faith. I think this issue was raised by hon. Soodhun.

In view of crucial issues related to law and order and national security, collective bargaining is seen as a “social peace or labour peace instrument” where the right to strike is denied. In this industrial relation system, where legislation prohibits strikes, workers organisations (in our case the Police Trade Union) should have the right to speedy conciliation, mediation and arbitration mechanism to resolve disputes and conflicting interests.

Madam Speaker, by giving the rights to Police officers to be unionised, the Government has walked the talk and recognised that Freedom of Association and the right to collective bargaining are the bedrock on which social dialogue is built. The process of social dialogue will help to boost morale in the Police Force, facilitate handling of grievances and foster a better spirit of unity and solidarity within the rank of Police officers. If all officers join the Police Union, there is no doubt that it could become the most representative trade union in the country with a potential membership of around 13,000. Strong representative organisations of workers are therefore essential for fruitful social dialogue.

On this note, Madam Speaker, I would like to thank you.

Madam Speaker: Hon. Minister Callichurn!

(3.04 p.m.)

The Minister of Labour, Industrial Relations, Employment and Training (Mr S. Callichurn): Madam Speaker, allow me at the very outset to thank and congratulate the Rt. hon. Prime Minister for introducing the Police (Membership of Trade Union) Bill in this House.

Madam Speaker, in the Government Programme 2015-2019 we pledged that the Police officers would be allowed to syndicate in order to safeguard their interest. Today, we are making history by delivering yet on another of our promises made to the nation. The struggle of the Police Force to unionise dates back as far as nearly a decade. However, their plea had always fallen on deaf ears. Again, destiny had it that this major decision had to be

taken under the leadership of the Rt. hon. Prime Minister, Sir Anerood Jugnauth. I wish to point out here that the introduction of this Bill shows the extent to which this Government is attached to the principles of democratic values and to the right of workers to equal citizenship.

Madam Speaker, I would like here to pay tribute to all anonymous Police officers who have, over the years, struggled for this basic right. I would also like to mention more particularly ASP Hector Tuyau and Inspector Jaylall Bhoojawon, who, in spite of the repression they had to endure, had the courage and obstinacy to take their struggle to the Supreme Court on 21 September...

Madam Speaker: I would ask hon. Members not to mention names, please!

Mr Callichurn: I am sorry. I will refrain to do so.

They took their struggle to the Supreme Court on 21 September 2012 for an Order to declare section 17 of the Police Act 1974 unconstitutional. Indeed, the plaint which they lodged before the Supreme Court to contest the constitutionality of this section had triggered the debate on this issue.

Madam Speaker, the right to join a trade union is a fundamental right of every worker in a democratic society. It is one of the essential conditions for the realisation of citizenship of our workers. This right is guaranteed by section 13 of our Constitution. This right is furthermore guaranteed by the ILO Convention 1987 on Freedom of Association which Mauritius ratified in 2005. Through this Bill, Government is extending to the officers of the Police Force the right of unionisation which was already granted in 2009 to officers of two other constituents of the armed force, namely the Mauritius Prison Services and the Fire Services.

This determination of the right to unionise in the public service, Madam Speaker, I believe, is more a political than a legal issue. This is why this Government has preferred to grant the right to unionise to Police officers by legislative decision and is bringing necessary amendments to the Employment Relations Act and to the Police Act to that effect.

Madam Speaker, the Police, under the current legislation, is being discriminated in the defence of their labour rights. In fact, the Police Federation set up under the Police Act 1974 does not provide the proper forum for collective bargaining and dispute resolution. Collective bargaining requires, *inter alia*, the existence of an independent trade union, an independent dispute resolution mechanism and the right to strike. The Police Federation which caters for

the welfare of the Police officers and the efficiency of their service does not satisfy these conditions. With this Bill, Madam Speaker, the interdiction placed on officers of the Police Force to join and form a trade union under the Police Act of 1974 is being removed. These officers will now have the right to join or form a trade union of Police officers - I must lay emphasis on.

As regards the conditions of their employment, Police officers will have the right to be assisted by their trade union representatives to make representations to the Pay Research Bureau (PRB), which provides an automatic mechanism for resolution of anomalies. Direct negotiation between the trade union and management will, therefore, be restricted to other issues not covered by the PRB and any unsettled disputes will be referred to the tribunal. In making their representations, the Police officers may be represented by a negotiator of their choice. We are undoubtedly opening a new era of industrial democracy within the Police Force. Hon. Members may wish to note that it is common practice for public officers to report a labour dispute on unresolved matters. For instance, in my Ministry itself, a trade union has reported a dispute on the issue of travelling for prosecutors and on non-payment of allowance for having conducted a strike ballot.

Madam Speaker, I would like to point out that the Police Force is a very particular institution. As a matter of fact, the Police officers have a dual status: on the one hand, they have the right to form an association in order to better protect their rights and improve their condition of service and on the other, they have to fulfil their mission to safeguard and ensure public safety in accordance with the democratic principles and the rule of law on a daily basis. Hence, some limitations are necessary in the exercise of the right to unionise to ensure that it does not impede safety and security of our citizens.

Police officers will, therefore, have no right to join a trade union, federation and a confederation outside the Police Force and there is a rational behind. Allow me, to refer to a possible scenario to explain the rational underlying this issue. Let us visualise a situation where a federation and a confederation, to which a Police trade union is affiliated to and which falls outside the Police Force, decide to stage an unlawful strike or initiate an action which is unlawful. In the circumstances, it will be very difficult for the Police officers who are members of that particular federation, trade union or confederation to differentiate between their allegiance to the trade unions and their duty and responsibility as an Enforcement Officer and custodian of law and order. Therefore, Police officers should

exercise their duty without any fear. They should be seen and perceived as being independent and impartial.

The Police officers will also have no right to strike in any circumstances. The restriction on the right to strike, however, has been compensated by the right to refer unresolved disputes to the Employment Relations Tribunal, which will have to make its determination within a strict time frame of 30 days. These limited restrictions are not, however, inconsistent with the ILO Convention 1987, which underlines that the legislation regarding rights of the Police Force to join a trade union should be left at the discretion of a country.

Madam Speaker, at the heart of this laudable initiative of the Rt. hon. Prime Minister is the assurance that the officers of the Police Force are not deprived of their fundamental rights to unionise just like any other workers in this country. I am convinced that an enhanced public service relies on the recognition of the rights of its officers and the right to unionise will no doubt contribute to improve the quality of the services of our public officers.

On this note, Madam Speaker, I thank you for your attention.

Madam Speaker: Hon. Leopold!

(3.14 p.m.)

Mr J. Leopold (Second Member for Rodrigues): Madam Speaker, when it comes to trade unions, they are organisations formed by workers from related fields that work for common interests of its members. They help matters and issues like fairness of pay, good working environment, laws of work and provide a link between management and workers.

In the Republic of Mauritius, if you look at trade unions in general, they are influenced by political lines and ideologies. There are examples in Mauritius today that political parties are forming and running trade unions.

Now, coming to allow the Police to be membership of trade unions, it is a good thing so far as they can organise themselves to help workers with issues like fairness, pay and everything. Insofar as a Police union is concerned this is normal industrial campaign what trade unions do, that is, direct pay, they look after matters like leave, overtime, uniforms, allowance, transport, car allowances and they look on delay benefits, including pension, sick leave and compensation. They look after workplace relations. It's all about disciplinary matters, punishment, dismissal and, in general, powers of higher rank over lower rank. They

look after workplace relations. It is all about disciplinary matters, punishment, dismissal, and in general, powers of higher rank over lower rank. So far it is good, but when it comes to Police trade union, there is a fine line between policy campaign and industrial campaign. Given the nature of Police duties, they cannot be candidates to exercise political voice. They are restricted in their exercise of the political voice, and Police statute bans Police from collective political activities and individual from membership of political organisation. What I am trying to say here is that there is a fine line between policy and industrial relation. So, we have to be very careful to fine-tune things so that the Police Union can exercise. That is one of my concerns concerning this law.

The second part is that the idea of Police Union is good, so that they can sit down on a round table to negotiate. The question is: the way the Police are working, are they adapting themselves to the 21st century challenges that we have in Mauritius? Are they coping? Do we need to have reform? What is the role of the Union in reforming the Police practices? I think, as a general rule, so many problems that we have, very few are resistant to change, and I think we urgently need to reform Police practices in the Republic of Mauritius and I think it is a good occasion that the Police Union will look after that.

Police Union is not here just to look after welfare of Police officers. They also need to tackle problems arising with the Police like the usage of excessive forces by the Police and corruption in the Police Force. These are the roles of Police Union, I think; it's not only about welfare. I think the Police Union will help bad Police officers to be accountable for their actions.

Therefore, Madam Speaker, I welcome this Bill if those two points are carefully taken into consideration and I would like that the Police Union comes with a view that it will transform the Police organisation from within, that is, changing their established Police culture and changing Police practices. This law, apart from looking into welfare of officers, needs also help the public from the bad perception that Police is here for repression and administering of punishment.

So, I do honestly believe that this law will give the Police organisation the chance to be professional in any single action they make, thus establishing public confidence. That is my participation in that debate.

I thank you, Madam Speaker.

Madam Speaker: Hon. Shakeel Mohamed!

(3.20 p.m.)

Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East):

Thank you, Madam Speaker. I would like to say, at the outset, that I have read this piece of legislation with a lot of interest because it is by no means a secret that certain members of the Police Force have, for a while now, been struggling - if I may use that word and that term - to achieve the right to declare, if I am not mistaken, section 17 of the Police Act as unconstitutional. I remember in 2012, I received, as former Minister of Labour, the visit of Police officers with good intention, wanting me to intervene with the Rt. hon. Prime Minister of the day to see to it that section 17 is declared unconstitutional. It was not within my limit, but it was something which, clearly, with the advent of time, with the way things had been going on in other jurisdictions, that it was something that had to be considered; the right for Police officers to be able to form themselves the union of their choice in line with Article 2 of Convention 87 of the ILO.

Now, the whole purpose of the struggle, as I called it, Madam Speaker, of the Police Officers was not simply to be able to sit down in a union. For them, it was not the name that was interesting. It was what could be done if you form part of a union. As I like to underline again, it was not simply to be able to do away with the federation that has been known and criticised as being an *instance* that had the *main-mise* of the Commissioner of Police of the day or still. I will not comment. But those were the common criticisms, that the federation that they belong to was simply an organisation which had no influence whatsoever in the salary package that the Police officers had, in the conditions of service, in trying to contribute towards the upliftment of the Police officers as far as their conditions of service and salaries are concerned. They did not have that right under the actual system which clearly was not what they wanted. That is what prompted them to enter a case before the Supreme Court as far back as 2012, if I am not mistaken, and that was precisely to have this particular clause: section 17 of the Police Act declared unconstitutional.

It is important not to lose sight of what their aim was. Their aim was to be able to - as other Mauritian citizens, as their brothers and sisters of the Mauritius Prison Service, as the Fire Services who were allowed in 2008, by the then Minister of Labour, hon. Bunwaree, through this Bill they brought a new Act, the Employment Relations Act - allow those two sections of the Force, if I may call it that way, to form a union of their choice. So, they wanted the same thing, but they also wanted the possibility of coming, not a round table as the previous orator said - in all negotiations, according to my experience, the table is

rectangular. I have not seen a round one for a long time - but around this rectangular table on each side and to negotiate. But in this particular instance, this is what they are waiting for. Giving them the right to come in a trade union is a very laudable initiative, but does this piece of legislation really gives them what they were waiting for?

The difficulty in the Police Force today, Madam Speaker, is that they are not empowered or legally authorised, and it would not be proper for them to come and voice out their opinion as to whether or not this piece of legislation is in line with what they were expecting. If ever today, they come and voice their opinion and say that what Government is proposing is not in line and that the Commissioner of Police would still have a *main-mise* on administrative orders given to them which they have to follow, and there would be punitive transfer, then they would be taken to task because the Police Act of today and the Police Standing Orders do not allow them this liberty. Allow me, therefore, to come and express what I, in my view, believe they are thinking very quietly but are not daring to say it out loudly.

Firstly, what is the rationale behind stopping them from forming part or joining other federations? I have heard my good friend, the actual Minister of Labour, Industrial Relations, Employment and Training, hon. Callichurn, give an explanation to it. He tried to explain - but I am not convinced - that it was important for them to keep their independence and to show that they were going to be loyal to the duty they had as Police Officers and not to be in any conflictual position with the federation or confederation that went into a strike situation concerning another matter. But, I do not agree with that explanation and I respectfully say so I do not agree with that excuse.

I am of the humble view that if we are to listen and agree with hon. Callichurn, then the rest would not make sense. What is the rest? The rest is: how does he, therefore, explain, Madam Speaker, that the Mauritius Prisons Services is allowed to join other federations and confederations? Doesn't the Mauritius Prisons Services owe, therefore, its duty of loyalty to the people of Mauritius, the Government of the day, the State and their responsibility as far as laws are concerned? What about the Fire Services? Isn't this also an essential service just as the Police Force, just as the Mauritius Prisons Services where they also have this duty which hon. Callichurn made mention of? Of course, they do!

I am of the humble view that there is no credible explanation to stop them from joining a federation of their choosing and a confederation of their choosing. I do not believe

there is any legal impediment and there is no justification to stop them from doing so. I would say what Article 2 of the Convention says. Article 2 of Convention 87 of the ILO says –

“Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisations concerned, to join organisations of their own choosing without any previous authorisation.”

Very good job that it was ratified by hon. Soodhun! A very good job, indeed! But when I go on to Article 9 of the same Convention, it says here –

“The extent to which the guarantees provided for in this Convention shall apply to the armed forces and the police shall be determined by national laws or regulations.”

As explained and expatiated upon by the hon. Minister of Labour, Industrial Relations, Employment and Training, who tried to say that Article 9 of the Convention gave that possibility to the local State in order to come through a local legislation. But, I have gone through what I call ‘The Bible of the *Comité des Experts* of the ILO’, which is a book called “*La liberté Syndicale*” – “Freedom of Association”. I have come across in this particular book, at paragraph 226, which is *Comité des Experts* that commends on Article 2 of the Convention 87 and that commends on it in relation to Article 9 that I have just mentioned.

The contention that Article 9 gives them the right to stop them from joining any other Federation or Convention by putting restrictions because Article 9 of the Convention 87 supposedly gives that power to the local State is something which I humbly disagree with because the Committee of Experts has stated and I read here –

“*L’article 2 de la Convention No. 87 dispose que –*

“*Les travailleurs et les employeurs, sans distinction d’aucune sorte, ont le droit, sans autorisation préalable, de constituer des organisations de leur choix, ainsi que celui de s’affilier à ces organisations, à la seule condition de se conformer aux statuts de ces dernières.*”

Certes, it goes on - while Article 9 of the Convention does authorise exceptions to the scope of its provisions for the Police and the armed forces, the Committee would recall – and that is important – that the members of the armed forces who can be excluded should be defined in a restrictive manner. So, in order to exclude them from the right to join the federations and the confederations of their choice, the Committee of the Experts of the ILO says this group should be defined in a restrictive manner. In this particular sense, when one looks at the

legislation which is being provided by the Rt. hon. Prime Minister and the subsequent amendments to the Employment Relations Act, there is no restrictive definition to the class of members who shall not be allowed to join federations or confederations.

Therefore, what is being provided for by the Rt. hon. Prime Minister and what has been substantiated and explained by the hon. Minister of Labour, unfortunately, does not fall in line with the rulings and findings at page 50 and paragraph 226 of the book called "Freedom of Association" which is the 5th Edition published by the ILO itself which is nothing else, but *un recueil* of the rulings of the *Comité des Experts* on this particular issue.

Therefore, my contention is very simple: yes, we are allowed as legislators to come and state that they shall not strike because the Convention allows us to do that. We are even allowed to come and say that Police officers shall not form part of any trade unions. The Convention allows that. But, what the Convention does not allow is to say that they shall be allowed to form part of a union. They shall be allowed not to strike, but they shall not be allowed also to form part of a federation and confederation. That goes against the findings and the interpretation of Articles 2 and 9 *du Comité des Experts* of the ILO. So, what happens here is that there is clearly a violation of ILO principles in line with the findings of the *Comité des Experts*. I, here, read from the very book itself, this is the French version and online is also available the English version. Now, in this particular instance, I would humbly request, therefore, to the Rt. hon. Prime Minister to bring an amendment to this piece of legislation which is a very laudable initiative on his part to come up with this piece of legislation, which we are all for, but we humbly request that he comes up with this amendment that allows the Police, not only as he rightly did, historical as hon. Soodhun likes to say and as hon. Callichurn said it rightly so. But, what we humbly request that he does is that allows the Police Force not only to unionise, but also to form part of other federations of their choosing and confederations of their choosing. It is a very simple thing to say: "Well, because the confederation or federation will have a strike, they will also participate in unlawful strikes". Of course, not!

A confederation is an association of joining of federations. A federation has got more than two unions, but it does not mean because the confederation supports a strike that the Police Force is agreeable with the strike. It has got nothing to do with the Police because the Police Force will have no right to strike, that is, it stands to reason, therefore, that this does not really hold water.

Why is also important, in my humble view, that they be given the opportunity to join a federation and confederation is very simple. Yes, the Police Force has got numerous members! Yes, the Police Force has got intelligent and able officers! Yes, the Police Force has got no experience in negotiations! Yes, the Police Force needs the support of their brothers, as hon. Benydin, I am sure will agree, when he comes to federations and confederations, expertise in negotiations, when it comes to ensuring that the object of the organisation they belong to, which is what as clearly explained here, to be able to ensure that they can have better conditions and influence on the pay, pensions and conditions of service. They should be able to have technical assistance and advice. How do they do that? By having the right to join federations and confederations. If you stop them from doing that, what you are doing in actual fact is tapping the lifeblood of the years and years of experience of the trade union movement and the able people working therein to give experience that this newly created union or unions would require.

Now, let us talk about another issue. Conservatives would not agree with me, but then, again, in other countries, just as in Mauritius, if the Mauritius Prisons Services can join any federation or confederation, it does not make sense why the Police Force should not be allowed to do the same thing that their brothers and sisters are allowed to do.

Now, when it comes to the objects, Madam Speaker –

““trade union of police officers” means a trade union, the membership of which is limited to police officers, having for its objects the control or influence of the pay, pensions, or conditions of service of police officers.”

This is what interests me, and the discussions I have had at the level of the Mauritius Labour Party is this particular clause. I say it again. Whilst it is a very good initiative on the Rt. hon. Prime Minister’s part to come up with this piece of legislation, which we support, however, just to improve things and to try to be able to be constructive about the process, this is an issue which I would like to address.

How, therefore, will they influence pay, pensions and conditions of service of the Police Officers? How? Logical! This is one question. How will they do so? Forming part of a union is not sufficient. Therefore, what it means, as the Vice-Prime Minister, Minister of Housing and Lands, hon. Soodhun, who has been Minister of Labour, and the Rt. hon. Prime Minister who has been so himself know, in order to influence, you need collective bargaining. In order to have collective bargaining, you need a procedural agreement.

Question: with whom will this union or unions - because there will be more than one union, mark my words. And that is good; the voice of the people, they have the right if they have more than 30 per cent. Let there be more unions; let them form federations - enter into collective bargaining? And before that, with whom will they enter into procedural agreements?

Let us analyse the Civil Service. In 2008, the law was amended by the former Government. The former Government gave the possibility to the Civil Service to enter into procedural agreements and gave the possibility to also go into collective bargaining. Name me one Civil Service Department that does collective bargaining! I have had difficulties, when I was Minister of Labour, calling in the Civil Service and telling them, "but why is it that no procedural agreement has been entered into for the protection of the civil servants?" Why? Why is it when the law says it can be done, it has not been done? Since 2008! I came in in 2010 until 2014. I was still banging my head on the wall but they did not want to hear or budge.

So, in this particular instance, the truth is - and you have the experience as well, Madam Speaker, and you should understand that the Civil Service does not enter into collective bargaining. It has not done so - the Civil Service does not enter into negotiations, has not and never entered into procedural agreements. So, what we are, therefore, to hope for is that they - just like the Mauritius Prisons Services, which the Mauritian Labour Party had ensured that they and the Fire Services can become unions and would negotiate, but where we have also not been able to ensure that, in spite of them becoming unions, they have not entered into any collective bargaining or negotiations with anyone! So, with whom will the Police Force negotiate?

If they have to be able to ensure that they can have a control or influence on the pay and their conditions of service, imagine a scenario of a Police Officer, for some reason, is transferred to Agalega and the Police union believes that this is uncalled for, unwarranted and goes against his fundamental rights. Will he have the right to go and take this matter up as grievance mechanism? Because unions have the right to take up matters for grievance mechanism. With whom will they take it up? With the Commissioner of Police? It is the Commissioner of Police himself who gives orders for transfer! With whom will they take it up? With the Civil Service? With whom? With the Minister of Civil Service? Of course not, because it is the Prime Minister who is in charge of the policies and other issues with regard to the Police Force.

So, there is no clarity there. With whom will they negotiate? With whom will they enter into agreements? With whom will they be able to go and discuss, negotiate as far as salary and work conditions are concerned? Will they have the possibility of going to discuss matters with the PRB? As it stands right now, my information is that at no time has any Commissioner of Police given the possibility to the federation to even do that! It is the Commissioner of Police who does it himself! So, will it mean that you will have the right to go, as a union, to the PRB and make representations? Will it mean, therefore, that you will be able to have procedural agreements with the PRB? It does not make sense.

So, there needs, therefore, in my humble view, Madam Speaker, to have clarification on those issues. As I said, laudable initiative, but there needs to be clarification because where we, when we were in Government in 2008, may have come with exactly what this Government is doing, that is, allowing Police to do it, we allowed the Mauritius Prisons Services and the Fire Services to do it. But did it really help them in trying to negotiate agreements? No, it did not. Did it really help them influence their conditions of service as a union should be allowed?

Madam Speaker: Hon. Shakeel Mohamed, can I just draw your attention to the fact that you have to address the Chair because otherwise it gives the impression that you are addressing to strangers in the House, which is not correct. So, please address the Chair.

Mr Mohamed: I will look at you, Madam Speaker!

Madam Speaker: You have to!

(Interruptions)

Mr Mohamed: I think that you would like me to look at you.

Now, what I am trying to get at here, Madam, is the following...

(Interruptions)

Exactly! My good friend understands that. Exactly! What I am trying to get at here is that the law would not be useful if there are no amendments, maybe by way of regulations, I do not know, but there needs to be clarification with whom will the Police Force go and negotiate. Yes, they will have no right to strike. Fair enough! I understand that. But when you are in a union, you have the right to declare a dispute. Against whom will they declare a labour dispute?

Let us say that they do not agree with the salary that has been proposed by the PRB. Will they have the right to declare a dispute and go to the Commission for Conciliation and Mediation because they are not happy with what has been proposed for conditions of service? No. In the actual situation, no, they won't have the right to go and declare dispute. The law would allow them to. But against whom will they declare that dispute? If they have a matter which is referred to the Employment Relations Tribunal, who will be the opposing party? The Commissioner of Police? The Ministry of Civil Service? The Prime Minister's Office? I don't know! Honestly, I am not here trying to be difficult. I honestly would like some clarification on those issues because I do not believe it is very clear in this particular instance. So, let us understand when there is an award given, because when there is a dispute this is what unions are allowed to. They have an award finally. Who is the award pronounced against? And will this have not been in conflict with the situation when it comes to who is the paymaster and who is in fact the employer?

We have a system here that all Civil Service and servants have criticised that they have no right, as it stands today, to go and contest a PRB Report. If they are not happy with it, it is final. They can't go and contest it like a union would normally contest an award. The same responsibilities, but they don't have the same rights. So, I believe, yes, it is a *pas en avant* undoubtedly. It would mean clearly that we would have to seek maybe other amendments to the Police Act. For instance, one of the sections of the Police Act says that where the Commissioner of Police gives you instructions you have to do what the Commissioner of Police says. But if the instructions of the Commissioner of Police go against conditions of service which the union is not agreeable with, do they have the right to challenge the Commissioner of Police on that? I would love them to do that; challenging the Commissioner of Police as union members. This will be great! But we have to be able to help them by clarifying the law, and we have to be able to help them by coming up with regulations of some sort, I believe. But those are serious questions which still remain.

Now, there has been talk, Madam Speaker, that the Police do not require to be with federations or confederations. They have enough members and they can form their own. The whole art of negotiation is, indeed, an art. Already we do not know with whom they are going to sit down to discuss a collective negotiation or bargain, but, at least, they have to be able to be technically advised and prepared, and the right people. Here, I would like to pay homage to all those trade unionists, federations, confederations, whom I have met with in my public life as well as in my professional life. We have negotiated with them. We worked

with them and against them, but they are able people with the required technique, knowledge that they have acquired over the years.

I would humbly request the Rt. hon. Prime Minister to give them the possibility of assisting and helping the newly created Police unions for them to come up with a better service to the population, to do their jobs better, and to give them this confidence and for us to show our appreciation for the work they have been doing along the years post-independence as well as prior to independence.

I thank you very much.

Madam Speaker: Hon. Rutnah!

(3.47 p.m.)

Mr S. Rutnah (Third Member for Piton & Rivière du Rempart): Thank you, Madam Speaker. Madam Speaker, in relation to this Bill, the fact that there is unanimity, I am not going to be long, but before proceeding any further, I have to express my gratitude to a number of people, firstly to the Rt. hon. Prime Minister of this country. This is yet another example that this Prime Minister has demonstrated in the House that he is man who puts his integrity at first and honour above power. He is a Prime Minister of uncommon integrity. He promised the people of Mauritius, back in 2014, that he will use his best endeavours to allow Police officers to form their union. He also gave the undertaking to the people of Mauritius that he is going to strengthen the principle of democracy in this country and today, yet another example of his action going towards furtherance in the enhancement of the principle of democracy.

Madam Speaker, I would also like to express my gratitude to my very able and learned friend, who is not here, the hon. Attorney-General, with whom, for quite a while, I have been speaking about, not only on this Bill, but about the Police and Criminal Evidence Bill, about a Bill concerning the Judicial Complaint Commission, about a Bill concerning the Sentencing Guideline Commission and a number of other Bills. Today, we have this Bill, partly thanks to his effort as well. I do not propose to use names, but I would like to express my gratitude to an Inspector, Mr J. B., and an ASP, Mr H. T., who have struggled hard.

Madam Speaker, when I came to Mauritius in 2010 and sworn to practice as a Barrister, the first thing I noticed in this country is that we needed a Police and Criminal Evidence Act (PACE); the second thing, a Police union; third thing, a Juridical Complaint Commission, and fourth, a Sentencing Guideline Commission. When I started to speak about

these things in those days, starting from 2010, many Members who were then in Government, and even in the legal profession, were thinking: where does this man come from, he looks like an alien! Some even said: *Li Fou!* But they did not realise at that time how important it was to have such a union in and a PACE in the country! They were not realising; but then, I had a few Barrister friends in the legal profession who agreed with me and who helped in the struggle. I will never forget the relentless struggle of Inspector, Mr J. B., who has been monumental and instrumental in the fight, although being inside the Police Force and being subject to a lot of victimisation. When I was talking about these things, I was also subject to a lot of victimisation and one of the reasons that made me determined to stay in this country was to fight for those who needed my help.

Madam Speaker, Mauritius is a free and democratic country. Section 1 of our Constitution clearly is the very basis of our democracy. Yes, it was considered to be *tabou* for Police officers to join a union. Anti-union forces were preventing Police officers to join a union. I am glad earlier on, hon. Minister Jeewa-Daureeawoo, referred to section 13 of our Constitution and a number of subsequent orators, including my very able and learned friend, hon. Minister Callichurn.

Let us look at what section 13 of the Constitution says –

“(1) Except with his own consent, no person shall be hindered in the enjoyment of his freedom of assembly and association, that is to say, his right to assemble freely and associate with other persons and, in particular, to form or to belong to trade unions or other associations for the protection of his interests.”

