



SIXTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

(UNREVISED)

FIRST SESSION

TUESDAY 27 NOVEMBER 2018

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(Formed by Hon. Pravind Kumar Jugnauth)

Hon. Pravind Kumar Jugnauth	Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development
Hon. Ivan Leslie Collendavelloo, GCSK, SC	Deputy Prime Minister, Minister of Energy and Public Utilities
Hon. Sir Anerood Jugnauth, GCSK, KCMG, QC	Minister Mentor, Minister of Defence, Minister for Rodrigues
Hon. Mrs Fazila Jeewa-Daureeawoo	Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare
Hon. Seetanah Lutchmeenaraidoo, GCSK	Minister of Foreign Affairs, Regional Integration and International Trade
Hon. Yogida Sawmynaden	Minister of Technology, Communication and Innovation
Hon. Nandcoomar Bodha, GCSK	Minister of Public Infrastructure and Land Transport
Hon. Mrs Leela Devi Dookun-Luchoomun	Minister of Education and Human Resources, Tertiary Education and Scientific Research
Hon. Anil Kumarsingh Gayan, SC	Minister of Tourism
Dr. the Hon. Mohammad Anwar Husnoo	Minister of Health and Quality of Life
Hon. Prithvirajsing Roopun	Minister of Arts and Culture
Hon. Marie Joseph Noël Etienne Ghislain Sinatambou	Minister of Social Security, National Solidarity, and Environment and Sustainable Development
Hon. Mahen Kumar Seeruttun	Minister of Agro-Industry and Food Security
Hon. Ashit Kumar Gungah	Minister of Industry, Commerce and Consumer Protection
Hon. Maneesh Gobin	Attorney General, Minister of Justice, Human Rights and Institutional Reforms
Hon. Jean Christophe Stephan Toussaint	Minister of Youth and Sports
Hon. Soomilduth Bholah	Minister of Business, Enterprise and Cooperatives

Hon. Marie Roland Alain Wong Yen Cheong, MSK	Minister of Social Integration and Economic Empowerment
Hon. Premdut Koonjoo	Minister of Ocean Economy, Marine Resources, Fisheries and Shipping
Hon. Soodesh Satkam Callichurn	Minister of Labour, Industrial Relations, Employment and Training
Hon. Purmanund Jhugroo	Minister of Housing and Lands
Hon. Marie Cyril Eddy Boissézon	Minister of Civil Service and Administrative Reforms
Hon. Dharmendar Sesungkur	Minister of Financial Services and Good Governance

PRINCIPAL OFFICERS AND OFFICIALS

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MAURITIUS

Sixth National Assembly

FIRST SESSION

Debate No. 33 of 2018

Sitting of Tuesday 27 November 2018

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

The National Anthem was played

(Madam Speaker in the Chair)

PAPERS LAID

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

A Prime Minister's Office

- (a) Certificate of Urgency in respect of the following Bills (In Original):
 - (i) The Local Government (Amendment No. 2) Bill (No XX of 2018);
and
 - (ii) The Ombudsperson for Financial Services Bill (No XXI of 2018).
- (b) The DNA Identification (Fees) Regulations 2018.
(Government Notice No. 155 of 2018)

B. Ministry of Local Government and Outer Islands, Ministry of Gender Equality, Child Development and Family Welfare

- (a) The City Council of Port Louis (Traffic Centre) Regulations 2018.
(Government Notice No. 156 of 2018)
- (b) The City Council of Port Louis (Cemetery/Crematorium) Regulations 2018. (Government Notice No. 157 of 2018)

C. Ministry of Public Infrastructure and Land Transport

The Road Traffic (Renewal of Motor Vehicle Licence) Regulations 2018.
(Government Notice No. 159 of 2018)

D. Ministry of Health and Quality of Life

- (a) The Medical Council (Medical Institutions) (Amendment No. 4) Regulations 2018. (Government Notice No. 152 of 2018)
- (b) The Mauritius Institute of Health (Fees) (Amendment) Regulations 2018.
(Government Notice No. 154 of 2018)

E. Ministry of Social Security, National Solidarity, and Environment and Sustainable Development

The Environment Protection (Amendment of Schedule) Regulations 2018.
(Government Notice No. 158 of 2018)

F Ministry of Industry, Commerce and Consumer Protection

The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No. 30) Regulations 2018.
(Government Notice No. 153 of 2018)

ORAL ANSWERS TO QUESTIONS

METRO EXPRESS PROJECT – SURVEY, CLAIMS & EIA REPORT

The Leader of the Opposition (Mr X. L. Duval) (*by Private Notice*) asked the hon. Minister of Public Infrastructure and Land Transport whether, in regard to the Metro Express, he will state –

- (a) the name of the sub-contractor who effected the survey of underground pipes using a Ground Penetrating Radar, indicating when same was effected;
- (b) the assistance being provided to residents and businesses wishing to claim compensation for inconveniences/losses suffered in the wake of the implementation thereof;
- (c) the progress made in the construction of urban terminals as at to date, and
- (d) if he will now table a full copy of the Environment Impact Assessment Report carried out by the Singapore Cooperation Enterprise in relation thereto.

Mr Bodha: Madam Speaker, in reply to previous PNQs relating to the Metro Express Project, I have had the opportunity of highlighting that the Metro Express Project is the most complex infrastructure project embarked upon in our country. And I also explained the different stages which have been carried out for the implementation of this project.

Following various studies carried out, it was concluded that the Light Rail Transit System is the most effective solution to address the modernisation of the public transport sector and the Singapore Cooperation Enterprise, as far back as 2012, was entrusted with the task of carrying out the business case and the reference design of the project.

The different stages were–

- (i) transport planning and modelling;
- (ii) review of selection of technological options;
- (iii) reference design;
- (iv) concept and preliminary design to allow the release of Expression of Interest;
- (v) economic impact;
- (vi) costing, economic and financial appraisal, and
- (vii) the procurement activities.

Thereafter, the services of SCE were enlisted for Transaction Advisory Management Services for the procurement and potential implementation of the MLRT project. The SCE also assisted in the preparation of the Request for Proposal and considered a number of issues like the –

- socio-economic impact;
- noise and vibration;
- air quality;
- geotechnical, soils and contamination;
- hydrology;
- utility services;
- heritage, and
- ecology.

These requirements were subsequently incorporated in the Environmental Management and Sustainability Plan for the contractor. Following award of the contract, before embarking on the construction sites, Larsen & Toubro Ltd carried out the following –

- geotechnical investigation;
- topographical survey;
- condition survey;
- utilities mapping, and
- traffic assessment.

Madam Speaker, it is clear that all necessary requirements, including technical, engineering or otherwise, have been fulfilled and the required technical and environmental parameters have been complied with to ensure that the project is being carried out in the best possible condition.

Regarding mapping and procedures, the utilities identification and mapping was done in three stages –

- drawings of existing locations from various utility providers, like WMA, CWA, CEB and Telecom, etc;

- trenching of about 3-3.5m deep at frequent intervals at about 50m along the corridor and specifically at bridge and flyover foundations, and
- use of GPR (Ground Penetration Radar) scan to identify utilities which are correlated with the first stage and the second stage data in case of certain limitations in scanning.

Based on the position of utilities with respect to the Metro corridor, the diversion plans for the various utilities are planned and get approved from the utilities providers to do the diversion. This ensures that the Metro corridor is vacated of utilities prior to start of works.

With regard to part (a) of the question, the subcontractor appointed by Larsen & Toubro Ltd for the identification of utilities using the Ground Penetration Radar was Labolink Ltd Mauritius in collaboration with the technical knowhow of Geophysical Survey Systems Inc. of the United States of America. These companies are specialised in utilities identification. This agency was identified from a selection of a total of five agencies, namely three from Mauritius (Geocrust, Labolink & GIBBS) and two from India. Labolink was chosen because they were technically responsive and commercially within range of Indian agencies and of comparable International Standards. Labolink was already partnering with Franki Pile for the Geotechnical Investigation for the Metro and was found to be competent and effective.

The Ground Penetrating Radar, which is the latest technology, was used for the identification of utilities from 29 November 2017 to 24 February 2018 for the stretch between Rose Hill to Port Louis. The machine was imported and reached Mauritius on 18 November 2017.

Rites and Singapore Cooperation Enterprise were fully satisfied that the mapping was done successfully and the mapping was done as per the norms.

The other part of the question relating to claims, Madam Speaker, I said that, in view of the complexity of the project, everything is being done on a day to day basis to see that all those who are concerned and affected, using social media to inform people, businesses about the works.

We know that some businesses have been affected because of access during the construction period, insofar as issues such as potential loss of revenue is concerned, the

upgrading of the surroundings for the new infrastructure will bring as soon as possible as the train is running in an improved business friendly environment.

As per November 2018, we have had a total of 38 complaints for the whole stretch and 22 relating to Rose Hill and Barkly –

Claims for compensation -

- (a) There has been one claim of Rs10m. from nine residents of the Sir Virgil Naz Street, and
- (b) four other claims from businesses.

As for the small businesses affected by the works along the Metro Express alignment, one of the main concerns is reduced accessibility to their premises. The Contractor has ensured that tailor made accesses are being provided and maintained for all businesses along the works site throughout the works with due regards to safety aspects for the users. What I have said is that all complaints should be addressed to Larsen & Toubro, Metro Express and to my office to be addressed so that there is a better coordination, and legal advisors on both sides of Metro Express and Larsen & Toubro will consider the cases, as they are being. One first case is the case of Rs10m. and the lawyers of Larsen & Toubro are addressing this issue, Madam Speaker.

As regards part (c) of the question, I would like to highlight that the Metro Express project is not a stand-alone project. It is being accompanied with a regeneration of the whole urban areas between Curepipe and Port Louis. Together with an investment of Rs18.8billion for the Metro Express, the urban terminal projects will involve an investment of over Rs10billion from the private sector. Furthermore, it will generate substantial economic activities and new job opportunities.

In my reply to PQ B/367 on 15 May 2018, I informed the House that, with the advent of the Metro Express project, the need for modern, safe, secure, integrated urban terminals had become imperative, Madam Speaker. In this respect, Government decided to embark on the redevelopment and modernisation of the Port Louis-Curepipe corridor, namely the Victoria and Immigration Square terminals in Port Louis, Place Margéot in Rose Hill, the stations in Quatre Bornes, Vacoas and Ian Palach in Curepipe.

The terminals will have some common features –

- (i) a modern and visually aesthetic urban terminal;
- (ii) office spaces;

- (iii) hawkers' and commercial areas;
- (iv) parking facilities;
- (v) green space;
- (vi) taxi stands, and
- (vii) pedestrian link between the terminals.

And as regards the Victoria Urban Terminal, Madam Speaker, following a Request for Proposals, a Consortium led by Transinvest Construction Ltd has been selected and a Letter of Notification of Award has already been issued. The Consortium has progressed significantly on the detailed design and works are scheduled to start beginning of January 2019 for a duration of two years.

During the construction period, arrangements have been made for the relocation of hawkers operating at Decaen. Furthermore, a holding area is being provided for buses to wait during their idle time and alternative arrangements are being made for the relocation of taxis.

As regards the Immigration Square Urban Terminal, after a Request for Proposals exercise, a company, namely Yihai International Investment Management Ltd has been selected and a Letter of Notification has been issued. In view of the fact that part of the site is located in the buffer zone of the Aapravasi Ghat, UNESCO clearance is being sought through the Ministry of Arts and Culture.

In this context, a Master Plan incorporating all major developments in Port Louis has been finalised in consultation with all the stakeholders, including the Aapravasi Ghat Trust Fund. A presentation of the Master Plan has been made to Cabinet on last Friday, 23 November.

The preliminary design of the project together with the Port Louis Development Master Plan have been sent to UNESCO for their views and clearance. Should everything proceed smoothly, because we have taken into consideration all the different aspects of the PPG 6, that is, the plan policy guidelines, the Immigration Urban Terminal project is expected to start early next year for a duration of two years. As per the implementation programme of Yihai International Investment Management Ltd, works at Immigration Square will be carried out in two phases -

- (i) Phase 1: first nine months - implementation of the bus terminal and the hawkers' area, and

- (ii) Phase 2: remaining fifteen months – implementation of remaining facilities, including office spaces, parking facilities and a hotel.

The company will be making arrangements for the hawkers to continue to operate in their existing location and the buses to pick up and alight passengers on site during the construction period. My Ministry is providing an alternative site for the holding of buses during their waiting period.

As regards the remaining urban terminals, same are being implemented at the level of the Ministry of Local Government and Outer Islands in collaboration with my Ministry.

I am informed by the Ministry of Local Government that the Rose Hill Urban Terminal, a Request for Proposals (RFP) had been launched. However, the exercise was not successful as there was no responsive bidder because there was one factor missing about the rent to be able to put up a business plan. The Municipal Council of Beau Bassin/Rose Hill is currently in the process of reviewing its requirements with a view of relaunching the RFP.

Madam Speaker, the three other urban terminals, namely Quatre Bornes, Vacoas and Curepipe will need to be operational by the time the second phase of the Metro Express project is implemented. I am informed that consultative meetings are being held with relevant stakeholders to work out the requirements, including land and space for each terminal. A RFP in respect of each terminal will be launched soon and the duration of works will be two years.

Madam Speaker, in regard to part (d) of the question, I invite the hon. Members to refer to my reply made to the PNQ on 09 November 2018, whereby I informed the House that

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- (i) I had made a request to Metro Express Ltd to lay a copy of the Request for Proposal, especially the part relating to Environmental Mitigating Measures made to Afcons and Larsen & Toubro;
- (ii) I had requested Larsen & Toubro to give a copy of the Environmental Management Plan of Larsen & Toubro, and
- (iii) I had made a request to Metro Express Board to consider the possibility of laying the full EIA report on the Table of the National Assembly.

Accordingly, the relevant extract of the RFP and the EMP have been laid on the Table of the National Assembly. During my reply to the PNQ on 09 November I had laid a copy of the Executive Summary of the EIA Report on the Table of the National Assembly.

Upon the recommendations of the Board of Directors of MEL, Government has decided that the full EIA Report should not be released to the public ...

(Interruptions)

Madam Speaker: Please!

Mr Bodha: ... or laid before the National Assembly for the following reasons -

- (i) in March 2017, the Metro Express Project had been delisted from the list of undertakings requiring an EIA by way of regulations under the Environment Protection (Amendment of Schedule) Regulations 2017. With the delisting of the Metro Express Project, there was no legal requirement for MEL to undertake an EIA;
- (ii) however, Government has agreed to MEL conducting a thorough EIA so that its findings could be used as an additional measure of environmental protection during the construction phase of the Project over and above the Environmental Management and Sustainability System Plan submitted by Larsen and Toubro. Therefore, the EIA Report is an internal working document.
- (iii) Phase 1 of the Metro Express will be operational by September 2019;
- (iv) the Request for Proposal, especially the part relating to Environmental Management and Sustainability as Employer's Requirements elaborate on the minimum requirements which should be met;
- (v) the Environmental Management Plan describes how health, safety & environment issues will be addressed and managed during the Project implementation and later during the operation;
- (vi) the Consultants, RITES, Singapore Cooperation Enterprise and Metro Express Limited are closely monitoring the execution of the works in accordance with the Employer's Requirements, including the EIA which is being operationalised through an Environmental Management & Sustainability System Plan.

Madam Speaker, the Metro Express Project will transform the socio-economic landscape of this country. Yesterday, there was a page of history written with the laying of the rails. As the Prime Minister said yesterday at the ceremony, Metro Express will be the spine of the smart society we want to shape to improve the quality of life of the population, to

create new growth opportunities and to propel Mauritius into the league of high-income economies.

I will make an appeal to the Leader of the Opposition and Members on the other side of the House to see to it that this project is implemented in the best conditions and - there is no secrecy - the teams of experts working on this project are the best in their respective fields. The constructor Larsen & Toubro is a world-renowned company that has implemented rail projects in India, Middle East, elsewhere.

(Interruptions)

I have finished!

Madam Speaker: Finish in how many minutes?

Mr Bodha: I am finishing. We are endowing our country with one of the best systems, Madam Speaker. Therefore, I am very open, we are open to all proposals and many hon. members have made comments to me, claims to me, complaints to me. I have attended to them. There are five meetings every week to monitor each 100 metre.

Madam Speaker, let me just give you one example. For one kilometre of metro, which cost one billion, you have four kilometres of utilities, of water, of electricity, of wastewater, of telephone system, and we have done over 12 kilometres ...

(Interruptions)

... and there is a close monitoring by RITES as per the contract of supervision and a close monitoring for Metro Express by Singapore Cooperation Enterprise, which designed the reference design and which is now supervising the works.

Thank you, Madam Speaker.

Mr X. L. Duval: Madam Speaker, I trust that you will give me some extra time given the length of the reply. Madam Speaker, this is one of the worst...

Madam Speaker: I am sorry, hon. Leader of the Opposition, the Minister has exceeded his time limit by one minute.

Mr X. L. Duval: Madam Speaker, this is one of the worst planned and worst executed projects in the history of Mauritius. Let me start with this Ground Penetrating Radar. Larsen & Toubro was appointed in July 2017. So, how can it be appointed in July 2017 and this exercise done in early 2017 when, - in fact, I will table this - Madam Speaker, in September

2017, this same Larsen & Toubro floated a tender for a subcontractor to effect a Ground Penetrating Radar exercise and, in fact, appointed no one because of the cost? This was in September 2017. So, obviously, they were not happy with whatever had been done before.

Mr Bodha: Madam Speaker, there are different stages. You have the trenching inspection. Then, they had the inspection as per all the details which were given by the WMA and Mauritius Telecom. We have understood that the mapping of utilities, the shifting of utilities is the most tedious exercise in this first stage, and this is what has been done. There is something else, Madam Speaker. The utilities; there is a budget of Rs450 m. to renew the utilities, which means that with the Metro, the utility systems are going to be better. We ended up with water pipes which were 70 years old. We ended up with the sewerage pipes which were made of cement. We are correcting all this. What did Larsen & Toubro do? There was a survey which was carried out by Singapore Cooperation Enterprise; then there was the Request for Proposal; then you had all the reference designs and you had all the networks on paper, and then you had to correlate what was on paper with what was on the terrain. So, they did it with the trenching themselves for every 50 metres. After that, they came with this exercise. But last time, what did the hon. Leader of the Opposition say? He said that this was not done. He said so in Parliament.

(Interruptions)

He said that this was not done. Then, I came and I said: 'No, this was done.' I am going now to provide - this is the machine which is being used. It is the best machine in the world, Madam Speaker. It comes from the United States.

Secondly, there was a report, which is the Geophysical Survey Report from Rose Hill to Port Louis. This was submitted on 31 May 2018 and it was supervised by Singapore Cooperation Enterprise and RITES. I am laying another copy of this report as well. So, if the hon. Leader of the Opposition wants these documents, he can always consult them.

Mr X. L. Duval: Madam Speaker, I maintain that Larsen & Toubro has not done any mapping by GPR. Madam Speaker, I will now come to the issue of compensation. In the House here, a few days ago, the hon. Minister mentioned that he will provide assistance, etc., a lot of excuses even being given now by the hon. Prime Minister, to all those people who have suffered. Even today, yesterday, Madam Speaker, dirty sewerage has been flooding all houses in Sir Virgil Naz, businesses are closing down.

There is a lot of disturbance to the residents by the noise and to the businesses and to this flooding by dirty water, Madam Speaker. Now, he mentioned that they would - we had understood in the House - listen with a sympathetic ear to the claims made by the people affected. However, Madam Speaker, is the hon. Minister aware that on 23 November, the attorney for Larsen & Toubro, that is, Mr J. K. Gujadhur flatly replied to these people who have claimed Rs10 m.?

This is the last paragraph, Madam Speaker - I will table this - and this is what Larsen & Toubro says, through the attorney: that they 'deny being indebted to the hereunder named parties in the sums claimed or in any sum at all'.

So, this is why I am asking the hon. Minister what is the advice being given, what is the assistance being given to the people of Rose Hill and Beau Bassin who are presently affected and to the other people who will be affected by the works.

Mr Bodha: Madam Speaker, I will correct for Sir Virgil Naz. Because of the rain, there was a small overflow which was addressed in a few hours. I have photographs here. I also think we should bring photographs because the hon. Leader of the Opposition brings them as well. The second thing, Madam Speaker, is how many complaints we have had. In all, there have been 38 complaints, out of which 22 regarding Rose Hill and Barkly. Regarding the Barkly complaints, I have personally addressed them and there are still one or two cases. Hon. Bhagwan has impressed on me to be able to address those cases and I am addressing those cases. We had a meeting and now we have found some solutions. When it comes to the businesses, there is one claim of Rs10 m. I think that the lawyer has asked for particulars about the Rs10 m.

Now, from what I understand, Larsen & Toubro has chosen its legal advisers to address the issue. That is why I said the claim should be given to Metro Express, to Larsen & Toubro and to my Ministry, because I said I am going to personally see what can be done. We have to be fair, but it has to be genuine. So, we will do what is genuine and what is fair, Madam Speaker, and we will do it in the light of what we have in the contract.

Mr X. L. Duval: Madam Speaker, the attorney for Larsen & Toubro had a choice of negotiating with these people, calling them and talking to them. Instead, they have flatly denied, saying to these people who have suffered, because of the fault of Government, because of the fault of Larsen & Toubro, to go to Court - and go to hell - and in 10 years'

time to come for some money. This is what the hon. Minister is doing, and I am tabling this, Madam Speaker.

Mr Bodha: I said that the claims will be considered. Larsen & Toubro will do what it has to do as per the contract, Metro Express will do as per the contract. My Ministry will see to it that there is fairness and genuineness in the claim.

Mr X. L. Duval: Why did not the hon. Minister see to it that there was fairness in the Rs10 m.? Is the hon. Minister aware that they have been flatly denied any compensation at all? Answer for the Rs10 m.! There are, I think, about eight claimants here. What have you done in that particular case, please?

Mr Bodha: From what I have understood, they have requested particulars of the Rs10 m. to explain how do we reach a sum of Rs10 m.

Mr X. L. Duval: They have flatly denied the claim. I am tabling this, Madam Speaker. Madam Speaker, there is the denial for publication of the full EIA report, and I will treat this as extremely serious, because this EIA Summary, Madam Speaker, speaks a lot. It says on the last page that the risks assessed concerning the potential construction were assessed at medium to very high for all the eight assessment screens, and that this EIA Study proposes mitigation measures - it is in here - so that the risks be reduced from medium to very high - not high, very high - to low risk and medium risk. This is important for the public who have paid for this report, for the report which has been made, I presume, in the interest of the public, for the public to be aware what are the mitigation measures that the EIA Report is asking for so that everyone will know that Larsen & Toubro is doing its job. This is what I am asking, for the Minister to publish fully the EIA Report.

Mr Bodha: The Environment Management Plan of Larsen & Toubro considers all the mitigation measures that have to be taken. We have, on the part of Government, as a benchmark, decided that we will have an EIA. I laid on the Table of the National Assembly an executive summary. All that has been done in the EIA has been factored in to this Environment Management Plan with the collaboration of RITES and SCE, because SCE did both. They did the reference design, they did the Request for Proposal as regards mitigating measures and they did the EIA Report, Madam Speaker.

Mr X. L. Duval: And they are doing the work, Madam Speaker. This is why it is so important. I am asking the hon. Minister again, if there is nothing to hide, why is the EIA report paid for by the public being hidden from the public so that the public knows, we know

whether Larsen & Toubro, which seems to be a *chef d'orchestre* in this thing, are actually abiding and that we do not face, as we have faced in Rose Hill, with the very high risk with the construction.

Mr Bodha: Madam Speaker, I explained that for 12 kms of railway, we have 50 kms of utilities, 50% of the works have already been done, 150 piles have already been erected and the structural works, civil engineering works will end in a few months. In March, everything is going to be clean and the trains are going to come in June, Madam Speaker.

All this has been done. We had two incidents. I agree, we are saddened - the Prime Minister said so, I said so - that this happened. But there was one incident and now we have taken all the decisions. I said I will ask Larsen & Toubro, RITES and Metro Express to revisit. I had a meeting on this issue about the mapping of utilities, the shifting of utilities, the reinstatement of utilities. Madam Speaker, when you have a road and you have a water pipe servicing the households on both sides and there is a problem in the system, we break the road, but we cannot do that with the railway. So, we are setting up a system on both sides to be able to service the households.

So, we are making a better infrastructure. There are a number of risks in such a project. You just have to go to Place Margéot to understand what it is to lay the sewerage pipe at 7 metres, Madam Speaker. The risk is there, but we have to see to it that we contain the risk. Today, the matter was addressed in a few hours. We have to learn from what happened in Place Margéot, but that does not mean that what happened in Place Margéot has been happening from Port Louis to Place Margéot all the time.

Mr X. L. Duval: Madam Speaker, this morning, there were lots of lorries washing all the excrements from the houses, and I am going to table a copy of pictures taken yesterday at Sir Virgil Naz. I want to ask the hon. Minister whether the people of Rose Hill should still now boil water or is that still the case? Did he verify or can they now drink this happily and boil whatever rubbish is in the water and it will be safe?

Mr Bodha: I am speaking on the correction of the CWA. I have not been told that there is any problem with the water.

Mr X. L. Duval: The hon. Minister has not cared to check from two weeks' PNQ.

Mr Bodha: The CWA was there when we were writing this answer and this question arose, and they said there is nothing wrong.

Mr X. L. Duval: The hon. Minister has mentioned that he would find out following the communiqué of the Ministry of Health. Did he find out?

Mr Bodha: I did find out.

Mr X. L. Duval: And do we still need to boil the water in Beau Bassin and Rose Hill?

Mr Bodha: No, there is no need to boil. We said the boiling of the water was for precaution.

Mr X. L. Duval: Madam Speaker, I want to come now to the terminals. Now, we understand that we are 300 days away from the opening of the Metro Express and no urban terminal yet under construction. Rose Hill, the tender has not even been given, and so we are going to operate for about a year or two without urban terminals. What are the contingency plans?

Mr Bodha: Madam Speaker...

Madam Speaker: Hon. Minister, before you reply, I would like to draw the attention of the hon. Leader of the Opposition that there are two minutes left.

Mr Bodha: Madam Speaker, the hon. Leader of the Opposition, as Minister of Finance was proposing to implement a project of Metro Express (LRT) for above Rs30 billion ...

(Interruptions)

For Rs34 billion, with money on a Line of Credit! The project then - he is making a big difference between the terminal and the station. The stations will be ready, the terminals are the cities in which the stations are going to be, Madam Speaker. We came with the idea...

(Interruptions)

We came with the idea of the terminals. We came with the idea of asking private investment to make cities where the train is going to enter, providing better location for the hawkers. We came with Rs10 billion of investment, Madam Speaker. The stations are going to be ready. This is what he had in mind. The stations are going to be where the trains are coming. But what I am saying is that the terminals are cities. The terminal of Victoria is Rs1.9 billion of investment, the terminal at Immigration Square is Rs2.9 billion of investment, and the whole is Rs10 billion of investment, Madam Speaker. It is not stations. The stations are going to be ready, don't worry about that!

(Interruptions)

Mr X. L. Duval: Madam Speaker, this is the worst plan ever. Madam Speaker, in Beau Bassin...

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

Mr X. L. Duval: ...at two metres from the roundabout, I understood there are now going to be traffic surveys done to see what will happen to Beau Bassin roundabout, with the trains going every one and a half minutes, not every three minutes. The hon. Minister talked about the previous report. I was always in favour of the bus rail, like the World Bank by the way, not what he is saying. What I am saying, Madam Speaker is this: why don't we resort, even at this late hour - and this is the best advice I can give the hon. Minister - to elevate the Metro Express at the Beau Bassin roundabout? Otherwise, Beau Bassin will be total chaos as from September 2019 and before, as it is now because of the construction.

Mr Bodha: Madam Speaker, first of all, the trains are not coming every one minute or ninety seconds; they are coming every seven minutes. I also know that Beau Bassin roundabout is a strategic position. There have been TIAs in the past, but traffic is a dynamic situation, Madam Speaker; the traffic today and next year, the number of vehicles, the way people travel. So, we have to update the traffic assessment. This is what we are doing. I would like to reassure the hon. Leader of the Opposition that we are taking all the measures. I am personally considering to have this roundabout of Beau Bassin taken care of with all the attention, skill and expertise that we need, Madam Speaker.

Madam Speaker, to end up, I would like to say something. We have reached yesterday a fundamental phase in this Metro Project. We are left with three months of civil and structural works, and then we will clear everything and people will see the sophistication of the society that we want to build, Madam Speaker. Thank you.

Madam Speaker: Time is over!

Hon. Members, the Table has been advised that PQ B/1079 will be replied by the hon. Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare. PQ B/1084 will be replied by the hon. Minister of Foreign Affairs, Regional Integration and International Trade.

Hon. Rughoobur!

**REUNION MAUREL – RECREATIONAL YOUTH CENTRE -
CONSTRUCTION**

(No. B/1078) Mr S. Rughoobur (Second Member for Grand’Baie & Poudre d’Or) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the proposed construction of a Recreational Youth Centre by the National Development Unit at Réunion Maurel, in Petit Raffray, he will state where matters stand.

The Prime Minister: Madam Speaker, I am informed that the Ministry of Health and Quality of Life made a request on 06 June 2014 to the National Development Unit for the construction of a Health Promotion Centre at Réunion Maurel.

The project was to be implemented in two phases as follows –

- (a) Phase 1 – Construction of a building, and
- (b) Phase 2 – Construction of a retaining wall and provision of parking facilities.

On 01 October 2014, a works order for an amount of Rs1,796,990.00, including VAT, was issued by the NDU to its Zonal Contractor for Phase 1 of the project.

On 29 October 2014, the Contractor informed the NDU that in its opinion the structural design of the building prepared by the NDU was not adequate and he proposed that same to be reviewed. The structural design to be reviewed was in respect of the beam and roof. On 21 November 2014, the NDU requested the Contractor to submit its revised drawings. This was not submitted. However, the Contractor proceeded with the works on site until March 2015 when the project was put on hold as the value of works had nearly reached the works order value.

Following various consultations which the NDU had with the Ministry of Health and Quality of Life, the project has been reviewed in a holistic manner. The main components of the project are –

- (i) completion of the existing building structure, which will comprise a hall, an office, a kitchen, toilets, a changing room and a store, and
- (ii) construction of a boundary wall, landscaping and provision of parking facilities.

Madam Speaker, the project, as initially planned in 2014, would not have fully met the requirements of the inhabitants of the region as it was for a building to be used only for activities to be organised by the Ministry of Health and Quality of Life. After the revision of the project, the NDU has, on 29 June 2018, appointed a Consultant under its Framework Agreement for the design and supervision of the project. The Consultant is currently working on the design and scope of works, which is expected to be finalised by March 2019. Thereafter, a procurement exercise will be initiated for the appointment of a contractor.

Madam Speaker: Hon. Baloomoody!

COMMISSION ON THE PREROGATIVE OF MERCY – POWERS

(No. B/1080) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the powers of the Commission on the Prerogative of Mercy, he will state if consideration will be given for the Constitution to be amended with a view to ensuring that its advice to the President of the Republic is consistent with section 51 of the Reforms Institution Act of 1988.

The Prime Minister: Madam Speaker, as the House is aware, the Commission on the Prerogative of Mercy is established by section 75(2) of the Constitution. Section 2 of the Constitution enshrines the supremacy of the Constitution over ordinary laws.