And sub section 2 –

“(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision –

- (a) in the interests of defence, public safety, public order, public morality or public health;
- (b) for the purpose of protecting the rights or freedoms of other persons; or

(c) for the imposition of restrictions upon public officers, except so far that provision or, as the case may be, the thing done under its authority is shown not to be reasonably justifiable in a democratic society.”

So, this is a starting point. The starting point is that the Constitution of this country empowers all workers to be part of a union, but subject to limitation on grounds of defence, public safety, public order, public morality, in other words, on grounds of national security.

Madam Speaker, I know my learned friend, hon. Mohamed had asked a number of questions. I will answer his questions very soon. But what are the benefits that the officers are going to acquire, should they join the trade union they have been seeking like any other trade union? They would be in a position to bargain for their rights! This is clear from the Bill that is being brought to this House today, and the operative part of the Bill which reads as follows

—

“Trade union of Police officers means a trade union, the membership of which is limited to Police officers having for its object the control or influence of the pay, pensions or conditions of service of police officers.”

Pay pensions or conditions of service of Police officers! This is where I will disagree with the Leader of the Opposition when he says that there is restricted...

(Interruptions)

Madam Speaker, this is where I disagree with the Leader of the Opposition when he says that: “the scope of the Bill is restrictive”. It is not! It is because the condition of service of the Police officers is so wide that a number of things that we even can’t imagine, now in this House, will fall under this category. Therefore, it is not limited; it is not restrictive. It is not restrictive! When you read it, it is not restrictive.

Madam Speaker, there can be lots of merits in all sorts of arguments that have been presented, but one common golden thread that we notice here is that all Police officers, today, when you speak to them on the streets of Port Louis, of Rivière du Rempart, of Piton, of Roche Noires, *tous les coins et les recoins* du pays, all of them say today that it is the best thing that is ever happening to them in their career because it is a stepping stone towards, what we call, shaping the future and shaping the career of future generations of Police officers who are going to be also – very soon I anticipate - what we call, a Police Academy which we have promised. There, at the Police Academy, they will learn about their rights,

and not only rights, they will also learn about their duties. They will learn their rights and duties towards what we call bargaining, towards negotiations to what my Friend, hon. Mohamed, was referring to.

Madam Speaker, when we talk about the Police, we talk about a Disciplined Forces Service. It is a disciplined. We don't talk like the Public Service Commission. We have to make a distinction because when we talk about section 17, when we say we are repealing section 17 of the Police Act and replacing it by this new provision, there is a tendency for many people to say: "Why those who are in the Public Service Commission can form federations, confederations, but not the Police officers? Now, let's look at the Bill again. The Bill says – this is in reply to my friend hon. Mohamed –

“(b) in section 15 –

(ii) by inserting, after subsection (1), the following new subsection –

(1A) A trade union of police officers shall not amalgamate with any other trade union to form one trade union, - now this is the operative part – except with another trade union of police officers”

So, the officers are allowed to amalgamate, allowed to form federation and confederation among their peers - within. Why? As nights follow days, we have to make the distinction between those who are recruited by the Public Service Commission or the Local Government Service Commission and the Disciplined Forces Service Commission because Armed Forces, Police Forces form part of a discipline. It cannot be the same. This is why I read earlier on the operative part of the Constitution, Section 13, to show that there is this need to protect public safety, national security.

Madam Speaker, in this country, like any other worker, when a Police officer wakes up in the morning, he leaves behind his mother, his father, his wife, his children...

(Interruptions)

He walks down the road, and he wears his uniform and stands on the street, putting his own safety at risk to protect those who are at risk; to protect the unprotected. The majority of Police officers work very hard. However, you can also see Police officers who don't wear the name badges like hon. Baloomoody once asked a supplementary question about Police officers who don't wear badges and they have the tendency of heckling people, harassing

people, behaving like predators. How do we get rid of these? If the majority officers, good officers, will be allowed to form their union, then they can say with lots of force: “Look, we don’t agree with a handful of Police officers who behave in such a despicable manner that brings disrepute to our profession”. This is what is going to happen once the Police are allowed to syndicate. It will uproot a lot of misbehaviours in public.

(Interruptions)

Now, hon. Mohamed when he started, he started by saying this: “For a while, members of the Police Force have been struggling. In 2012, I was the Minister of Labour ...

(Interruptions)

But he forgot to say: “But I did nothing”.

(Interruptions)

It is a known fact that, since a number of years, Police officers have been asking to allow them to form their union. In 2012, he had the opportunity as Minister of Labour to speak to the then Prime Minister to ensure that such a Bill be presented in this House then.

(Interruptions)

But he did! The Rt. hon. Prime Minister is right. He did!

(Interruptions)

Madam Speaker: Hon. Jhugroo, please!

Mr Rutnah: But that Prime Minister was more interested in his lavish lifestyle than serving the people of Mauritius. Madam Speaker, today, from hon. Mohamed we hear a number of criticisms in relation to section 17, not within the remit of ILO 87. You know what my grandma used to say: “*ulta chor kotwal ko daante*”. It means that...

(Interruptions)

My grandma used to say this way: “*ulta chor kotwal ko daante*”, meaning that the wrongdoer is actually shouting at the Police officer who is bringing law and order. We bring law and order. We try, here, to protect our national security.

(Interruptions)

He says: “It is wrong.” No, wait a minute!

(Interruptions)

Today, I will do it without butter!

Article 8 of ILO Convention 87 –

“In exercising the rights provided for in this Convention workers and employers and their respective organisations, like other persons or organised collectivities, shall respect the law of the land.”

Previously, the law of the land was: police not to syndicate. Now, we are changing it.

“The law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in this Convention.”

Absolutely, right! But we are lawyers, we are here to assist people who have not got the ability to interpret statutes and convention. Now, let us go and look at Article 9 of the Convention. This is going to really answer the trouble in which hon. Mohamed’s mind is at the moment in relation to this Bill.

“The extent to which the guarantees provided for in this Convention shall apply to the armed forces and the police shall be determined by national laws or regulations.”

I remember when hon. Mohamed was speaking earlier on, he tried to say the former law or he was trying to say the former Government, but he looked at hon. Baloomoody and he said: “The present situation.” In the former law, Police officers were not allowed to form a union. In the actual one which we are bringing, they will be allowed to.

(Interruptions)

It is still a Bill, but it is coming law. Don’t worry! We are not going to dilly-dally! No dilly-dallying with our Government! We are going to have it done very quickly and swiftly, as well. It is a promise that we made to the people of this country.

The second part of Article 9 -

“In accordance with the principle set forth in paragraph 8 of article 9 of the Constitution of the International Labour Organization the ratification of this Convention by any Member shall not be deemed to affect any existing law, award, custom or agreement in virtue of which members of the armed forces or the police enjoy any rights guaranteed by this Convention.”

So, now, the officers are going to be in a better position than they were formerly and the position in which they were formerly in 2012 could have been corrected by the former

Government and they failed to do so. Now, does this Bill give them what they are waiting for? Does this Bill give them what they were expecting?

(Interruptions)

Oh, yes! Of course! If you go down the street right now and ask any Police officer: is this Bill to your expectation? They will say: 'Yes.' Because I carried out the test; I asked!

(Interruptions)

Madam Speaker: No interruptions!

Mr Rutnah: *Ce ki merit batter, bizin batter!*

The Police were always asking for a union in order to fight for their rights to pay, pension or conditions of service which previously they never had. We know that the Police were allowed to have a Police Welfare Association, but Police Welfare Association tainted with corruption, fraud. There were cases in the Courts. Marshy lands have been bought for millions of rupees!

Madam Speaker: No, no! Hon. Rutnah, please don't mention these cases! You comment on the Bill, you say facts; unless you can prove those facts and bring them here, otherwise, please, don't mention them!

Mr Rutnah: Madam Speaker, with due respect, these are facts.

Madam Speaker: If these are the facts, hon. Rutnah, then you bring the facts here!

Mr Rutnah: The fact of the matter is, Madam Speaker, that with the implementation of the law, when it becomes law, there is going to be no need for a Police Welfare Association and no room for fraud and corruption because the union will be able to deal with all aspects of welfare of all Police officers who need their help.

(Interruptions)

Don't worry about my friend Callichurn!

Madam Speaker: Hon. Mohamed, please! No interruption! When you were talking, the hon. Member was listening to you quietly!

Mr Rutnah: Madam Speaker, there is no clear violation of ILO principles as hon. Mohamed was saying earlier on in relation to section 17 of the Police Act and by replacement of the provision from this Bill. He also raised the point in relation to grievance, transfer, for

example, to Agalega, and he asked ‘with whom will they enter into agreement?’ He knows that there is this *lien de préposition* and any agreement that has to be reached is obvious that there should be communication. There should be some kind of negotiations between the Commissioner of Police who is in charge of the Disciplined Forces and I am sure that a union representative can make credible representation to the Commissioner of Police in order to resolve matters if there is any merit in the matter. If that is not resolved, if the grievance continues to exist, a Tribunal can actually rule upon it. So, there is no need for any scaremongering amongst the Police officers. Believe me, the Police officers are going to be better off when this Bill becomes law than we are presently.

There is also this question: with whom will they discuss their dispute?

(Interruptions)

With who?

Madam Speaker: Please, don’t interrupt! Hon. Member, when you are speaking, you don’t engage in any conversation with any hon. Member!

Mr Rutnah: Madam Speaker, I took some notes and I see that the hon. Members said: “with who they will discuss”. So, to put his mind at rest it has always been the PRB and it is continued to be the PRB and unsettled dispute will be dealt with by the tribunal because that is the right to every free citizen of this free country to go and seek remedy in a tribunal.

Before I end, Madam Speaker, may I also just deal with one matter which my learned friend hon. Mrs Selvon raised. She said in relation to section 4 –

“La perception publique est que la police est manipulée par tous les gouvernements. »

I think that it is not fair to say that this Government has ever manipulated the Police Force. If there has been manipulation of the Police Force in the past we know how it was functioning. We know what was going on. We know what was happening whereas today we know in how much independence, institutions are functioning in this country!

So, there will be no manipulation and the hon. Member should rest assured that once the Police officers will find themselves in this togetherness no one will be able to manipulate them, not even this Government and future Governments because unity is power and unity among Police officers will demonstrate the proportionality under which they will exercise their power.

Madam Speaker, I again would like to express my gratitude to the Rt. hon. Prime Minister and his team, my learned friend hon. Ravi Yerrigadoo, the Attorney-General as well, all his team for having produced a Bill that is going to be talked about in the future and will remind that this Government did something extraordinary and of a historic nature.

Thank you.

(Interruptions)

Madam Speaker: Hon. Toussaint!

(4.19 p.m.)

Mr S. Toussaint (Second Member for Curepipe & Midlands): Thank you, Madam Speaker, for giving me the opportunity to say a few words about this Bill.

Bien sûr, après avoir écouté tous les honorables membres qui ont débattu sur ce projet de loi, de mon point de vue, je vois qu'en général nous sommes tous d'accord que c'est un projet de loi qui vient à point nommé et qui a été très longtemps attendu par les membres de la force policière.

Permettez-moi, Madame la présidente, de féliciter et de remercier notre Premier ministre qui a tenu sa promesse et comme on dit 'parole donnée, parole sacrée'. C'était au programme de l'Alliance Lepep et aujourd'hui à peine deux ans nous voyons que le *Police (Membership of Trade Union) Bill* voit le jour et cela pour le bien-être de nombreux policiers et policières.

En général, un syndicat est une association de personnes qui a pour but de défendre les intérêts professionnels et économiques de ses membres. Nos policières et nos policiers bien sûr ont besoin d'être encadrés, d'être encouragés, d'être soutenus. Ils font un travail formidable. Ils ont de très grandes responsabilités. Ils veillent à notre sécurité.

Plusieurs orateurs l'ont dit, les membres de la force policière quittent leurs maisons, leurs familles pour veiller à la sécurité de nos concitoyens. Ce projet de loi vient les encourager dans ce qu'ils font. Nous pouvons aujourd'hui être fiers, nous les mauriciens, nous les députés, nous les membres de cette Chambre ; nous pouvons être fiers aujourd'hui de pouvoir participer à un projet de loi aussi historique que cela. C'est vrai, comme mon ami l'honorable Rutnah l'a dit, en général, les membres de la force policière sont tout à fait satisfaits avec ce projet de loi. Je dirais qu'il n'y a pire sourd que celui qui ne veut pas

entendre et il n'y a pire aveugle que celui qui ne veut pas voir. Mais la réalité est telle que dans le public ce projet de loi est accueilli favorablement.

Avant d'aller plus loin, je vais prendre quelques secondes pour vous raconter une petite histoire très courte. Je ne vais pas être très long parce qu'il y a d'autres personnes après moi qui vont prendre la parole. Pendant la campagne électorale, les parents d'une élève sont venus me voir, puisque j'ai été enseignant dans le passé, et donc cette ex-élève, une demoiselle, maintenant policière – pour me dire : « M. Stephan, si vous voyez notre fille sur le chemin en uniforme, évitez d'aller lui dire bonjour ». On se connaît très bien et c'est une enfant de ma région. Parce qu'il y a eu des directives de ne pas être trop proche de nous, les candidats de l'Alliance *Lepep* ! Ce n'est pas une question d'être proche ou de ne pas être proche. Elle a été mon élève pendant plusieurs années et c'est tout à fait normal - que je sois candidat ou pas - que si je la vois en chemin, elle viendrait me dire bonjour. Or ses parents me disent : « Ne prenez pas cela mal si ce n'est pas le cas. » Et je me rappelle que dans une réunion à la Cité Malherbes - ma collègue l'honorable Sewocksingh, qui est là, va se rappeler certainement que j'avais dit : « *nous, nous pou donn la police zott dignité* » et c'est ce qu'on fait aujourd'hui, Madame la présidente. C'est ce que notre Premier ministre fait aujourd'hui. Nous donnons aux membres de la force policière leur dignité!

(Interruptions)

Pour continuer...

(Interruptions)

Je préfère attendre. Quand il y a des mal élevés qui parlent en même temps que moi, je préfère attendre !

(Interruptions)

Madam Speaker: Hon. Member, you are looking for it! I told you, you are looking for it! I said, no interruptions when an hon. Member is talking!

(Interruptions)

Why do you interrupt?

(Interruptions)

Please!

Mr Toussaint: Merci, Madame la présidente...

(Interruptions)

Madam Speaker: No, what you do mean, hon. Mohamed?

(Interruptions)

No, you are interrupting! Members on this side of the House, you keep making comments and you are making comments not with a low voice, but with a high voice so that he listens to what you are saying!

(Interruptions)

Come on! Please proceed!

Mr Toussaint: Merci, Madame la présidente. Donc, je dirais, qu'aujourd'hui, avec leur syndicat, les membres de la force policière pourraient y amener leurs griefs afin de donner de leur mieux dans leur fonction. On se souvient aussi que, dans le passé, les membres de la force policière se plaignaient qu'il manquait des équipements, des uniformes, des chaussures, etc., parce que ce n'est pas un travail facile que d'être dans la rue à longueur de journée avec une paire de chaussures trouées. Donc, aujourd'hui, grâce à un gouvernement responsable, grâce à un grand homme d'Etat, grâce à un très grand Premier ministre, nos policiers vont retrouver tout ce dont ils ont besoin.

(Interruptions)

Madam Speaker: Hon. Jhugroo, now you are starting!

Mr Toussaint: It's a good interruption!

Madam Speaker: Yes, but it's not allowed! If I made comments on the other side, the same applies to this side.

Mr Toussaint: Sorry, Madam Speaker!

Donc, je vais terminer ici en disant que notre très honorable Premier ministre a amené ce projet de loi comme un vrai père de la nation, qui a à coeur le bien-être de tous ses enfants.

Merci beaucoup.

Madam Speaker: Hon. Ganoo!

(4.28 p.m.)

Mr A. Ganoo (First Member for Savanne & Black River): Madam Speaker, as it has already been said before me, this Bill before the House today constitutes a great leap

forward in our democratic setup. This is how I view the presentation of this Bill, Madam Speaker.

In fact, it is another measure which adds up with a multiple and several measures which different governments have taken in the past to buttress our democratic landscape. It is indeed the hallmark of a genuinely democratic State to allow its Police Officers to unionise and to give them the possibility to engage in collective bargaining, which, in fact, demonstrates the maturity of the State.

Madam Speaker, in fact, this denial of allowing Police Officers to unionise is the characteristic of autocratic States; States where corrupt practices prevail, with a low level of civic engagement. This is why it is sad perhaps that we have taken so much time to bring this legislation - past government - and this is why the Rt. hon. Prime Minister should be commended for what he is doing today.

I will not repeat what has been said before me, Madam Speaker, that this decision today vindicates the right of freedom of assembly and association enshrined in section 13 of our Constitution, which has been argued before me. Undoubtedly, Madam Speaker, in allowing Police Officers to be represented, to promote the interest and the welfare of their members, to be able to influence the authorities on matters affecting their different members or involving the conditions of service and pay of their members, in other words, by providing the Police Force with an authoritative voice for their welfare, constitutes a progressive measure. It is, therefore, through collective representation that now Police Officers will be empowered to influence and shape decision, making processes within the police organisation.

This, as we all know, is more difficult to achieve as individuals in view of the hierarchy of police organisation. Indeed, when participating through collective representative organisation, the voice of the individual Police Officers now will be heard, they will be better informed, and they will be involved in negotiating processes that affect them collectively.

But, today, Madam Speaker, I would also like to pay tribute not only to those Police Officers who have, for a long time, battled for Government to legislate, to give them the possibility to unionise, but to those Police Officers, through the past decades, who have been working in difficult situations, who have, through their blood and sweat, served this nation loyally, with dignity, and sometimes, at the risk of their own lives. I have been myself the son of a *petit policier*, Madam Speaker. I have lived in Line Barracks and in different police quarters, at times when Mauritius was going through its colonial days. I know what was and I

suppose what is still the job of a *petit policier*, Madam Speaker, during times of riots, cyclones and communal riots. I remember those sad days of our history. The burden that was placed on Police Officers in our country. This is why, I think, we should be tribute to those honest Police Officers, from the small constables to the hierarchy, who have been serving our country with loyalty.

But there is, Madam Speaker, another reason why this Bill should be applauded today. The reason is as follows: from the different literatures I have been going through, Madam Speaker, studies, surveys have demonstrated that the Police Officers, when they are unionised, they are more likely to have a capacity for tolerance and affinity for more openness when serving the public; a possibility for more deliberation, compromise in their own workplaces, and there are a number of police unions where the possibilities have been given to them to unionise that have taken the lead in promoting more just, equitable and effective policing.

In fact, Madam Speaker, the Police must be treated as any other citizen if we are to expect them to behave democratically towards other citizens because Police Officers are entitled to the rights, to the privileges and to the benefits of citizenship as any other citizens. Therefore, there is no doubt. Surveys and studies have taught us that the Police are more likely to respond towards the public in a more democratic way if they themselves experience the benefit of democratic labour and social rights.

Madam Speaker, much have been said about the legal ramification of this question; whether it is unconstitutional or not to prevent Police Officers from joining the union. Much has been said by my friends before me concerning the ILO and the national laws which have been referred to also by some other hon. Members.

In fact, if I can be allowed to comment on one issue, in the late 2003 - and I am referring to one country which I think the hon. Minister mentioned, something which took place there, that is, Argentina - two organised groups of Police members in Argentina approached the ILO to review a decision by the Argentinian Government, denying Police members the right to unionise. This case emerged, following attempts by the Police officers to form and register a Police union. The Police officers argued that a Police union would improve the working conditions, etc. The Police hierarchy in that country responded by opposing the unionisation and arguing that this would be promoting or facilitating agitation among Police Force in that country. The Government of Argentina made reference to ILO

Labour Conventions. It argued that its decision was in line with the ILO Convention No. 87 - which has been abundantly referred to in our debates - which deals with Freedom of Association, and Convention No. 98 which deals with the right to Collective Bargaining.

Argentina now was a Member State of the ILO and has ratified both Conventions 87 and 98. The Argentinian Government argued that these Conventions stipulate that relevant labour rights are not immediately applicable to the Police and Security Forces. The result was that the determination by the ILO, Madam Speaker, when the case was referred to the ILO and the committee on Freedom of Associations concluded in favor of the Argentinian Government and determined that the Argentinian Government was right in prohibiting the unionisation of Police officers in that country. Madam Speaker, I would not like to enter into the debates of the national laws, domestic laws and what obtains in these two Conventions referred to. In that case the ILO, as we know, revises its Conventions from time to time, but it also develops code of practice.

In the same year, 2003, the ILO held a joint meeting on public emergency services and the meeting which included Police Labour and Management representatives, adopted a document entitled 'Guidelines and Social dialogues for public emergency services in a changing environment' in which fundamental labour rights, such as Freedom of Association and the right to bargain collectively are promoted. These guidelines, in fact, came to the conclusion and indicated a real attempt on the part of the ILO to promote, to engender a labour right framework within the Police and the security forces. Therefore, these guidelines, Madam Speaker, are viewed in favour of the promotion of Police labour rights.

Madam Speaker, what will happen now to our Police Force after the adoption of this legislation? Police Unions, Madam Speaker, and I suppose it will be the same in our country, are an industry based organisation. The union or the trade unions that will be set up now in the future composing of Police officers will view their role as representing the interest of their members. They will engage in collective bargaining, no doubt. Sometimes, they will have to confront the hierarchy when the consultations will take place. But what will be the relationship of the Police officers to the unions that will be set up? This is a good question, Madam Speaker. In the other countries, we have seen that the conditions and experience of Police officers incline them towards unionism. Although we have modern and new technologies in terms of policing, policing remains a labour intensive industry, Madam Speaker.

In other countries where Police Unions exist, they represent almost 100% of their members. Therefore, this is a formidable achievement, considering the decline of trade union membership internationally. So, what will happen, Madam Speaker? There is no doubt about that, these unions will be powerful unions or union and there is no doubt that there will be different unions. We cannot avoid that, Madam Speaker, because the law will allow. I think, hon. Minister Collendavelloo spoke about that. There might be a union for Coast Guard Officers, another union for ADSU Police officers, but there is no doubt that these unions will have a very high membership.

Madam Speaker, this is a two-page Bill, and section 3 of the Bill says - I will just go to one or two sections –

“a police officer may be a member of any trade union or association of employees (...)”

And all this is subject to the Employment Relations Act. I am not too sure why the words ‘subject to the Employment Relations Act’ have been mentioned because Employment Relations Act will be amended in the next Clause of the Bill. Clause 3 mentions: “subject to the Employment Relations Act”. I asked myself the question whether these words are not surplusage because we are amending the Employment Relations Act in the next Clause.

In the next Clause precisely, Madam Speaker, Clause 4, Employment Relations Act is amended by deleting ‘Mauritius Prison Service and Fire Services’ and adding ‘Mauritius Fire and Rescue Service, the Mauritius Prison Service and the Police Force’. When I go through the original section of the ERA which reads as follows –

“This Act shall not apply to a member of a disciplined force except the Mauritius Prison Service and the Fire Services”.

Now, we are going to add the ‘Police Force’ to ‘Mauritius Fire and Rescue Service and the Mauritian Prison Service’. The question I am asking myself is: why do we still talk of Disciplined Force since we have now included the Police Service, we have added the ‘Police Force to the Fire Services and the Prisons Services’ and we still allow the law to say ‘this Act shall not apply to a member of a Disciplined Force.’ The question I am asking is: which other members of a Disciplined Force are we aiming at, since now it will be possible, the Act will apply to the Mauritius Prisons Service, to the Fire Services and to the Police Force. I am not too sure whether there are other members of the Disciplined Force which have still not

been taken on board by this present legislation, since I don't know of any other Disciplined Force, except the Police Officers, the Prisons Service or the Fire and Rescue Service.

Madam Speaker, concerning the question of the right to amalgamate with another trade union or to form a trade union federation or confederation, although I agree totally with the Bill concerning the fact that the provision that the union of the Police Officers will not have the right to strike, yet I am still asking myself the question, whether we should not have gone all the way through and not denied this right to the Police unions to join, to amalgamate with another federation or confederation. I am not too sure whether this is a good decision, Madam Speaker, because the extent to which Police Officers identify with trade union movement. Again, in other countries, Madam Speaker, when we look at other countries where Police trade unions have been set up, there is, in fact, no clear indication whether this is a good thing or a bad thing. What I want to say is that the extent to which Police unions have identified with the Labour Trade Union Movement in the different countries have depended on the different countries.

Basically, Madam Speaker, the base of Police trade unions is extremely conservative. In Australia, for example, they consider themselves as different, as professional bodies and they have refused to align themselves with the organised labour in this country. In most countries, this has been the case. There have been exceptions. In South Africa, for example, Police unions have aligned themselves with the broader trade union movement. Therefore, it is difficult to generalise. What I want to say, Madam Speaker, the reason why we fear this alignment, this possibility of allowing the Police trade unions to align themselves with the interest of organised labour or the broader trade union movement is unjustified, I would have thought. I don't think we should be afraid that allowing them to align with the trade union movement in general is risky. I think we should have gone all the way throughout. We have given them the possibility of creating unions. I don't see anything harmful or sinister in having allowed them also to join whatever federation or trade union they would have wished to do so.

There is a last point which I want to make, Madam Speaker, perhaps the most important one to me. Madam Speaker, yesterday, I put a question to the Rt. hon. Prime Minister, but time not permitting, the Rt. hon. Prime Minister did not answer the question because it was time barred. I will read that question –

“(...) whether, in regard to the Mauritius Police Force, he will state if consideration will be given for proposed amendments to be introduced to the Public Bodies Appeal Tribunal Act to allow Police Officers aggrieved by any issue regarding promotion or discipline to refer their grievances thereto pending the adoption of a Bill allowing the setting up of the Police Syndicate.”

I did not know that the Bill would come as fast as it has come. So, it is a good thing that the Bill is going to be adopted today. But, if we adopt this Bill without amending the Public Bodies Appeal Tribunal, I am sure all friends at the Bar have already understood my point. I have talked to some friends at the Bar on the other side of the House; this is not politics, of course, but this is a genuine request and it will add substance to the Bill we are voting today, if we bring this amendment.

Madam Speaker, the Constitution was amended when we set up the Public Bodies Appeal Tribunal in 2008. As we all remember, the Tribunal was set up to determine an appeal made by any public officer or any local Government Officer against any decision of the Public Service Commission or the Local Government Service Commission as the case may be pertaining to an appointment exercise or to a disciplinary action taken against that officer. This means, therefore, Madam Speaker, that the Public Bodies Appeal Tribunal is empowered to look into a grievance made by a public officer, a civil servant or a Local Government Officer when he feels aggrieved on an issue of appointment; he has not been appointed to a post or for a disciplinary action taken against him. He now goes to this Tribunal, as we all know, which is chaired by Mrs Shirin Aumeeruddy-Cziffra. Now, when the Constitution was amended in 2008 -

“91A Public Bodies Appeal Tribunal

- (1) There shall be a Public Bodies Appeal Tribunal which shall, notwithstanding section 119 but subject to subsection (3), have jurisdiction to hear and determine appeals made by public officers against such final decisions of such Commission established under this Constitution, as may be prescribed, or of any Commissioner or other person exercising powers delegated by that Commission.

- (2) The Public Bodies Appeal Tribunal may also hear and determine appeals made against final decisions of such other public bodies as may be prescribed.”

It is clear, therefore, Madam Speaker. Now that we have given the right to Police Officers to join a union, a Police Officer, if he feels aggrieved for having not been promoted or having been subject or liable to a disciplinary action, should now be able to go to the Public Bodies Appeal Tribunal to make his case. In fact, today many Prisons Officers, not knowing the law, think that they can go to the Public Bodies Appeal Tribunal, but, of course, their application is rejected. In fact, we should have amended the law to allow Prison Officers, Fire Rescue Service Officers and now Police Officers to be able to express their grievances; to go and address whatever grievances they have and to make their case before the Public Bodies Appeal Tribunal. Therefore, this would be, as I said, another way of giving substance to the Bill we are we are voting today.

Madam Speaker, this is the last point I wanted to make. Before I sit down, I would just like to say that the challenge of our Police unions today will be this right to unionise and there is no doubt that they will become powerful unions. There is no doubt that this is the occasion to revisit the Police Act, as suggested by hon. Dayal. There is no doubt that this is the time now to look at the *brebis galeuses* in the Police Force. I, myself, just paid tribute to the Police Force a few minutes ago, but we know like in any other core, Madam Speaker, there are, unfortunately, a few *brebis galeuses*. But the challenge of the unions today will be to find the right balance, Madam Speaker, between responding to their day-to-day traditional concerns which will be their essential focus, their vested interest on the one hand, and striking the right balance between this and becoming an efficient delivery service Police Force, promoting a real democratic policy. In other words, on the one hand, they should attend to their own vested interest and at the same time they should respond to what is expected from them on the social justice level.

With these words, Madam Speaker, I wish good luck to the Police Force and to the Police unions. Thank you very much.

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

At 4.57 p.m. the sitting was suspended.

On resuming at 5.31 p.m. with Madam Speaker in the Chair.

Madam Speaker: Hon. Pravind Jugnauth!

The Minister of Finance and Economic Development (Mr P. Jugnauth): Madam Speaker, during the past electoral campaign, and in our manifesto of *l'Alliance Lepep*, we had promised, especially to the Police Force, that we would come up with a Bill so that the Police would be able to organise themselves into a trade union and the Government Programme 2015-2019 again had translated this promise, that is, the extension of the right to unionise to all members of the Police Force. With this Police (Membership of Trade Union) Bill, this Government is, therefore, delivering on its promise.

Undeniably, members of the Police Force are the linchpin of the machinery of law and order and, therefore, Madam Speaker, promotion of their interest and welfare through the freedom to unionise is consonant to the maintenance of law, order and stability. It is with this underlying objective that this Government is, through the present Bill, extending the right to unionise to members of the Police Force.

Madam Speaker, in so doing, this Government is also discharging the commitments it undertook under the ILO Convention No. 87, Convention which, in fact, Mauritius ratified as far back as 2005. It will be recalled that following the ratification of this Convention, Mauritius had, through the enactment of the Employment Relations Act, extended the fundamental right to unionise to the Mauritius Prison Service and the Fire Services. However, at that time maybe it was felt that extending the right to unionise to members of the Police Force maybe was not considered as opportune.

Although Members have been referring to certain sections of the ILO Convention, just to reply to hon. Mohamed on what he said, I think one must read very carefully the provisions of the Convention. The Article to which he has referred, Article 2 and I won't read Articles 2 and 3 as they are general principles with regard to the right to establish and to join organisations of anybody choosing to do so. But, what is important, Madam Speaker, is the fact that Articles 9 and 9.2 are specific articles with regard to armed forces and the Police, and it is important that I read this Article 9 –

“The extent to which the guarantees provided for in this Convention shall apply to the armed forces and the police shall be determined by national laws or regulations.”

And 9.2 –

“In accordance with the principle set forth in paragraph 8 of article 19 of the Constitution of the International Labour Organisation the ratification of this Convention by any Member (...)”

And the emphasis is mine -

“(...) shall not be deemed to affect any existing law, award, custom or agreement in virtue of which members of the armed forces or the police enjoy any right guaranteed by this Convention.”

Therefore, I fail to understand the argument of hon. Shakeel Mohamed that by coming up with this Bill we are, in fact, going against - this is what I understood - the provisions of the ILO Convention. To me it is very clear. Therefore, Madam Speaker, without a right to unionise, members of the Police Force, in fact, were deprived of an opportunity to have a say in fundamental matters relating to their material and moral interests. Of course, the existing Police Federation, the registered association that was established to cater for the welfare and efficiency of Police Officers provides them with some form of collective representation rights. However, the existing Police Federation has a lot of limitations, neither does it hold general meetings nor does it have collective bargaining rights.

With the eventual proclamation of clause 4(2) of the Bill which will repeal, in fact, section 17 of the Police Act, the Police Federation, which is governed by the Police Federation Regulations, will also cease to exist. The Police Federation’s remit as regards the advancement of the well-being of Police officers is limited to, and I quote from section 17 of the Police Act -

“(2) (...) bringing to the notice of Government all matters affecting their welfare and efficiency (...)”

And the Federation is required to do so through a Joint Committee of the Committees, known as the Inspectorate Committee, Sergeants and Corporals Committee, and the Constables Committee as per Regulation 7 of these Regulations and the Joint Committee may be directed by the Commissioner of Police to conduct any special business as per Regulation 19 and the procedure to be observed for the general good management of every Committee is, in fact, determined by the Commissioner of Police.

Therefore, in this context, it is also relevant to say a general principle that - that has been cited by hon. Rutnah and other orators – every citizen enjoys the freedom of assembly and association under section 13 of the Constitution of Mauritius - freedom to associate freely with others to form associations, trade unions, etc.

However, the law may provide also for exceptions to the above principles, exception that exists in the interest of public safety, public order and restrictions upon public officers.

One such exception was contained, in fact, in section 17 of the Police Act which has been already been mentioned. Just to say also that the Police Federation that is mentioned in section 17(2) is established under the Standing Orders and Rules of the Police Force and, again, this Police Federation is, therefore, under the control of the Commissioner of Police (CP) and it is not voluntary association to represent Police Officers in collective bargaining.

Thus, the replacement of the Police Federation by Police trade unions will, therefore, enable collective bargaining relating generally to the terms and conditions of employment of Police Officers to take place within the much better regulated and broader parameters of the Employment Relations Act than those of the current Police Federation Regulations.

The perception of a legal *mainmise* of the Commissioner of Police over the functioning of various Committees of the Police officers will be done away with and Police officers will, in fact, be on equal footing, except, of course, for the right to strike with other public officers with regard to the better safeguarding of their rights. In any event, the welfare of Police officers is being catered for by members of the Force through the Police Welfare Association and the Police Federation is largely non-operational.

Therefore, Madam Speaker, it is good that we mention what obtains also in certain other countries. Western liberal democracies such as the UK, the US, Canada, New Zealand and Australia have all vested their respective Police Forces with the right to unionise. Interestingly, the empirical studies carried out in the United States have confirmed that unionisation of the Police Force, has, in fact, improved the law enforcement aspects of the Police Force.

In addition, those studies have highlighted a correlation between a creation of an environment that is favourable to collective bargaining and greater satisfaction with personal practices within the Police Force.

Madam Speaker, effective law enforcement and promotion satisfaction among personnel practices within the Police Force are, indeed, the two values which this Government is committed to. Even though this Government is permitted under the ILO Convention to curtail the freedom to unionise the Police Officers, this Government perceives a complete suppression of those rights as being antagonistic with the values this Government endorses. Police Officers have genuine interests which need protection. Police Officers have the right to participate in any process involving the determination of their conditions of service, pay or pensions, hence the need for this Bill.

Madam Speaker, as with the Mauritius Prison Service and the Mauritius Fire and Rescue Service, members of the Police Force are, however, prohibited from taking strike action under any circumstances. Admittedly, right to strike has the potential to seriously disrupt peace and order in society. In fact, the public interest demands that the right to strike be prescribed for Police Officers.

Further, Police Officers need to retain their independence and impartiality, two key ingredients for the smooth functioning of any democratic and liberal society based on the rule of law. Thus, a trade union of Police Officers are prohibited from amalgamating with any other trade union, except with another trade union of Police Officers to form one trade union and, in addition, the membership of trade unions for Police Officers will be limited to Police Officers. It is with the same objective that a Federation of Police Officers is prohibited from joining any other Federation except with another Federation of Police Officers to form a confederation.

Now, the point that arose before was whether there is a difference with the right to associate with another union. Well, to me, again this is clear and when I look at the section 1 (a), where it says –

“A trade union of police officers shall not join with any other trade union to form a Federation except with another trade union of police officers.”

And in section 3 (a) -

“A Federation of police officers shall not join with any other Federation to form a confederation except with another Federation of police officers.”

Well, to me it is clear that, therefore, not to join means also not to be able to associate with another union.

This Bill, Madam Speaker, bears testimony to Government’s spirited and unwavering commitment to the furtherance of constitutionally protected civil, economic and social rights to one and all and for one and all.

Thank you.

Madam Speaker: Hon. Baloomoody!

(5.50 p.m.)

Mr V. Baloomoody (Third Member for GRNW & Port Louis West): Thank you, Madam Speaker. Let me at the outset make it clear that, as the hon. Leader of the Opposition has stated, we are for the unionisation of the Police Force, and we are happy that this Bill is before the House today. We are talking about a Force of nearly 13,000 people and we are giving them today an opportunity to unionise, to get together, so that they can fight for their rights.

However, there are some questions which I am going to ask, and although I am going to ask these questions, they come from the Police Force itself. I have, since the Bill has been circulated, spoken to some Police Officers. There are still some doubts about how that union will function. It is better that we clarify it today, in this Bill, in this law, so that there is no ambiguity in the future and that the Police union we want to create will be a strong Police union that will work for the benefit of the Police Officers.

Let me start by quoting the object of the Bill: “The object of this Bill is to allow members of the Police Force to unionise.” When we look at the Employment Rights Act - we are forming a trade union - trade union means -

“(...) an association of persons, whether registered or not, having as one of its objects the regulation of employment relations between workers and employers.”

This is what the law says: ‘workers and employers’. So, the workers are the Police Officers. Who is the employer in this case? I have done it a must to speak to at least 25 Police Officers since yesterday, and I asked them the question: “who is the employer?” The answer is: “The Commissioner of Police.” The answer is the Commissioner of Police! Police Officers think that it is the Commissioner of Police when, in fact, it should be the Government of Mauritius. So, I will come to that later to see with whom they are going to negotiate, with whom they are going to bargain, because this is very important, that is, who is the employer and who are the workers.

Section 17 of the Police Act clearly states that the Police Officers are not allowed to form a trade union, and this, we are doing away with. Section 17 creates the federation. There is a Standing Order for the federation, which is Standing Order 19. Standing Order 19(1) says that there will be a Police federation. Its object is to “enable officers of the Force from the rank of Police Constable to that of Chief Inspector - limited to that - to consider and bring to the notice of the Police authorities all matters affecting their welfare and efficiency.”

So, the federation was up to the level of Chief Inspector. Today, we are going to have a union where we take it that all Police Officers will be members.

Standing Order 19(2) clearly states that “matters of discipline and promotion affecting individual shall not be considered by the federation unless there is (...) of principle”

So, at the federation level, they are not allowed to deal with matters of discipline and promotion. We know - it has been said before - that the Commissioner of Police had a *mainmise* on this federation in all the sub-committees and committees. Even to appoint a Legal Adviser, they have to have the consent of the CP. Even to set the agenda for the federation, they need the consent of the CP. So, we know that, under the federation, things were not working as it should be for the Police Officers.

Now, when we look at the object of this Bill today, at clause 3, it states –

“Subject to the Employment Relations Act, a police officer may be a member of any trade union or association of employees, having its objects the control or influence of the pay, pensions or conditions of service of police officers.”

Now, the question is: what do we mean by conditions of service of Police Officers? In the federation, they look at the welfare and efficiency. So, if we mean that, we are going back to the federation. If it is more than that, then it should be specified, because in the federation we specify clearly that matters of discipline and promotion shall not be considered. Are they allowed to be considered here?

(Interruptions)

So, if it is obviously, then probably we should add ‘conditions of service of Police Officers’, including ‘matters of promotion and discipline.’

(Interruptions)

Why am I saying that? Because I am thinking of what we are having today in the prison! In the prison, they are supposed to have a trade union, but when they try to discuss matters of promotion and discipline, the Commissioner of Prisons tells them: “sorry, we can’t discuss that because this is administrative and day-to-day running”. I have in my possession letters which have been sent to the Commissioner of Prisons as far back as 04 August 2016, asking the actual Commission of Prisons: “In this context, we would like to discuss certain issues”. Up to today, there has been no meeting. The reply is simple: “These issues are not covered in the law. You are interfering in the day-to-day running of the Police. You are not here to talk

about promotion. You are here only to talk about your welfare. You are not here to talk about discipline. It is only about welfare.”

In the prison, there is no much of a transfer. But what about the question of transfer? Does this cover conditions of service of Police Officers? I am sure the Commissioner of Police will say: “transfer is a routine”. I know of a case, a few weeks ago, where a member of the VIPSU, on Saturday, got a letter that he should report to Police Station on Monday and not to the Member of Parliament to whom he is attached. He could not have any reason. He was not given any reason.

(Interruptions)

But this is what I am saying! Will the union be able to ask questions about why such gentleman or lady has been transferred? Even if this is administrative, will they be given a reason why? And we know how many punitive transfers there are in the prisons. So, these are questions that the Police Officers are asking. Already, we are having some misinterpretations. At the beginning, we were informed that conditions of service of Police Officers means promotion and discipline, and now we hear that transfer is not to be considered. So, they can't ask questions. Tomorrow, the union will not be able to ask questions about why X or Y is being transferred. This is not clear, and this is why the union in the Prison Service is not functioning as it should be and the Prison Officers are not having the satisfaction that they thought they would have with a union. We don't want this to happen to the Police union. This is why it should be clear as to what specific role the union tomorrow will have and what role, more especially, the Commissioner of Police will have. The Commissioner of Police, whether we like it or not, is very, very powerful in the Police Force. There is one judgement of the Supreme Court; I remember it is a case against the then Commissioner of Police, Mr R. Dayal, where the Commissioner was referred to as ‘a powerful monarch’ - I am sure you remember that. That's how the Judges...

(Interruptions)

Madam Speaker: Hon. Dayal!

Mr Baloomoody: Yes, but then what will be the role of the Commissioner of Police? Will he be a member of the union? Does the union negotiate with him?

(Interruptions)

Madam Speaker: Please, do not interrupt!

Mr Baloomoody: If he is not...

(Interruptions)

There is interruption now!

Madam Speaker: Don't interrupt!

Mr Baloomoody: So, if he is not a member of the union, then with whom will the union has its meeting? With whom do they deal?

(Interruptions)

I am asking this question because the Rt. hon. Prime Minister will have an opportunity to reply...

Madam Speaker: The Rt. hon. Prime Minister will have an opportunity to reply!

Mr Baloomoody:...and I hope that he will be able to clarify the situation.

Now, when it comes to the PRB and now the situation today when it comes to wage and salary, the ranks and files go and see the Commissioner and it is the Commissioner who goes to negotiate with the PRB. What the Commissioner says to the PRB, none of the officers is aware! So, at least today, probably - I hope - we will have some transparency there. Now, whether there will be one, two, three or four unions, their unions can go and negotiate with the PRB and have their relief and in case they are not happy whether they will be able to go back again to the PRB. These are questions that have to be answered. Who will depone to the PRB?

With regard to the question of the right to strike, we don't have any quarrel with it. Of course, in many countries, even the ILO Convention 87 allows it, there is no right to strike. Insofar as the issue of *fédération* and *confédération* is concerned, there have been many disputes. Some believe that by not having a federation, we are in breach of ILO Convention 87, others believe that we are not. I ask a simple question: have we before coming with this law sent a copy of this law to the ILO to seek their advice, or do they approve?

(Interruptions)

Whether we are within the Convention to seek their advice!

(Interruptions)

If we are not, then the question arise: why? I understand that tomorrow there will be a Tripartite Meeting. Will tomorrow the unions be able to attend that Tripartite Meeting once they form the Police trade unions? We know that the Prisons Officers will be there, they are joint with a *fédération*. Their *fédération* will be at the table tomorrow. So, they will ask whatever they want, whatever they think about, whatever they want to ask for will be at the table of the negotiations. What about the Police union tomorrow? Will they be in a Tripartite Meeting if they are not allowed to confederate and if there are several trade unions within the Police Force? These are issues probably which we will have to look at.

Section 111 of our Constitution in chapter 11 talks about disciplined forces.

““disciplined force” means –

- (a) a naval, military or air force;
- (b) the Police Force;
- (c) a fire service established by any law in force in Mauritius; or
- (d) the Mauritius Prison Service;”

Now, with the coming into force of this Bill, all these four disciplined forces will have a right to be unionised. Why can't they form a *fédération* or *confédération*?

(Interruptions)

Why can't they join these federations since they all have more or less the same principle? They are disciplined forces, they are not allowed to strike. If we want to avoid that controversy, whether we are in line with the ILO Convention 87 or not, that we, at least, allow them to confederate. All those disciplined forces confederate so that they can be at a negotiable table. At the Tripartite Meeting, they can join forces together to have better satisfaction to what they are demanding. So, these are what I had to say with regard to these issues. Now, it is clear that they will have probably to negotiate with Government. I hope that the Rt. hon. Prime Minister in his summing-up will tell us with whom they will negotiate. It is still not clear what is their object, what will be their rights according to section 3, whether promotion or transfer will be part. We hear what is restricted under federation is included, but now we have heard that transfer, promotion, all these are not within the ambit of the unions. So, I hope that the Rt. hon. Prime Minister will clarify these issues.

Before I end up, let me wish good luck to the trade unions of the Police. Let us hope we will have a strong trade union, which will, of course, give the 13,000 members of the Police their rights to assemble, the right to fight for their rights.

Thank you, Madam Speaker.

Madam Speaker: Rt. hon. Prime Minister!

(6.02. p.m.)

The Prime Minister: Madam Speaker, with your permission, I wish, first of all, to thank all the hon. Members who have participated in the debate on this Bill. I am pleased that there is consensus in the House in favour of the Bill. In fact, the quality of the interventions and the interest shown on the subject reassure me that we are a responsible Government committed to promote the fundamental human right of association. By introducing this Bill, my Government is giving the opportunity to Police Officers to associate among themselves with a view to achieving common goals.

Police Officers play a central role in the law enforcement system. They monitor criminal activities, respond to emergency calls, arrest offenders, investigate crimes and testify in Court, if need be. Their first and foremost duty is to serve and protect. Taking into consideration the considerable efforts they put in to perform their duties efficiently, it gives me much satisfaction in allowing them to be part of a Trade Union. I believe that a Police Trade Union can influence positively policing trends.

The passing of the Bill today in this House is an important milestone in the history of the Mauritius Police Force. Major amendments are being proposed to the Employment Relations Act and the Police Act to that effect.

The Police Union will, therefore, amongst others, have the right to collective bargaining which is not the case presently with the Police Federation. In the process of collective bargaining the Police Union will be able to enter procedural and substantive agreements, thus allowing Police Officers to express, *inter alia*, their grievances etc. They will also have the right to depone before the Pay Research Bureau their conditions of service and salary as is the case of the Prison and Fire Services Unions and other Unions of the Public Service.

Madam Speaker, most of the questions raised by hon. Members of the Opposition have already been addressed. Regarding the point highlighted by the Leader of the Opposition in respect of section 17(4) of the Police Act which is being repealed, it is clear

from the amendments to sections 15 and 16 of the Employment Relations Act that the Police Trade Union cannot join or associate with other federations for security and safety purposes.

I also wish to stress on the fact that because of the specific nature of the duties of Police Officers relating to law enforcement, it would not be appropriate for a Police trade union to associate itself with other federations of trade unions, the more so as those federations can resort to strike. Police Officers, unlike officers of the Mauritius Prisons Service, may face a situation where they have to enforce the laws of Mauritius against members of other trade unions who are in breach thereof.

Regarding the right to strike, there has been consensus in the House that this cannot be extended to Police Officers as they are required to protect the interest of national security and public safety, prevent disorder and crime, and protect the rights and freedom of others. Policing is an essential service and, therefore, the ban on striking for Police Officers is fully justified. Without Police on duty there would be complete chaos.

There was the question raised about promotion and disciplinary matters. Promotion and disciplinary matters are dealt with by the Disciplined Forces Service Commission.

As regards transfer, well this is so clear it is a purely administrative issue and it is dealt with by the Commissioner of Police who is responsible for the day-to-day running of the Mauritius Police Force and that should be obvious to any Member of the House.

Madam Speaker, as a caring Government, we cannot jeopardise the safety of our citizens. I am here appealing to the sense of duty and responsibility of our Police Officers to continue to serve the country with the same zeal and diligence for the betterment of Mauritian society.

On my part, my Government will always provide the necessary tools and facilities to the Police Department for the welfare of its members.

Madam Speaker, one more measure announced in the Government Programme 2015-2019 is being implemented. This shows our determination to move forward towards the achievement of our goals.

Thank you, Madam Speaker.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE*(Madam Speaker in the Chair)***THE POLICE (MEMBERSHIP OF TRADE UNION) BILL****(NO. XXVII of 2016)**

The Police (Membership of Trade Union) Bill (No. XXVII of 2016) *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 Police (Membership of Trade Union) Bill (No. XXVII of 2016) was read the third time and passed.

Madam Speaker: Can I now ask the Deputy Speaker to take the Chair, please?

At this stage the Deputy Speaker took the Chair.

*Second Reading***THE SOCIAL INTEGRATION AND EMPOWERMENT BILL****(NO. XXVIII OF 2016)**

The Minister of Social Integration and Economic Empowerment (Mr P. Roopun): Mr Deputy Speaker, Sir, with your permission, I move that the Social Integration and Empowerment Bill (No. XXVIII of 2016) be read a second time.

The main object of this Bill, as stated in the Explanatory Memorandum, is to provide a legal framework for the promotion of social integration and empowerment of persons living in absolute poverty. This is in line with the philosophy of Government to enhance social justice and national unity.

The Bill provides for the setting up of empowerment programmes and schemes to encourage the extreme poor to move out of poverty and to facilitate their integration in mainstream society.

Mr Deputy Speaker, Sir, fighting absolute poverty is and has always been a priority of this Government. The House will recall that this commitment was clearly enunciated in the Government Programme 2015-2019.

Similarly, in his Economic Vision Statement 2030, the Rt. hon. Prime Minister, while outlining the measures that need to be taken for Mauritius to move to a high income status by 2030, emphasised about the need to reduce inequality and move towards an inclusive society. But we all know that compared to the situation in various parts of the world, we should feel blessed that, by international standards, poverty in Mauritius is low. In fact, on the Afrobarometer's Lived Poverty Index 2014/2015, Mauritius has been classified as the least poverty stricken country in Africa, scoring the lowest rate of 0.1 ahead of Cape Verde with 0.37.

However, Mr Deputy Speaker, Sir, as stated by the Minister of Finance and Economic Development, hon. Pravind Jugnauth, in the context of the International Poverty Day in October last, I quote –

“It is hard to remain unconcerned when we see a family living in extreme poverty and it matters little whether the poverty rate nationally is one per cent or two per cent or ten per cent.”

In fact, we all remain resolved to eradicate poverty in all its forms as enunciated under Goal 1 of the SDG and our ambition is to attain this objective well before 2030, the deadline set by the UN.

Over the last 24 months, Government has taken a series of pro poor measures. We started our mandate by raising the pension payable to the elderly, widows and invalids by around 50 per cent. Some 240,000 men, women and children benefitted from this measure which greatly eased the financial situation of various needy and vulnerable families. This was followed by an across-the-board salary compensation which benefitted particularly those in the lower income brackets.

In addition, we passed legislation for the setting up of a National Minimum Wage Consultative Council with a view to establish a minimum wage for our active population.

Mr Deputy Speaker, Sir, being given that education is a key element in social mobility, a comprehensive reform is being undertaken in our educational system through the introduction of the Nine-Year Schooling Programme.

Government also came up with the formulation of a Marshall Plan against poverty. This plan which contains short, medium and long-term strategies to better address the root causes of poverty has been officially announced during the last Budget. All the

recommendations of the Marshall Plan are being given due consideration taking into account the local context and its affordability.

In this Budget 2016/2017, over Rs500 m. has been provided to my Ministry for the implementation of various measures contained in the Marshall Plan. These include, amongst others, the payment of subsistence allowance based on the new poverty threshold; education support; implementation of community-based schools in 5 ZEP schools and the new decent shelters programme.

The introduction of this Bill, in this august Assembly, marks yet another milestone in our fight against absolute poverty and social exclusion. We are establishing a legal framework for the empowerment of the poor, instead of focusing merely on assistance.

My Ministry which has been set up ever since 2010, has, as its main objects, to formulate policies and strategies to fight poverty and social exclusion, while widening the circle of opportunities for the empowerment of the vulnerable groups. Yet, both within my Ministry and the NEF, which is the main implementation arm of my Ministry, there are no clear parameters within which to focus towards empowerment. With the introduction of this Bill, Madam Speaker, we are filling this lacuna.

Clause 3 of the Bill provides that, in order to encourage social integration and the empowerment of persons living in absolute poverty, the Ministry will set up programmes and schemes to facilitate their integration. In fact, a paradigm shift is being brought to the strategy of poverty reduction. A multi-pronged and coordinated action will henceforth be undertaken to tackle different dimensions of this complex problem and to specifically empower the recipients, instead of single and one-off programmes.

Government is building a new partnership with the most vulnerable. Instead of perpetuating a system of dependency based on assistance, marginalised people would be called upon to think beyond immediate daily survival and thus assert greater control over their choices.

Through empowerment programmes, we shall endeavour to address the plight of those people, who generally due to their lack of independence, have no self-confidence, as a result of which they are denied opportunities.

Clause 3 of the Bill provides for such programmes, but it deliberately avoids being too prescriptive about what those programmes should contain. Rigidity would not be appropriate, as specific Needs Assessment will have to be carried out for each and every

beneficiary. In addition, this will allow for more flexibility, while responding to changing circumstances.

The mechanism, which is being set up, will be used for the implementation of the ground breaking measure announced in the last Budget, whereby all those in extreme poverty shall be entitled to a conditional income support as subsistence allowance.

As pointed out by the Ministry of Finance, with this measure we are altogether eradicating income poverty in Mauritius by ensuring that all poor in this country, without any distinction, have at his disposal, a minimum amount for his daily needs.

This income support is not a 'hand-out' but rather incites beneficiaries themselves to take concrete steps to improve their well-being and overall welfare. It is also a pathway for the empowerment of the poor and vulnerable who has also the possibility to sever from any exploitative relationship.

However, to map and identify those who will benefit from this income support, but more importantly, to ensure that the neediest are being taken on board, we started a full-fledged survey, based on the new poverty threshold, announced in the Budget.

This would constitute the Social Register of Mauritius database.

Clause 4 makes reference to the Social Register of Mauritius in which shall be registered the names and other relevant particulars of every person living in absolute poverty.

The House will recall that previously, for Mauritius, the income threshold of the absolute poor was Rs6,200 per household per month, irrespective of the family size. While for Rodrigues, it was only Rs5,000.

This was considered to be most unfair, especially for household having a larger family size. Thus, in the last Budget, a new poverty threshold has been calculated on a per capita basis. This stands at Rs2,720 per adult per month with a maximum threshold of Rs9,520 per month, depending on the family size. Furthermore, Mauritius and Rodrigues are being put at par.

As regards Rodrigues, there was previously no Social Register as such except that some 1,400 families were found to be earning less than Rs6,200 monthly and were thus entitled to benefit from the Child Allowance Scheme.

Following public announcement in the local Press, registration exercise of needy families was undertaken by the NEF from 16 August to 17 September 2016 in Mauritius and

for the first time in Rodrigues, this exercise was carried out from 05 to 13 September 2016. After home visits, 22,802 completed forms were received at my Ministry. Data capture was done and forwarded to the Ministry of Social Security, National Solidarity and Reform Institutions to determine the assessed income and those families who fall below the said threshold.

Following this exercise, to date, some 8,340 households, including 1,806 from Rodrigues are in the Social Register and are eligible to receive empowerment support, including the subsistence allowance.

I wish to add here that these 8,340 households are being given support which presupposes that the amount, if any, they are receiving previously from the social security does not meet the set threshold.

I must add that this exercise has been done after a maximised outreach; we have been able to gather empirical data on the socio-economic conditions of the extreme poor and this is an important tool for Government to gauge the situation on the ground.

Information on various facets of poverty has now been captured and the Social Register shall help to come up with appropriate policies for the social integration and empowerment of the extreme poor both in Mauritius and Rodrigues.

Allow me to add that all those found not eligible to appear on the Social Register will be informed in due course and they will have a right of appeal as provided for in clause 7(4) of the Bill.

As already pointed out on various occasions, the monthly allowance payable to a beneficiary would be the difference between the poverty threshold and the assessed income.