Moreover, the Commission on the Prerogative of Mercy enjoys the protection and independence afforded to it by section 118 of the Constitution, which provides, *inter alia*, that the Commission may regulate its own procedures and shall not be subject to the direction or control of any other person or authority.

Madam Speaker, on the other hand, section 51 of the Reform Institutions Act establishes the Parole Board, which stands on a different footing as compared to the Commission on the Prerogative of Mercy.

The exercise carried out by the Parole Board is different, insofar as it grants release on parole to detainees of prisons, correctional youth centres, rehabilitation youth centres for a span of time during which conditions imposed have to be complied with. If the conditions are not met, the sentence continues to be served at the institution, and parole is recalled. During the parole, the detainee remains under the supervision of the Probation Service.

It would, therefore, be anomalous to amend the Constitution so as to align it with the provisions of the Reform Institutions Act.

Madam Speaker: Hon. Baloomoody!

Mr Baloomoody: Thank you, Madam Speaker. Of course, this question is related to the *per diem* granted to Mr C. P., a high-profile detainee who had a long list of previous convictions, amongst others, rape on a handicapped minor. According to section 75 (b), the President may request the Commissioner to reconsider any advice tendered to him. So, can I ask the hon. Prime Minister whether, in his meeting with the President, he has had the opportunity to see from the President, whether he has spoken with the President and whether the President has exercised his discretion as per section 75 (b) of the Constitution?

The Prime Minister: I am given to understand that the President had gone along with the recommendations that were made by the Commission on the Prerogative of Mercy.

Mr Baloomoody: This is a matter which has caused public outcry. The President of the Commission on the Prerogative of Mercy said that he was not forwarded with a full previous conviction of Mr Christopher Perrine, nor from the Police nor from the Prison, and this is very serious because he is a high-profile detainee. Can I ask the hon. Prime Minister whether an inquiry has been conducted or will be conducted to find out who faulted in this case and action be taken against that culprit?

The Prime Minister: I am given to understand that it is up to the Commission to request whatever information it will require in order to decide on a case.

Mr Baloomoody: The question is that Police Officers have faulted and Prison Officers have faulted. They have not furnished the full information regarding this high-profile detainee, and we know what has happened when he was detained. He has committed another offence again on senior members of the public. So, can I know from the hon. Prime Minister whether, now that we know that Police Officers and Prison Officers have faulted in their duty, action will be taken to initiate an inquiry and to see that such a condition does not repeat itself in the future?

The Prime Minister: Well, let me say something which is in the public domain. As the hon. Member, I have also looked at the comments made by the Chairperson of the Commission. In fact, he gave some explanation with regard to this case, and I have not seen anywhere in his explanation - I say what I have read and I take it under caution that from what I read, I have not seen anything to the effect...

(Interruptions)

Yes, well, I have not seen. Probably, the hon. Member can point out if there is something that they had requested, be it such and such information, and that they were not given that information. As I say, I am not aware of this situation. And I am again told the same thing. That it was up to the Commission to request whatever information it needed with regard to this case.

Madam Speaker: Hon. Ganoo!

Mr Ganoo: I am sure the hon. Prime Minister must be aware that in this case, the accused party, Mr C. P., was sentenced to 18 years' imprisonment, and he served 9 years and then was released as a result of the petition of Prerogative of Mercy. And a few days afterwards he went to commit a very serious offence after having been released after 9 years instead of serving his full term of 18 years.

May I ask the hon. Prime Minister whether we should not think of amending the law or the Constitution in such cases when somebody commits another offence, having been released as a result of a petition of Prerogative of Mercy, the grace given to him by the President? He should be made to complete, send back; he should be made to return to prison and serve the outstanding amount of sentence that he had to serve because he was released as a result of grace and mercy of the President.

The Prime Minister: This is a different matter. This is a suggestion which, of course, can be looked into. Of course, we need to consult all the parties to see if eventually there is a need amend the law because I believe that the Commission, in all its independence, should, of course, take into account all the factors relating to an application which is before it, before granting whatever mercy.

Madam Speaker: Next question, hon. Bhagwan!

**PRIME MINISTER'S OFFICE – MR K. A., SENIOR ADVISER – OVERSEAS
MISSIONS**

(No. B/1081) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to Mr K. A., Senior Adviser at the Prime Minister's Office, he will state the –

- (a) total monthly remuneration drawn, including the allowances, and

- (b) number of overseas missions effected since his appointment to date, indicating in each case the –
- (i) countries visited, and
 - (ii) cost thereof in terms of airfares and *per diem* and other allowances drawn.

The Prime Minister: Madam Speaker, Mr K. A., Senior Adviser in my Office draws a monthly salary of Rs92,000. He is also eligible, in accordance with the PRB Report 2016, for a monthly travelling allowance of Rs11,500, which I am informed he is not claiming for the time being.

Madam Speaker, in regard to part (b) of the question, since his appointment as Senior Adviser in my Office, Mr K. A. has undertaken five overseas missions to date to the following countries –

<i>Countries</i>	<i>Cost of Air tickets (Rs)</i>
(i) Paris	158,311
(ii) Ethiopia	84,250
(iii) United Kingdom	216,916
(iv) China, France and the Netherlands	230,125
(v) USA	775,635

Per diem and other allowances were paid in accordance with rates approved by the Ministry of Finance and Economic Development.

Mr Bhagwan: The hon. Prime Minister is informing the House that the officers, whoever travels, are paid according to the rates. This is tax money. Can he later on circulate the exact amount paid as *per diem*, and not each time give the House the same reply ‘as per approved rates’?

The Prime Minister: Well, this is what I am told, that the rates are approved. The hon. Member can see this on the website of the Ministry.

Mr Bhagwan: I have another question, Madam Speaker. Is the hon. Prime Minister aware that this Senior Adviser, Mr K. A., regularly uses the name of the Prime Minister and threatens senior staff of the Civil Service and also members of the parastatal bodies, Chairpersons? Can I know whether he has received such representations and whether he considers it fit to bring to order this Senior Adviser, Mr K. A.?

Madam Speaker: No, hon. Bhagwan, I am really sorry. You are a seasoned politician and you know very well that this question does not arise

(Interruptions)

Hon. Jhugroo, it is inappropriate, when the Chair is on its feet, to make comments.

Hon. Bhagwan, you know very well that it does not arise from the main question. You should come with a specific question and I am sure the hon. Prime Minister will reply.

Mr Bhagwan: Madam Speaker, being given that he is paid as a Senior Adviser and among his duties, I am asking the hon. Prime Minister whether he has been made aware. It is known in the public service that this Mr K. A. is using the name of the Prime Minister *pour terroriser les membres du service civil*.

The Prime Minister: Madam Speaker, first of all, let me say, I am not aware, I have never been told by anybody that he uses my name to terrorise or do whatever, and I would invite the hon. Member, if he is serious – I say if he is serious - if it is genuine, to tell us in this very House now, who is the person whom he has terrorised and then I will look into it.

Mr Bhagwan: The hon. Prime Minister knows very much, and he can ask his own Ministers who talk outside.

(Interruptions)

Ask the Ministers yourself!

(Interruptions)

Ey ferme la bouche ar mwa. I do not have to take any lesson from anybody...

Madam Speaker: Hon. Bhagwan, do you have another question?

(Interruptions)

Hon. Bhagwan, do you have another question? No! Next question!

(Interruptions)

Hon. Bhagwan, next question!

(Interruptions)

Mr Bhagwan: *Pe rod twa labas.* I have not yet finished, Madam Speaker. I have another question.

Madam Speaker: I asked whether the hon. Member has another supplementary.

Mr Bhagwan: No, I have not heard. There was so much noise.

Madam Speaker: Okay, one last supplementary question!

Mr Bhagwan: Can I know from the hon. Prime Minister whether Mr K. A. - I call him Prime Minister *bis* - was instrumental to the transfer of a very senior civil servant from the Prime Minister's Office for personal reasons, *ce que je considère torture?*

Madam Speaker: The question does not have anything to do with the main question.

The Prime Minister: Well, again, the hon. Member should not just come with all sorts of frivolous allegations. How can he transfer? He does not have any power to transfer. Whenever there is any transfer, this is the Secretary to Cabinet who decides on this issue. So, it is not founded.

Madam Speaker, let me say, it is so easy to come before this House and to make a general accusation, and even to say that Ministers, themselves, have been threatened. How is it? This is not...

(Interruptions)

Madam Speaker: Hon. Soodhun! Do not make provocation! Next question, hon. Bhagwan!

**PRIME MINISTER'S OFFICE - MR K. A., SENIOR ADVISER - OVERSEAS
MISSIONS**

(No. B/1082) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to Mr K. A., Senior Adviser at the Prime Minister's Office, he will state the parastatal bodies and

Government-owned companies of which he is either a member or the chairperson, indicating in each case the –

- (a) remuneration drawn;
- (b) number of overseas missions effected since his appointment to date, indicating in each case the –
 - (i) countries visited, and
 - (ii) cost thereof in terms of airfares and per diem and other allowances drawn.

The Prime Minister: Madam Speaker, Mr K. A., Senior Adviser in my Office is currently the Chairperson of the following three Government-owned Companies –

- (i) Airports of Mauritius Ltd;
- (ii) Airport of Rodrigues Ltd, and
- (iii) Airport Terminal Operations Ltd.

Mr K. A. is also a Board Director of the Mauritius Duty Free Paradise Co. Ltd and Rodrigues Duty Free Paradise Co. Ltd.

Madam Speaker, in regard to part (a) of the question, the remuneration of the Chairperson and Board Directors of Government-owned Companies is published in the Annual Report of these companies.

Madam Speaker, in regard to part (b) of the question, I am informed that Mr K. A. has undertaken one official mission overseas to France on behalf of the Airport Terminal Operations Ltd. The cost of airfares amounted to Rs160,494 and he was paid an amount of Rs30,582 for hotel accommodation only. No *per diem* was paid.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: Can the hon. Prime Minister give us the exact figure of how much is paid to this Mr K. A. as Chairperson of Airports of Mauritius and Airport of Rodrigues, which are Government-owned?

The Prime Minister: I said it is published in the Annual Reports of those companies. It is in the public domain. So, the hon. Member can consult them.

Mr Bhagwan: Can I know from the hon. Prime Minister whether, as Chairperson of Airports of Mauritius, he is allowed the use of a car of Airports of Mauritius and what are the conditions?

(Interruptions)

Madam Speaker: Can I ask hon. Members to be indulgent and allow the hon. Prime Minister to give his replies please?

(Interruptions)

Hon. Bhagwan! Please, no crosstalking! Hon. Prime Minister!

The Prime Minister: Yes, I am just checking. For Airports of Mauritius Company Ltd, he is allowed a monthly car allowance of Rs30,000 and petrol allowance of Rs16,614.

Madam Speaker: Yes, hon. Bhagwan!

(Interruptions)

Next question, hon. Dr. Boolell!

MAURITIUS PORTS AUTHORITY – FLOATING CRAFTS – REPLACEMENT PLAN

(No. B/1083) Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the fleet of floating crafts mobilized at Port Louis, he will, for the benefit of the House, obtain from the Mauritius Ports Authority, information as to the –

- (a) year of manufacture thereof;
- (b) capacity thereof;
- (c) book value thereof;
- (d) repairs and maintenance costs thereof over the past five years;
- (e) recommendations of the technical audit thereof, and
- (f) replacement plan thereof.

The Prime Minister: Madam Speaker, the Mauritius Ports Authority is responsible for the provision of pilotage and tug services to ensure the safe manoeuvring of ships in the harbour. It is the sole provider of these services in Port Louis Harbour.

I am informed by the Director General of the Mauritius Ports Authority that the Authority operates and maintains a fleet of 11 floating crafts as at date, comprising of four big tugs of 30 to 70 Tons Bollard Pull Capacity, four small tugs of 12 Tons Bollard Pull Capacity, one pilot boat, one debris recovery craft and a Launch.

With regard to parts (a), (b), (c) and (d) of the question, the requested information is being tabled.

Madam Speaker, with regard to parts (e) and (f) of the question, since the Mauritius Ports Authority was embarking on major port development projects, it had, in 2009, following a tender exercise, enlisted the services of a consulting firm based in the United Kingdom, namely Burness Corlett-Three Quays to, *inter alia*, assess the conditions of its existing fleet of floating crafts, to make recommendations on the most suitable maintenance approach based on best practices in the industry and propose future operational requirements for the Mauritius Ports Authority to cater for larger vessels.

The Consultant had assessed 10 floating crafts which were operational as at 2009 and observed that five tugs and the Launch were in good conditions. However, one big tug of 30 Tons Bollard Pull Capacity had to be repaired and retained until 2013 and one mooring barge to be repaired and retained until replacement. It was also recommended that two tugs of 30 Tons Bollard Pull Capacity and 3.8 Tons Bollard Pull Capacity respectively, be discarded.

Furthermore, in view of the implementation of the Container Terminal expansion project, as recommended in the Port Master Plan of 2009, the Consultant proposed a replacement plan over a 20-year period as follows –

- (i) the procurement of a tug of 70 Tons Bollard Pull Capacity by mid-2012 similar to those operating in other modern ports;
- (ii) a second tug of 70 Tons Bollard Pull Capacity to be procured by 2023 as it was anticipated that the Mauritius Ports Authority would be required to handle large vessels of 11,000 TEUs Twenty-Foot Equivalent Unit containers, and
- (iii) the acquisition of a pilot boat.

With regard to small tugs, the Consultant did make an assessment to their condition, but no recommendations were made as to their replacement.

The Mauritius Ports Authority proceeded with the disposal of one mooring barge in 2014, one tug of 3.8 Tons Bollard Pull Capacity in 2011 and one tug of 30 Tons Bollard Pull Capacity in early 2018.

As recommended, one big tug was repaired in 2012 and is still operational to cater for increasing shipping movement and larger vessels calling at Port Louis earlier than anticipated.

The MPA also proceeded with the purchase of a 70 Tons Bollard Pull Tug, which was ordered in 2014 and delivered in 2016. A pilot boat was procured in 2015.

In addition, a debris recovery craft was acquired in 2010 for cleaning of the port waters.

Madam Speaker, since the Mauritius Ports Authority is now regularly handling vessels of greater than 12,000 TEUs following the operation of the extended Mauritius Container Terminal in 2017 and taking into consideration the increasing maintenance costs of its fleet, it has decided to acquire one additional 70 Tons Bollard Pull Tug. It has also decided to procure three small tugs in replacement of those which have outlived their economic life.

I am informed that the tender exercise for the procurement of the above tugs had been initiated. However, the MPA has decided to cancel the exercise and to appoint a Consultant to review the requirements and the specifications and accordingly prepare new bidding documents for a fresh tender exercise.

Madam Speaker: Hon. Dr. Boolell!

Dr. Boolell: Thank you very much. Can the hon. Prime Minister inform the House the reason as to why the tender exercise was cancelled?

The Prime Minister: I am told that it was the Director General who gave his consent to the composition and requested the evaluation to be completed at such a date. But this has not gone through the Board. In fact, the process should have gone through the Board. I am also told that following the operation of the extended Mauritius Container berth in October 2017 and the deepening of this navigation channel, shipping lines have expressed interest to mobilise mega size container vessels and also larger oil tankers at Port Louis and, accordingly, MPA intends to appoint a Consultant to assess the requirement of tugs at Port Louis in the light of future shipping trends. So, I believe that there was a need to review these specifications with regard to the acquisition of this tug.

Dr. Boolell: I would advise the hon. Prime Minister to look into the matter very seriously. Is he aware that only yesterday a letter of cancellation was issued to the bidders?

The Prime Minister: Yes, I am aware for that very same reason because the decision was taken quite some time back by the Board to review these specifications, but in the meantime they have not communicated to the tenderers that the exercise was going to be cancelled. So, it was only yesterday that this was done.

Dr. Boolell: I have it from good authority that the Director General was directed to inform the bidders that the bidding exercise for the design, construction, supply and commission of one harbour tug of 70 Tons Bollard Pull has been cancelled. Now, can I ask the hon. Prime Minister who directed the Director General of the MPA to inform the bidders? He was directed. Can I know whether the instruction came from the Prime Minister's Office or from elsewhere?

The Prime Minister: The Prime Minister's Office does not direct the Director General; it is up to the MPA to take a decision. I am informed that the Board reserves the right to cancel. Well, this is what is in the contract, that the Board has the right to cancel any tendering exercise, but it is up to the MPA to decide and whatever directions have been given to the Director General must emanate from the Board.

Dr. Boolell: Can I have it from the hon. Prime Minister that this exercise was not done to favour any particular company and, if so, will he inform the House accordingly? Can he look into the matter?

The Prime Minister: I did not understand the question; whether the cancellation of the tender was in order to favour some other party.

Dr. Boolell: That is right!

The Prime Minister: Well, I must say I looked into it. In fact, it was the other way round. Let me say it. I believe that in the case of the one who was really earmarked to get this contract, well, there were, I would say irregularities and, therefore, that is another reason why this tender exercise was to be cancelled.

Madam Speaker: Hon. Dr. Boolell, a last question!

Dr. Boolell: Can I ask the hon. Prime Minister whether there was an Audit Report and if that Audit Report could be submitted, and if there were irregularities, why then no action was taken?

The Prime Minister: Precisely, this is ...

(Interruptions)

The hon. Member is right. He has the right to information. There was an Audit Report and the Audit Report pointed out those irregularities. Let me quote just one of the irregularities –

“Participation of X Senior Manager Marine Engineering in the Evaluation Committee might seem not to have been objective because (...) as he was in the inspection mission to Mrs - I do not want to mention the name - to assess the construction of the tug.”

So, there has been a number of irregularities which have been pointed out. Omissions also because the Bid Evaluation Committee was supposed to comprise a Chair with three technical persons, and there were not three technical persons. They counted the Chair as also forming part of the technical persons. So, these are things that were pointed out, and that is why I think it is justified that there should be another exercise. But the other reason, as I mentioned, is in the light of what is going to happen in the future with regard to the expansion. Therefore, the MPA decided that we need to get the services of a Consultant to review the specifications for the acquisition of this tug.

Madam Speaker: Time is over! The Table has been advised that PQ B/1156 will be replied by the hon. Minister of Health and Quality of Life. PQs B/1149 and B/1150 have been withdrawn. Hon. Osman Mahomed!

DIABETES - MEDICAL COMPLICATIONS

(No. B/1087) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Minister of Health and Quality of Life whether, in regard to diabetes, he will state the –

- (a) number of persons who -
 - (i) are considered as being well, medium and poorly controlled therefor, and
 - (ii) have undergone amputation and/or have vision problems as a result of suffering therefrom, over the past two years, and
- (b) other known potential medical complications that may result therefrom.

Dr. Husnoo: Madam Speaker, with regard to part (a) (i) of the question, I wish to inform the House that the data with regard to the control of diabetes patients were considered as being well, medium and poorly controlled, is not available being given that we do not have a fully computerised Diabetes Management System. However, with the forthcoming e-Health project being implemented, real time accurate information will be available.

Madam Speaker, with regard to part (a) (ii) of the question, the number of patients with diabetes who have undergone amputation are: 382 in 2016 and 348 in 2017.

The number of re-amputation cases are: 263 in 2016 and 270 in 2017. In 2016, approximately 3,000 patients with diabetes were treated for visual problems whereas in 2017, 2,178 patients were treated.

With regard to part (b) of the question, other potential medical complications which might result from diabetes are as follows –

- diabetic nephropathy, that is, renal complications. The kidneys are damaged by high blood sugar resulting in various stages of renal impairment;
- diabetic neuropathy, diabetes affecting the peripheral nerves of the body especially the feet, resulting in neuropathic pain or loss of sensation in the feet. It can also result in erectile dysfunction and gastroparesis, that is, decrease mobility along the gastrointestinal system.
- macrovascular complications, that is, ischemic heart disease like myocardial infarction and heart failure;
- cerebrovascular accident or stroke, that is, bleeding or ischemia of the arteries supplying in the brain;
- hypoglycaemia, low blood sugar resulting in symptoms such as sweating, palpitation, weakness, confessional state, and
- hyperosmolar hyperglycemic state with very high blood sugar level which may result in dehydration, weakness, lethargy and alter mental state.

Madam Speaker, I wish to assure the House that my Ministry has a team comprising of hospital physicians, surgeons, diabetologist, special nurses, community physicians and other allied health professionals who are looking after the treatment and management of diabetes patients.

Moreover, my Ministry has also put in place a series of health intervention programmes such as physical activities campaign, mobile clinic services, NCD screening

programmes and a school health programme for secondary schools to control diabetes. Workshops, talks, health education and counselling sessions are organised to encourage the public to add up a healthy lifestyle.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Thank you, Madam Speaker. The hon. Minister has stated that we have to wait for the e-Health project to have the figures. Can I refer the hon. Minister to the Mauritius Non-Communicable Disease survey of 2015 which states that poorly controlled diabetic patients have reached 42% in Mauritius?

Can I ask the hon. Minister whether there was a protocol or guidelines that were used in the subsequent two years, which is in my question, with regard to diabetes in Mauritius, if there was one, it is not working properly, whether he intends to revise that protocol?

Dr. Husnoo: Actually, we have diabetic survey every five years. In 2009 and 2015, we had the survey. If I just give you the gross figure, according to poorly control and well-controlled diabetes, it is very difficult to get these figures. If I give you the prevalence, in 2015, the first time in 30 years the prevalence of diabetes has stabilised to 22.8% compared to 2009 when the prevalence survey was 23%. So, there has been an improvement in the last five years. The pre-diabetes has decreased from 24.2% in 2009 to 19.4% in 2015. So, there has been an improvement in the last five years if you compare the two surveys between 2009 and 2015.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Yes. Can I ask the hon. Minister whether, within the two-year period from within the questions, any new drugs have been introduced in his Ministry by himself?

Dr. Husnoo: I mean following the survey in 2009, there has been new protocol to look after the diabetic patient. New protocol has been put in place, that is why we have got the result as I have just mentioned.

Madam Speaker: Hon. Armance!

Mr Armance: Thank you, Madam Speaker. In regard to the person that needs assistance in terms of medicine to avoid amputation on vision problem, some people depend on the medicine from the hospital. Are you aware that for the last three weeks, there was a shortage of medicine in the hospital, namely *diasafe gliclazide* - I can table a copy of the

tablet for you - and it was not made available in the hospital, it is only yesterday that this was available and there was no substitute for this medication?

Dr. Husnoo: Madam Speaker, I can assure the hon. Member that we do not have any shortage for diabetes medication. We do not have a shortage.

Madam Speaker: Hon. Osman Mahomed, next question!

MINISTRY OF HEALTH AND QUALITY OF LIFE - NUTRITION - ORGANIGRAM

(No. B/1088) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Minister of Health and Quality of Life whether, in regard to the Nutrition Unit of his Ministry, he will –

- (a) state the role and responsibilities thereof, and
- (b) table the organigram thereof, indicating the names, designation and qualifications held by the officers attached thereto.

Dr. Husnoo: Madam Speaker, with regard to part (a) of the question, the main role and responsibilities of the Nutrition Unit of this Ministry are as follows –

1. to give advice on all matters relating to nutrition as well as formulating health nutrition policies;
2. to promote healthy eating habits;
3. to counsel both outpatients and inpatients on therapeutic diet at the hospital level. This service is also extended to the Community through the Area and the Community Health Centres.
4. to carry out Health Promotion Activities, talk on nutrition and healthy eating habits at community level including schools, colleges, workplace, community centres, social welfare centres, recreational centres as well as through the media, that is, radio (both public and private), television and the written Press;
5. to advise on the nutritional standard of the hospital's general food services and ensure that the prescribed diets are prepared and supplied to the patients, and
6. to train both medical and para-medical staff on nutrition related matters through Continuous Medical Education and Continuous Nurses Education as well as through lectures to the nursing students.

Madam Speaker, with regard to part (b) of the question, the organigram, names, designation and qualifications held by the officers attached to the Nutrition Unit is being tabled.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Can I have a copy of the organigram, please? Well, while the organigram reaches me, can I ask the hon. Minister whether, at one point in time, because there was a shortage of Nutritionists in Mauritius, the unit was recruiting home economists, dieticians and nutritionists, of course? The first two being not quite pertinent to that department, can I ask the hon. Minister whether this is still the case or vacancies are being advertised only for Nutritionists only who are competent authorities in this case?

Dr. Husnoo: Yes, Madam Speaker, as far as the posts were concerned, we have 16 funded posts and we had only 12 dieticians in post. The vacancies were reported on 11 August 2017, the post was advertised on 06 December 2017 and interviews were held on 04, 05, 06, 07 and 08 June 2018. So, it is going to be filled soon.

Madam Speaker: Yes, hon. Osman Mahomed!

Mr Osman Mahomed: Diabetes and obesity are major health concerns in Mauritius. Does the Ministry plan to expand that unit or will it be for the time being the same?

Dr. Husnoo: Naturally, we are going to expand the unit, as the needs arise obviously.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Can I ask the hon. Minister whether the outreach of that unit, will it be extended to other Ministries? I have in mind here the Ministry of Youth and Sports and the Ministry of Education for widespread dissemination of the dangers associated with malnutrition and obesity.

Dr. Husnoo: I have just mentioned in my reply that the dieticians are going to different places, the workplace, the school and everything to give lectures. As far as sport is concerned, naturally we are working together. If we want to control diabetes, we have to work in a multi-sectoral way, not just with the Ministry of Health, Ministry of Education and Ministry of Sports. So, we are working together to inform the public.

Madam Speaker: Next question, hon. Osman Mahomed!

**MINISTRY OF HEALTH AND QUALITY OF LIFE - DIRECTOR OF AUDIT
REPORT**

(No. B/1089) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Minister of Health and Quality of Life whether, in regard to the criticisms levelled by the Director of Audit in her last Report with regard to his Ministry, he will state if consideration will be given for the setting up of a steering/monitoring committee to address same.

Dr. Husnoo: Madam Speaker, I wish to inform the House that the Audit Committee exists at the level of all Ministries to address weaknesses identified by the Director of Audit in its annual reports.

The existing Audit Committee at the level of my Ministry has been reconstituted in March this year. It comprises of one Permanent Secretary as Chairperson, the Ag. Director General of Health Services, two Deputy Permanent Secretaries as members as well as one Assistant Permanent Secretary as Secretary.

Madam Speaker, following an urgent appeal made by the hon. Prime Minister to give priority to address the issues raised by the Director of Audit, I personally chaired a meeting in April this year to ensure that departments/units concerned work towards the implementation of the recommendations of the report.

As at date, the Audit Committee has met on 10 occasions and it had focussed meetings with the relevant officers as per issues raised in the report. Several actions have already been taken. Moreover, the existing procurement process and systems are being constantly reviewed to improve the efficiency.

An interim report of the Audit Committee has been submitted in July this year to the Office of Public Sector Governance. The final report is expected to be submitted to the office by the end of this year.

Madam Speaker: Yes, hon. Osman Mahomed!

Mr Osman Mahomed: Thank you. The Audit Report mentioned several shortcomings and with regard to those that have wide implication in Mauritius, it flats the shortage of essential medication for heart disease and cancer. Can I ask the hon. Minister whether in that report that was tabled by this Committee, recommendations have been made

for this because they are not ordered in a timely manner, and whether we could look up, very soon, to have this problem resolved?

Dr. Husnoo: Yes, I agree, there was a shortage of medicine that was flagged. I think there was a problem at the CSD level; I mean, the system at the CSD was not properly computerised. When we have a system like that, it is difficult to tally what there is in stock and what actually we need. So now, we have an inventory which was done, I think, about two months ago. We are trying to tally our stock on site and put it in the computer so that we can have a proper system which is going to guide us for further procurement of the drug.

Madam Speaker: Yes, hon. Osman Mahomed!

Mr Osman Mahomed: Another issue that has widespread implication for the population is the maintenance of medical equipment, which the Director of Audit's Report has been quite critical about. So, can I ask the hon. Minister whether in that report strong recommendations have been made? Because when equipment are faulty, patients have a lot of hardship to get treatment.

Dr. Husnoo: I completely agree with you. There have been complaints about the maintenance of equipment as well. To tell you frankly, we did not have a proper inventory of our equipment and now, in the last few months, we have done the inventory.

The second thing, which was important, is to uniformise the equipment that we are buying. For all the hospitals, they are going to buy the same equipment, so that we can provide after sales service as well and to maintain this equipment.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Another recommendation that has flagged my attention is the fast track acquisition of equipment which costs taxpayers a lot of money, but which, 16 months after, has not been used. So, fast track procedure was used at high cost, but not used after 16 months. Can the hon. Minister inform the House whether the report that has been sent to OPHD made reference to this and what actions are being taken with regard to this?

Dr. Husnoo: Madam Speaker, I don't have any information with regard to this specific item with me, but I can check on that.

Madam Speaker: Next question, hon. Ameer Meea!

FORMER DECAEN SQUARE - HAWKERS - RELOCATION

(No. B/1090) **Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to the hawkers who were operating at the former Decaen Square, he will state where matters stand as to the proposed relocation thereof, indicating the –

- (a) location earmarked therefor;
- (b) number of stalls that will be made available thereto, and
- (c) quantum of rental fee payable per stall.

Mr Bodha: Madam Speaker, in my reply to Parliamentary Question No. B/367 on 15 May 2018, I informed the House that the Letter of Notification of Award for the Victoria Urban Terminal Project will be issued shortly.

I am now informed that the Letter of Notification of Award has already been issued and the Consortium has progressed significantly on the detailed design of the project. Works were initially scheduled to start in December 2018. However, after discussions with the Association of Hawkers, it has been agreed to start works after 07 January 2019 to enable the hawkers thereat to continue operating during the end of the year/ New Year festivities.

With regard to parts (a) and (b) of the question, I am informed by the Municipal City Council of Port Louis that out of 726 stalls allocated at Decaen, 575 hawkers are currently operating thereat. During the construction period, these hawkers will be relocated as follows

–

- (i) 350 at the Immigration Square;
- (ii) 35 at Monneron Street;
- (iii) 35 at corner Engineer Street and Lord Kitchener Street, and
- (iv) the remaining 155 at Ruisseau du Pouce.

As regards part (c) of the question, the temporary locations during the construction phase will be provided free of cost to the hawkers.

Mr Ameer Meea: Madam Speaker, the hon. Minister just mentioned PQ B/367 and I will quote from this PQ to the effect that a private Consortium of the private sector has been granted a lease of 5 *Arpents* 35 for a 60-year lease. Therefore, can I ask the hon. Minister what is the rental amount for this 5 *Arpents* 35 for this lease to the private sector?

Mr Bodha: Madam, Speaker, I do not have the correct figure now, but I can provide it.

Mr Ameer Meea: In relation to the same PQ which is related to this one, the hon. Minister also informed the House that the space to be allotted for vendors' stalls will be rented to the City of Port Louis, that is, this Consortium, this company that has been formed will rent the space for hawkers to the Municipality of Port Louis, which eventually will rent it back to hawkers. May we know what has been agreed to, in terms of what sum the City of Port Louis will have to pay to the Consortium for the rental of the space there?

Mr Bodha: The rental is Rs4,000. We wanted an agreement between the hawkers and the Municipality, as is the case today. The rental is Rs4,000 per hawker per stall and the Municipality is paying Rs3,500 to the Consortium and keeping Rs500 for administrative cost.