All formalities are presently being completed and everything is set for the first payment to be made to the beneficiaries this December through the Accountant General. I must point out that payment is being effected strictly through Bank transfer. Families who do not have a bank account are being requested, as a first act of empowerment, to open one.

Mr Deputy Speaker, Sir, prior to obtaining empowerment support, eligible beneficiaries will have to enter into an agreement with the Ministry by way of a Social Contract as provided for under Clause 8.

The Social Contract will be a transformative tool for broader social goals of equity, social justice and empowerment and designed to break the vicious circle of intergenerational transmission of poverty.

This Social Contract shall be for a limited duration and for a specific purpose with an ultimate goal for beneficiaries to lead a fully independent and productive life.

The Social Contract would contain conditionalities which would have clear developmental objectives and would include -

- (i) capacity building, and
- (ii) measures to provoke a behavioural change contributing towards the long term well-being of the recipients.

It is to be noted that programmes designed under this Bill shall target the absolute poor only. Hence, Clause 9 gives the power to the Ministry to suspend, cancel or terminate the support provided to a beneficiary in the event that, for example -

- (a) the support was obtained through fraud or misrepresentation;
- (b) where support was used for other purposes, and
- (c) where the beneficiary is not abiding by his Social Contract.

Clause 5 of the Bill entrusts the NEF with major responsibilities. Officers of the Foundation have already been involved in identifying persons living in absolute poverty. They will, henceforth, be called upon to work with beneficiaries in every step of the daily life, from needs assessment to opening the doors of livelihood activities, while ensuring that the beneficiaries are aware and have access to facilities and services provided by Government and other agencies related to poverty alleviation, training, employment opportunities and other such services.

In fact, the NEF will be called upon to assist, support and advise. It will also monitor and coordinate with other line Ministries.

In that context, to improve its effectiveness on the ground, the Foundation has recently recruited additional Case Management Officers to bring the ratio of social worker-to-families, to a reasonable proportion.

For Rodrigues, the recruitment exercise is ongoing.

My Ministry will ensure that appropriate training and necessary facilities are being provided to those officers so that they can extend the required support and accompaniment and progress in the empowerment process of the absolute poor.

I would like to inform the House that we are in the process of restructuring the National Empowerment Foundation so as to render the organisation more effective and efficient. The UNDP which is providing technical assistance will shortly submit its recommendations thereon.

It is also our intention, Mr Deputy Speaker, Sir, to set up a Steering Committee at national level comprising representatives of all relevant line and central Ministries, NGOs, CSR community and other relevant representatives of civil society to closely monitor the implementation of the empowerment support programmes and schemes.

In addition, Regional Working Groups at the level of each District and more importantly at the level of the 168 Village Council Areas and Municipal Wards, will be set up, where a Community Based Management Approach will be developed.

Inter-Sector Coordination mechanisms will also be needed to ensure synergy and smooth implementation of poverty alleviation interventions.

Mr Deputy Speaker, Sir, no matter how committed we are to eradicate extreme poverty, Government cannot undertake this task alone. We wish to enlist the support of everyone who is dedicated to this cause.

There was a time, Mr Deputy Speaker, Sir, when a great sense of community spirit, solidarity and mutual help was prevailing in this country. We all know the old good time when neighbours were the first ones to come to one's help in case of misfortune or need. Unfortunately, this spirit has faded away. Now, everyone expects that Government will provide all support. We want to bring back that spirit of community self-help. Through Regional Working Groups, we want to enlist the support of the community at large: youth clubs, Women Council and even the senior citizens, who, by their experience on the ground can assist us, advise us and even act as mentor.

We do acknowledge, however, that there are many social workers, NGOs, private companies and other non-State actors who have, for decades, been engaged in the fight against poverty. In fact, they have been engaged in this battle even before the creation of the Ministry of Social Integration and Economic Empowerment and we wish to enlist all the support so that we can create the necessary synergy on the ground.

With the establishment of the New CSR Foundation, we wish to create a new ecosystem which will be more efficient. I wish here to clarify that the National CSR Foundation will be established by Charter under the Foundation Act and this is being done on the advice of the State Law Office. The Charter of the Foundation has already been finalised and I can reassure the House that, as indicated by the hon. Minister of Finance and Economic Development, the National CSR foundation will be managed by a Board of Directors comprising members from the public sector, the private sector and civil society. It will be operational as from January 2017 and will operate in all transparency. I wish to make this clarification in the light of certain comments which I have heard, certain hon. Members outside the House. But I wish to say that we wish everybody to be taken on board in the fight against poverty.

Mr Deputy Speaker, Sir, as I am about to resume my seat, I should acknowledge the impressive number of hon. Members from both sides of the House who wish to join their voice to the debates on a Bill which directly concerns the so-called '*sans voix*'. This is most commendable and in itself sends a sign of compassion to the poor and the vulnerable.

We realise that even if we have determination and commitment, poverty is multi-faceted and arises out of various factors, which are at times beyond our control.

Elimination of poverty is a tall order and it is more a process that requires all of us to put our minds to it and work hard at it.

In addition, people are no more impressed by rhetorical statements. They want actions that will give results.

Our new approach, today, is to fight absolute poverty. This goes to the heart of which type of society we want to leave as legacy to the future generation.

But this battle should be above party politics. It should be everyone's concern as citizens of this country and it is important to send a clear message to the poor that they are also part of this new era of development.

I will appeal solemnly to Members of this House to join hands together in this battle.

I will conclude by quoting the Prime Minister of India, Narendra Modi - I quote –

“Nobody wants to remain poor. Those who are poor want to move away from poverty. That is why, all our programmes must be for the poor. All our schemes must serve the poor.”

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

Thank you.

Mrs Jeewa-Daureeawoo rose and seconded.

The Deputy Speaker: Hon. Leader of the Opposition!

(6.38 p.m.)

The Leader of the Opposition (Mr P. Bérenger): Mr Deputy Speaker, we all know that poverty exists in Mauritius and absolute poverty also, unfortunately, exists in Mauritius.

I heard the hon. Minister described as low the level of poverty in Mauritius. I do not share that assessment, I do not share that comment, but, of course, everything is relative in life. Poverty exists in Mauritius. Absolute poverty, whatever definition of absolute poverty that we adopt, we know that absolute poverty also exists in Mauritius. But there is one dimension also which the hon. Minister has not mentioned, inequality, *inégalité entre les riches et les pauvres*. We know that this has deteriorated in Mauritius over the last years, and not only in Mauritius, unfortunately, again, it is a worldwide trend, *mondialisation aidant* and for other reasons as well. Therefore, we have been and we are, as far as the MMM is concerned, fully committed to combat poverty and absolute poverty, but also to reduce *l'inégalité*, to reduce inequality in our society.

Having said that, therefore, concerning the Bill that is before the House, of course, we are in favour of this piece of legislation which aims at setting up such empowerment programmes or schemes, as may be necessary, to combat absolute poverty. We are committed, as I said, to combat, not only absolute poverty, but poverty in general. But, we have to start, of course, and to concentrate on absolute poverty.

When the present Minister of Finance and Economic Development presented the last budget, this idea of a new scheme, a top-up scheme, a monthly allowance to bring the poorest to a given minimum level, it was one of the measures which I went out of my way to describe as '*intéressant*' and we know what was the result of that comment. But I do not regret at all having made that comment, although - and I'll spelt it out later on; I am not fully satisfied with what is now provided to combat absolute poverty and poverty in general. But I was for and I am for, totally, this idea of a top-up allowance, of a monthly top-up allowance to bring the poorest to a minimum level.

I am a bit disturbed if I heard the figures from the Minister rightly, because when we discussed that at Budget Time, I put in a big PNQ as usual. It was confirmed that there already existed a Social Register. There was already a record, a Social Register of the families in Mauritius and Rodrigues which qualified as being prisoners of absolute poverty. The figures then quoted used a threshold determined way back in 2012. What disturbs me today is that with a lower threshold, then what is provided in today's Bill with a lower threshold, going back the threshold determined in 2012, the figure that we used, that the Minister referred to, that the Minister of Finance and Economic Development referred was 13,267 families in Mauritius and 1,400 families in Rodrigues. I was, of course, going to ask: what now? How many families are concerned, since we are using a new threshold? As I said, I am quite disturbed.

If I heard the Minister correctly, and he says that we are now dealing with 8,340 families in Mauritius and 1,000 – I miss the rest 1,000, I think above 200, 1,000 something in Rodrigues. So, I am very disturbed. We were talking of 13,267 when the threshold was much lower. So, how now we come to a number way down from 13,267 in Mauritius and 1,400 in Rodrigues, we come down to 8,340 in Mauritius and 1,000 something in Rodrigues. Of course, I am using the average, the figure for a family of two adults and three children. We have it in the Schedule, of course. For two adults and three children, the threshold is now set at Rs9,520. Therefore, all the families composed of two adults and three children who are below that, there will be the top-up coming into operation. So, I am very disturbed and I hope that the Minister enlightens us when the threshold has been increased, how come we have come down from 13,267 in Mauritius and 1,400 in Rodrigues to 8,340 in Mauritius and 1,000 something in Rodrigues. I am very disturbed, Mr Deputy Speaker, Sir.

I must congratulate the Minister because on one point we are putting at par families in Mauritius and Rodrigues. We should do that on every occasion where there is discrimination against our sisters and brothers of Rodrigues. So, that is the first point that disturbs me; how we have come down from the figures that we had previously on the Social Register to the figures that have been mentioned today, if I got the Minister right.

The second point which disturbs me a lot and, unfortunately, I did not hear the Minister say anything about that, how have we come to the figures of absolute poverty that are in the Schedule? I was referring to the figure for two adults and three children of Rs9,520, I will stick to that as the average family. How have we reached that figure? A survey has been carried out, I heard the Minister say earlier by the National Empowerment Foundation.

But, who collected figures? How figures were collected for us to arrive at this figure of Rs9,520? How was this worked out? I am not really convinced that a family of two adults and three children can live more or less decently with Rs9,520 per month. So, I would wish to hear, to know what kind of survey, what kind of team did that work to establish that threshold of Rs9,520 and by whom were the facts collected, how, by whom were the facts processed to arrive at this figure.

I wanted to ask also the Minister - and I shall ask the people concerned -whether it is Rs8,340 here and Rs1,000 and something in Rodrigues, but I hope it is much more than that in fact - will they have to apply anew? Well, it seems yes. To be on the new Social Register it seems, yes, from what I understand, because they will not only have to apply, they will also have to agree and work out a social contract family by family with the Ministry. It is a tall order! So, each one of the families concerned, to pull out of poverty and absolute poverty will have not only to re-register to be of that Social Register but also to work out a social contract with the Ministry.

There are two points which I did not hear the Minister refer to which also disturb me and I have not heard anything. The criteria used as from now, according to the Bill - amongst the criteria the eligibility criteria used - I would like clarification. Persons eligible for support, section 6. Of course, the basic figure is how much income that family brings in. That is straightforward. But -

“Every person shall be eligible to receive support under an empowerment programme or scheme where –

(a) he lives in absolute poverty;

(b) his name is included in the Social Register of Mauritius,”

And then there is a third criteria –

“(c) he meets such other eligibility criteria as may be prescribed”.

So, I would like clarification on that. We vote a law and then additional eligibility criteria can be prescribed. How? By whom? By regulation? Gazetted? Not gazetted? Who decides? I would request clarification on that.

And also, at page 4 –

“In assessing the monthly income or combined monthly income of an adult or, as the case may be, the 2 or 3 adults living under the same roof referred

to in the first column of the Schedule, the following be taken into consideration (...)"

In assessing the monthly income, we are assessing income and the following shall be taken into consideration –

“(a) any income derived by any of them;”

Fair enough!

“(b) any social aid (...)"

Fair enough!

“(c) any pension being received (...)"

Fair enough! And then, in calculating the monthly income we take into consideration -

“(d) his or their living conditions (...).”

Meaning what? You have a site visit, so if that poor family is going out of its way to try and live decently there will be an enquiry and his or their living conditions will be looked at and might disqualify somebody and we are supposed to be calculating, we are supposed to be assessing the monthly income! What does his or their living conditions have to do with assessing the monthly income of a given family? And finally, the fifth criteria is –

“(e) such other financial aid received by any of them (...)"

Fair enough! But it will be more difficult to assess that than assessing social aid received, income formally received and so on. So, I think we are entitled to ask for clarification on these two points.

I was going to end, Mr Deputy Speaker, Sir, by asking whether we will stick to the implementation Schedule announced in the Budget Speech and since then when replying to the PNQ which I set that this top-up monthly allowance would start in December 2016, that is, in a few hours' time, in a few days' time. And I heard the hon. Minister say, repeat, confirm this December! December is a crucial long month and that all these families will be requested to open bank accounts. Unfortunately, a lot of these poor and extremely poor families do not and have never had bank accounts. So, it will take not only time but it will take convincing, it will take an effort and, therefore, it will take time to get them to open bank accounts. Therefore, what the hon. Minister said is so long as the poor or extremely poor family does not have a bank account it will not receive this top-up allowance.

Now, what disturbs me more is that I understand that no poor or extremely poor family will receive that top-up allowance unless they have worked out a social contract with the Ministry. Can that be done for the thousands of families that we are talking about in the month of December? I have very strong doubts. Therefore, I think we deserve some clarification from the hon. Minister.

Thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: Hon. Minister of Finance and Economic Development!

(6.55 p.m.)

The Minister of Finance and Economic Development (Mr P. Jugnauth): Mr Deputy Speaker, Sir, let me first of all congratulate my colleague, the Minister of Social Integration and Economic Empowerment for bringing the Social Integration and Empowerment Bill to this House. In fact, the Bill goes far beyond a legislative process to address the issue of absolute poverty in Mauritius. It goes to the very heart of this Government's unflinching determination to eradicate absolute poverty from our society.

M. le président, dans le manifeste électoral de l'Alliance Lepep, nous avons une nomenclature de promesses visant à soulager la pauvreté, incluant entre autres, l'augmentation de la pension de vieillesse à R 5,000. Promesse tenue ! Augmenter raisonnablement la pension des veuves, des orphelins et des handicapés physiques. Autre promesse tenue ! D'élaborer un *Marshall Plan* contre la pauvreté ! Chose faite encore une fois ! Et avec cette législation, nous faisons un grand pas vers une quatrième promesse électorale concernant la pauvreté, celle de revoir l'*income support* et le *social aid* for mieux soutenir les bénéficiaires.

In fact, the Social Integration and Empowerment Bill (No. XXVIII of 2016) provides the legal framework for implementing an unprecedented scheme that was announced in the Budget Speech 2016/2017 to combat poverty and lift thousands of families out of absolute poverty. Let me emphasise that under this scheme, the computation of the monthly subsistence allowance will be effected on a number of persons in a household on an adult equivalent basis with a child being accounted as half of an adult and the payment will be effected to the person living in absolute poverty as defined in the Bill at clause 2.

With regard to the remark made by the hon. Leader of the Opposition, it is important that there is an enquiry because anybody can come forward and apply, but there must be a mechanism whereby you can assess whether that person really falls in that category or not.

Obviously, people who are striving hard, who are, at the end of the day, eligible, will be taken on board.

The Bill also sets the maximum subsistence allowance to Rs9,520 per month in respect of the family size of three and a half adult equivalent. This is capping. The important thing here, Mr Deputy Speaker, Sir, is for us to be able to compare what was before, that is, a threshold of Rs6,200 for anybody who was below that threshold to be categorised as being absolute poor. There was no topping up. There was no money that was given even if we take that threshold of Rs6,200. If I take, for example, a person or a family whose total income would have amounted, let's say, to Rs5,000, that family or that person would have been categorised as being living in absolute poverty. But there was not even a topping up to make it come to the level of Rs6,200. That is why I have said that this is historic. I stress that this is a new scheme. This is the objective, of course, it has been said it's a tall order. We all agree. It is not an easy battle against eradication of absolute poverty, but what we want is that no person should leave in absolute poverty in our country.

Therefore, the Bill, which is being debated today reflects fully also our commitment and endeavour in both spirit and substance. In spirit, Mr Deputy Speaker, Sir, because the scheme is about removing a stain that has been on our collective conscience as a nation for too long. As I said, in the Budget Speech, it is an aberration that we call ourselves an upper middle income economy, aspiring to become a high income country where we still have thousands of families that are still living below the absolute poverty threshold as has been set out by the World Bank. I stated then, as I would emphasise now, absolute poverty is a condition of life where families suffer from malnutrition, poor shelter, low level of education and even illiteracy. All these perpetrate a sense of permanent letting up and create, in fact, a vicious circle.

With this Bill, therefore, we, as a nation, we are sending a clear and emphatic message that no more children, men and women should live in conditions of absolute poverty in our country for too long, Mr Deputy Speaker, Sir and we have to be candid about it. We have taken for granted that economic growth and rapid wealth creation would by themselves keep families out of poverty. Unfortunately, we have witnessed that this is not the case all the time. It is not the case now also. Admittedly, in the eighties and the nineties, our economic and social policies have helped a lot to lift the standard of living for all. The growth model was then pro-poor with a development of labour intensive manufacturing and tourism and

this had at one time led to full employment in the early nineties and the impact on poverty reduction was significant.

However, as unemployment went down to around 2%, the growth model shifted from labour intensive to capital and technology intensive production. And that growth model which had underpinned our development strategy today has, in fact - and we acknowledge - increased inequality and poverty.

Indeed, Mr Deputy Speaker, Sir, Mauritius has reached a stage in its development where economic development that has led to economic growth has little impact, if any, in reducing poverty, but can instead be in itself a main driver of inequality. The rise in the gini coefficient in periods where the real per capita income GDP was growing at an average rate of around 4% bears out, in fact, this very harsh reality. And unless economic growth is inclusive, poverty will remain and even grow more intense and unless we take direct actions to take families out of absolute poverty, unfortunately, they will be condemned to the poverty trap. The number of families living in such conditions will grow year after year and so will be their predicaments.

Therefore, Mr Deputy Speaker, Sir, notwithstanding the various actions, we are taking and the necessary measures to secure inclusive growth, which we expect also to give result in the medium and long-term, we must act directly on the poverty front and we must act now. This is precisely why I have announced the Direct Income Support Scheme to the poorest families in the Budget Speech and which is the purpose now of this Bill that we are debating today. I have decided so in the Budget Speech, not because, of the statistics. Absolutely not! It is, in fact, the reality in our society, in rural as well as in urban areas, across the entire country that has convinced me that we have to take families out of absolute poverty. We have to do it urgently. I must say that during the electoral campaign, most of us in this House have seen the extent of poverty and how some families are, in fact, struggling to make a living.

As I have said in one of my speeches, I have seen poverty and extreme poverty and it is hard to remain unsympathetic or unconcerned. When we see a family, including children, living in conditions of extreme poverty, it matters little whether the poverty rate nationally is 1%, 2% or 10%. It matters little whether there are 10,000 families or 10 families living in absolute poverty. Only one thought came to my mind, no family, no child in Mauritius should be living in such conditions. Of course, once the heart is touched, the mind must start

working and the historic scheme that I have announced is, indeed, an outcome of that experience and also what reflects, as I said, the unflinching commitment of this Government and of everyone in '*l'Alliance Lepep*' to combat poverty. I know that there will be consensus in order to fight absolute poverty, but I must say that there is urgency to address that issue and this Bill is probably one of the most important pieces of legislation that this Government will be passing, and I am sure that it will be a very important instrument in order to remove that stain that our country has been having.

Mr Deputy Speaker, Sir, it is about people, about pulling out our brothers and sisters and children who are living a life of misery and exclusion and about empowering them also to join the mainstream. That is why the hon. Minister has spoken about the Social Register. There are a number of conditions. What we want is that there is not only assistance, but that we are able to empower those people to remove them from where they are so that they can graduate ultimately and become, of course, economically sustainable. I am confident that the debates on this Bill will be inspired by compassion for the poor and that there will be no partisan politics.

Mr Deputy Speaker, Sir, in substance, the Bill reflects fully the strategy that we have outlined in the Budget Speech, that is, to lift families out of poverty. It provides for the implementation of two main features of the scheme that we announced, namely, as I said, the giving part which, I should stress, concerns a reallocation of budgetary resources of taxpayers money and, therefore, must be done in a very responsible way. The Bill ensures that there will be no abuse, that the most deserving and truly needy will not be left out and that the eligibility criteria for delivering the benefits are fair. The second feature of our strategy is, of course, about empowering the beneficiaries so that they can stand ultimately on their own feet and join the mainstream.

The Bill is very straightforward on this issue. Once a family has met all the criteria, they will have to enter an agreement which is, in fact, a social contract for a limited duration and a specific purpose. Mr Deputy Speaker, Sir, there have been similar programmes that have been applied in the past, but with limited success. This Bill gives us an unprecedented strong framework to combat poverty with the Social Register, with the setting up of criteria for deciding on the beneficiaries, the social contract, and also the provisions to deal with families who may be tempted to abuse the system also.

With this Bill, Mr Deputy Speaker, Sir, we are changing the realities of our society to make Mauritius a better place for all and our society should not be one of sharp contrast where, on the one hand, there is conspicuous wealth accumulation, and on the other, rising inequality and poverty.

I am also extremely happy that we are able, with regard to our brothers and sisters in the Rodrigues, to apply the same criteria, the same threshold because poverty, of course, whether it is in Rodrigues or in Mauritius, people are affected in a similar manner. Our short history as a nation is a collection of narratives of challenges that we have met, barriers that we have broken and objectives that we have attained or even surpassed.

With this Bill, we will be able to break another barrier, that of absolute poverty and forever remove that stain from the collective conscience of our nation. I am confident that in future, together, we will make Mauritius stand proud among all the nations for being one of the very few countries in the world without children, men, women and elderly living in conditions of absolute poverty. I am also confident that it will be remembered that this Government achieved this feat in a relatively, hopefully, short span of time in its mandate.

Thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: Mr Leopold!

(7.14 p.m.)

Mr J. Leopold (Second Member for Rodrigues): Thank you, Mr Deputy Speaker, Sir. I thank the hon. Minister for his engagement in the fight against poverty and I know that he has made lots of trips in Rodrigues which means that he is trying to help us in fighting poverty in Rodrigues as well.

In Rodrigues, I think the cause of poverty is not the same as here, in Mauritius. I think, we have a problem of unemployment. The reason of unemployment in Rodrigues is, because it is small, we don't have lots of private companies like in Mauritius. Our cost of living as well is higher than in Mauritius. We have lots of taxes, freight and everything. We are in the same Republic, but the freight is very high and that makes the cost of living in Rodrigues higher.

At regional level, we are trying to combat poverty. How are we doing that? We are encouraging the SME in the agricultural schemes. We give lots of schemes to help people to get out of poverty. We are doing a lot in tourism, fishing so as to combat poverty. In terms of

empowerment, what we are doing in Rodrigues is, we are engaging the concept of Youth Empowerment Programmes (YEP) for unskilled people. We are trying to empower them. We have that famous Employment Relief Programme that helps the young unskilled to have proper training so that they get the required skill to be employed.

During his last visit to Rodrigues, hon. Minister Lutchmeenaraidoo stated that Rodrigues is on a crossroad. So, we need to move on from subsistence economy to *une économie de marché*. So, for that to be able to happen, we need to have funding from the Government to help combat unemployment in Rodrigues. How are we going to do that? To combat unemployment among young people, we will need to develop our Port, Airport and with the laying of the fibre optic cable as well, that will help to combat unemployment in Rodrigues.

Coming back to Mauritius, we are living in a Welfare State, but yet we still have poverty in Mauritius. Why do we have abject poverty in Mauritius? I think even that the Minister is doing a lot of efforts to help by increasing wage, by increasing pension, but we still have poverty. I think one of the main causes of poverty in Mauritius is unplanned suburbanisation sorts of efforts. I would think that the central Government needs to combat illegal squatting in the suburbs so as to prevent poverty. The problems of poverty here, in Mauritius, are linked with drug problems, prostitution, dysfunctional family and so on. The main cause, as I have said, is the lack of territorial management in the suburbs.

Another thing that we do to help in combatting poverty is to come with different housing schemes like, for example, the local municipalities need to come with the concept of council house like in UK to help people from going down to poverty and to get rid of absolute poverty. I won't talk much, but I think that Government will need to see the link between the ageing population and poverty as well as to combat poverty.

To conclude, I think we need to continue to promote peaceful and inclusive society based on respect of human rights, the rule of law, transparency and effective accountability to institution so as to combat poverty. On this note, Mr Deputy Speaker, I thank you for your attention.

The Deputy Speaker: Hon. Ms Sewocksingh!

(7.19 p.m.)

Ms M. Sewocksingh (Third Member for Curepipe & Midlands): Thank you, Mr Deputy Speaker. On the very outset, allow me to congratulate the hon. Minister to bring such

a sensitive Bill to this House and also for his unflinching commitment to eradicate absolute poverty.

Mr Deputy Speaker, social integration is a complex idea which means different things to different people. To some, it can be defined as a positive goal implying equal opportunities and rights for all human beings. Poverty exists all around the globe, Mr Deputy Speaker, Sir. A lot of countries do have a teeming number of people who are unable to make ends meet. There are millions of people, both in urban and rural areas, who can barely have a meal a day, let alone afford decent clothes to put on. If they live in urban areas, they live in slums and their only means of accommodation can be shacks made of aluminum, sheets, cupboards, sometimes they even stay under bridges.

Mr Deputy Speaker, Sir, coming directly to the Bill, I would say that this Bill which the hon. Minister is bringing today, can be summarised as this saying: 'give a man a fish and you feed him for a day, teach a man how to fish and you feed him for a lifetime'. This is what is about this Bill, involvement of the community.

Clause 3 of the Bill clearly says that this Ministry will provide support, encourage people living in absolute poverty to integrate the mainstream of society.

Mr Deputy Speaker, we all have some *poches de pauvreté* in our constituencies. We would all like to see our mandates living a decent life. For instance, in our constituency, my wish, your wish, the wish of hon. Toussaint, is to see, for example, Cité Anoushka an integrated village, where people can live, work, prosper, children can go to school every day, have a proper meal, have appropriate infrastructure, have recreational centres, thus have a happy and decent living. Anoushka people, Mr Deputy Speaker, Sir, dream of such kind of living. They have the capacity, the ability and they have the strength to do it. Mr Deputy Speaker, Sir, if you see the talents of the children over there, we all know and I am sure you know what I am saying. We know their determination, they have the willpower, nothing can stop them.

Today, Mr Deputy Speaker, Sir, we are talking about high tech, but their children are sleeping empty stomach. We are talking about smart cities, people are sleeping *à la belle étoile*. Yes, Mr Deputy Speaker, Sir, a developed country needs high tech, we need smart cities to move ahead, but these people also need to have a decent living. What they need more is support, encouragement and foremost integration and this is what we are doing today.

Mr Deputy Speaker, Sir, I have taken the example of Cité Anoushka, but there are other places like Cité Anoushka in our constituency and in other regions of the country. Here, I will certainly not miss the opportunity to point out few kinds of community-based projects that have been implemented in the past by hon. Xavier-Luc Duval who was the first Minister of Social Integration and Economic Empowerment in the year 2010/2011. Who does not remember about Karo Kalyptis which is now Résidence Eucalyptus? Who does not remember the hot meals of ZEP schools? Crèches in all the regions, street football. This is why we say *réziltat lor réziltat!*

(Interruptions)

While surfing on the net, Mr Deputy Speaker, Sir, I came across a very interesting integrated development plan and which I would like to share with my colleagues here today, if they can view it on the net as it is long and quite heavy. It is a plan in Marsabit county in Kenya, also known as “The Cradle of Mankind”. It is a very good example of an integrated village. This plan is in line with Kenya Vision 2030. Another interesting integrated village development plan which is worth viewing is the Kagala Bamori village in India.

Mr Deputy Speaker, Sir, each and every clause of this Bill has its own specificity and importance. In regard to clause 5 subclause 2, we can see the National Empowerment Foundation will be more effective. The hon. Minister of Social Integration and Economic Empowerment just clearly elaborated on the new functions of the NEF and I am sure today he is there with the new programmes for this Foundation, this body, as some few times we have approached him to express our concern for some anomalies that were happening over there. I would like to thank the Minister for taking into consideration these points.

The Bill also talks about the Social Register which was there and now we can see it will be renewed. There will be the social contract, that is a very good thing that will come and I think they have already elaborated on it a lot. There will be the social contract. That is a very good thing that will come, and I think that they have already elaborated on it a lot.

Mr Deputy Speaker, Sir, the Minister of Finance and Economic Development also came with a lot of effective measures to eradicate absolute poverty during his Budget Speech 2016, which we can now see are being implemented with legal frameworks and we have just heard him mentioning quite a few of them. In other words, the key consideration of this Government is to reduce the gap between the rich and the poor, promote social justice,

economic empowerment, protect the elderly and the vulnerable ones and also to eliminate social inequality. This is what we call a holistic approach.

Mr Deputy Speaker, Sir, we are moving ahead towards our strategic direction, our vision. If we look around right now, we can see that social integration is related mostly to all Ministries, name it, Education, Finance, Housing, Youth, Social Security, Environment and so on, which means that hand in hand we can reach our goal. We should not also forget the role of the NGOs which act as countervailing forces. Their roles are very crucial in the integration system. There should be coordination, Mr Deputy Speaker, Sir, between local authorities and NGOs, and all the development agencies should work in a synergised manner.

To conclude, Mr Deputy Speaker, Sir, Mauritius is a small country with only 1.2 million people. I strongly believe that there are no major barriers to overcome the poverty problem and to convert our country into a fully integrated welfare.

Before I resume my seat, Mr Deputy Speaker, Sir, I would like just to quote what Nelson Mandela said about poverty –

“Overcoming poverty is not a task of charity; it is an act of justice. Like slavery and apartheid, poverty is not natural. It is man-made and it can be overcome and eradicated by the actions of human beings. Sometimes it falls on a generation to be great. YOU can be that great generation. Let your greatness blossom.”

Thank you, Mr Deputy Speaker, Sir.

(Interruptions)

The Deputy Speaker: Hon. Mrs Selvon!

(7.29 p.m.)

Mrs D. Selvon (Second Member for GRNW & Port Louis West): Merci, M. le président. Je remercie le ministre de l’Intégration sociale pour avoir proposé ce projet de loi d’une dimension historique et sociale. Venant d’une circonscription très pauvre, je ferai quelques suggestions dans le cadre d’une philosophie rejetant la pauvreté. Une philosophie qui est, dans son essence, partagée des deux côtés de la Chambre.

Ayant vécue dans un camp sucrier, au sein d’une famille de huit enfants, je comprends très bien que le ministre veuille mettre fin à une situation extrême de pauvreté. Me voilà aujourd’hui dans cette Chambre grâce à l’éducation. Oui, le gouvernement doit à la

fois aider d'une main et, de l'autre main, donner l'éducation et des emplois pour éradiquer toutes les formes de la pauvreté.

Combattre la pauvreté absolue, puis la pauvreté relative, est une tâche gigantesque. Je demande au ministre de suivre l'évolution de la pauvreté. Je souhaite que ce problème auquel sont confrontés tous les gouvernements, disparaisse un jour grâce à un nouvel essor économique national de grande envergure. Un essor économique, je souligne, que le pays attend avec beaucoup d'impatience, plus que n'importe quel autre engagement pris par le gouvernement.

Statistics Mauritius avait publié en octobre 2015 une étude de la pauvreté à Maurice jusqu'à 2012, intitulé « *Poverty Analysis 2012* ». Ce document fait mention de la pauvreté absolue chiffrée par la Banque mondiale à des dépenses de consommation d'une personne pour une valeur de 2 dollars par mois, soit, au taux de change de novembre 2016, R 72 par jour. Il est possible que le chiffre tourne autour de R 3,000 par mois aujourd'hui, surtout que Maurice est un pays où le coût de la vie est excessivement cher. Le ministre, dans la *Schedule* attachée au projet de loi, a prévu R 2,720 comme besoins en dépenses mensuelles de consommation pour un adulte, comme le seuil maximal pour la pauvreté absolue.

Statistics Mauritius écrivait en 2015, je traduis et je cite –

« En 2012, la limite de la pauvreté relative était de R 5,652 pour une famille d'un seul membre et de R 13,310 pour une famille de deux adultes et deux enfants. »

Le chiffre de la pauvreté relative était de 9,8%, affectant 122,700 personnes, soit 33,600 familles en 2012, selon l'étude. Pour ce qui était des personnes concernées par la limite de 2 dollars par jour, soit se trouvant dans l'extrême pauvreté, le pourcentage avait baissé à Maurice, de 1996 à 2012, de 2,9 % pour atteindre moins de 2%.

La Banque mondiale estime que les pays d'Afrique doivent améliorer leurs calculs du taux de pauvreté. A Maurice, je pense que le calcul peut être raffiné et amélioré avec le *Social Register* que le projet de loi introduit sous l'article 4 pour ce qui est de la pauvreté absolue. Il ne serait pas de trop, puisque le gouvernement a plusieurs fois annoncé un Plan Marshall contre la pauvreté, que ce *Social Register* soit étendu aussi aux familles souffrant de pauvreté relative pour mieux calculer le coût d'un tel plan. Je demande au ministre que ce registre des pauvres reste strictement confidentiel et ne soit pas accessible au secteur bancaire

pour préserver la dignité des personnes concernées, surtout que les banques ne prêtent qu'aux riches.

Une extension du registre sera utile d'autant plus que notre coefficient GINI, qui indique le niveau d'égalité, a empiré entre 1996 et 2012. Plus ce chiffre approche zéro, plus il y a d'égalité, et s'il va vers le chiffre 1, c'est l'inégalité qui augmente. Le chiffre est allé dans la direction opposée au zéro, passant de 0,387 à 0,414, selon *Statistics Mauritius*, entre 1996 et 2012. Le '*disposable income*', soit les salaires et revenus nets dans les ménages, avait donc diminué en 2012, selon l'étude publiée à Maurice en 2015. La Banque mondiale place Maurice au milieu de son tableau du coefficient GINI des pays d'Afrique presque à mi-chemin entre l'égalité parfaite et l'inégalité totale.

Je suggère donc au ministre un approfondissement de l'analyse de la pauvreté à Maurice. La pauvreté ne se chiffre pas seulement en roupies. Le Comité des droits économiques, sociaux et culturels des Nations Unies explique ceci, je cite -

"[...] La pauvreté peut être définie comme étant la condition dans laquelle se trouve un être humain qui est privé de manière durable ou chronique des ressources, des moyens, des choix, de la sécurité et du pouvoir nécessaires pour jouir d'un niveau de vie suffisant et d'autres droits civils, culturels, économiques, politiques et sociaux."

Il y a des types d'inégalités, qui ne se chiffrent pas en roupies. Il y a des injustices et des pratiques discriminatoires qui interdisent le droit à un emploi et les victimes basculent dans le chômage et la pauvreté. Un tel pays devient étouffant pour vivre normalement pour quelqu'un qui a souffert de l'inégalité des chances que pratiquent toujours les riches et les puissants.

Il y a des solutions à appliquer comme les perspectives de *micro-loans* pour des petits projets, individuels ou coopératifs que le gouvernement peut suggérer à travers un *counselling* spécialisé aux chômeurs enregistrés au Bureau du Travail.

L'argent qu'on distribuera aux pauvres, une solution temporaire. Le gouvernement ne doit rien négliger, même le secteur des '*micro-business*' informels qui peuvent beaucoup aider à rendre les pauvres productifs et prospères au lieu de continuer à vivre et à végéter dans les endroits et des logements les plus insalubres.

Le *self-employment* concerne plus de 4,5 millions de personnes en Grande Bretagne et ce secteur est en forte croissance à travers le monde et sur le continent africain. A Maurice,

les PME concernaient en 2007 plus de 110,000 personnes ; 85% appartenaient à des individus; les PME contribuaient une valeur ajoutée de R 43 milliards à l'économie nationale, une augmentation de 86% en seulement cinq ans.

M. le Président, l'emploi brise les reins du monstre que représente la pauvreté. Le gros secteur privé a des problèmes pour nous aider à résoudre le chômage et encore moins pouvons-nous réaliser des projets pharaoniques qui ne sont pas réalisables dans le court terme, à part quelques exceptions, comme le *Metro Express*. La solution ultime à la pauvreté reste un emploi au moins pour chaque famille.

Je vous remercie, M. le Président, et je remercie tous les Membres de la Chambre pour leur attention.

The Deputy Speaker: Hon. Minister Perraud!

(7.39 p.m.)

The Minister of Gender Equality, Child Development and Family Welfare (Mrs A. Perraud): Mr Deputy Speaker, Sir, please allow me to congratulate my colleague, hon. Minister Roopun, for his presentation of the Social Integration and Empowerment Bill (No. XXVIII of 2016).

This Bill is a crucial milestone, towards cutting the roots of impoverishment. From day-one of the *Lepep Gouvernement*, poverty alleviation and social integration have been on top of our agenda. How can we forget the immediate pension increase, not only for the retired population, but also the most vulnerable sections? And the Minister of Finance's personal pledge in the 2016-2017 Budget, to eradicate poverty and his long list of measures, in housing, education, for children with special needs, consumer goods and so on, to relieve families from the pressure of poverty.

M. le président, dois-je vous rappeler l'importance accordée à l'élimination de la pauvreté dans la présentation du budget 2016-2017 par le ministre des Finances, que je cite –

“Today, as we enter a new era of development, we must, as a nation, stand firm on our feet to say no more - no more children, men and women living in conditions of absolute poverty in our country.”

Le *Marshall Plan* reflète d'ailleurs les intentions du gouvernement *Lepep*, qui sont et seront traduits en actions multisectorielles, à court, moyen et long terme pour éradiquer la pauvreté.

Ce projet de loi permettra de réaliser l'allocation de subsistance, qui elle-même est une mesure révolutionnaire du budget.

I believe, that both sides of the House, Government and Opposition, will stand behind you, Minister Pradeep Roopun, to vote this Bill, which will be a stepping stone towards a healthier and happier society.

I wish to bring to the attention of the House that social integration and empowerment also stand on top of international priority through sustainable development goal, SDG 1, which is –

“End poverty in all its forms everywhere.”

This 2030 goal is a global challenge, which every UN member country has the duty to attend, not only Government, through legislation and policies, but also institutions, religious organisations and civil society at large. It is crystal clear that there cannot be sound, sustainable development when people are suffering from poverty. This is where we need every single effort, particularly from NGOs and religious groups, who are active actors “*sur le terrain*”. The new subsistence allowance will definitely bring immediate relief to the most vulnerable ones, but this is also the time to empower them to stand on their feet.

Ce projet de loi nous donnera l'occasion d'investir dans la personne, que ce soit l'adulte ou l'enfant. Investir, M. le président, dans l'être humain, lui donner les outils adéquats pour combattre la pauvreté. Je dis bien combattre la pauvreté pour survivre dans ce monde. Là, je fais référence au programme que vous avez déjà, M. le ministre, le *Live Skills* est très, très important parce que très souvent nous savons que les pauvres ont besoin d'aide pour pouvoir se frayer un chemin dans la société et pour avoir confiance en eux-mêmes. Comme l'honorable Ms. Malini Sewocksingh l'a dit, tous les parlementaires dans cette Chambre, nous connaissons tous les pauvres. Nous connaissons des poches de pauvreté et nous savons dans quelle condition ces personnes vivent.

Je crois qu'investir dans la personne - donner de l'argent, c'est très bien. L'aide financière est très, très bien. Je crois que la population accueille cette mesure, mais surtout investir dans l'être humain, par exemple, chez les jeunes détecter les talents, cela peut être sportifs, artistiques ou autres, investir dans les jeunes et investir pour combattre les fléaux sociaux. M. le président, vous savez que la drogue et autres substances affectent beaucoup les poches de pauvreté. Essayons de travailler et de mettre de l'argent dans ces régions avec la société civile et les ONG pour combattre tous ces fléaux. Et aussi, puisque je suis ministre

du Développement de l'enfant, je dirai aussi d'investir dans les crèches parce que nous savons que donner un bon départ aux enfants, c'est prévenir que ces enfants continuent le cercle vicieux de la pauvreté. Donc, le mot c'est investir, investir dans l'être humain.

Je voudrais aussi faire référence et féliciter le ministre pour le projet '*Atelier Partage Parents*' que les deux ministères nous faisons ensemble et qui donne déjà de très, très bon résultats. Nous arrivons à toucher beaucoup de familles, beaucoup de régions et, donc, je pense qu'investir dans l'être humain ensemble avec l'aide financière, nous allons pouvoir vraiment arriver au bout de la pauvreté.

Bien sûr, on ne dira jamais assez l'importance de l'éducation. Donc, puisque nous parlons de scolarité, je voudrais appeler la NEF à la vigilance en offrant une allocation au lieu de matériel scolaire aux étudiants. R 1,500 aux élèves du pré-primaire et primaire et R 2,000 aux étudiants du secondaire et tertiaire. Je crois que la population bénéficiaire sera reconnaissante au gouvernement pour cette aide, mais il est important de trouver un mécanisme de contrôle pour que cet argent ne s'envole pas en fumée. Malheureusement, nous le savons tous, il existe des parents irresponsables, il faut le dire haut et fort, parce que mon ministère en fait les frais !

This brings me to the rehabilitation of parent. Mr Deputy Speaker, Sir, I would urge my colleague, the parent Minister, to pay a special attention to the rehabilitation and reintegration of parents in mainstream society; those parents who cannot bear the responsibility of their siblings due to poverty, unemployment, housing deficiencies and social ills which result from their conditions.

As Minister for Child Development, this issue remains a serious concern to me. Today, we have a population of 570 children in residential care institutions, which we commonly call shelters. These children are victims of various forms of abuse which are often directly linked with conditions of poverty. It is all a vicious circle.

It is urgent to set up a social integration programme for these parents, which is fully in line with the spirit of this Bill, the reinsertion in mainstream society is essential to repair families, to restore the family balance.

Malheureusement, les fléaux sociaux, liés d'une manière ou d'une autre à la pauvreté, détruisent cet équilibre familial et les enfants ne sont plus en sécurité dans leur famille. L'État n'a d'autres choix que d'intervenir quand la sécurité des enfants est en jeu, quand la famille

elle-même devient une menace pour ces enfants. Enlever un enfant de sa famille est pour nous, le dernier recours.

Ce projet de loi est une bénédiction. Il vient couper les racines de la pauvreté, réparer les dégâts et remettre sur les rails une section de la population qui, autrement, s'enfoncerait davantage dans le gouffre de l'exclusion et les enfants, les plus fragiles, les plus vulnérables, sont les premières victimes de ce drame social.

This is a real challenge, but we are at a new dawn where every miracle is possible, and restoring families is a humanitarian mission. This Families Rehabilitation or Reintegration Program would indeed be a legacy that the Lepep *gouvernement* would leave for these children and any other children reaching the doors of shelters in future. Such a programme will give them a second chance to go back to their homes instead of growing up in shelters.

Talking of homes, Mr Deputy Speaker, Sir, housing is often at the very source of social evils. La promiscuité engendre des fléaux sociaux, comme l'inceste, les attouchements, la violence familiale, la violence dans les couples et dans bien des cas les familles brisées. Depuis, les unités de logements sont passées de 23m² à diverses options allant jusqu'à 40m², bientôt 50m². Le Plan Marshall fait la part belle au logement car nous devons encore améliorer, que ce soit au niveau de la superficie des logements sociaux, des bénéficiaires méritants, mais aussi des endroits à risques ou déjà stigmatisés, pour offrir une meilleure qualité de vie aux mauriciens, et surtout prévenir les dérapages qui sont engendrés par la promiscuité.

J'appelle à ce qu'un *fast track system* soit établi pour loger les victimes de violence domestique et les mères qui élèvent seules leurs enfants.

I will also call upon the Minister to attend to the social integration and empowerment challenge from a gender perspective. I would wish to refer to the Beijing Declaration and Platform for Action adopted by Mauritius and 188 other Member States in 1995. At that time, in 1995, the urgency around women and poverty was on top of the 12 critical areas of concern. Indeed, a lot of progress has been achieved worldwide but, Beijing 21 Plus, today we stand before the same rooted concern.

Gender discrimination has been for decades and remains a disproportionate burden for women, *un boulet aux pieds des femmes à travers les continents*. We are fighting for

women's rights, and violence, as you are aware, is one of the most blatant forms of violations of women's rights.

M. le président, mon ministère attaque ce problème sur plusieurs fronts. We are currently in the middle of the 16-days of Activism period to promote the elimination of violence against women, which started on the 25 November with the commemoration of (IDAVAW) the International Day Against Violence against Women.

The violation of Women's rights, for instance violence, worsens when women are poor; when women are tied down by poverty, victims of gender-based violence, with children to feed. This is unfortunately the type of picture that we tend to see at my Ministry.

The burden of poverty is even heavier to carry when you are a woman. I would like to quote UN Women, I quote –

“While both men and women suffer in poverty, gender discrimination means that women have far fewer resources to cope. They are likely to be the last to eat, the ones least likely to access healthcare, and routinely trapped in time-consuming, unpaid domestic tasks. They have more limited options to work or build businesses. Adequate education may lie out of reach. Some end up forced into sexual exploitation as part of a basic struggle to survive.”

This is where the word ‘empowerment’ is crucial in this Bill, which brings us to SDG 5, Gender Equality and Empowering Women and Girls. My Ministry is multiplying actions towards reaching this goal as there can be no gender equality without empowerment of women and girls.

M. le président, avant de conclure, je ne pourrais me tenir dans cette Chambre et faire un discours sur ce projet de loi “The Social Integration and Empowerment Bill” sans parler de la situation des squatters de la Montagne de Paul et Virginie à la Cité la Cure. Plus de 300 familles vivent sans eau courante, sans électricité, sans système de drain, de tout à l’égout, sous quelques feuilles de tôles, sur le flan d’une montagne. Ces squatters vivent dans une extrême pauvreté et sont exposés au danger quotidiennement. Dépourvus d’électricité, ils achètent l’électricité avec les habitants de la cité. Lorsque vous escaladez la montagne, vous pouvez voir à même le sol les fils électriques, sans protection aucune, connectés aux maisons. A chaque fois que je vais rendre visite à ces familles, je tremble de peur en voyant le danger que représentent ces fils électriques. Un accident est vite arrivé et c’est toute la montagne qui prend feu.

M. le président, je ne rate jamais l'occasion d'attirer l'attention publique sur la situation précaire dans laquelle vivent les habitants de Paul et Virginie. Non seulement j'attire l'attention mais je travaille, nous travaillons, le gouvernement travaille, pour trouver une solution urgente à cette situation. Avec ce projet de loi, M. le président, nous avons l'espoir que les mauriciens qui se trouvent au bas de l'échelle sociale, comme les squatters de la montagne de Paul et Virginie, soient encore mieux aidés et encadrés par l'État.

There is a lot more to say regarding social integration, but I will leave the floor to my other colleagues and wish the very best to the hon. Minister of Social Integration and Economic Empowerment who will have the responsibility of translating this Bill into policies and actions for the benefit of the most needy ones.

Thank you.

The Deputy Speaker: Hon. Jhuboo!

(7.56 p.m.)

Mr E. Jhuboo (Third Member for Savanne & Black River): Mr Deputy Speaker, Sir, I would like to thank you for giving me the opportunity to intervene on the Social Integration and Empowerment Bill. I will be very brief, Mr Deputy Speaker, Sir.

First of all, from this side of the House, the Labour Party, we obviously welcome this proposition of introducing financial support to the most needy of our society. However, how will this Government finance, evaluate, monitor this new measure is another matter. I shall come to that at a later stage. The hon. Minister started his intervention by saying that we have a very low rate of absolute poverty by African standards. *C'est toujours réconfortant de se mesurer à l'Afrique, mais il est temps de se mesurer aux meilleurs de la classe plus qu'aux derniers et d'avoir un programme beaucoup plus ambitieux.*

Sur ce grand chantier qui est la lutte contre l'extrême pauvreté, on ne peut plus perdre de temps. On a perdu du temps avec la confusion qui a régné sur le *CSR guidelines*, sur les différents tâtonnements: d'un partenariat public-privé à ses débuts, d'une privatisation des *CSR Funds* dans un deuxième temps, vers une étatisation de ce dernier tout récemment dans le dernier budget 2016. Il faut absolument relancer ces *CSR programmes*. J'ai des informations à l'effet que M. le ministre de l'Intégration sociale est en possession d'une lettre de *Business Mauritius* qui englobe les plus grandes fondations de notre pays, qui lui demande, qui lui suggère, qui lui conseille de revenir rapidement à l'ancien modèle. J'espère que le ministre aura une oreille attentive à cette proposition. Il faut des actions concrètes, il

faut des actions ciblées, les fondations, les grands groupes se sont structurés avec un personnel qualifié. Elles ont effectué un travail de fond, acquis une connaissance du terrain et un savoir-faire. Nous ne pouvons pas nous couper de cette expertise, nous devons englober les meilleures compétences.

To come to this Bill, Mr Deputy Speaker, Sir, the hon. Leader of the Opposition had highlighted two issues, namely, *l'alinéa (6)* –

“6. Persons eligible for support

(1) Every person shall be eligible to receive support under an empowerment programme or scheme where -

(a) he lives in absolute poverty;”

This is fine, the bracket is defined.

“(b) his name is included in the Social Register of Mauritius; and

(c) he meets such other eligibility criteria as may be prescribed.”

I think we should have been provided, at least, with the list of these criteria. We could have debated on these criteria.

The second point, Mr Deputy Speaker, Sir, was *l'alinéa 4* - Social Register of Mauritius - le SRM. *Il est intitulé de la façon suivante* -

“(1) There shall be, for the purposes of this Act, a register to be known as the Social Register of Mauritius in which shall be registered the names and other relevant particulars of every person who lives in absolute poverty.”

I think mention should have been made on how often this survey will be renewed and how often this survey will be updated. Since we have asked to vote for that Bill, I think the time frame should be attached to that survey. These are the two points on the Bill itself, Mr Deputy Speaker, Sir.

Pour conclure, le gouvernement a décidé, dans ce projet de loi, d'aider financièrement les familles les plus démunies, celles au plus bas de l'échelle, c'est crucial, c'est primordial. Mais là encore plusieurs questions : combien coûtera cette mesure ? Où va-t-on puiser ces fonds ? Quels sont les paramètres qui vont être mis en place ? Il est fait mention dans le *Bill* d'un contrat social. Malheureusement, nous avons très peu d'information sur ce contrat social. En quoi cela consiste-t-il ? Ce qu'il faut mettre en place, *Mr Deputy Speaker, Sir*, c'est

un cadre, une convention, un cahier des charges, mais surtout les appliquer. Donner R 6,000 à une personne au bas de l'échelle, c'est un investissement, pas de l'assistanat. L'assistanat est la tendance de l'Etat à nier la responsabilité de l'individu pour le placer dans un état de dépendance.

Nous devons accompagner financièrement, nous devons suivre, mais nous devons aussi guider la grande majorité de ces personnes qui se trouvent dans cette extrême pauvreté, ont dans leur parcours individuel des blessures, de grandes blessures, de l'addiction, de la violence, tous les maux de la société. Elles ont besoin d'être accompagnées financièrement, elles ont besoin aussi d'être guidées psychologiquement. Il faut guider pour s'assurer que l'argent qui va être donné va dans une alimentation saine pour les enfants. Que ces enfants soient scolarisés, que ces personnes, si elles ont une quelconque *addiction*, dépendance, s'engagent à s'en sortir, que si elles sont sans emploi, elles s'engagent à suivre une formation.

Le ministre a devant lui le model de La Valette. Sur papier c'est un programme très intéressant. Le model est clair, le contrat social est là. Il a été signé, validé par toutes les 119 personnes qui vivent à La Valette. Malheureusement, *Mr Deputy Speaker, Sir*, La Valette est une tragédie en matière d'accompagnement. Seulement quelques familles ont pu briser le cycle de la pauvreté extrême. Et pourtant il y avait ce contrat social, mais l'Etat a abdiqué devant ses responsabilités. C'est pourquoi nous avons besoin d'une vraie réflexion qui doit être entamée afin de redonner à nos concitoyens leur dignité, leur indépendance, une construction personnelle et une autonomisation individuelle. Il y a un dicton qui vous dit que si à chaque fois que vous travaillez vous recevez une facture et à chaque fois que vous arrêtez de travailler vous recevez une allocation, pourquoi travailler donc ? Il y a toute une mentalité à changer. Il ne faut surtout pas créer la perception que toute action de subsistance soit un outil politique pour faire des actions spectacles, mais bien au contraire, il faut retourner à l'essentiel, c'est-à-dire alléger la souffrance de nos concitoyens et éradiquer ce fléau qui est l'extrême pauvreté.

Je vous remercie pour votre attention.

The Deputy Speaker: Hon. Mrs Jadoo-Jaunbocus!

(8.03 p.m.)

Mrs R. Jadoo-Jaunbocus (Second Member for Port Louis South & Port Louis Central): Thank you, Mr Deputy Speaker, Sir. I stand on my feet today and I am thinking today, if we could qualify today's event in Parliament, in the National Assembly it would be

for *l'Alliance Lepep* a day of promises met. First, with the Police (Membership of Trade Union) Bill and, now, with the Social Integration and Empowerment Bill. Today is a day where this Government is actually passing Bills, going along with what was found in the electoral programme in year 2014.

I join all my other colleagues to really congratulate the hon. Minister of Social Integration and Economic Empowerment to come to this House with this Bill which is a very moving Bill. It is a revolutionary Bill. It brings a revolution in the life of those who are in extreme poverty. The Explanatory Memorandum of the Bill itself says -

“The Bill provides for the setting up of such empowerment programmes or schemes as may be necessary to –

- (a) combat absolute poverty;
- (b) provide support and other services to persons living in absolute poverty; and
- (c) support persons living in absolute poverty to integrate the mainstream society.”

So, these are the three main objectives set out under this Bill.

Now, when the hon. Minister of Finance and Economic Development read the Finance Bill in this House, he was very clear. The United Nations has said it with the resolution, the SDGs No. 1 being the 2030 Agenda of eradicating poverty. No to poverty! The SADC says it, the Pan African says it, the UNDP says it, the whole world says it. We do not want poverty. But, how do we go about eradicating that extreme poverty? The Deputy Speaker will just bear with me for a moment. If we look at the Magazine “Economy and Society”, one of the articles that it came up with was “The Death of the Social? Re-Figuring the Territory of Government”. It stated -

“The social, as a plane of thought and action, has been central to political thought and political programmes since the mid-nineteenth century.”

That’s what was said and that has been the case. However, it goes on to say that with time this has really diminished and ceased to be the main focus because of a lot of things that came about such as the rise of globalisation, economic relations, etc. So, social has no longer been the main plane of action.

Notwithstanding that, as I was saying, the hon. Minister of Finance and Economic Development when he was reading his Finance Bill in this House what he set out as one of

the elements of his Marshall Plan in his Speech was that he wanted to bring about a new era of development which was centred on ten key strategies, one of them being, amongst others, addressing the root causes of poverty. There are others which are interlinked such as number 7; lifting the quality of life for one and all. This was the commitment taken by this Government at the time of electoral campaign and this is the philosophy of this actual Government. That is why, Mr Deputy Speaker, Sir, we are all sitting in this House at this time and we are looking at our watches wondering how long we are going to debate this Bill, because this Bill goes to the core of what this Government believes in – that is action.

Indeed, when hon. Minister Bodha was debating in this House about the Finance Bill, I recall vividly when he stood up the first thing he said was “Madam Speaker, this Finance Bill is not about debate, it is not about disputes, it is about actions and this is what the Social Integration and Empowerment Bill is about. Putting into action what was brought about by the Finance Bill and I commend the hon. Minister because in no less than a few months he has come up with this Bill with the implementation of the Marshall Plan for the eradication of extreme poverty.