Mr Ameer Meea: I would urge the hon. Minister to give us the figure for the lease rental because in turn, despite giving the land to the Consortium, the Council, that is, indirectly Government is paying for the space that is to be rented from the area there. So, has there been any negotiation that despite Government giving this lease, in turn it could have cancelled out this rent that the Council needs to pay?

Mr Bodha: The hawkers today are already paying that sum. Tomorrow, they will be ...

(Interruptions)

No, the usual rent for hawkers! Tomorrow, it is going to be a sophisticated market in a terminal and we are providing all the facilities for the hawkers to operate in the best conditions. It would be like in the market in an inner city.

Madam Speaker: Hon. Adrien Duval!

Mr A. Duval: Thank you, Madam Speaker. With regard to the urban terminals, may we know whether the lease now is not going to be given free of charge to the investors, and what is the final price that the hawkers would pay in terms of rent, once everything is set up in a year and a half? How much will they pay?

Mr Bodha: Yes, that is what I have said, they would pay Rs4,000 per hawker. But I would like to say something, Madam Speaker, the rental is for the space for the urban terminal which has been decided by the Mauritius Ports Authority according to rates which already applied to the land in that area. It is not being given for free. The lease is 60 years.

The MPA is applying the rates that are being applied for all the rental of the land in the vicinity.

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. May I ask the hon. Minister whether he has discussed with the Municipal Council of Port Louis to see to it that a grace period be given to the hawkers for installation and refurbishing the place once it will be delivered to them before they start operating properly?

Mr Bodha: This is a good proposal. I think we can work it out. I must say that the agreement between the hawkers and the City has already been done. The City is providing all the facilities because we really want to cater for the market, which is going to be a modern market. I have always said, out of the 1.3 million tourists visiting the country, only 400,000 come to Port Louis. We have been working with the Ministry of Tourism and the Tourism Operators, so that the tourists can come over in this local market to have a feel of Mauritius.

Madam Speaker: Last question, hon. Ameer Meea!

Mr Ameer Meea: The hon. Minister informed the House that the works will start in January. So, can I ask him when are the works expected to be completed and the hawkers could operate the work in the new building?

Mr Bodha: The works are supposed to take two years, but we are considering the possibility of starting with the market so that we can see to it that the hawkers have a proper place to work whilst the project is still being implemented.

Madam Speaker: The Table has been advised that PQ B/1147 and B/1148 have been withdrawn. I suspend the sitting for one and a half hours.

At 1.01 p.m., the sitting was suspended.

On resuming at 2.35 p.m. with Madam Speaker in the Chair.

Madam Speaker: Please be seated! I was just wondering whether we have the quorum. Hon. Ameer Meea!

IMMIGRATION SQUARE TERMINAL PROJECT – HAWKERS – RELOCATION

(No. B/1091) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the Immigration Square Terminal Project, he will state where matters stand as to the

implementation thereof, indicating if the number of hawkers to be relocated thereat has been finalised and, if so, indicate the –

- (a) number thereof, and
- (b) quantum of rental fee payable per stall.

Mr Bodha: Madam Speaker, in my reply to Parliamentary Question B/367 on 15 May 2018, I informed the House that the Request for Proposals for the Immigration Square Urban Terminal Project had been launched with closing date set for 07 June 2018.

I am now informed that after an evaluation exercise the Letter of Notification of the Award has already been issued to the selected applicant, namely, Yihai International Investment Management Ltd.

I am informed by the Municipal Council of Port Louis that presently there are 429 hawkers operating at Immigration Square. As per the implementation programme of the project, works at the Immigration Square will be carried out in phases. Therefore, arrangements will be made for the hawkers to continue operating on site during the construction period.

In regard to parts (a) and (b) of the question, 800 stalls will be provided in the new Immigration Square Urban Terminal Project at the same rental fee as for Victoria, that is, MUR 4,000.

Mr Ameer Meea: Madam Speaker, despite the hon. Minister's good intention, the fact remains that after four years the works for Immigration Square have not yet started. My question to the hon. Minister is since there has only been one bidder - if I can say so - only Yihai, maybe the hon. Minister could correct this information - how will all this be financed? We do not have any information on how this mega project - because the last question which the hon. Minister referred to is B/367; he gave a list of some details on the project which will include bus terminal, Police station, fire station, headquarters, hotels, business hotels, esplanade and everything. It reminds me of the project of 'dead' Heritage city. So, my question is: how this mega project, including hotel, will be financed? I think we have the right to know.

Mr Bodha: The project is financed by private investment to the tune of Rs2.9 billion, Madam Speaker, and Government will rent offices for the Police Station, for the Fire Services, for the Post Office and the Municipality will rent the market for the hawkers. It is a

private investment. It is a 60-year lease which is being granted by the Mauritius Ports Authority.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Can I ask the hon. Minister whether, since Government has already entered into agreement with the Yihai Company, he is ready to table a copy of this agreement?

Mr Bodha: It is a lease agreement between Mauritius Ports Authority and the private promoter. I will make the request to the Board of the MPA.

Madam Speaker: Yes, hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. May I know from the hon. Minister if the firm Yihai that he has mentioned is the same Yihai which was supposed to do a smart city in Domaine les Pailles, and if this is the case, what assurance has he received that Yihai has the financial means to carry out this project as well as all the other projects which are supposed to be carried out in Mauritius?

Mr Bodha: Well, there was an evaluation exercise and the High-Powered Committee also made due diligence exercise before granting the lease to Yihai.

Madam Speaker: Hon. Abbas Mamode!

Mr Abbas Mamode: Yes. We are made to understand by the previous reply of the Minister concerning Victoria Square, that is, there will be additional hawkers who will be transferred to Immigration Square. Now, the question is Madam Speaker, while the site will be on construction, the hawkers will be allowed to operate at the same time; can the Minister assure the House that the contractor or the Ministry will take all necessary precautions while this will be also a *chantier* and at the same time...

Madam Speaker: Hawkers...

Mr Abbas Mamode: Concerning hawkers, we have customers who will come to buy and all that. What are the precautions that will be taken afterwards?

Mr Bodha: We have an action plan, Madam Speaker. In fact, all the buses will still be operating at Victoria and at Immigration Square, which means that people will still be alighting at the bus terminal and still be taking the buses there. So, the number of people, in fact, accessing both terminals will be the same, but I will take on board the comment and

request of the hon. Member. We will do everything for them so that they do not suffer from the works and that their business, to some extent, is not affected substantially by the works.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Yes, thank you, Madam Speaker. Four years, not a single terminal has seen the daylight. Now, can I ask the hon. Minister whether a study has been made to ascertain the demand for such terminal, commercial space because the livelihood of many people depends on them, including the hawkers and it is PPP, whether going forward this is not a mirage, and that these terminals will become a reality because so many people depend on them no?

Mr Bodha: Yes, I totally agree, but I think the idea is to bring in investment in a whole re-generation of Port Louis.

Madam Speaker: Next question, hon. Ameer Meea.

(Interruptions)

The hon. Member had a question on this one, but we have already five questions. I think it has been sufficiently canvassed. So, I would ask the hon. Member to move to the next question, please.

(Interruptions)

Next question, please!

Mr Ameer Meea: Okay, if you insist, PQ B/1092.

CENTRAL MARKET – RENOVATION

(No. B/1092) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the Central Market, in Port Louis, she will, for the benefit of the House, obtain from the Municipal Council of Port Louis, information as to where matters stand as to the proposed renovation thereof, as announced in the last Budget Speech, indicating the –

- (a) scope of works, and
- (b) expected start and completion dates thereof.

The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo): Madam Speaker, I am informed by the Municipal City Council of Port Louis that an amount of Rs90 m. has been earmarked for the project value of the upgrading of the fish, meat and poultry sections of the Central Market in Port Louis.

Open tenders for the consultancy services for this project were invited on 20 August 2018 and at the closing date on 08 October 2018, five (5) proposals were received. A Bid Evaluation Committee (BEC) was set up on 15 October 2018 and the evaluation exercise is still ongoing. The Bid Evaluation Committee is expected to submit the report in the beginning of December 2018.

As regards part (a) of the question, the scope of works, among others, comprises –

- (i) reconstruction of roof and termite control;
- (ii) new work table with inox tops and/or provision of specified chilling cabinets for each stall holder, according to the requirement of the Ministry of Health and Quality of Life;
- (iii) wash basins with discharge pipes to be fixed;
- (iv) upgrading of the main alley, stone pavements and drainage system/network;
- (v) complete upgrading of toilets, all plumping works, including renewal of existing water network, provision of new water points/taps for each basin;
- (vi) provision for a refrigerated space preferably next to the gateway and to install electro-hydraulically operated garbage bin of appropriate volume, and
- (vii) renovation of the main entrance and flooring also.

Concerning point (b) of the question, I am informed that the expected start date will be around July 2019 and the completion date after 20 months, that is, February 2021.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Can I ask the hon. Vice-Prime Minister if she can lay the names of the five bidders?

Mrs Jeewa-Daureeawoo: For the time being, I do not have their names.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: The hon. Vice-Prime Minister said in her main reply that there have been five bids, so how come that she does not have the names of the bidders?

Mrs Jeewa-Daureeawoo: I have been informed that there are five. I will table it at a later stage.

Madam Speaker: Hon. Adrien Duval!

Mr A. Duval: Madam Speaker, with regard to the renovation works, does the hon. Vice-Prime Minister propose to improve the dedicated parking for delivery? Because there is a congestion problem there; whenever there is delivery taking place, it blocks the whole alley.

Mrs Jeewa-Daureeawoo: Yes, the hon. Member is right; this also will be taken care of.

Madam Speaker: Hon. Abbas Mamode!

Mr Abbas Mamode: Yes, Madam Speaker. Since we are talking about meat, fish and poultry, can the hon. Vice-Prime Minister inform the House whether provisions have been made for the stallholders to have a proper stall to work when the work starts at the Central Market? Had the City Council of Port Louis made provision where these stallholders will work?

Mrs Jeewa-Daureeawoo: Yes, this also will be taken care of.

Madam Speaker: Next question! Do you have a question on this?

Mr Ameer Meea: Yes. Madam Speaker, just on the expected date, bids have already been launched and there have been five bids. I find it a bit strange that work will start in July 2019, that is, in 7-8 months' time. Can the hon. Vice-Prime Minister treat this as urgent and try to speed up the matter?

Mrs Jeewa-Daureeawoo: Well, if I may say Madam Speaker, the project has been listed in three phases. As per the Budget 2018-2019, this project has been extended over three years. Of course, I also am very keen for this project to start because it is a major project. We are very much concerned to ensure proper hygiene in these sections of the market. The health and safety of the public using the market is of great concern. So, I will see to it that it will take the time approved in the Budget or if it can be completed earlier well and good.

Madam Speaker: Hon. Ameer Meea, next question!

SALE BY LEVY – COMMISSION OF INQUIRY - REPORT

(No. B/1093) **Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** asked the Attorney-General, Minister of Justice, Human Rights and Institutional Reforms whether, in regard to the Report of the Commission of Inquiry on Processes/Practices for Granting of Loans Secured on Immovable Property and Sale by Levy, he will state where matters stand as to the outstanding recommendations thereof which have not been implemented as at to date.

Mr Gobin: Madam Speaker, in May this year in reply to PQ B/364, I informed the House that the Report of the Commission of Inquiry on Processes/Practices for Granting of Loans Secured on Immovable Property and Sale by Levy contains 10 main recommendations out of which more than half have already been implemented.

Amongst the measures that have been implemented are the following –

- the granting of a *délai de réflexion* to borrowers;
- clients to be informed regularly of outstanding amounts on loans;
- measures relating to capitalisation of interests;
- ensuring that Borrowers Protection Act covers all loans secured on immovable property contracted for a residential purpose.

The recommendation that the Office of the Commissioner for the Protection of Borrowers be replaced by a Commission has not been retained. The rest of the recommendations are being carefully studied.

Furthermore, Madam Speaker, on 09 April of this year, I have requested the Law Reform Commission to examine the proposal to replace the current system of sale by levy altogether by another one in accordance with best international practices.

I have received an interim report from the LRC on the subject on 09 November last. The work is still ongoing at the level of the Law Reform Commission. In its interim report, the Law Reform Commission says that it is envisaging that in *lieu* of the current provision of the Sale of Immovable Property Act, a new regime for *saisie immobilière* be enacted, inspired by French law. What is contemplated, at this stage, is a new regime that will lay down the formalities under which a creditor might obtain the sale of an immovable property belonging to his debtor. It would also contain rules as to the *incident de la saisie immobilière, les demandes en annulation, etc.* All these recommendations are currently being studied by the LRC.

Madam Speaker, I have to add that the amendments in last year's Finance Act to the Sale of Immovable Property Act, whereby the *mise à prix* should now be at least 50% of the open market value of the property, have been very positive and valuable amendments, and they have heralded real progress in this area for the protection of vulnerable debtors.

I am also informed, Madam Speaker, that, in the light of the said recent amendments brought by way of the Finance Act, the Bank of Mauritius is reconsidering its decision to set up the Asset Management Company. It may no longer be necessary to have to do so following the amendments to the law. Furthermore, the reforms brought in the Finance (Miscellaneous Provisions) Act 2017 have also ensured that any debtor may request that a sale be postponed for a period of two years from the date of reading of the memorandum of charges where the mortgage property is the sole residence of the debtor, and the said debtor has been made redundant on economic grounds.

Madam Speaker, the latest statistics from the Office of the Commissioner for the Protection of Borrowers are positive. I am informed that out of 5,100 cases referred; only five cases have been put on sale by levy. 4,005 cases have been settled or otherwise cleared, i.e., otherwise than by way of sale by levy.

I wish once more to reassure the House that, in line with what is provided in Government Programme 2015-2019, Government stands committed to improve the situation of debtors facing a sale by levy process. Progress has been made and we shall continue to reflect on how to improve the situation further.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Yes. The hon. Minister made reference to PQ B/364 earlier this year and referring to the same PQ, the hon. Minister mentioned that the Bank of Mauritius is enlisting the services of a consultant to assist in the setting up and operationalisation of the Asset Management Company. Therefore, can I ask the hon. Minister where matters stand in relation to this issue?

Mr Gobin: Yes Madam Speaker, as I have stated in my reply, I am informed that the Bank of Mauritius is reconsidering its decision to set up that Asset Management Company. I say it may no longer be necessary to have to do so. They are still reflecting on the subject.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: The 10th recommendation of the Report is one of replacing the actual sale by levy system in line with international best practice and the hon. Attorney General also mentioned about Law Reform Commission to be referred to, can I ask him where matters stand in relation to this?

Mr Gobin: Matters are as follows - I have received an interim report from the Law Reform Commission on 09 November 2018. In the interim report, the LRC says, *dans les grandes lignes*, in which direction it is proceeding. It is still work-in-progress. I am awaiting the final report from the LRC.

Madam Speaker: Hon. Ameer Meea, you do not have any other question? Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. Has the attention of the hon. Attorney General been brought to the fact that, today, many banks are by-passing the sale by levy procedure by appointing receivers on the instrument of fixed charge? So may I know from the hon. Attorney General, when he is considering the reform of the system, whether he will also give attention to the abuse made by banks by selling properties through receivers?

Mr Gobin: I will look into the matter. I take good note of what the hon. Member has said.

Madam Speaker: Hon. Ramano!

Mr Ramano: Madame la présidente, une des recommandations de la Commission et aussi le Budget de 2017 fait mention de la nécessité d'arrêter la pratique de la capitalisation des intérêts. Est-ce que je peux savoir de l'honorable ministre s'il est au courant que jusqu'à présent les Banques Commerciales pratiquent toujours la capitalisation des intérêts ?

Mr Gobin: Well, I am informed that this measure has been implemented. If there are defaulters, we will have to look into it.