We all talk about that, but what we do is what matters and what is being brought about in this Bill is what matters. Indeed, the hon. Leader of the Opposition when he addressed this House on this Bill had said he is very concerned, he expressed his concern, he said implementation starts on 01 December of this year. Yes, I can say with confidence it will happen before the end of this year in the month of December. I have full confidence in seeing that happen.

Why may one ask, Mr Deputy Speaker, Sir? It is because since last week I could see in all the CAB offices in my constituency and in all other constituencies the queues of people lining up with smile, with hope in their respective faces, about to go and sign. Yes, I can see on the other side we have a smile because, yes, it brings a smile. All these people who come from the squatting regions, who come from poor areas - we do not do cheap politics on them. What we do is action and they came to the respective CAB offices and why were they smiling? Because they were about to put their signature to paper, signature to the social contract that they were about to sign and so many, as up to now, already signed in anticipation of the allocation that they are about to receive at the beginning of this month, as we say within hours, tomorrow. For us tomorrow is literally tomorrow. It is going to happen.

We talk about helping people, we talk about empowerment. Hon. Jhuboo has talked about this. He has indeed stated that it is not just about giving a stipend or an allocation for people not to work. It is about giving a sense of responsibility and empowering. In fact, the word is empowerment. How is empowerment defined? How is empowering people defined? The United Nations and Department of Economic and Social Affairs Division for Social Policy and Development (DESA) of the United Nations Secretariat as well as the Division for Social Policy and Development (DSPD) have - and this body acts as a vital interface between global policies in the economic, social and environmental spheres and national action - defined empowering people as being the main way to eradicate poverty. It empowers people, it helps people to achieve a sustained economic growth and sustainable development through education, health and other kind of help and employment.

Empowerment makes people more powerful, able and active to participate. They will then get the power and ability to go about work for poverty eradication themselves. This is what hon. Ms Sewocksingh had talked about, not giving a fish for one day, but teaching them how to fish. This is the essence of empowerment. Is this not what this Government is saying? When we go through magazines, articles, decades and centuries of readings, this is what we see. When we look at mental health patients who are being rehabilitated in society, when we look at people with physical conditions, people with lesser social conditions what everybody talks about is empowerment, giving the person the power, the teachings and the ability to stand on his own feet.

This is what a responsible Government does. The responsible Government that this Government is, *Alliance Lepep* does not just make - again I say the word - politics on the back of poverty. It does not say: "we are giving you a sum of money and that is it." No! It talks about responsabilising people and that is why we have the Social Integration and Empowerment Bill and again I congratulate the hon. Minister for bringing this about. It talks about the social contract at Clause 8. It talks about where a person is found to be eligible for support under section 7 (3), that is, he agrees to receive the allocation. Before doing so, he enters into an agreement with the Ministry which shall be known as the social contract. This is what the social contract is about and this is the smile with which people of my constituency and other constituencies were about to go and sign.

What hon. Jhuboo had talked about was whether we just give this sum of money to people, not knowing what they do with it! When he addressed this House, he has also said

something about the Social Register and how it is maintained. I shall respond to both, Mr Deputy Speaker, Sir. What Clause 8 subsection (2) says is that -

“A social contract shall be for a limited duration and for a specific purpose”.

That says it all. That says that this is a responsible Government and a responsible Minister. What it also says at Clause 8 (3) is that where there is any change in the social or financial circumstances of a person who receives support, he shall, as soon as possible, inform the supervising officer of such change and should the person not do that, we have Clause 9 which talks about suspension, cancellation or termination of support.

Therefore if, for instance, talking about review of the register, review of beneficiaries and criteria what the Bill provides for and the Minister can do, the hon. Minister may, the law says at Clause 9, suspend, cancel or terminate the support provided to a beneficiary for instance, if this was obtained from fraud, through error, from misrepresentation. So, the contract will be terminated where the beneficiary is using that support for purpose other than that agreed in the social contract. Let us be mindful of that at the Schedule of this Bill we have different categories where allocation is being touched, for instance, one adult and one child.

When one adult, for instance, and one child are in receipt of Rs4,080, or three adults and three children are in receipt of Rs9,520, this monthly allocation is not for the purpose of going round to make merry for just one person within the family! It is for the sustenance of that family as a whole unit. Therefore, the hon. Minister has the power, in fact, to terminate that contract. When, for instance, there is a change in the social or financial circumstances together with the social contract the Government and the National Empowerment are going to try to rehabilitate and integrate that person in society. Integration means assisting that person to obtain, for instance, a job or set up a business. So, if there is change in financial circumstances or, for instance, one beneficiary dies or any other circumstances as may be prescribed because we are dealing with human beings, we are dealing with human problems, so we need flexibility. Therefore, the Minister may terminate that support.

As regards the concerns on the Social Register of Mauritius, Mr Deputy Speaker, Sir, clause 4 states, and I quote –

“4. Social Register of Mauritius

- (1) There shall be, for the purposes of this Act, a register to be known as a Social Register of Mauritius in which shall be registered the names and

other relevant particulars of every person who lives in absolute poverty.”

That Social Register, I understand from my reading of clause of 5, is an ongoing activity - I can see the hon. Minister nodding. I hope he will actually clarify that, but it is an ongoing activity because clause 4 has to be read together with clause 5. Clause 5 says –

“5. Assignment of responsibilities

(1) The Minister may assign to the National Empowerment Foundation, or to such other body as he may determine, responsibility for –

(a) identifying persons living in absolute poverty (...)”

But it also goes on to say –

“(c) monitoring and evaluating any empowerment programme or scheme;”

meaning people under that scheme.

“(d) keeping under review any change in the social or financial circumstances of any person who is receiving support.”

So, it is an ongoing process. It is a fluid process, and it actually evaluates and re-evaluates. Maybe, if I may urge the hon. Minister to consider also the review of those who are not on that list to be considered to come on the list and *vice versa*. So, this is a humble appeal I make, if ever, it is not being catered for in this legislation or other legislation under the Social Security Act.

I understand that –

“(2) The Social Register of Mauritius shall be kept and maintained by the Minister to whom responsibility for the subject of social security is assigned or by such other body as may be prescribed”.

Much has been said about the eligibility criteria. For instance, at clause 6, it is said that persons eligible for support should satisfy the criteria of absolute poverty, as regards the Social Register of Mauritius, and then that person must meet such other eligibility criteria as may be prescribed. The hon. Leader of the Opposition had made some noise about the fact that this can be open, etc. But do not forget that the UNDP, which helped us to set up the SRM in Mauritius, had recommended and said - if I may just have a minute to refer to that,

Mr Deputy Speaker, Sir - that that the Social Register of Mauritius has, in fact, facilitated the adoption of one door policy where applicants are requested to call in at the Social Security Office or the NEF office for a one-time registration. In fact, 'the proxy' means to assist in the implementation and administration, and it results in reduction of duplication of record and also of services. This Register acts as consistency and coherence in the eligibility criteria.

I can see that everybody's stomach is rumbling. It is past lunch time. So, I will not go on; I will take the cue from there. I will say that *promesse faite promesse tenue!* But also what is important is that the Social Integration and Empowerment Bill (No. XXVIII of 2016) contains a number of safeguards and respects the humanitarian aspect of poverty.

Thank you.

(8.20 p.m.)

The Deputy Speaker: Hon. Abbas Mamode!

Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port East): I will not be long, don't worry, Mr Deputy Speaker, Sir. Yes, this Bill is about action. The Social Integration and Empowerment Bill (No. XXVIII of 2016) is a major landmark for this country, as we all know that *la pauvreté n'est pas une fatalité. Au contraire, cela nous donne l'occasion de montrer notre humanisme.* Poverty leads human beings to commit all sort of crimes, *comme l'a si bien élaboré l'honorable ministre, Mme Perraud.*

Government needs to play a development role with implementation of integrated policies designed to support inclusive output and employment growth as well as to reduce inequality, and promote social justice and social integration. Poverty is a multidimensional phenomenon which has no single definition. It is perceived in different ways; for example, in terms of income, scarcity, hunger, malnutrition, poor housing living condition or no education level. No one wants to be poor, Mr Deputy Speaker, Sir. Yet, there are circumstances which drag people into the spiral of poverty. We, as a caring Government, are duty bound to care for those striving hard to earn a decent living.

In line with the Government policies and sustainable development goal, this Bill is considered to be a major innovative approach in dealing with the problem of poverty. A series of policies have been implemented to cater for the need of vulnerable people; for example, the Social Register of Mauritius, which provides an income support for families living in precarious conditions and also the implementation of a new National CSR

Foundation under the aegis of the Ministry of Social Integration and Economic Empowerment, which will enhance the quality of life of people.

However, I am making a humble request in connection with clause 7, Application for support, that the time frame needs to be set within the limit, in order to inform the applicant whether he is eligible or not. In addition, this will enhance efficiency and better service. *Ne pas mettre des gens en attente. Et puis, il y aura peut-être des déceptions après.*

I will not be long, I promised you. Everything has been said by my colleagues. So, to conclude, Mr Deputy Speaker, Sir, I would like to express my gratitude and appreciation to hon. Roopun, Minister of Social Integration and Economic Empowerment, to come forward with this new Social Integration and Empowerment Bill (No. XXVIII of 2016) to give equal to vulnerable people to participate in the mainstream of the society in terms of economic, social, environmental and political field.

Thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: Hon. Quirin!

(8.24 p.m.)

Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière): M. le président, comme promis, je ne serai pas long. Donc, M. le président, par définition, la pauvreté est une situation relative d'un individu, d'un groupe de personnes qui ne disposent pas de ressources suffisantes pour leur permettre de satisfaire leurs besoins fondamentaux et se développer normalement. La Banque mondiale, M. le président, définit, quant à elle, l'extrême pauvreté comme une situation où une personne adulte vit avec seulement 1,25 dollar par jour, ce qui veut dire moins de R 50.

À Maurice il est aussi estimé qu'un enfant sur sept vit dans une famille pauvre, ce qui veut aussi dire qu'un enfant sur sept dans notre République n'a pas droit à une éducation de qualité ni à une vie familiale confortable, ni à des loisirs adaptés pour son âge et sa situation, et non plus à un travail décent, avec des revenus décents, quand il sera adulte plus tard.

M. le président, les statistiques qui sont disponibles par le ministère des Finances et qui datent de 2012 estiment que le nombre de familles ou foyers qui vivent sous le seuil de pauvreté à Maurice et à Rodrigues est de l'ordre de 34,000. Un point qui a été du reste confirmé dans la réponse que l'honorable Roopun avait donnée dans une *PNQ* au leader de l'opposition le 5 août dernier.

M. le président, cela veut tout simplement dire que plus de 120,000 Mauriciens vivent dans la pauvreté et dans l'extrême pauvreté. Ces chiffres ne font que s'accroître année après année. Et là, nous venons d'apprendre qu'il y a eu un nouveau recensement qui, depuis peu, a été effectué. Donc, M. le président, notre modèle économique, même s'il est particulièrement apprécié en Afrique, ne cesse de produire des inégalités, et qui, par ricochet, amène une répartition inégale des revenus. Dans ce contexte, l'arrivée d'un salaire minimum est plus que nécessaire, d'autant plus que notre système économique ne permet pas de réduire l'écart entre les riches et les pauvres, ni même d'établir un équilibre parmi les différentes couches de la société mauricienne.

M. le président, à l'heure où cette loi pour combattre l'extrême pauvreté est présentée devant notre auguste Assemblée, il faut quand même rappeler que la sonnette d'alarme a été tirée depuis belle lurette sur la gravité de la situation de ceux vivant dans l'extrême pauvreté à Maurice. D'ailleurs, lors des débats sur le budget, j'avais attiré l'attention de la Chambre des dangers qui guettent notre société, dont l'extrême pauvreté apporte son lot de désarroi au quotidien. Depuis, les choses n'ont pas changé, et cette loi ne changera en rien la situation si elle n'est pas accompagnée d'une volonté humaine forte pour faire avancer les choses dans la bonne direction.

M. le président, le combat contre l'extrême pauvreté est avant tout une question d'engagement à toute épreuve de tous ceux qui seront impliqués dans la mise en œuvre des actions et de mesures d'accompagnement en faveur de ceux concernés. Il est malheureux de constater que cette loi ne donne aucune précision par rapport aux actions et aux mesures d'accompagnement qui seront mises en place afin de toucher tous ceux vivant dans l'extrême pauvreté. Et l'expérience du passé, M. le président, a démontré que les programmes aidant à combattre la pauvreté n'arrivent pas à atteindre ceux qui sont vraiment dans le besoin. Et je citerai volontiers les Sans Domiciles Fixes (SDFs), les enfants de rue, ces pensionnaires des institutions charitables ou encore ces marginaux qui n'ont même pas un certificat de naissance et qui n'ont pas accès à l'information mais qui, eux aussi, ont besoin d'être soutenus.

M. le président, est-ce que ces personnes vont se retrouver sur le Registre Social et ainsi bénéficier de l'assistance financière, comme préconisé par la loi ? De surcroît, M. le président, cette loi ne donne aucune indication sur les types de programmes qui seront mis en place pour l'intégration sociale et l'autonomisation de ceux vivant dans l'extrême pauvreté.

M. le président, je me sens mal à l'aise - et j'espère que le ministre l'est tout autant - en constatant le nombre de fois où référence est faite *to the Minister*, qui, paraît-il, contrôle et décide de tout. Pour une loi qui doit combattre l'extrême pauvreté et qui devrait permettre une opération en toute transparence, nous constatons, par exemple, à la section 7 (1), *Application for support* –

“A person may apply for support to the Minister in such form and manner as he may approve.”

Et là, c'est encore le ministre qui décide sous la section 6 (6) –

“The Minister may, where he so determines, provide assistance in such form as may be appropriate to an applicant in lieu of, or in addition to, any financial support.”

Je me pose la question si le ministre va agir selon son humeur, car aucun critère n'est indiqué dans ces deux sections. M. le président, les exemples ne manquent pas et cela devient encore plus incompréhensible à la section 9, où il est question de *'suspension, cancellation or termination of any support'*. C'est le ministre seul, qui, encore une fois, peut décider d'annuler le soutien financier à un bénéficiaire. Dans ce cas, le ministre décide seul et, la loi, je pense, devrait plutôt référer ces types de cas devant un *ad hoc committee*, comme stipulé dans la section 7 (4)(b) qui fait état que, toute requête rejetée, peut être reconsidérée en appel. N'y a-t-il pas dans cette démarche le risque d'une possible victimisation politique ? Aujourd'hui, c'est le ministre Roopun ; demain, cela peut être n'importe qui. Quand je parle de cette section, ce n'est pas le ministre Roopun que je vise, mais c'est toute personne qui occuperait le poste de ministre de l'Intégration Sociale qui pourrait éventuellement se servir de cette section pour victimiser certains adversaires ou agents politiques qui seraient d'un autre bord. Ne serait-il pas souhaitable aussi, M. le président, qu'un membre indépendant de la société civile fasse aussi parti de l'*ad hoc committee* qui est mentionné à la section 7(4) (b) ?

M. le président, mes inquiétudes à l'égard de cette loi ne s'arrêtent pas ici. Autre point qui m'inquiète, c'est l'absence d'indication qui va permettre aux personnes qui vivent dans les conditions déplorables et en-dessous du seuil de pauvreté de sortir de cette spirale infernale. Certes, la loi parle de programmes qui seront mis en place avec l'accord du ministre. Mais aucune référence n'est faite sur les types de programmes qui seront favorisés afin de trouver des solutions durables. C'est très louable d'allouer des aides financières à ceux qui se trouvent dans l'extrême pauvreté, mais ce serait encore mieux si des structures

soient mises en place pour aider ces personnes à sortir de façon définitive de l'extrême pauvreté. Dans ce contexte, M. le président, il serait souhaitable que le gouvernement vienne avec des projets de formations techniques et académiques à l'intention de ces personnes, leur inculquer l'esprit d'entrepreneuriat, tout en les guidant à mettre en place leur propre petite entreprise avec la garantie qu'ils trouveront un marché éventuellement pour écouler leurs produits. Cette démarche, M. le président, permettra dans la foulée à réduire le taux du chômage, qui, dois-je le rappeler, est une des causes de l'extrême pauvreté. Nombreux sont les jeunes qui habitent dans les poches de pauvreté et qui se retrouvent au chômage. Et, pour s'en sortir financièrement, beaucoup d'entre eux se laissent facilement convaincre par les trafiquants de drogues et agissent comme intermédiaires dans la revente des drogues et autres produits illicites. Nous le savons tous ! Ne soyons pas hypocrites ! Ajouté à cela, ils n'hésitent pas à commettre des vols pour pouvoir survivre. Quel avenir donc, M. le président ! Tous ces jeunes qui se retrouvent dans un cercle infernal et qui finiront tôt ou tard, malheureusement, derrière les barreaux. Il est plus qu'urgent que des actions urgentes soient prises afin d'éviter que ceux qui vivent aujourd'hui dans la pauvreté relative ne basculent plus tard dans l'extrême pauvreté. C'est le rôle de l'Etat de s'assurer que chaque jeune puisse avoir un emploi, tout comme chaque famille devrait avoir un logement décent.

M. le président, la lutte contre l'extrême pauvreté restera une utopie, aussi longtemps que ceux qui agiront comme facilitateurs et encadreurs n'adoptent pas une approche plus humaine face à la détresse de ceux concernés. Et dans ce contexte, je voudrais proposer à ce que le ministre fasse provision dans cette loi de la nomination d'un *Ombudsperson for poverty*, une personne indépendante et sans aucune pression politique, afin de s'assurer que les aides financières ou autre vont à ceux qui sont réellement dans le besoin et ne soient pas déviées de leurs objectifs initiaux.

M. le président, je vous remercie.

The Deputy Speaker : I suspend the sitting for an hour.

At 8.36 p.m. the sitting was suspended.

On resuming 9.37 p.m. with the Deputy Speaker in the Chair.

The Deputy Speaker: Hon François!

Mr J. F. François (First Member for Rodrigues): Thank you, Mr Deputy Speaker, Sir.

Mr Deputy Speaker, Sir, hon. Members, my first reaction to this Bill is that Government is taking decisions and making progress into a fundamental avenue on which many governments or nations are basically being judged for their success and failures.

What is being proposed today will have to change the social, economic and cultural realities of our Republic that perpetuate absolute poverty. This is clearly spelt out in the provision of clause 3 sub clause (2) part (a) to (c) for the setting up of such empowerment programmes or schemes. However, right at the outset, I have to make a plea to the hon. Minister that, in the context of Rodrigues, those empowerment programmes or schemes shall consider the specificity of Rodrigues.

Mr Deputy Speaker, Sir, this Bill carries the protection of fundamental rights of individuals guaranteed in our Constitution, as empowering people means respecting people's dignity and rights.

Je dois souligner ici, que l'OPR, mon parti, qui d'ailleurs fête ses 40 ans cette année, a toujours misé sur le respect de la dignité des hommes et des femmes Rodriguais. L'OPR installe à Rodrigues une mentalité créatrice et productrice, bannissant ainsi la mentalité d'assisté. Nous croyons qu'il ne faut pas considérer l'homme comme un objet, mais comme un atout qui doit être au centre de tout développement. Avec ce projet de loi, M. le président, les gens, vivant dans des situations de pauvreté, ne doivent plus être utilisés comme un outil politique.

And going to clause 4 of the Bill which provides for a Social Register of Mauritius (SRM) and surely that will include Rodrigues and Agalega as well, I was quite surprised with the statistics that, in Rodrigues, the National Empowerment Foundation registered around 4,500 cases from which 1806, as per the hon. Minister, satisfy the eligibility criteria to receive support under an empowerment programme or scheme as per clause 6 of the Bill.

However, I recall this poor head of household lady who visited me at the Rodrigues CAB arguing that her income assessment by NEF was discriminatory, when NEF has considered her temporary income received for domestic cleaning work thus leading her ceilings to an amount of Rs4,150 which disqualified her. I think any temporary income should not be assessed for the purpose of SRM or else there should be enough flexibility to adjust such cases rapidly for them to benefit from the support.

Mr Deputy Speaker, Sir, NEF in Rodrigues is an important institution. What is required today is a better coordination, mechanism between Regional Assembly and NEF to avoid confusion and duplication of responsibilities. My question is: will it be through a Steering Committee or a regional working group? NEF should not work in isolation or independently with regard to the poor community in Rodrigues. Because when things went wrong, usually governing politicians as ours are blamed for same with serious political consequences. I remember there were procurement problems and lack of human resources with regard to the implementation of social housing. Despite some 450 housing projects with letter handed – I cannot remember whether it was in 2013 or 2014 – which till now have not been completed and those poor people are informed that funds were not committed for same.

Mr Deputy Speaker, Sir, I think there is urgency to finalise in that regard also the recruitment exercise for additional human resources at NEF Rodrigues to monitor and evaluate social contract as provided in this Bill.

Clause 7 of the Bill provides for appeal to the Minister if an application has not been approved. Here, I plead for a rapid response from Supervising Officer to avoid any sort of discrimination or frustration amongst needy persons, I think this was rightly raised by hon. Abbas Mamode as well. Now, my question is: with regard to Rodrigues, how this appeal will be dealt with? Will it be by the same Ad Hoc Committee or another special Committee set up at the level of Rodrigues?

Mr Deputy Speaker, Sir, on a practical basis, I think this is also a good opportunity from the Regional Assembly to consider, amongst others, Social Integration and Economic Empowerment as a new area of responsibility in any future amendments to the Regional Assembly.

To combat poverty, Mr Deputy Speaker, Sir, Rodrigues is also making progress, and good progress. Now, allow me to share the 2015 Innovative Social Programmes started in Rodrigues or by the Rodrigues Regional Government, so called the “Employment Relief Programme”, a very interesting model. A programme which is an alternation to the actual system of Unemployment Hardship Relief (UHR), payable to unemployed Heads of families whose family income is not sufficient to meet the needs of the members.

(Interruptions)

The Deputy Speaker: Hon. Aliphon!

Mr François: Mr Deputy Speaker, Sir, this is the world of technology. The aim and objectives of this Employment Relief Programme (ERP) is to mainly create a social safety net aimed at providing short-term employment opportunities with a widest possible participation and introducing the new concept of what we call “*Allocation à la Productivité*”, *pas donne l’argent facile*”.

In 2015, the Regional Assembly topped up the social aid from around Rs2,000 to Rs6,200 monthly for a batch of around 300 beneficiaries for a year, as the RRA wants those poor Rodriguan people to be empowered, employable, knowledgeable and productive. What is important here is that they are working and also contributing to the socioeconomic development of Rodrigues, together with compulsory training courses once a week. It is not simply giving these poor people easy and free money, rather we are stopping a perpetual *assistanat* culture, thus increasing self-esteem and a deep sense of patriotism. The ERP is a right Action Plan to get poor people out of poverty and to move towards this new culture of reducing over dependency of social assistance provided by the State. I think these guys there have been bold enough.

Mr Deputy Speaker, Sir, my concern is; this present Bill in front of us, the Social Integration and Empowerment Bill, will assess the monthly income for financial support as per the Schedule. I would suggest that the Ministry discusses for necessary action, I mean, for the survival of this revolutionary Employment Relief Programme. This is very important because there is a sort of adjustment to be made.

Mr Deputy Speaker, Sir, the first column of the Schedule of the Bill which refers to sections 2 and 6 - absolute poverty - shows that for two adults and three children the monthly income or combined income ceiling is Rs9,520. What is interesting is that this Bill is also eliminating social injustice towards single members of household who find themselves below the line of poverty and they are not being protected under the existing social net.

The Bill also guarantees a minimum income by right, thus closing the gap between the haves and the have-nots and contributing to poverty eradication process. I congratulate the hon. Minister for that. Mr Deputy Speaker, Sir, I have to point out here also that empowering people to eradicate absolute poverty entails Government and NGOs to focus on changing the mindset, the perception attitudes and actions of all people towards poverty eradication. We all have witnessed the truth where, if people know that there are someone somewhere out there who will take care of them regardless of their situation, there will be no

need for them to work or innovate themselves to become independent and self-sufficient, that is, having easy money.

Au niveau de Rodrigues, on encourage et responsabilise les gens pauvres. I will have to extrapolate on what happened to the foot-and-mouth disease recently where most of the cows which were killed were from those poor people. The Commissioner for Agriculture took bold decisions to compensate these *families parce que ces animaux, sa mem zott gagne pain!* In simple words, what we say locally *sa mem zott la banque devant zott la porte.* In the same philosophy to combat poverty today, Mr Deputy Speaker, Sir, referring to Rodrigues, *on encourage les Rodriguais: deboute lor zott deux li pieds. Pa tale la main ou vive dans l'assisstana.* I insist on that.

Mr Deputy Speaker, Sir, now, one may ask the question: why work hard - I repeat that - if I can get what I need for free? Social net, having this money from these schemes, *R 2,750 ou R 3,000 ou R 4,000 ou R 5,000*, this is the dangerous trap that must not perpetuate in our society because earning an income should be the first step towards poverty eradication.

Mr Deputy Speaker, Sir, I do hope that this Bill will encourage poor people to also develop - again, I have been using the word 'culture' - a new culture of hard work in our Republic and to be part of our societal construction for a modern society, a modern Republic of Mauritius and not to develop a culture of poverty as a strategy to survive. There are many examples out there and we have to combat that. I also hope that the empowerment programmes or schemes will nurture - I think it was mentioned also by hon. Quirin - this entrepreneurial culture by promoting the creation of more small, local businesses. Here, I like the philosophy that encourages people to produce locally, buy locally, to promote and support local micro businesses and economic development. I am pretty sure hon. Bholah will agree with me on that because with the new Cooperatives Bill that was debated two weeks ago in this Assembly, I do hope that more cooperatives or cooperative groups will see light to combat poverty and promote social integration.

Mr Deputy Speaker, Sir, on a final important issue - climatic change together with environmental challenge - I hope that those empowerment programmes or schemes will be oriented to make use of natural resources available and, at the same time, protect the environment and combat climatic change. I am pretty sure hon. Wong Yen Cheong will certainly agree with me on that.

In our case, in Rodrigues, what we are doing is that we are encouraging the local population to engage or create green projects such as community agro-forestry, bio-crop production, sustainable fisheries and SMEs.

Mr Deputy Speaker, Sir, I won't be long. I will conclude by congratulating the hon. Minister Roopun for the introduction of this Bill in this Assembly and I express my full support to the Bill. Further, our Republic, the Republic of Mauritius, on my concluding note I will say, requires a full active engagement and participation from each and every citizen to think and act together as a nation to combat poverty and contribute to social integration and national unity and not to have a fractured or fragile society.

Mr Deputy Speaker, Sir, I end by saying that many people living in absolute poverty are so focused on daily survival that they have neither the time nor the energy to dream and this is where we here, as responsible parliamentarians, have a responsibility to make them dream about a better future and become ambitious in life.

On this note, Mr Deputy Speaker, Sir, I thank you for your kind attention.

(Interruptions)

The Deputy Speaker: Hon. Benydin!

(9.56 p.m.)

Mr T. Benydin (First Member for La Caverne & Phoenix): Thank you, Mr Deputy Speaker, Sir. It is indeed with a feeling and sense of pride and honour that I am addressing the House today on a subject which reflects Government's willingness to implement its Marshall Plan geared at combating and eliminating absolute poverty.

Social protection, Mr Deputy Speaker, Sir, is an essential component and bedrock of the Welfare State. It is internationally recognised as a fundamental human right. This piece of legislation is instrumental as its prescriptions will undoubtedly be a vehicle to promote social cohesion and solidarity between different sectors of our society, particularly the marginalised and the poor.

Mr Deputy Speaker, Sir, in the United Nations system, the ILO has in various ways been a pioneer of international action against poverty and has initiated programmes since years to pursue policies to promote social justice. The 1944 Declaration of Philadelphia states that, and I quote –

“(c) poverty anywhere constitutes a danger to prosperity everywhere;”

Mauritius being a fully-fledged member of the ILO, I am confident, is sensible to the programme, that is, working out of poverty through, *inter alia*, strategic objectives to improve the living and working conditions of people in poverty. I would like to refer to the following. With regard to employment, the principal route out of poverty is work and jobs. To this end, the economy must generate more opportunities for investment, entrepreneurship and job creation. Poor people need to obtain recognition of rights and respect. They need good laws that are in their interest, for without rights and empowerment, the poor will not escape poverty. New programmes of action must be found to provide added social protection, particularly for the vulnerable groups. Mr Deputy Speaker, Sir, while social protection and empowerment programmes or schemes have a crucial role to play in the promotion of welfare and well-being of those who are experiencing the worst forms of poverty, measures must be complemented by wider social policy programmes designed to address, for example, healthcare, education and other forms of income redistribution.

It is a fact, that Mauritius, through its social protection and social security schemes, have surpassed what we call a minimum social floor. To this end, Mr Deputy Speaker, Sir, I would like to quote what has been written in a book on Pro-Poor and Inclusive Development in Mauritius, bridging inequalities by the Mauritius Trade Union Congress. Joseph Stiglitz, a Nobel prize-winner who visited Mauritius stated in an article for the Guardian that, and I quote –

“Suppose someone were to describe a small country that provided free education through university for all of its citizens, transportation for school children, and free health care – including heart surgery – for all. You might suspect that such a country is either phenomenally rich or on the fast track to fiscal crisis.”

“But Mauritius, a small island nation off the east coast of Africa, is neither particularly rich nor on its way to budgetary ruin.”

“Mauritians have chosen a path that leads to higher levels of social cohesion, welfare, and economic growth – and to a lower level of inequality.”

Mr Deputy Speaker, Sir, to combat poverty people must be provided with skills, knowledge, values, capabilities and rights needed to pursue their basic livelihoods. They need employment and incomes and a healthy environment. There are also some essential conditions which can empower them to lead a decent life. Programmes that expand employment opportunities for the poor such as the development of rural infrastructure and

extension of services to small farmers, to small and micro-enterprise development, microcredit schemes and cooperative societies need to be strengthened. The poor need to be empowered with regard to their basic social and economic rights in terms of shelter, that is, social housing, basic utilities mainly electricity and water, food security and other forms of social protection.

Mr Deputy Speaker, Sir, the combat against absolute poverty must be addressed from two different perspectives –

- (i) addressing the practical needs, and
- (ii) addressing the strategic needs.

This Government ever since in power has not left any stone unturned to address the issues of practical needs by a series of policies and measures. There are measures that I would like to quote among others, for example, the increase of old-age pension, maintaining free transport, regularising squatters, increasing slab grants and by raising the threshold limit to be eligible for such grants, providing low-cost housing to those in need, provision of school materials and uniforms to school children through the National Empowerment Foundation, and *l'Alliance Lepep* went even a further step to waive the CWA and CEB bills for most destitute citizens. These were among others few examples from the exhaustive list of Government assistance to address the practical needs of people living in absolute poverty.

Mr Deputy Speaker, Sir, these measures remind me of the Chinese proverb. I think it has already been cited by some of the orators preceding me, but as a trade unionist, I learnt that -

« *La répétition c'est la meilleure des écoles* »

So, I would like to cite again –

“Give me a fish, I will eat it for a day.

Teach me to fish, I will eat forever.”

Addressing the practical needs, therefore, Mr Deputy Speaker, Sir, is like giving these needy people a fish to eat for a day and, therefore, addressing their daily subsistence. What remains more meaningful is as I will say, teach them to fish and, therefore, addressing their strategic needs a lifelong process.

Mr Deputy Speaker, Sir, the presentation of this Bill in the National Assembly means that now on nobody living in absolute poverty will be left on the margin. They are given a

claim through this Bill to have a better life. To meet effectively this objective, the Social Register of Mauritius (SRM) is doing an excellent job to increase benefits to be extended to the poor. SRM, therefore, remains a vital tool in helping to target those who are really in need, but at the same time, all efforts must be made to encourage beneficiaries to come out of poverty by meaningful employment through Government support instead of relying all the time on assistance.

Mr Deputy Speaker, Sir, empowerment brings about dignity, self-confidence and a step ahead to be self-sustaining. Corporate Social Responsibility must be reviewed to encompass policies that address issues of poverty alleviation, if not, eradication. Mr Deputy Speaker, Sir, I would fail in my duty if I do not put on record the contribution of Citizens Advice Bureaux in helping to implement Government policies in the fight against poverty.

To end, I wish to congratulate hon. Minister Roopun to have come forward with this Bill which will remain a landmark in this Assembly.

Thank you very much.

The Deputy Speaker: Hon. Deputy Prime Minister!

(10.05 p.m.)

The Deputy Prime Minister: Mr Deputy Speaker, Sir, I thought that I should say a few words even at this late and social hour on this very important Bill that is before the House.

Before I speak, I would like to congratulate both my colleagues, hon. Pravind Jugnauth and hon. Prithvirajsing Roopun, for bringing forward this Bill. I congratulate both because this measure concerns both the Ministry of Finance and Economic Development for providing the funds and the Ministry of Social Integration and Economic Empowerment.

Mr Deputy Speaker, Sir, for some time now, in the world, poverty eradication has followed a trend set by South American countries: Chile, Brazil. And those measures that were taken in those years by these countries were termed 'conditional transfers'; cash transfers which were given to people on condition that they would change something in their lives, that they would make an effort. In fact, when I was Minister of Finance some years back, we introduced, probably, the first conditional transfer, which was money given, I think, about Rs600, to each parent of each child, provided the child went to school 90% of the time. That measure is still ongoing. Therefore, you receive money on condition that you send your

child for education. What we are introducing today, Mr Deputy Speaker, Sir, is a typical conditional transfer, but it is also transitional. These are the two points which I want to make tonight, although it is a bit late. The transitional aspect of this measure and the conditional aspect of this measure.

Money has been found; that is not so difficult. That is possible. We can find money. Probably, in this whole context, it is the easiest thing. I know that the actual debates have been on the money side of it. I don't want to deal with the money side of it; I would prefer to deal with the social contract side of it. Money is being found, and I thank very much the Minister of Finance and Economic Development. But, then, the ball is transferred where? The ball is transferred to this gentleman from the National Empowerment Foundation and to my colleague hon. Roopun. It is not an easy task.

I had the honour to serve as the first Minister of Social Integration and Economic Empowerment. It was probably the hardest Ministry that I had to deal with. It was a new Ministry. We learnt a lot of things, but also we understood how deep the problems were and how difficult the problems were to solve. Obviously, in the two years that I was there, I did my best. Probably it did not eradicate poverty and has not been eradicated since then either. So, it is a difficult, difficult task, Mr Deputy Speaker, Sir. It is one that we should not underestimate.

This is probably what I want to talk about. The transitional aspect of the transfer, first of all. We are talking, Mr Deputy Speaker, Sir, of one year or two years of transfer. I get my Rs9,520 for one year or two years, and afterwards what happens? If I am in the same situation as I was at the start of the transfer, I am not better off; I am going to end up again into poverty. Won't I? So, in that one or two years, something dramatic must be happening to me so that I don't go back to the situation I was at the start of the programme. And that should not be forgotten in this House tonight. So, the first issue is understanding that we are talking about a limited amount of time for this measure. Limited amount of time for each person. I think hon. François mentioned that we are not into the game of encouraging dependency, *l'assistanat*. We are not into that game. So, something must happen within the two years to change that person's situation so that he can actually fund for himself, fish for himself, as my colleague hon. Benydin just mentioned. And that is the huge task that awaits this Government and the Ministry of Social Integration.

When you become Minister of Social Integration and Economic Empowerment, you understand all the various aspects and the difficulties that are attached to poverty. It is not that simple. Obviously, giving money to someone will probably make him not poor for that period of time. But how does he survive after that one or two years? So, Mr Deputy Speaker, Sir, I believe that this Government has a window of opportunity within these two years. I am speaking next to my colleague, the hon. Vice-Prime Minister, Minister of Housing and Lands, who also has an important role to play in these two years.

There are different types of poverty. Transitional poverty, you have lost your job and you will get your job in three months' time. Fair enough! There is long-term poverty.

Long-term poverty is very, very difficult because people on long-term poverty may be affected by drugs, by alcohol, by purely having lost hope in humanity, having lost self-confidence, having lost self-respect.

Also, Mr Deputy Speaker, Sir, I take another point, geographic poverty. We are talking about poverty at Le Morne. A few days ago in my office, we helped people of Le Morne to get out of poverty. Someone having an office in Port Louis, if he has a choice, will employ someone from Port Louis and will not want to pay transport for someone from Le Morne to come and work in Port Louis. So, there is also the whole question of geographic poverty; how do you combat poverty in each area.

There is poverty, Mr Deputy Speaker, Sir, induced by lack of education. We all talk about that; lack of education and poverty. But how do we deal with that? Where does equal opportunity start and where does it end? If I have a rich child, he is going to have a beautiful kindergarten, beautiful crèche. His mind has been opened since Year 2. When he sits on the school bench at 5, whether it is a private school or public school, he is going to be much better off than the poor guy from the *cit * who has done nothing for the last five years but play in his garden. If we want to attack poverty, we will have to start at the root of the problem, that is, into early childhood. There are programmes, but they are not successful enough. We have started the programmes ourselves, but the programmes do not reach sufficient amount of people, and they need to reach more people. I think we all agree that this has to be done.

Now, Mr Deputy Speaker, Sir, drug addiction and alcoholism. We know that drugs is a problem in Mauritius. How do we really get someone off drugs in this one year or two years that we have? Unless we have the programmes that are going to make us attack these

problems and find solutions, we are not going to succeed in that short period of time, Mr Deputy Speaker, Sir.

There is also, Mr Deputy Speaker, Sir, the issue of poor housing or promiscuity. If you have only one room and four children living with you, are these children going to be able to be educated? Are they going to have time to do their school work? Are they going to be able to get up in the morning just to go to school? This also brings the whole question of family size, of family planning. It is an issue that I often talk about, which is not a very popular issue, but I talk about it because in life you don't have to be just popular, you have to be effective also. One cause of poverty is far too large families and parents being unable to support these families. Unless we have appropriate programmes to encourage people to have families that they can bring up according to their income, then we are never going to really be able to attack the root cause of poverty. One of the root causes of poverty is very large families, with single mothers in many cases being unable to support these families.

I think whatever programme that we are going to have in these few years to come, Mr Deputy Speaker, Sir, there must be a programme of family planning, education, to make sure that parents who cannot support a large number of children, should not do so, because if we are talking about Rs9,520, I think it is fine for three or four people living in a household unit, but not for six or seven people. You can see that you will not eradicate poverty by the mere fact that these are too large families living on too small income. So, we need to look at the whole issue of too large families. There is also the issue of single parents. This is why this whole thing needs to be accompanied by the appropriate kindergarten and crèches. There is a father, a mother and three children. Very often, they are single parents and you find a job for the mother. How is she going to work if there is no decent place to leave her children? Would you want her to leave her young children somewhere where they are not in security and are not getting the right education? My plea, of course, our effort in Government must be also to provide the whole support that is required around this measure to make sure that the whole thing really brings about the watershed that we want to do in this country, Mr Deputy Speaker, Sir. Because this is a very daunting task that is ahead of us in the next year or two. Very, very daunting task! That task must be tackled, in particular, by the Ministry of Social Integration, by the National Empowerment Foundation, by the Ministry of Housing and Lands, the Ministry of Education and Human Resources, Tertiary Education and Scientific Research, the Ministry of Health and Quality of Life and Ministry of Social Security, National Solidarity and Reform Institutions. So, you can see that it requires a lot of

Government agencies and lot of Government Ministries to tackle this issue. The Ministry of Health and Quality of Life it is because of the drug addiction problem, let's say; Ministry of Education and Human Resources, Tertiary Education and Scientific Research because of the education problem and also because of the crèche problem; Ministry of Housing because of the promiscuity problem and the problem to do with generally with poor infrastructures and squatters, etc.

So, Mr Deputy Speaker, Sir, let us organise ourselves so that in this transitional period, we provide all the help that must be given to these families so that they can make the best of this transitional period, but more specially, Mr Deputy Speaker, Sir, we have the National Empowerment Foundation; there are good people working there. But, do they have the proper motivation? Do they understand their real mission? Will they give up their spare time to work for the people who are, in fact, the clients? Or will they treat this as a 9 to 4 job, that is, just to get the pay packet at the end of the month?

This is the mindset that needs to be inculcated into all the staff of these Ministries and of the National Empowerment Foundation so that this poverty eradication becomes their mission in life, that they understand the importance of what they are doing and that they take minute care of the people who are under their care because, Mr Deputy Speaker, Sir, every family will need to be followed. Let us say we put someone on a job training programme. He is getting his Rs9,000 because he has a large family and he does not go to the training. So, who is going to follow it up? Let us say we have someone at drug eradication also and he falls back into drugs, alcoholism, what happens to the transfer?

So, the Social Register that we have must not be just a Social Register of the income of this individual. The Social Register that we have must become a register of the family circumstances, of the issues that are there and of the problems that are found and of the solutions that are being proposed. Let me take an example! In some countries, the Social Register now even goes to the point of following children at school. You have a child in secondary school, she is on a social programme, Poverty Alleviation Programme, and so every month, the school will report that child's education and the test marks that child has and her attendance at school so that he can be followed. So, the social worker that is following that family will be alerted if he or she does not turn up at school or if the child starts failing her tests. So, the Social Register - now with the use of computers because we are talking of thousands of people - must go into such details as to enable the social worker to constantly follow over time the achievements and the progress being made by the families so

that in the 12/24 months that is open to them, we see real progress, we see that every month, the person is moving towards actually being able to stand on his feet and to catch the fish that is meant to be caught after the transitional period.

So, Mr Deputy Speaker, Sir, this wonderful measure that we are debating today and we will vote soon, is something that can change Mauritius because we are at least on the side *le peuple*. We are not here – I say this sometimes – to work for the rich, they are already rich, what more can we do for them, make them a bit richer, there is not a lot of motivation in that. What is the motivation? We are not here to work for these people. Our main role is to help the people who need help. Our main role is to help the needy and that is what this measure is doing today. So, the success of this measure is crucial for our working in Government. Because that's what we are here for! We are here to make a difference for the unemployed, we are here to make a difference for the single mothers, we are here to make a difference for the people into drugs, we are here to make a difference for the people into alcohol. I believe that we can do so.

This Bill, this evening, shows the commitment of Government. We are putting our money where our mouth is. Now, we need to put the effort over the years to come to ensure that real attention is given where it is required. It also comes with discipline because if you do not apply discipline, if people stray off the programme of rehabilitation that is going to be proposed to them and nothing is done about it, then very quickly this will just become another social aid being given.

I have every faith, Mr Deputy Speaker, Sir, that this will work, that we have a commitment, that we have the right people in place and that we have the right structure in place so that before the next election, we would have seen real progress being made in poverty alleviation in Mauritius.

Thank you very much.

The Deputy Speaker: Hon. Sinatambou!

(10.23 p.m.)

The Minister of Technology, Communication and Innovation (Mr E. Sinatambou): Thank you, Mr Deputy Speaker. May I, at the very outset, Mr Deputy Speaker, take this opportunity to congratulate three Members of this House. First of all, the Rt. hon. Prime Minister for showing the leadership in what has brought about this major piece of legislation. Secondly, the hon. Minister of Finance and Economic Development for

putting flesh to what was – I will explain later – a very abstract concept. And third, to the hon. Minister of Social Integration and Empowerment for coming forward with this Bill which is creating history.

Why do I say that this Bill on social integration and empowerment was quite conceptual and perhaps dry is because when you look at its French translation in Mauritius, people even had problems to pronounce it. The Ministry of Social Integration is the *ministère de l'autonomisation*. I wonder whether poor people will actually understand what 'autonomisation' was meant to mean to them. To tell you frankly, it took me the opportunity of meeting the Minister of Technology and Innovation of France, the *Secrétaire d'État à la Technologie et à l'innovation*, Mrs Axelle Lemaire, who, while mentioning the word 'autonomisation' actually put the finger on what it should be about. She said in the course of a discussion that we should actually reformulate the expression by using two words which she thought may not even exist in the dictionary. The first word which she used was 'empouvoirement'. I think people will understand when you tell them 'empouvoirement'. The second word she used was 'capacitation', that you are giving them *capacité*. I think that this is what we can say this Bill really does today and will achieve in the future.

(Interruptions)

As we look at this Bill, I would like to come up with an anecdote to say why I really hope that we do not have what has become the usual intoxicating formulae of some people, not necessarily on the other side of the House but lying around in this country. Whatever you do which is good, they will find fault with. Whatever which is good and positive, they will always find something negative to say. As I just heard the hon. Deputy Prime Minister say, *narien pas bon*. So, we do hope that this time whether it be in the written press, on the radios, among the Opposition or with our adversaries, everyone around will be happy to note that this Bill is aspiring and aiming at eradicating absolute poverty.

Why am I saying that, Mr Deputy Speaker, Sir? It is because just before I was appointed as Minister of Technology, Communication and Innovation, I had the privilege of presenting the Human Capital Development Report of the United Nations Commission on Trade and Development. In that report, it was clearly stated that insofar as Mauritius was concerned, the number of people living in absolute poverty as defined by the World Bank was one of the lowest in the world. In the course of my speech, as I was being presented that report, I mentioned what was contained therein, that Mauritius actually has one of the lowest

rates of people living in absolute poverty as defined by the World Bank. And, surprise, surprise! I saw hundreds of insults on Facebook accusing me of being a liar, of giving falls figures just because there is some lousy intoxication going on in this country! This is what I hope will not happen with this Bill! This Bill...

(Interruptions)

Sorry?

(Interruptions)

The Deputy Speaker: No cross talking, please!

Mr Sinatambou: As you say, it is good that we have three years to test the validity of the measures being taken here because I believe that time will show that this unprecedented piece of legislation is genuinely geared at eradicating absolute poverty in this country and not absolute poverty as defined by the World Bank at the figure of \$1.50 a day. It is absolute poverty as being lower than Rs9,520 per month for a family of two adults and three children. Even then it was still higher...

(Interruptions)

The Deputy Speaker: No cross talking, please!

Mr Sinatambou: Actually, since I heard someone on the other side of the House speaking of those figures, I would like to take this opportunity to refer to what the Minister of Social Integration and Economic Empowerment explained earlier. He referred to the Afrobarometer's Lived Poverty Index 2014/2015 where it is clearly stated that Mauritius is classified as the least poverty stricken country of Africa with the lowest rate of 0.1. I do believe that this is a significant proof that we are on the right track and that what is going to happen now is for the best of those people living in absolute poverty.

I am convinced, Mr Deputy Speaker, Sir, that figures do indicate the intention of Government. Not only when the pensions were increased to Rs5,000, did we see that Rs4.7 billion are now being paid every year for those purposes, but the Rs600 all-round salary compensation of 2015 cost Rs1.3 billion, the Rs250 compensation of last December cost Rs750 m. and this new mechanism is going to cost at least a few hundreds of millions of rupees. Indeed, this is coming as a top up for anyone who, with the pensions whether it be old age, invalidity or social, does not reach the figure, this is as a top up.

Why am I saying that the Government must be congratulated? It is because no one has ever come up with a mechanism of that nature and, if only for that, I believe that this country should appreciate that this is an excellent piece of legislation.

There is one thing also which was mentioned and which I believe is very important, Mr Deputy Speaker, Sir, it is this problem of the intergenerational transmission of poverty. I think that if we go back into time, we will notice that if there is one thing which unfortunately appears to be transferred and transmitted from generation to generation these days, it is absolute poverty. You rarely see people being able to get out of absolute poverty. This is what this Bill is going to change. This is why the social contract of this Bill is so important. This is why the conditionalities attached with the topping up together with the developmental objectives of the social contract are so important.

Here, I must especially congratulate the hon. Minister for having had the lucidity, and the discernment of realising that the social contract *per se*, through his Ministry or through the National Empowerment Foundation, might not be sufficient. I applaud the fact, Mr Deputy Speaker, Sir, that we have found a mechanism which is the regional working groups. I believe that *les groupes de régions* which will be part of 168 localities around the island are of such significant importance to actually accompany those people who live in absolute poverty to attain the developmental objectives and fulfill the conditionalities of the social contract which they are going to sign in order to obtain the funding required to get out of absolute poverty.

I will not be long, Mr Deputy Speaker, Sir, because my mandate would have been to reply to the hon. Member Shakeel Mohamed, but as he is not here, there is so much less to speak about. The only thing I will say, Mr Deputy Speaker, Sir, is that I believe that it is really praiseworthy that this Government, through the words of the hon. Minister of Finance and Economic Development, has said that we aspire, we really, genuinely, sincerely and honestly aspire to have a country where no more will there be any children, women, or men who live in absolute poverty.

I thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: Hon. Lepoigneur!

(10.36 p.m.)

Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière): M. le président, avant tout je voudrais féliciter l'honorable Prithvirajsing Roopun, ministre de l'Intégration Sociale d'avoir apporté ce *Bill* dans cette auguste Assemblée.

M. le président, lutter contre l'injustice de la pauvreté exige une approche puissante et pragmatique pour s'attaquer à la fois aux causes et aux conséquences sur la vie de la population. Lorsque les gens ont le pouvoir de faire valoir leurs droits humains élémentaires, ils peuvent sortir de la pauvreté de façon permanente. Cette conviction fondamentale sous-entend l'ensemble d'une pratique de programme de développement. Avec nos partenaires, nos alliés, les communautés locales, nous aidons la population à faire valoir leurs propres droits. L'autonomisation est l'un des principaux moteurs du développement humain, mais les femmes et les filles sont encore massivement sous-représentées et souvent opprimées ainsi que les enfants vulnérables.

Revenant chez les enfants vulnérables à Maurice, c'est-à-dire les pauvres, handicapés, enfants des rues, maladies graves, mères célibataires, enfants abusés, après la création de ce ministère, sous le vice-Premier ministre d'alors, l'honorable Xavier-Luc Duval, il avait souligné que l'avenir du pays, nous sommes d'accord que les premières années de l'enfance sont les plus cruciales. L'esprit d'un enfant est encore comme une pâte à modeler, nous devons les former pour qu'ensuite ils deviennent des adultes responsables qui participent au développement de la société. Il a aussi énuméré le projet de disposition qu'avait pris son ministère, intitulé le *Department of Child and Family Development* à la NEF. Je suis heureux de constater que ces mesures figurent dans le *Marshall Plan*. Il faut travailler avec les aides, s'exprimer et réclamer justice ainsi qu'affirmer leur *leadership*, la justice sous-entend l'ensemble de notre travail.

M. le président, pour lutter contre la pauvreté il faut combattre les inégalités. Si on veut agir contre la pauvreté, il faut prendre en compte les inégalités dans leur ensemble et leur complexité. L'action contre la pauvreté s'inscrit au cœur de celle menée par les inégalités. On est pauvre par rapport aux autres parce qu'elle est relative et la pauvreté ne peut se comprendre qu'en la mettant en perspective avec l'ensemble de la société. Monétairement, on est pauvre parce que le revenu qu'on dispose est inférieur à une fraction de revenus disponibles des autres membres de la même société.

M. le président, quelle politique mener pour lutter contre la pauvreté? Des politiques universelles dans lesquelles les plus pauvres en accédant aux droits de tous, ont la possibilité de s'en sortir de la pauvreté, de l'éducation nationale, d'une habitation décente, mais ces politiques universelles parce qu'elles ignorent ou négligent certaines caractéristiques des populations pauvres, passant à côté de l'égalité. Inégalités des parcours scolaires, inégalités d'accès aux soins et même ceux qui sont gratuits. Avec le risque aussi de la diminution de l'acceptation politique dès lors pour certaines catégories va apparaître l'idée qu'on demande de payer pour les autres. N'y a-t-il pas des solutions simples à ces questions ? Mais les réponses apportées doivent être à la fois prendre en compte les effets concrets des politiques publiques pour les plus pauvres et les effets de ces politiques sont les inégalités sur l'organisation globale de la société. Quelle politique de prévention contre la pauvreté ?

Dans certains cas, malheureusement, de plus en plus nombreux, on peut naître dans la pauvreté, mais dans d'autres cas on tombe dans la pauvreté. Comment faire pour réduire le nombre de ceux qui y tombent ? Comment faire pour aider ceux qui sont nés à s'en sortir? Ici, enjeux de politiques d'éducation, de formation professionnelle, d'emploi, de logement, des politiques qui ne peuvent limiter leur objectif à réduire les conséquences de la pauvreté mais visent à prévenir la chute sociale. Une politique de logement, construction, prix du distribution de logements sociaux, une politique de l'emploi, formation initiale et continue, action à la précarité, coût du travail ne peut se centrer sur la pauvreté, mais doit intégrer une connaissance et une prise en compte des inégalités quelles qu'elles soient avec l'objectif de les diminuer.

M. le président, le problème de logement est un facteur clé dans le combat contre la pauvreté. En parlant de construction ou de logements sociaux, il y a plusieurs concepts qu'il faut revoir, le système pour les nouvelles constructions. Premièrement, il faut surtout baisser les coûts de construction en donnant l'occasion aux petites et moyennes entreprises qui sont dans la construction de participer aux appels d'offres. En même temps, cela donnera l'occasion aux petits entrepreneurs de faire marcher leurs entreprises. Dans souvent des cas, les grosses compagnies de construction ont le contrat qui par la suite sous-traitent aux petites et moyennes entreprises à un prix dérisoire. Donc, en réduisant ces coûts, on aura l'occasion d'augmenter les maisons à offrir à des personnes dans le besoin.

M. le président, la pauvreté existe chez les personnes qui sont propriétaires d'une petite maison, telles que les anciennes maisons de la défunte CHA qui datent de plus de 60 ans ; ces maisons sont dans un état délabré et ces personnes n'ont pas les moyens de les

réparer, mais sont quand même propriétaires de leur terrain. Dans ce cas, il faudrait reconstruire des logements sociaux sur leur terrain et leur faire payer une somme symbolique pour le remboursement de la construction de leur nouvelle maison.

M. le président, dans le domaine du logement de la NHDC, il y a beaucoup d'habitants qui sont des locataires, ce qui veut dire que ces personnes ont acheté ces maisons pour en faire du *business* sur le dos des personnes pauvres et vulnérables. En leur louant ces maisons, je pense qu'il faudrait faire un recensement et reprendre ces maisons et les revendre à ces locataires parce que c'est bien de donner une pension sociale à des gens qui sont dans le besoin, mais avec ce même argent, ces personnes se servent de cette pension afin de payer un loyer.

Au coût de la vie qui ne cesse de grimper, ces gens se retrouvent forcément en difficulté. Ils ne peuvent pas acheter n'importe quoi et ils vont devoir choisir. Souvent pour s'en sortir, les familles doivent faire un choix pas toujours évident. Pour pouvoir acheter à manger, on choisit de ne pas payer la facture de l'électricité, par exemple, et on se retrouve par la suite avec des factures accumulées et le risques d'être déconnecté du réseau. L'image des bicoques en tôle rouillée ou des enfants dans des vêtements sales ne sont pas les seuls indicateurs de la pauvreté. De nombreuses familles stables se trouvent aujourd'hui en difficulté en raison du coût de la vie et de la précarité de l'emploi. Par ailleurs, la pauvreté extrême demeure toujours préoccupante. Même en étant présent sur le terrain dans ma circonscription, on constate aucune régression malgré tous les moyens mis en place par les autorités et les firmes privées.

Le nombre de pauvres à Maurice est un sujet qui fait débat et chacun a sa perception de ses interprétations des chiffres. Mais au-delà du débat, la réalité des milliers de mauriciens est préoccupante pour ceux qui les côtoient. Il y a de plus en plus de personnes qui demandent de l'aide quand ils ont des difficultés à joindre les deux bouts et c'est une question de relativité. Cerner la pauvreté n'est pas simple. Ces problèmes sont multiples. La question du logement, par exemple, devient de plus en plus compliquée. Les jeunes sont souvent contraints d'habiter chez leurs parents ou de construire une pièce à côté lorsqu'ils se marient. Ils n'ont pas les moyens pour épargner. D'autres préfèrent aller vivre comme squatteurs. Il n'est pas toujours question de les assister, mais il faut apprendre aux gens de faire l'effort. Par exemple, lorsque nous aidons ces personnes qui ont leur propre terrain pour leurs maisons, on leur donne uniquement les matériaux et nous leur demandons de s'organiser pour

la main-d'œuvre. Pour rappel, il existe une crise de logement. Beaucoup de familles n'ont pas la capacité de payer un loyer et c'est pour cela qu'elles finissent par devenir squatteurs.