Madam Speaker: Next question, hon. Quirin!

MAURITIUS FOOTBALL ASSOCIATION - GENERAL ASSEMBLY - ELECTIONS

(No. B/1094) **Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the Mauritius Football Association, he will, for the benefit of the House, obtain therefrom, information as to if, at the last General Assembly thereof held on 06 June 2018, elections were organized according to the provisions of the law and, if not, why not.

The Minister of Civil Service and Administrative Reforms (Mr E. Boissézon):

Madam Speaker, with your permission, I shall answer this question. I am informed by the Mauritius Football Association that the election of its Managing Committee for period 2018/2022 was held on 08 June 2018 according to its statute of 2012.

However, the Registrar of Association has informed the Ministry that the rules of 2012 of the MFA have to be registered to be effective. The advice of the State Law Office has been sought on the validity of the election of the Managing Committee of the MFA and it confirmed the stand of the Registrar of Association.

The MFA has been requested to follow the advice of the Registrar of Association and the State Law Office. Meanwhile, the Ministry has frozen all financial assistance given directly to the MFA.

Madam Speaker: Hon. Quirin!

Mr Quirin: Merci, Madame la présidente. Peut-on savoir si l'honorable Boissézon est le nouveau ministre de la Jeunesse et des Sports ?

Madam Speaker: This is inappropriate!

Mr Quirin: Peut-on savoir si l'honorable ministre a les informations concernant les clauses du *Sports Act* avec lesquelles la *MFA* n'est pas en conformité?

Mr Boissézon: Madam Speaker, I have a letter from the Principal State Counsel for Solicitor General, and I will quote –

“It is understood that the Mauritius Football Association is an independent body which is registered as an Association under the Registration of Association Act. Consequently, it is for the authorities concerned such as the Registrar of Association to determine whether the MFA has failed to abide with the Registration of Associations Act and the Sports Act and whether the rules of the MFA are in line with the relevant provisions of the law.

Your attention is also drawn to section 13(2) of the Registration of Associations Act by virtue of which an amendment of the rules of an Association shall not have effect until it is registered.”

Mr Quirin: Madame la présidente, dans une question parlementaire B/530, en date du 11 juillet 2017, adressée au titulaire des sports, l'honorable ministre avait confirmé que la *MFA* n'était pas en conformité avec le *Sports Act* 2016. Dans cette même réponse, il avait

indiqué qu'un moratoire expirant en décembre 2017 avait été accordé à cette même *MFA* et aujourd'hui, comme on est en fin novembre 2018, donc, il paraît que la *MFA* est la seule fédération qui n'arrive pas à se conformer aux lois du *Sports Act*. Est-ce que l'honorable ministre peut nous dire pourquoi il y a autant de résistance de la part de la *MFA* pour se mettre en conformité avec les lois du pays ?

Mr Boissézon: Madam Speaker, I cannot answer for the MFA. The hon. Member is asking me why MFA is showing so much resistance. I cannot answer for the MFA.

Mr Quirin: Une dernière question, Madame la présidente. Peut-on savoir si le ministère des Sports a approuvé la façon dont s'est déroulée l'Assemblée Générale électorale datant du 06 juin dernier où une majorité de régions n'a pas eu de représentants et n'a pas eu de droit de vote ? Est-ce que le ministère des Sports approuve la façon que cela s'est passé?

Mr Boissézon: No, I cannot answer that question, but I think that the Ministry cannot go in the day-to-day running of the Federation.

Madam Speaker: Next question, hon. Quirin!

CANOT COMMUNITY CENTRE - SPORTS COMPLEX - RENOVATION

(No. B/1095) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the Canot Community Centre and of its annexed sports complex, in Constituency No. 20, Beau Bassin and Petite Rivière, she will, for the benefit of the House, obtain from the Sugar Industry Labour Welfare Fund, information as to if consideration will be given for the renovation thereof and, if so, when and, if not, why not.

The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo): Madam Speaker, I am informed by the Sugar Industry Labour Welfare Fund (SILWF) that the building housing the Canot Community Centre was constructed by the National Development Unit of the Prime Minister's Office and handed over for management administration to the Fund on 09 August 1991. The Centre also provides for a volleyball pitch and a children's playground.

In September 2017, at the request of SILWF, upgrading works consisting of placing of flood light poles, lighting system and poles for volleyball nets were carried out on the

volleyball pitch by NDU. The children's playground is equipped with two swings, two seesaws and two spring riders. In this financial year, some minor repairs will be brought to the fencing of the volleyball pitch and the two defective seesaws will be repaired.

As regards the building housing the Community Centre, I am informed that it is in good condition and does not require any major renovation works. However, decision has been taken for painting of the building during this financial year.

Madam Speaker: Hon. Quirin!

Mr Quirin: Merci, Madame la présidente. Je remercie l'honorable ministre pour sa réponse, mais je dois lui dire que ce bâtiment qui abrite le centre communautaire est un très vieux bâtiment qui mérite d'être rénové et non pas seulement un coup de peinture. Il n'y a pas très longtemps, Madame la présidente, j'ai moi-même eu l'occasion de visiter ce centre et le terrain de volleyball et de basketball qui est annexé et je dois dire est en mauvais état contrairement à ce que l'honorable ministre vient de me dire. Je pense qu'on devrait aussi faire des travaux.

Madam Speaker : We have understood your question, hon. Quirin!

Mr Quirin: Contrairement à ses prédécesseurs, peut-on savoir de l'honorable ministre si elle prend l'engagement justement de revoir tous les travaux qui doivent être effectués sur le complexe et aussi par rapport à la rénovation de ce centre communautaire ?

Mrs Jeewa-Daureeawoo: Madam Speaker, as I have said, the building is in a good state. It can be old, but it is in a good state. I have taken the pain to ask some officers to effect a visit over there and I have pictures that it is in good condition. So, what is needed is the painting of the building. If the hon. Member is thinking that some works have to be done inside the building, he can just let me know and I will look at it. Otherwise, this is the information that I have received and I have pictures that it is in good condition.

Mr Quirin: Madame la présidente, il y a aussi un manque d'activité dans ce centre car cela a tendance à pousser les jeunes vers les fléaux de la société. Peut-on avoir l'assurance de l'honorable ministre qu'elle veillera à ce que des activités soient organisées de façon régulière ?

Madam Speaker: It is the renovation of the building which is concerned by your question.

Mrs Jeewa-Daureeawoo: Yes, I will look into it.

Madam Speaker: Hon. Jhuboo, next question!

SWIMMING POOLS - SAFETY & SECURITY - LEGISLATION

(No. B/1096) Mr E. Jhuboo (Third Member for Savanne & Black River) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the swimming pools, she will state if consideration will be given for the advisability of introducing legislation for the reduction and prevention of injuries and accidents in relation thereto.

The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo): Madam Speaker, pool safety is a serious issue. There are no specific swimming pool laws, but our existing legislation does cater for the safety and security of buildings in general.

The definition of a building under section 2 of the Building Control Act 2012 has the same meaning as under section 2 of the Local Government Act 2011 and it includes any permanent or temporary structure erected or made on, in or under any land. This definition includes a swimming pool erected on any land. Section 3 (b) (iii) of the Building Control Act prescribes that all buildings must satisfy a number of requirements, including safety to use to ensure that the use of the building causes no risk of accident to any person.

Section 4 of the Building Control Act provides that no Building and Land Use Permit will be issued by local authorities for the construction of a building unless the builder satisfies the basic requirements of safety and security as mentioned above. However, section 6 of the Act empowers the Minister of Public Infrastructure to make regulations pertaining to minimum building standards.

Madam Speaker: Hon. Jhuboo!

Mr Jhuboo: Thank you, Madam Speaker. Madam Speaker, will the hon. Vice-Prime Minister agree with me that as regards private swimming pools no regulations exist actually in the law?

Mrs Jeewa-Daureeawoo: Yes. I must thank the hon. Member for this question. As I have said, it is an important question relating to the health safety and security of pool users, especially children. We all know that children are at risk when they use swimming pools.

Now, the most important thing is that swimming pool operators have the responsibility; they should know that they must make their pool safe. This is one thing. As I have said, to improve the safety of swimming pool, the matter may be referred to the Building Advisory Council, which is statutorily empowered under section 6 of the Building Control Act to advise the Minister on all matters relating to permits and regulations to be made in that particular issue.

Madam Speaker: Hon. Jhuboo!

Mr Jhuboo: Thank you, Madam Speaker. Madam Speaker, will the hon. Minister agree with me that it is simply about a simple regulation that needs to be introduced at the level of the District Council or the Municipality, that whenever a building and land use permit is issued with a pool, a protective barrier or an alarm is mandatory? Will the hon. Minister agree with me on that?

Mrs Jeewa-Daureeawoo: Yes, Madam Speaker. As I have just said, I agree with the hon. Member. So, the matter will be referred to my colleague. As I have said, regulations, guidelines will be prepared and hon. Nandcoomar Bodha will look at it. I agree with the hon. Member...

(Interruptions)

...how close can a swimming pool be to the property lie. This is to be taken into consideration. How big does a pool need to be to require a fence? So, all these issues have to be taken into consideration. As I have said, the hon. Minister Nandcoomar Bodha will look at it.

Mr Jhuboo: Unfortunately, three children last year died drowned. So, can I urge the hon. Minister to take this matter urgently with his colleague?

Mrs Jeewa-Daureeawoo: Yes, Madam Speaker, I will.

Madam Speaker: Next question, hon. Jhuboo!

MOTOR VEHICLES - LICENCES

(No. B/1097) Mr E. Jhuboo (Third Member for Savanne & Black River) asked the Minister of Public Infrastructure and Land Transport whether, in regard to motor vehicles, he will, for the benefit of the House, obtain from the National Transport Authority, information as to the number thereof presently registered in Mauritius, indicating the number thereof which are presently not issued with –

- (a) a motor vehicle licence
- (b) a fitness certificate, and
- (c) an insurance certificate.

Mr Bodha: Madam Speaker, in regard to part (a) of the question, I am informed by the NTA that 549,803 vehicles are registered in Mauritius as at September 2018. These include 9,171 Government vehicles and 117,423 auto-cycles which are not issued with a Motor Vehicle Licence.

As regards part (b) of the question, I am informed by the Authority that currently 152,883 private cars and 63,856 motorcycles do not require a fitness certificate. In fact, these vehicles are less than seven years old and do not have a fitness certificate in line with Regulation 13(5) of the Road Traffic Regulations 1954.

Madam Speaker, currently Government vehicles, except for those attached to the Ministry of Health and Quality of Life and the Ministry of Agro-Industry and Food Security, all the vehicles are calling at the Mechanical Division of my Ministry for regular servicing and repairs to ensure their roadworthiness. These Ministries have a large vehicular fleet and operate their own workshop.

Currently, auto-cycles are also not undergoing any fitness test. However, the policy implications for Government's vehicles and auto-cycles to undergo fitness tests are being assessed by my Ministry currently.

In reply to part (c) of the question, I am made to understand that no record is available at the NTA to the effect that there are registered vehicles without an insurance certificate. By virtue of section 22 of the Road Traffic Act, it is mandatory, while renewing a motor vehicle licence that this certificate should be valid for the period for which the motor vehicle licence is being renewed. In case a Government vehicle is involved in a road accident, any compensation payable to a third party on the advice of the Solicitor General, will be borne by the Accountant General.

Mr Jhuboo: Thank you, Madam Speaker. Madam Speaker, according to statistics, 3,000 vehicles last year were put out of circulation and we see unused vehicles which are being left in sugarcane fields, on bare lands, on parking in the *cités*, etc. So, my question to the hon. Minister, can we know whether he would come with a proper legislation for the scrapping of cars?

Mr Bodha: In fact, we are working together with the Ministry of Environment to address the total loss vehicle issue and the scrapyards. A consultant has just been nominated with a terms of reference to provide us with the legal framework to be able to create scrapyards, just like we have abroad, so that some of the vehicles can be dismantled and then we can have them scrapped away and sent as scrapped metal.

Madam Speaker: Yes, hon. Jhuboo! No, if you have a question, I will give you priority. What is your question?

Mr Jhuboo: Thank you, Madam Speaker. Can we know whether the site for the scrap cars has been identified?

Mr Bodha: Not yet, but once we have the legal framework and the legal mechanism, we will make a Request for Proposal for all those who would like to start and operate a scrapyard. In fact, we have them abroad and it is high time that we should be able to implement them in Mauritius.

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. The question relates to the number of motor vehicles. May I know from the hon. Minister whether Government intends to change its policy or bring new policies with regard to motor vehicles in light with its project to encourage people to use the Metro Express?

Mr Bodha: Well, there are a number of incentives which are going to be implemented. We will have most probably some fiscal incentives and then we will also come with the feeder system, the park and ride system so that a mass transit system becomes more popular.

Madam Speaker: Hon. Osman Mahomed, last question!

Mr Osman Mahomed: Thank you. Based on the figures given by the hon. Minister just now, we have one vehicle for 2.5 persons in Mauritius, whereas in Singapore we have one vehicle for six persons. In the light of the Road Decongestion Programme that the hon. Minister has announced the *plan à trois étages* and the very livelihood of the Metro Express Programme, does the hon. Minister envisage to revise the total number of cars and vehicles in Mauritius so as to address these two major issues?

Mr Bodha: In fact, Madam Speaker, this was one of the measures which the MLRT of the former regime came with. In Singapore, once you have a licence to buy a car once the

car is 8 to 10 years, you have to buy the licence again, it is put on auction. It is a system which has been put in place, in fact, to discourage people from buying cars. Having cars for many people is a necessity or a problem of status, but I totally agree that we should be able to encourage people who have cars to take the Metro and this can be done by the park and ride system. They can use the cars during the weekend, but on a regular basis; coming to Port Louis will make it easier to do it by the Metro.

Madam Speaker: Next question, hon. Jhuboo!

HOSPITALS - METHADONE DISTRIBUTION - INCIDENTS

(No. B/1098) **Mr E. Jhuboo (Third Member for Savanne & Black River)** asked the Minister of Health and Quality of Life whether, in regard to methadone distribution, he will state the number of incidents in relation thereto having reportedly occurred in public hospitals since January 2017 to date, indicating the measures taken in relation thereto, if any.

Dr. Husnoo: Madam Speaker, I wish to inform the House that following decentralisation of methadone dispensing service in January 2015, distribution of methadone is no longer carried out in public hospitals except Dr. Jeetoo Hospital and Yves Cartin Community Hospital.

I have been informed that no major accident occurred from January 2017 to date in these two hospitals with regard to dispensing of methadone.

However, I wish to point out that on 10 October 2018, an alleged case of missing methadone doses was reported at Dr. Jeetoo Hospital, which is the preparation point for methadone distribution in the region of Port Louis. The case was referred to the Police and an enquiry is still going on.

In the meantime, the existing protocol for storage, handling and preparation of methadone is being strengthened and additional measures and monitoring procedures have been put in place to prevent such recurrence.

Madam Speaker: Hon. Jhuboo!

Mr Jhuboo: Madam Speaker, I will refer to an article in 'L'Express' dated 04 May 2018, whereby it is stated –

« La distribution de méthadone hors de contrôle à Bambous

(...) sur une vidéo faite par un habitant de Bambous, on peut clairement voir les responsables de distribution, installés à l'intérieur d'un véhicule et distribuer le produit. »

Is the hon. Minister aware of this kind of distribution of methadone *à travers une voiture*?

Dr. Husnoo: No, I am sorry. The question of the hon. Member is in regard to methadone distribution and the number of incidents in relation to public hospitals, and that is why I answered according to public hospitals. But I understand; we know methadone is being distributed in Police stations from the ambulance. We know that it caused quite a bit of problem and that is why gradually we are trying to do the methadone distribution in the Community Health Centres/Area Health Centres. We have started a pilot project and it is going on slowly. If everything goes well, we will move in that direction.

Madam Speaker: Hon. Dr. Boolell!

Dr. Boolell: Thank you very much, Madam Speaker. Can I ask the hon. Minister what are the additional measures that have been put in place to ensure that there is a fair distribution of methadone and that the recipients obtain their drugs?

Dr. Husnoo: That is what I was trying to explain. As you know, most of the methadone distributions are now being done in the Police stations. We appreciate this is not the best solution, but there was quite a bit of problem at the beginning, that is why they were sent there. We all know that methadone distribution in the centres was causing a lot of problems, of loitering, of staying there etc. This was causing problems to the inhabitants and that is why it was sent for distribution to the Police stations. But, gradually, I am trying to send the methadone treatment to the Area Health Centres/ Community Health Centres so that the recipients can be given social and psychological support as well. We have started this pilot project; out of the 4,500 people who take methadone, about 10% of them have moved to the Area Health Centres. It is a small percentage, but we are going to assess it. We have had a lot of protests from the inhabitants, but we could not move the whole lot at one go to the Area Health Centres/ Community Health Centres. We will see how it goes and we will reassess the situation, and if all is going well, then we will move and increase the number.

Madam Speaker: Hon. Leopold!

Mr Leopold: I would like to ask the hon. Minister about the policy of the Ministry of Health, whether they are giving methadone on a tail off basis or permanently?

Dr. Husnoo: Actually, this is a major problem. We thought at the beginning that we can tail off the drug, but it is not easy. Most of the studies have shown that for a lot of the patients, it is difficult to tail them off and they go for a long, long time on methadone.

Madam Speaker: Next question, hon Jhuboo!

WASTES - DISPOSAL

(No. B/1099) Mr E. Jhuboo (Third Member for Savanne & Black River) asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to wastes, he will state if consideration will be given for the advisability of introducing legislation for the selective separation thereof for disposal.

Mr Sinatambou: Solid waste generation, Madam Speaker, is an important issue worldwide and Mauritius is no exception. In 2017, nearly 500,000 tonnes of solid waste were generated with over 95% being disposed at the Mare Chicose Landfill. Due to the anticipated increase in solid waste generation in the future, my Ministry has already taken several initiatives towards sustainable waste management. In order to reduce reliance on the sole landfill of the island and to promote a sustained, healthy and vibrant circular economy, my Ministry is spearheading a consultancy study on a new Solid Waste Management Strategy and action plan with focus on resource recovery and recycling.

The proposed strategy will cover the different waste streams generated, including but not limited to household waste, comprising organic and yard waste, paper and card board, plastics, glass, metal, bulky waste and wood waste.

Madam Speaker, an advanced resource recovery mechanism will only be obtained by introducing a systematic segregation and material recovery of domestic waste into the habits of Mauritians. Accordingly, consideration will be given for the advisability of introducing legislation for the selective separation of wastes.

Madam Speaker: Hon. Jhuboo!

Mr Jhuboo: Thank you, Madam Speaker. Madam Speaker, the hon. Minister stated that a National Waste Strategy is in preparation whereby the selection of wastes were considered. Being given that 60% of our wastes are organic and, on the other hand, the CEB is coming with the Waste-to-Energy Project, an Expression of Interest was recently launched. So, my question to the hon. Minister: how does he reconcile these two very contradictory positions, self-strategies?

Mr Sinatambou: Well, I don't. The one does not prevent the other.

Madam Speaker: Hon. Jhuboo!

Mr Jhuboo: On the one hand, we have a very ECO strategy which is the selection of waste and, on the other hand, it is the burning, the incineration of approximately 90 % of the production of waste. So, it is two different strategies?

Mr Sinatambou: As I said, the one does not prevent the other, Madam Speaker.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: In 2016, with the help of l'*Agence française de développement*, a strategy was formulated. Can the hon. Minister enlighten the House, whether this is the same strategy that we are talking about or is it that after two years we are coming up with a new strategy?

Mr Sinatambou: No, I am afraid, the hon. Member is mistaken; the strategy was initiated in March 2017 and it is the very one I have in mind.

Madam Speaker: Next question!

Mr Jhuboo: Concerning the Waste-to-Energy, Madam Speaker, could the hon. Minister confirm that the site which he envisaged is at La Chaumière?

Mr Sinatambou: No, this is the subject of a tender which has just been closed. The matter is under the prerogative of the hon. Deputy Prime Minister, Minister of Energy and Public Utilities.

Madam Speaker: Next question, hon. Uteem!

FORT GEORGE – COMBINED CYCLE GAS TURBINE

(No. B/1100) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Supply, Installation, Testing and Commissioning of the Combined Cycle Gas Turbine at Fort George, he will, for the benefit of the House, obtain from the Central Electricity Board, information as to where matters stand.

The Deputy Prime Minister: Madam Speaker, the Central Electricity Board informs me that after obtaining approval of the Central Procurement Board, on 08 February 2018, it had invited bids for the Design, Supply, Installation, Testing and Commissioning of the

Combined Cycle Gas Turbine (CCGT) Power Plant at Fort George. The closing date was 06 June 2018.

The CEB has informed me that on 14 November 2018, the Central Procurement Board conveyed its approval of the award of the contract to Mytilineos Holdings S.A. as follows –

- a total sum of EUR 75,943,500 plus Rs505,115,730 (excl. VAT) for Phase 1 or Section 1.
- a total sum of EUR 52,556,500 plus Rs340,974,270 (excl. VAT for Phase 2 or Section 2;
- plus declared deviation amounting to a total of EUR 590,500 and EUR 205,000 for both Phases, and
- the long-term maintenance service contract based on the quoted rates in the bidder's offer.

The Central Procurement Board has further requested that Notification of Award can only be done after a list of clarifications, which it provided, are mutually and successfully cleared by Mytilineos Holdings S.A. and CEB.

I am informed by the CEB that all the clarifications have been cleared at the meetings with the bidder and in presence of its Consultant, *Electricité de France*, on 20 and 21 November 2018.

Thereafter, on 22 November 2018, the CEB has issued a Notification of Award to the successful bidder and a Notice to the non-successful bidders.

Mr Uteem: Madam Speaker, in this very House, the hon. Deputy Prime Minister stated that he was chairing a Ministerial Committee to examine the feasibility of using LNG and today in this House we are hearing him say that the CEB has already awarded both Phase I and Phase II which includes Combined Cycle using LNG before this House has been appraised of the outcome of the meeting of the Ministerial Committee. So, may I know from the hon. Deputy Prime Minister whether he has come to the conclusion that the use of LNG today is economically viable in Mauritius?

The Deputy Prime Minister: We have gone down that road before. Let us go back in time. World Bank originally recommended the setting up of these CCGT, which includes like St Louis the eventual use of LNG if LNG is found to be practicable.

Now, there are two phases and that was implemented since last three or four years. Therefore, the tenders were launched, etc. LNG is a different process. The feasibility of LNG is being examined. The report of the consultants is being considered. You will ask me what happens if we find that LNG is not economical at all. There are various possibilities and various theories. The LNG just for Fort George would not be economical, but these machines are designed to run initially on Diesel, and they are in two phases. The first phase is the 35-40 megawatts of two turbines, that is, 80 megawatts which will be Open Cycle that is the Diesel will burn - as far as people have explained to me, I am not an expert in that, but I am getting better day by day – it is going to burn a lot of Diesel for nothing. This is why there will be a second phase, and that second phase will burn also Diesel, but will be expensive and, therefore, we are contemplating LNG.

At the same time, LNG is being envisaged for other sources: transportation, bunkering, inside cities, etc. So, there is no contradiction in there, I can assure you.

Mr Uteem: Madam Speaker, the hon. Deputy Prime Minister has mentioned that the contract has been awarded to a company Mytilneos also known as Metka. Is the hon. Deputy Prime Minister aware that the CEO of that same company, Mr Evangelos Mytilneos, Chief Executive of Industrial Group Mytilneos allegedly paid Nexis 250,000 euros to award Mytilneos subsidiary Metka a contract to build a gas fuel power plant in Southern Africa and, therefore, an Appeal Council has indicted that person for money laundering and corruption for bribery? And I table a copy of that letter. So, is the hon. Deputy Prime Minister aware that this company which has been awarded this contract is alleged to be involved in corruption and bribery and, therefore, is automatically disqualified under our procurement rules?

The Deputy Prime Minister: The first this allegation was mooted was when hon. Jahangeer raised precisely the same point. Of course, these matters must be taken seriously. I understand the central - and that is why things delayed a little bit at the level of the Board. I understand, but, of course, I have no power to interfere within the Board that the Central Procurement Board must have done the due diligence exercise which it has to do in the course of the examination of these bids. So, I trust the Board.

Mr Bérenger: We are talking about two phases. I think I heard him said that Phase II, which is the Combined Cycle, will carry on functioning on Diesel if LNG is not available, but will be exempted - and I think I heard - exempted from what? If Diesel is used for the

Combined Cycle, I think I heard the Deputy Prime Minister said, but will be exempted from what? Will the CEB be paying different...

The Deputy Prime Minister: Can I just correct. I think I said 'expensive'. I said 'expensive'. If you use Diesel, it will be expensive.

(Interruptions)

Yes, of course. This is what I said. I did not say 'exempted'. I did not use 'exempted' at all, I said 'expensive'.

Yes, of course, there is a five-year - I do not want to go into all the details - lapse within which period it is expected that LNG is going to be introduced in Mauritius. Can I remind the hon. Member that he himself in 2013 in Parliament put that proposition to Dr. Beebeejaun who have gone all these files, who was at that time the Deputy Prime Minister, and Minister of Energy and suggested that we have a tender to include Liquefied Natural Gas as far back as 2013 and impressed on Dr. Beebeejaun to do this.

He more or less repeated that proposition on 24 March 2015 when he asked more or less the same question. The question is not the principle, the question is the practicability of this and the economics of the matter and there we are in total agreement, of course. We need to explore LNG. All counties are going to LNG. Seychelles is envisaging LNG, its cleaner fuel, its green emissions, its carbon and its carbon credit for Mauritius as well. We need to know. I have no quarrel and we have no quarrel, in fact.

Madam Speaker: Hon. Baboo!

Mr Baboo: Can the hon. Deputy Prime Minister explain why CEB asked Metka...

The Deputy Prime Minister: Why?

Mr Baboo: ...CEB asked Metka to extend its bid by three weeks only while all other bidders till March 2019 though Metka refused to extend validity of its bid? I can also table a copy of the letter that Metka addressed to the CEB.

The Deputy Prime Minister: The letter what?

Mr Baboo: My question is: can the hon. Deputy Prime Minister explain why the CEB asked Metka to extend its bid by three weeks only while all other bidders till March 2019, though Metka refused to extend its validity of the bid? I can table a copy of the letter also.

The Deputy Prime Minister: Which letter? Can I ask which letter, a letter from whom?

Mr Baboo: A letter from Metka.

The Deputy Prime Minister: Oh yes. I see. Yes, CEB asked that this company, the Greek one, I cannot pronounce the name, should extend the validity of the bid. Initially, the hon. Member is right. The Greek company said: we do not want to extend the validity of the bid. CEB replied and now they have extended the validity of the bid. So, that letter is otiose. Forget about that letter! At present, there have already agreed to an extension of the validity, they have already cleared clarification, award has been given. As I said, 22nd of November 2018, CEB has issued notification of award. So, that means that the bid has been extended and we are left until tomorrow at midnight for other bidders to challenge before the IRP. So, there is no problem, this is *vié zistwar ça*. Forget about it!

Mr Bérenger: But to what the hon. Deputy Prime Minister said earlier on that we are looking at two phases, and Phase II will use Diesel if LNG is not available and the Deputy Prime Minister said it would be expensive, and I said very expensive. Now, we are going in, we are awarding in two phases without knowing whether LNG will be available for Phase II. Does the hon. Deputy Prime Minister have an *ordre de grandeur*. If we are stuck with Diesel for Phase II for the Combined Cycle Phase, Phase II, if we are stuck with Diesel, the cost of electricity produced through that, how will he compare to the electricity produced by the CEB itself and the electricity produced by the independent power producers?

The Deputy Prime Minister: By the state of things, I cannot disclose all discussions that I had but yesterday, for instance, I had a very interesting discussion with the Trade Development Bank which is now headquartered in Mauritius and we backed all accounts. Within the next five years, LNG will be used in Mauritius. There is no other option. It is not a question of being neither optimistic, nor pessimistic but this is the trend of things. We can go on and on with what the various experts have told me but that is the case. It is true that, in the eventuality, unlikely as it is, that finally we do not go for LNG, which will put Mauritius in the list of backward countries of the world, compared to Seychelles and Madagascar. If we do that, then we are going back in time. So, it is going to happen, I am sure. But as the hon. Third Member for Stanley and Rose Hill rightly said, we have got to look at all eventualities, including the eventuality that LNG is not used. Then perhaps it would be used only for peaking or whatever the engineers will decide.

Madam Speaker: Next question, hon. Uteem!

(Interruptions)

No, we have already spent 17 minutes on this question. Next question, hon. Uteem!

PORT LOUIS - HAWKERS - RELOCATION

(No. B/1101) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the proposed relocation of the hawkers operating in Port Louis, he will state where matters stand.

Madam Speaker: Hon. Minister of Public Infrastructure and Land Transport! PQ B/1101!

(Interruptions)

Mr Bodha: Sorry, Madam Speaker. In fact, the question had been put to the Vice-Prime Minister formally and then we requested some clarifications from hon. Uteem to ask whether he was, in fact, talking about all the hawkers or the hawkers who have been relocated.

Madam Speaker, with your permission, I will reply to this question. I am informed by the City Council of Port Louis that there are 1621 hawkers operating in Port Louis as follows

—

- (i) 726 hawkers at Decaen, out of which only 575 are currently operating on site;
- (ii) 429 hawkers on Immigration Square;
- (iii) 284 hawkers at Monneron, and
- (iv) 182 hawkers at Ruisseau du Pouce.

Madam Speaker, I would like to refer the hon. Member to the reply made to Parliamentary Questions B/1090 and B/1091 regarding the relocation of hawkers operating in Port Louis.

All the 1621 hawkers will be relocated to the Immigration and Victoria Urban Terminals once the projects are implemented. In fact, the Immigration Terminal will accommodate 800 hawkers while the Victoria Terminal will accommodate around 1,000.

Madam Speaker: Hon. Uteem!

Mr Uteem: Pending the construction of these two Urban Terminals, can I know from the hon. Minister where? He mentioned earlier in a PQ that they will be relocated as from the 07 January, so I want to know precisely on what sites they will be located? Which site will be for the Decaen? Which site will be for the Immigration?

Mr Bodha: This is what I answered in the two questions previously Madam Speaker. I can give the details to the hon. Member.

Mr Uteem: But the hon. Minister did not answer earlier. How would he allocate those sites? What mechanism will he use, for example, to know if a hawker who is working in Decaen would go to Ruisseau du Pouce or will go to another one or someone from Immigration would go to the other site? What is the mechanism?

Mr Bodha: From what I understand, it is the Municipality of Port Louis which has a working session with them. I think they will have some drawing of lots to see to it that everybody, at least, has a fair share.

Mr Uteem: These hawkers have been moved to these two sites, Decaen and Immigration, and have invested in the sites. They have structures, so may I know from the hon. Minister whether there is any compensation scheme to indemnify them now that they have to pull down all these structures?

Mr Bodha: I will ask the question to the Municipality of Port Louis, but, from what I understand, the structures which are going to be put at Immigration Square Terminal during the works are going to be provided by the Municipality itself.

Mr Uteem: If I have heard correctly from the hon. Minister answering in the earlier PQ, all these hawkers who are being displaced, relocated will not be paying any fees during the construction of the two terminals?

Mr Bodha: Yes. We have agreed with the Municipality of Port Louis that they will not pay any rent.