Pour terminer, j'accueille favorablement la pension accordée dans ce *Bill* qui a été évaluée en fonction du nombre de personnes car les besoins des familles varient.

Je vous remercie, M. le président.

The Deputy Speaker: Hon. Ramkaun !

(10.44 p.m.)

Mr S. Ramkaun (Third Member for Pamplemousses & Triolet): Mr Deputy Speaker, Sir, it is indeed a great pleasure for me to contribute to the debate on the Social Integration and Empowerment Bill (No. XXVIII of 2016).

First and foremost, let me show my gratitude to the hon. Minister of Social Integration and Economic Empowerment for the correct timing to present this Bill to the House.

Mr Deputy Speaker, Sir, this Bill shows that *l'Alliance Lepep* has not diverted from its initial mission which among all other issues was to promote social integration and empowerment of persons living in absolute poverty. Thus, enhancing social justice and national unity. Since I became a Member of this Parliament, Mr Deputy Speaker, Sir, I knew that our task was not an easy one. However, guided by the noble vision of the Rt. hon. Prime Minister, Sir Anerood Jugnauth, and under the Party leadership of hon. Pravind Jugnauth, I was confident that we will be able to deliver the goods and the people will feel proud of the choice they made on 10 December 2014.

Coming to the Bill itself, I must say, that it shows the deepest concern of this Government to bridge the gap between the poor and those who are well off, but to realise such a huge task, we need appropriate tools such as a well explained Bill, a suitable authority supported by proper tools such as well-trained personnel and unlimited equipment to fight poverty. When it comes to absolute poverty, Mr Deputy Speaker, Sir, we need peace of mind and a definite established, well-formed set up.

Mr Deputy Speaker, Sir, we should leave no stone unturned to reach our goals. This is what this piece of legislation is providing. This Government shall succeed where others could not, but instead they turned everything upside down by giving a boost to their own interest and the resulted situation of a state of matter of poverty issue is crystal clear with naked eyes. Being *un politicien de proximité*, as I have always been in my Constituency, I

must share some observations with the hon. Members of this Assembly. When we organised the visit *de proximité avec nos mandants, la vérité était criarde sur le terrain. Et là, j'ai compris sans doute pourquoi le précédent gouvernement avait été balayé hors du pouvoir.*

This had to happen, Mr Deputy Speaker, Sir. *L'ancien régime était coupé avec la réalité du terrain. Un chaos total dont nous avons hérité. On peut voir aujourd'hui les habitants de Longère-Tôle...*

(Interruptions)

...*Longère-Blanc*, et puis il y a la Cité Mère Teresa, on peut voir comment les habitants résident là-bas.

(Interruptions)

The Deputy Speaker: No interruptions, please !

(Interruptions)

No interruptions, please! Continue!

Mr Ramkaun: Mr Deputy Speaker, Sir, the Social Integration and Empowerment Bill will phase out this dark side - *de ce beau tableau que ce présent gouvernement veut offrir à cette nation arc-en-ciel.*

We will succeed, Mr Deputy Speaker, Sir, because the Bill makes provision for a complete set up to go at grass-roots level of absolute poverty issue. This Government, through the empowerment policy, will surely help achieve poverty alleviation. Empowering people by giving them a good education that will prepare them to have a career and to hold a job that will make them more confident; give them the chance to learn from others; allow them to earn a good living and help their children to live a better life; giving more powers through education, in formation, coaching and counselling and amplify the possibilities to get or create a job or business through micro-credits. Access to ICT networks is the best way to achieve poverty eradication. Empowering also means to give the primary needs to someone, that is, food, water, house, communication, energy, job and health.

Few years back there was a symposium in India where experts were asked whether poverty was eradicable in India. The answer was, I quote –

“Very much eradicable! We could have eradicated it long back. We had resources.”

What was missing then? The answer by them -

“The political will or power link determination”.

This Government has the power will through the measures to alleviate poverty as announced in the last Budget Speech. Several of them have already been implemented showing the political determination of this Government to combat poverty.

The provision of a Social Register will be of great use as stated in the document –

“(...) in which shall be registered the names and other relevant particulars of every person who lives in absolute poverty.”

I understand that the hon. Minister through the National Empowerment Foundation has a good team. They have already done the registration. They have already done the survey of the poor people registered and now they are in the process of signing social contracts with them and which the hon. Leader of the Opposition’s Party do not know that once the contract is signed, the payment shall be processed within days.

(Interruptions)

Accordingly, Mr Deputy Speaker, Sir, it is only at the end of the day that there will be satisfaction and the conviction to the work being done. Moreover, Mr Deputy Speaker, Sir,...

(Interruptions)

The Deputy Speaker: No interruptions, please!

Mr Ramkaun: There should be a close enquiry so that the real beneficiaries be on the list of the Social Register. Any fraudulent act amongst giving false information only to be on the Social Register must be reprimanded *car ce sera au détriment d’un vrai bénéficiaire*. A genuine case!

Mr Deputy Speaker, Sir, provision has also been made in the Act to give opportunity to a beneficiary to come along with a request to explain why his or her support should not be suspended, cancelled or terminated. *Le gouvernement ne peut être plus démocratique*, Mr Deputy Speaker, Sir.

I am convinced that this Government under the leadership of Sir Anerood Jugnauth and with the total support of our three Leaders of *l’Alliance Lepep* will succeed in this endeavour *d’envergure*. Our fellow countrymen will be proud of and I will highly appreciate if the well-off class Mauritians join a helping hand with the Government to ensure the success of the project. It is only then, Mr Deputy Speaker, Sir, that we will be able to tell

everyone that Mark Twain was right when he wrote that ‘Mauritius is paradise on earth’ and we, the tiny Mauritius, lost in the Indian Ocean, will set pace for a better world.

Mr Deputy Speaker, Sir, I thank you for your kind attention and I am sure that all the hon. Members on the other side of the House will contribute in writing a new chapter in the history of Mauritius and supporting the Bill. Thank you.

The Deputy Speaker: Mr Wong Yen Cheong!

(10.53 p.m.)

The Minister of Civil Service and Administrative Reforms, Minister of Environment, Sustainable Development, and Disaster and Beach Management (Mr A. Wong Yen Cheong): Mr Deputy Speaker, Sir, thank you for giving me the floor to participate in the debates on this important piece of legislation aiming at promoting the social integration and empowerment of persons living in absolute poverty.

As rightly stipulated in the Explanatory Memorandum, the objectives of the Social Integration and Empowerment Bill are within the philosophy of this Government for the enhancement of social justice and national unity. In fact, by introducing such a legislation, this Government is taking care of the most vulnerable people by setting up such empowerment programmes or scheme to -

- (i) combat absolute poverty;
- (ii) provide support and other services to persons living in absolute poverty, and
- (iii) support persons living in absolute poverty to integrate the mainstream society.

We all know people who are badly in need of help and support together out of absolute poverty, had totally agreed that whichever Government in power, should put in place the necessary mechanism to help these people, but on the other side, I am also of the opinion that one should not take everything for granted and expect Government to do or give everything without people making any effort.

Mr Deputy Speaker, Sir, I keep on repeating it every time I have the opportunity to do so and I heard some hon. Members of this House also have done it. I quote Confucius who rightly said –

“If I give a fish to someone, for sure he is going to die of hunger. But if I give a rod to that person, for sure he is going to feed his own family for the rest of his life”

Gone should be the days where people believe that one can get something for nothing. With Government's vision to empower people with time, the family should be able to sustain themselves. And this Bill, among others, clearly spelt out the will of this Government to accompany and empower people so that they get out of poverty. I firmly believe that everything should be obtained by working hard and sacrificing.

Unfortunately, over the years, people who have been accustomed to the culture of receiving everything on a silver plate, this remind me of the video – like me, I believe, many people must have seen it – recorded by Jonn Brosnan, a famous author and family psychologist under the caption 'Is your child getting enough vitamin N?' What is vitamin N? They don't know how to say no, but, at the end of the day, the children, the family and people around them pay the price and regrettably. People who get too much of what they want from nothing, rarely realise the hard work, sacrifice, dedication needed to obtain such things.

Mr Deputy Speaker, Sir, here, in Mauritius, our welfare has been beneficial to our population since decades. Medical care and hospitals are free, education is free, people get incentives to send their children to school, people benefit from many facilities, even to get a roof on their head, and in many cases, without forgetting the death grant, which means from your birth until you die, there is always a grant that Government is there for you. So, facilities are available to people from birth till death and this undoubtedly represents a huge sum of public money.

It is time to make people more conscious and get them empowered instead of waiting for Government's help for everything. Sometimes, Mr Deputy Speaker, Sir, people come to us, as Members of Parliament, to seek Government's help. In many cases, these people in good health do not work. Very often, if you propose to help them to get a job, we all know about it, they find it so easy to reply that the job proposed does not suit them. You will concur that it is just a question of goodwill and the paradox is that very often you see people who have a handicap and who still work and strive to succeed in life. Everyone has his own talent. So, this is encouraging. We must help to promote these talents. *On a tous un talent.* This is the real mission of Government.

Mr Deputy Speaker, Sir, empowerment is essential and this goes along with education and a change of mindset. Like our parents, we encourage our children to go to school, to study and work hard, to buy a house and to succeed in life. But, why should we consider it as normal that some people refuse to make sacrifice and efforts and ironically expect to get

everything they want? Is it normal that people make no effort at all, find the means to squat prime lands and expect that they will ultimately be granted same by Government? They squat on the beach where I am sure, we, our own children, earn so hard, will finally maybe buy a small piece of land on a *morcellement*, but they get a piece of land on the beach. This mindset should change.

Earlier on, I was referring to John Rosemond Video. Likewise, come people feel that complaining and putting pressure on the authorities are the means to obtain facilities and advantages. This is not the way of doing things. Saying that, one question comes to my mind, is it not the mistake of successive Governments which succumb to such pressure which has been exerted over the years? I have visited many countries and I have been impressed how people find solutions to their problems, poor populations. I have seen these people using recycled products or materials coming from the nature itself to repair their houses, their roofs. There are several examples and I will not take the time of this House to name them one by one.

Je voudrai aussi dire merci au ministre Prithvirajsing Roopun pour la mise en œuvre d'une étude menée dans le cas d'un dispositif d'aide à l'insertion sociale et professionnelle des jeunes, étude du soutien d'accompagnement afin d'intégrer la société avec fierté.

There was a remark that I beg to differ from the comments of my friend, hon. Franco Quirin, who said that it is complete utopia to think that the Bill will eradicate complete poverty. I would reply, at least, this Government shows its will.

(Interruptions)

Where there is a will, there is a way.

So, Mr Deputy Speaker, Sir, in conclusion, I would say that Government is making their utmost best to have the people of this country, particularly the most vulnerable, but it is the duty of each and every one to make the necessary efforts and together we will eradicate absolute poverty.

Thank you very much.

The Deputy Speaker: Hon. Barbier!

(11.01 p.m.)

Mr J. C. Barbier (Fourth Member for GRNW & Port Louis West): Mr Deputy Speaker, Sir, I will start by quoting one of the various definitions of absolute poverty and I choose this one, I quote –

“Absolute poverty was defined as "a condition characterised by severe deprivation of basic human needs, including food, safe drinking water, sanitation facilities, health, shelter, education and information. It depends not only on income but also on access to services."

I would like to underline this part: “It depends not only on income (...).”

Mr Deputy Speaker, Sir, the hon. Deputy Prime Minister, Minister Aurore Perraud rightly so stated, while intervening on this Bill, saying that they need...

(Interruptions)

This is my official place.

The Deputy Speaker: Okay! Continue, hon. Barbier!

Mr Barbier: So, as they rightly said, they need accompanied measures and they talked about kindergartens, crèches and infrastructures which are so important to implement the spirit of this Bill, that is, to eradicate absolute poverty.

The question I would like to put is: where are these provisos in this Bill which implement the objectives of this Bill through all these accompanied measures?

I have gone through this Bill, but, unfortunately, I can see none. Maybe the Minister will have the opportunity to explain how they will be able to eradicate absolute poverty, not only in terms of money or fund, but also through all these accompanied measures which Members of the Government side have cited in their speech in this Assembly.

So, Mr Deputy Speaker, Sir, the Social Integration and Empowerment Bill today before this House, has, as main objective, to the promotion of social integration and empowerment of persons living in absolute poverty. I think that this Bill will not meet these objectives. What I think this Bill is all about is the funding of those who have their revenue below the bar of what is considered to be absolute poverty by some international norms, hence, giving the Government the right to say that they eradicate absolute poverty as per the

international norms. This is what, as to my point of view, this Bill is going to bring to the House, to the Government and to the country.

So, the eradication of absolute poverty is not only a matter of money and revenue. It is a combination of money and other factors such as decent house, secured jobs, a minimum salary, *minimum vital* and the rights for free education, not only at secondary level, but also at tertiary level and even educational tools up to the professional level also. So, if one thinks that this Bill will eradicate absolute poverty as per established norms, I am sorry to say that the Bill will fail to comply with the appropriate measures to empower people who are trapped in the vicious circle of poverty, and who have no way out, despite their good faith and tremendous effort to get out of it.

Ce projet de loi, M. le président, à mon humble avis, n'a aucune provision pour *empower the needy of the population*. Ceux qui sont au bas de l'échelle n'auront qu'à compter sur eux-mêmes pour encore longtemps. Je pense que l'État devrait prendre plutôt en charge les enfants des familles à risque. Depuis leur plus tendre enfance, il faut les encadrer par les travailleurs sociaux ou même l'État pourrait même mettre en place un organisme étatique avec des personnes formées, professionnelles - pas des nominés politiques - et les accompagner jusqu'à leur formation professionnelle et leur insertion dans le monde du travail.

M. le président, il y a trop de familles où les parents sont pris dans les vices de l'alcool, de la drogue, qui sont des chômeurs, pire ce sont très souvent des personnes qui ne trouveront jamais de l'emploi parce que personne ne veut employer ces gens-là. Donc, très souvent ils tombent dans la délinquance et ils deviennent des voleurs, ils volent ici et là, ils ont des problèmes avec la loi. Donc, c'est un cercle vicieux. Si on ne peut rien ou très peu faire pour ces parents, on peut quand même prendre en charge les enfants dès leur bas âge car très souvent ce sont ces familles mêmes qui ont plus d'enfants. C'est un constat dans les quartiers les plus pauvres, c'est là où les parents ont beaucoup plus d'enfants. Donc, c'est un cercle vicieux qui continue d'une génération à l'autre et on arrive difficilement à s'en sortir. Et en grandissant ces mêmes enfants n'échappent pas au même sort que leurs parents.

L'intention du gouvernement, je dois dire, est bonne. Mais ce projet de loi n'est pas la réponse au problème du jour. Ce projet de loi, M. le président, comporte aussi certains dangers. Par exemple, certaines personnes qui travaillent et qui touchent disons R 8,000 par mois et qui sont qualifiés à toucher disons R 9,520 selon la Schedule peuvent tout simplement

arrêter de travailler en disant : ‘pourquoi travailler pour gagner R 8,000 alors que si je reste à la maison je toucherai R 9,520 ?’ Comment maintenant éviter que les gens puissent aller dans une telle direction ? Quels sont les provisions qui ont été faites dans la loi pour pouvoir bloquer les gens qui penseraient probablement à s’en servir de ces *loopholes* pour pouvoir profiter de la loi telle qu’elle est aujourd’hui devant nous ?

Deuxièmement, il y a ceux qui touchent plus de R 9,000. Donc, si quelqu’un par exemple touche R 11,000, et qui n’est donc pas qualifié, il va pouvoir rester chez lui et toucher R 9,000 et économiser évidemment autrement parce qu’il n’aurait plus à se déplacer tous les jours pour aller travailler. Il va aussi pouvoir bénéficier de ces allocations. Donc comment le ministre compte-t-il amener des mesures qu’il faut pour qu’il n’y ait pas d’abus dans cette direction ?

Aussi pour ceux qui ne sont pas dans le *mainstream*, M. le président, par exemple ceux qui travaillent ici et là, qui sont maçons tantôt et demain ils sont plombiers et après-demain ils sont des jardiniers quelque part. Ils n’ont pas de fiche de paye, il n’y a personne qui peut venir prouver leurs revenus et ils peuvent facilement aussi en bénéficier de ces allocations et personne ne pourra venir prouver qu’ils ont des revenus adéquats et qu’ils n’ont pas droit à ces allocations.

Autre danger encore, M. le président - je voudrais poser la question : à qui le ministre va-t-il payer ces allocations ? Est-ce que cela va être payé aux chefs des familles ? Si le chef de famille est un drogué, un ivrogne, un délinquant ou un *zougader*, est-ce que le gouvernement peut-il nous donner la garantie que ces allocations vont servir au bien-être de sa famille et de ses enfants ? Selon mes propres expériences, M. le président, *I beg to differ* ! C’est impossible ! Donc, je pense que cela peut *defeat the purpose of the Bill*. Le gouvernement, le ministre, voudrais que l’argent touche les personnes concernées mais malheureusement dans ces cas précis ça va être tout simplement difficile ou même impossible.

Nous avons, M. le président, actuellement beaucoup d’étrangers qui travaillent dans notre pays surtout dans les secteurs de construction, de restaurants, de *fast food*, des usines de textile, des étrangers partout qui travaillent et bien souvent ce sont des boulots qui nécessitent même pas de grandes formations académiques. Mais pourquoi ces gens qui sont aujourd’hui dans ce cercle vicieux de la pauvreté n’arrivent-t-ils même pas à pouvoir en bénéficier de ces mêmes emplois que ces étrangers actuellement à Maurice en bénéficient ? Il y a

probablement un problème de formation, un problème de conscientisation, un problème de motivation. Je pense que c'est là que le gouvernement devrait agir pour former ces gens, les conscientiser et leur donner la possibilité de s'insérer dans ce monde du travail et peut-être même s'ils ne touchent pas suffisamment pour pouvoir vivre, le gouvernement pourrait éventuellement *top up* leurs salaires mais à travers leurs employeurs. Ainsi ils seront obligés à avoir un emploi pour pouvoir bénéficier de cette allocation additionnelle qui pourrait leur permettre de vivre au-dessus du seuil de l'extrême pauvreté.

Actuellement, je dois dire que je vois beaucoup de Chinois, de Sri Lankais et de Bangladeshis qui travaillent même dans des petites entreprises de menuiserie. Par exemple à Coromandel, j'ai vu la semaine dernière dans une de ces petites menuiseries que des employés du Bangladesh. C'est étonnant ! Je ne sais pas si le gouvernement est au courant de cette situation. Mais voilà des petits boulots auxquels il est facile de former les gens mais que malheureusement les mauriciens qui sont dans des difficultés ne peuvent pas en profiter de cette possibilité d'être employés dans ces petites entreprises. Je pense qu'il y a tout un travail à faire au niveau de la formation, de l'accompagnement, de l'insertion et je miserais beaucoup plus sur ça que sur le financement direct qui pourrait ne pas en profiter finalement à la famille, aux enfants tels que le gouvernement souhaiterait.

Je suis pour aider ceux qui sont dans le besoin. Mais d'abord il nous faut assurer qu'on n'est pas en train de tomber dans l'assistanat. Je suis pour un vrai plan d'encadrement, *d'empowerment* et d'accompagnement d'un bout à l'autre.

Je voudrais féliciter par contre mes amis de Rodrigues qui, si j'ai bien compris les propos de l'honorable François, ils ont attaqué le problème aux sources et ils ont mis l'accent sur la formation, l'accompagnement et ils disent non à l'assistanat. Je voudrais que cela puisse servir d'exemple. Voilà notre petite île Rodrigues qui nous a précédées. A la *Rodrigues Regional Assembly* ils ont commencé quelque chose que je pense pourrais être servie en exemple pour l'île Maurice. Je voudrais les féliciter pour cela et je demanderai au ministre pour pouvoir faire avancer les choses de prendre en considération tous ces ONG, tous ceux qui ont de l'expérience, les travailleurs sociaux entre autres pour que ce projet puisse enfin être une réussite non seulement pour ce gouvernement mais aussi pour ce pays.

Merci pour votre attention. J'ai dit, M. le président.

The Deputy Speaker: Hon. Toussaint !

(11.16 p.m.)

Mr S. Toussaint (Second Member for Curepipe & Midlands): Merci, M. le président, de me donner l'occasion de dire quelques mots rapidement sur ce projet de loi très important aussi. Donc, aujourd'hui, nous vivons deux projets de loi historiques dans la même journée. Bientôt ce sera demain!

Dans le passé, le gouvernement a essayé de mettre fin à la pauvreté absolue mais cela n'a pas vraiment marché parce que c'était donner quelque feuilles de tôle par-ci et donner quelque chose par là. Mais aujourd'hui qu'est-ce qui est différent ? C'est la structure. C'est l'encadrement. C'est un projet de loi qui vient et qui propose certaines mesures sur un certain nombre de temps. Et c'est cela qui va faire que ce projet va marcher. Bien sûr, ce gouvernement ne va pas pouvoir tout régler d'un seul coup. Cela prendra son temps. Avec du temps et de la patience on vient à bout de tout. Et comme on dit si bien chez nous, *ti pas, ti pas, nu pu avancer!* D'ailleurs depuis l'arrivée de ce gouvernement, il y a une série de mesures qui visent à alléger la souffrance de ceux qui sont au bas de l'échelle et cela on ne peut pas le nier. La population le sait. Et comme j'avais dit précédemment, il n'y a pas pire aveugle que celui qui ne veut pas voir.

On parle ici d'*empower*, de responsabiliser et non de tomber dans l'assistanat. C'est tout à fait cela. L'honorable Barbier l'a dit. C'est cela que nous allons faire. D'ailleurs je ne sais pas s'il a bien écouté, à plusieurs reprises, nous avons parlé aujourd'hui de pêche, vous autres. *Arret donn poissons, montrer la peche!* Mais c'est ça rejeté l'assistanat. C'est tout simplement cela.

Avec ce projet de loi, c'est ce que nous voulons viser ; c'est ce que nous voulons réaliser. En essayant d'éliminer la pauvreté absolue, en éliminant l'assistanat que faisons-nous ? Nous relevons l'être humain dans sa dignité. C'est la dignité de la personne qui incombe ici. C'est relever l'être humain. Relever nos frères et nos sœurs qui sont dans la misère et leur donner une dignité. Pour réussir cela, et je suis sûr que tout à l'heure le ministre ne va pas manquer de parler du *Social Contract*. Tout est dedans. Ce n'est pas juste donner quelques sous. Ça c'est pour l'immédiat. C'est pour pouvoir déjà commencer à débattre *kuma nou dire* tout doucement et après, avec la formation, les gens seront à l'aise et les gens pourront définitivement sortir de la pauvreté.

Je voudrais aussi prendre ce temps pour féliciter les officiers de la NEF qui ont fait un travail titanesque pendant plusieurs semaines à recevoir les personnes, à parler avec ces

personnes et à faire leur enquête. Et nous, les PPS, nous avons été témoins de cela parce que justement c'est à travers le bureau de la CAB que tout ce travail a été fait pendant plusieurs semaines. Chapeaux aux officiers de la NEF! Je suis sûr que nous allons réussir dans ce combat. Je souhaite au ministre, l'honorable Roopun, bon courage et je le félicite pour tout ce qu'il y a de déjà préparé et tout ce qu'il va faire encore. Je félicite aussi le ministre des Finances, l'honorable Pravind Jugnauth, qui a mis les fonds nécessaires, qui a su écouter ce que le ministre a proposé pour aider dans l'éradication de la pauvreté et tout ceci, bien sûr, sous le *leadership* de notre Premier ministre, Sir Anerood Jugnauth.

Nous allons réussir dans notre tâche pas parce que nous sommes des *missiers* et des *madames comme tout*. Loin de la ! Nous allons réussir parce que nous allons faire appel à tout le monde. C'est un combat qui concerne tous les mauriciens. Nous sommes appelés à mettre la main dans la pâte ensemble afin de pouvoir éradiquer la pauvreté de notre société. Nous allons réussir malgré certains oiseaux de mauvais augure, certains oiseaux de malheur qui ne voient que du noir. Nous allons réussir! À bon entendeur, salut !

Je vous remercie, M. le président.

The Deputy Speaker: Hon. Mrs Jeewa-Daureeawoo!

Mrs Jeewa-Daureeawoo: Mr Deputy Speaker, Sir, I move that the debate be now adjourned.

Mr Sawmynaden rose and seconded.

Question put and agreed to.

Debate adjourned accordingly.

ADJOURNMENT

The Deputy Prime Minister: Mr Deputy Speaker, Sir, I beg to move that this Assembly do now adjourn to Tuesday 06 December 2016 at 11.30 a.m.

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

Question put and agreed to.

The Deputy Speaker: The House stands adjourned.

The Deputy Speaker: Hon. Ameer Meea!

MATTERS RAISED

(11.23 p.m.)

PORT LOUIS – MANHOLES & ROAD TARRING

Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East): Mr Deputy Speaker, Sir, tonight, I shall raise a problem which is very recurrent especially in the City of Port Louis. It is in relation to the manholes on the road that is being tarred. What happen is: when they tarred the road, they tarred everything and then, after some time, maybe one or two months, they come and redo the whole thing again, but it is not levelled on the road level. Very often, there are accidents. There has been an accident last week in the region of Vallée des Prêtres which has proved to be very serious.

So, I will urge the hon. Minister of Public Infrastructure and Land Transport to see to it that the people who are doing the work, they do it properly.

Thank you, Mr Deputy Speaker, Sir.

The Minister of Public Infrastructure and Land Transport (Mr N. Bodha): Mr Deputy Speaker, Sir, I will definitely look into the matter.

The Deputy Speaker: Hon. Baloomoody!

(11.24 p.m.)

UNIVERSITY OF MAURITIUS - NOTARY EXAMINATIONS

Mr V. Baloomoody (Third Member for GRNW & Port Louis West): Mr Deputy Speaker, Sir, unfortunately, the Minister for Education and Human Resources, Tertiary Education and Scientific Research is not here, but I will take the opportunity to address the issue to the hon. Attorney General, with regard to the exams of the notaries at the University of Mauritius.

For the two consecutive years, this year, no notary has passed his exams and there is a big problem regarding the exam, itself: those who give the courses and those who set up the papers. So, there is much contradiction between the courses and those who set the exams.

Unfortunately, now they are paying Rs110,000 each year. In the past, they used to pay Rs100,000 and they had six chances to take the exams from the first payment. Now, they have been obliged to pay Rs110,000 each year and unfortunately there is no coordination

between the course and the exams like we used to have in the Bar. Now, fortunately this has been settled. What the University is setting and what the Council of Legal Education is setting – those who are setting the exams - are in total contradiction with the syllabus they are having.

So, can I ask the hon. Attorney General to look into the matter because these youngsters are spending not only Rs110,000 per year, but they are being penalised; each and every year they have to pay Rs110,000?

Thank you.

The Attorney General (Mr R. Yerrigadoo): Mr Deputy Speaker, Sir, can I just say that this issue is of great concern to Government, especially my colleagues the law practitioners in Cabinet. That issue was raised by me and for years now we have been trying to find a solution. My friend will be pleased to know that I, personally, have already met with not only the Master and Registrar, but the Chief Justice has delegated one of the Puisne Judges to sit with me and my collaborators at the AGO. We have already started sitting down with the University of Mauritius. It is not just with the notaries, it is the whole exams.

Increasingly, there is an increasing view that it should go back to what it used to be at the Council of Vocational Legal Education. My learned friend would also know that we have the IGLS. So, there is structure. Government is quite concerned with it. But, as my learned friend would know, at one point in time there was a shift from practitioners severely giving the courses which swung completely to the University of Mauritius and that explained its cause of concern which has been going on for too long now.

At 11.27 p.m. the Assembly was, on its rising adjourned to Tuesday 06 December 2016 at 11.30 a.m.