Madam Speaker: Next question, hon. Uteem!

NATIONAL ASSEMBLY - HONOURABLE K. T. - INQUIRIES

(No. B/1102) **Mr R. Uteem (First Member for Port Louis South & Port Louis Central)** asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the inquiries initiated into the cases reported by Ms L. D. A. against

Honourable K. T., he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand.

Sir Anerood Jugnauth: Madam Speaker, I have been informed by the Commissioner of Police that inquiry into the three cases reported by Ms L. D. A against hon. K. T have already been completed and have been forwarded to the Office of the Director of Public Prosecutions on 03 July 2018 for his decision.

Mr Uteem: Thank you, Madam Speaker. The Rt. hon. Minister Mentor mentioned three cases reported and also three cases reported in his earlier PQ last year. So, may I know from the Rt. hon. Minister Mentor what are these three cases - the nature of alleged offences?

Sir Anerood Jugnauth: Well, there are the three cases the hon. Member is mentioning himself.

Mr Uteem: I do not know what are the cases. The Rt. hon. Minister Mentor last year said that there were three cases reported. Today, again he answered and he says there are three cases reported. So, we want to know what is the nature of the three cases?

Sir Anerood Jugnauth: Well, they are the same cases. The hon. Member should know because he is putting the question.

Mr Uteem: I do not know the answer. I am not responsible for the Police. So one of the things that was reported is that the hon. Member...

(Interruptions)

Yes, I want to know whether Police has enquired into whether this hon. Member has, in the precinct of the National Assembly, sent indecent pictures of himself or whatever part of himself?

Sir Anerood Jugnauth: Well, when we get the decision of the DPP we will know.

Mr Uteem: So, has the Rt. hon. Minister Mentor queried with the Commissioner of Police whether any statement has been taken from any officers, any staff of the National Assembly to verify the veracity, to double check the allegation made that that hon. Member, in the precinct of the National Assembly, sent indecent pictures?

Sir Anerood Jugnauth: I had no reason to enter into all these details.

Madam Speaker: Next question, hon. Ramano!

M 1 MOTORWAY - ROUSSETY LANE - ACCESS

(No. B/1103) **Mr K. Ramano (Third Member for Belle Rose & Quatre Bornes)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to the M1 Motorway, he will state if he is aware that the District Council of Moka is allowing access to vehicles thereto through a road called “Roussety Lane”, and, if so, indicate if consideration will be given for a review of this state of affairs from a strictly road safety point of view.

Mr Bodha: Madam Speaker, I am informed by the Road Development Authority that Roussety Lane is an existing tarred access of length of around 700 metres long and 3.8 metres wide. This access which has a junction with the emergency lane on Motorway M1 falls under the responsibility of the District Council of Moka.

I am informed, Madam Speaker, by the District Council of Moka that Roussety Lane is a road which exists long before the construction of the Motorway. It is a no through road and is the sole access for the six families residing thereat. I am further informed that the road is presently in all the title deeds and sworn land surveys, this lane is presented as “*chemin de communication*”. Residents have been accessing their premises through Roussety Lane from the Motorway throughout the years.

Madam Speaker, I am informed by the RDA that, currently, the traffic is relatively low and does not warrant any upgrading at this point in time. Should there be any further development thereat, the District Council of Moka or the promoter should seek the approval of the RDA, and in such cases, the RDA would recommend appropriate geometry as applicable for entry and exit on the Motorway.

I am further informed, Madam Speaker, that there is a case pending at the Court on the matter of access and exit from the Roussety Lane to the Motorway between the District Council of Moka and one of the land owners thereat.

Madam Speaker: Next question, hon. Jahangeer!

SAVANNE DISTRICT COUNCIL - HEAD OFFICE - CONSTRUCTION

(No. B/1104) **Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac)** asked the Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the proposed construction of a new Head Office for the Savanne District Council, she will,

for the benefit of the House, obtain from the District Council of Savanne, information as to where matters stand.

The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo): Madam Speaker, I am informed by the District Council of Savanne that on 03 August 2018, it had invited bids for the construction of its Head Office through Open National Advertised Bidding. The closing date for submission of bids was fixed for 26 September 2018.

Only one bid was received and a Bid Evaluation Committee was set up by the Central Procurement Board.

The only bid was evaluated and was, unfortunately, found to be non-responsive. So, the Council will now re-invite tenders and will liaise with the Central Procurement Board.

Madam Speaker: Next question, hon. Shakeel Mohamed!

**ROAD DECONGESTION PROGRAMME - METRO EXPRESS PROJECT -
COMPULSORY ACQUISITION**

(No. B/1105) Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East) asked the Minister of Housing and Lands whether, in regard to the Road Decongestion Programme, including the Metro Express Project, he will state, as at to date, the total number of compulsory property acquisitions effected in the wake of the implementation thereof, indicating the -

- (a) location of the properties;
- (b) names of the property owners, and
- (c) quantum of compensation paid.

Mr Jhugroo: Madam Speaker, the Road Decongestion Programme is an ambitious project of the Government to remedy the ever increasing traffic congestion problem. Several plots of private land have been compulsorily acquired under section 8 of the Land Acquisition Act and there are several other portions of private land that would have to be compulsorily acquired in the future.

My Ministry is presently compiling the detailed list of all land which has been acquired since this Government took Office and the list would be laid in the Library of the National Assembly.

Madam Speaker, I also wish to inform the House that in cases where the private owners are not agreeable to the compensation as assessed by the Valuation Department for their land, a 'Fast Track Team' has been constituted at the level of my Ministry to make an offer for interim payment to them, pending the decision of the Board of Assessment to which their cases have been referred to.

Mr Mohamed: I would like to know from the hon. Minister between January 2015 until today, how many of those cases where compulsory acquisition has happened for the Road Decongestion and the Metro Express Project, how many of those compensations have been reached through an offer made by Government? In how many cases an offer has been forthcoming on Government side to finalise the figure for compensation?

Mr Jhugroo: As I mentioned, all is being assessed by the Valuation Department, then the owners are informed that they can take their interim payment. In the past, many of the landowners were not taking their interim payment, so, as from now, a decision has been taken by my Ministry, a Fast Track Committee has been constituted to make them the offer pending the decision of the Board of Assessment and sometimes, it takes many months.

Mr Mohamed: Can the hon. Minister tell the House while he is computing the list, the number of people who have benefited from such acquisition? Could he, at least, give us the value of interim payment between January 2015 to date, how much has been paid for compulsory acquisition for both the Ring-Road Decongestion and the Metro Express? What is the value of the payment, interim or otherwise made until today?

Mr Jhugroo: Madam Speaker, the information that I have right now is: the total number of compulsory property acquisition effected for the Metro Express Project is 103 and the quantum of compensation paid in total for the 103 plots is Rs577,937,333.33 as at date. I can lay the list in the Library of the National Assembly.

(Interruptions)

Since we took power in 2015!

Mr Baloomoody: Can I ask the hon. Minister whether those whose houses were compulsory acquired and demolished at La Butte, and most especially the corner between La Butte and Monseigneur Leen Street, have been compensated?

Mr Jhugroo: I would like to ask my hon. friend to come with a specific question, then I can reply to it.

Mr Bhagwan: Can I know from the hon. Minister, with the Road Decongestion Programme, especially with regard to Decaen bypass - the new bypass which will be opened in a few days - how many private properties have been bought by Government for that particular project? I asked a PQ some weeks back and then I did not have the answer. Can the hon. Minister let us know, if he has in the file, how many properties have been purchased? Because according to my information, some people who knew that Government was coming with that project, purchased properties and then sold it to Government?

Mr Jhugroo: Right now, Madam Speaker, I do not have the exact number, but it is being compiled and will be laid on the Table of the National Assembly.

Madam Speaker: Next question, hon. Shakeel Mohamed!

DANGEROUS DRUGS - ARRESTS - JANUARY 2018-NOVEMBER 2018

(No. B/1106) Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to dangerous drugs, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to, since January 2018 to date, the –

- (a) number of -
 - (i) arrests effected in connection therewith, and
 - (ii) deaths caused by overdose thereof, and
- (b) type and street value of the drugs seized.

Sir Anerood Jugnauth: Madam Speaker, I am informed by the Commissioner of Police that since January 2018 to 22 November 2018, 2,765 cases have been reported whereby 2,833 persons have been arrested in connection with dangerous drugs.

Concerning part (a) (ii) of the question, I am further informed that there has been no reported case of death by overdose during the aforesaid period. The pathological changes that

can be observed at autopsy of people known to be drug addicts, are acute pulmonary oedema, or acute cerebral oedema.

Madam Speaker, with respect to part (b) of the question, I am hereby tabling the information requested for.

Mr Mohamed: Following the figures that have been communicated by the Rt. hon. Minister Mentor, could he, for the benefit of the House, explain whether he has consulted the Commissioner of Police in order to address the rise in the number of drugs arrests and use of drugs clearly from 2015 onwards - the trend is on the increase and not at all on the decrease – and whether he has consulted the Commissioner of Police to know how come there is more drugs available on the streets and there are more consumers of drugs available in Mauritius at the moment? Why is that so?

Sir Anerood Jugnauth: Well, we know that the Police and people are doing their work, many people as I said. I gave the figure for the period for which the hon. Member puts the question.

Mr Mohamed: I have put a question to the Rt. hon. Minister Mentor and I did not get it. I am trying to be helpful.

(Interruptions)

If I may be allowed to answer! I am trying to get use to that for next time soon.

Madam Speaker: Hon. Minister Mentor, can you repeat what you said?

Sir Anerood Jugnauth: The hon. Member's question is for a specific period, not 2015. So, I have not gone back to 2015.

Mr Mohamed: My question, in fact, is: I am just looking here at the answer that has been given by the Rt. hon. Minister Mentor. Yes, my question was from January 2018 until today. I do admit.

Mr Mohamed: From the statistics available from the Central Statistics Office of the Government of Mauritius, it is clear, I will say it again, that there is a trend where there is more violation of the law in the sense of more drug offences, more people are being arrested with drugs and clearly the number of consumers of drugs is on the rise at an alarming rate. So, my question is whether the Rt. hon. Minister Mentor has at all spoken to the Commissioner of Police in order to address this alarming increase in the number of drug

users in the past years, and it is not in any way taking a decreasing trend, whether he has addressed this issue and what remedies can he bring?

Sir Anerood Jugnauth: Well, I will ask the hon. Member to come with a specific question on that, then I will get the answer.

Madam Speaker: Hon. Rutnah!

Mr Rutnah: Thank you, Madam Speaker. The increasing trend in arrest in relation to drug offences, is it not consonant that we have now in place an effective policing from the ADSU and generally all over the Police that they are working more effectively than previously?

Sir Anerood Jugnauth: Well, that is so. A moment ago, I said because the Police are doing their job.

Mr Mohamed: With regard to the number of drugs that have been seized again, I mean, I am just seeing the alarming value, it is Rs2,307,142,898 between January 2018 to 09 November 2018. Whilst I would agree that it shows that the Police, at least, have seized it, which is good, but the fact that this is being imported in Mauritius, could the Rt. hon. Minister Mentor tell us - it shows that there is, therefore, a market for it, which is the worrying aspect. Has he not noticed that there is, therefore, a market for it which is on the increase and, if so, if he has noticed it, when has he had a meeting with the Commissioner of Police to try to address this issue, not of seizure but of addressing the number of consumers that are on the rise?

Madam Speaker: It is already replied.

Sir Anerood Jugnauth: The Police is doing everything to try to close down the market.

Madam Speaker: Next question, hon. Shakeel Mohamed!

MINISTRIES, PARASTATAL AND STATUTORY BODIES - RECRUITMENT

(No. B/1107) Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East) asked the Minister of Labour, Industrial Relations, Employment and Training whether, in regard to the recruitment of workers by ministries, parastatal and statutory bodies since January 2015 to date, he will state the number of times his Ministry has been requested to provide lists of registered unemployed for the purpose thereof, indicating -

- (a) if the said lists were approved and certified by the Responsible Officer of his Ministry, and
- (b) the parastatal bodies which requested same and when.

Mr Callichurn: Madam Speaker, every year my Ministry receives a number of requests for lists of registered unemployed from various Ministries, parastatal and statutory bodies for the purpose of carrying out a selection exercise. Since 2015 to date, my Ministry has been solicited for 431 times to provide such list.

These requests which contain specifications of job, for instance, age, gender, qualifications and localities are channelled to the Vacancies and Placement Unit of my Ministry.

My Ministry maintains a Labour Market Information System which consists of a database of job seekers who have registered themselves as unemployed at the Employment Service. The Vacancies and Placement Unit then performs a job matching exercise through the Labour Market Information System to obtain a list of suitable candidates based on the requirements of the requesting body.

These lists are computer generated documents which, after being vetted by responsible officers of the Vacancies and Placement Unit, are sent to the requesting bodies.

With regard to part (b) of the question, I am informed that the information is being compiled and I will table same as soon as the exercise is completed.

Madam Speaker: Hon. Shakeel Mohamed!

Mr Mohamed: I thank you, Madam Speaker. I have a question to the hon. Minister: is the criteria of the time at which the people have registered at the Ministry of Employment or Employment Offices as unemployed, therefore, the time or the seniority in registration, is this a criteria that is taken into account at the time of generating the list by the LMIS system?

Mr Callichurn: It is not, Madam Speaker. It is the same procedure that is being applied when the hon. Member was the Minister of labour; the procedure has not changed.

Mr Mohamed: Madam Speaker, I note here that there are several recruitment exercises that have occurred in June 2018 and 15 January 2016, and they concern in each case - for the case of June 2018 - the CWA, where 74 out of the 140 recruited are from two Constituencies Nos.13 and 19, where in 2016, Brown Sequard Hospital, Dr. Jeetoo Hospital,

Jawaharlal Nehru Hospital, 30 out of 59 are, once again, from Constituencies Nos. 19 and 20, and lastly...

Madam Speaker: Now, hon. Shakeel Mohamed, you are providing information instead of digging for information. Ask your question! I have given you sufficiently leeway; I think you should now come with your question.

Mr Mohamed: With your permission, in 2016, 66 meter readers, 30 from Constituency No.19. Therefore, can the hon. Minister tell us that for those three recruitment exercises where the common denominator happens to be the hon. Deputy Prime Minister's constituency, was this criteria inserted in the LMIS to, please, come up with people only from Constituency No. 19?

Mr Callichurn: Madam Speaker, the hon. Member must understand, we are not the recruiting body, we only provide list to those institutions which we receive request from.

Mr Mohamed: Is the hon. Minister saying that he is not responsible if the CWA, CEB, and other parastatals under the responsibility of the Deputy Prime Minister recruit people from his constituency, he is basically saying that he is not to blame?

Mr Callichurn: I am not saying this, Madam Speaker. Basically, what the hon. Member is saying that we pick and choose?

(Interruptions)

No, we do not, Madam Speaker. We base our list on the criteria that we receive from the recruiting bodies. For example, if they ask us to provide them with a list for people living in the North with certain age criteria, we do so.

Madam Speaker: Hon. Ganoo!

Mr Ganoo: Can I ask the hon. Minister whether he is aware that recently in a recruitment exercise with regard to the Rodrigues Regional Assembly, there were allegations made as a result of which a departmental inquiry was conducted with the result that it was clearly established that the lists were tampered with and there were people who were not on the main list, who were given job and people who had registered for a long time were not to be found on the list which was sent to the Regional Assembly which was recruiting employees, and also in view of the fact that recently...

Madam Speaker: No, only one question at a time. I will not allow a second question, hon. Ganoo. Only one question!

Mr Ganoo: So, is not this a proof that we have to review this mechanism of delegated powers given by the PSC, which has been existing in our Constitution for a long time?

Madam Speaker: This is a second question; I have allowed only one question.

Mr Callichurn: Madam Speaker, I would refer the hon. Member to the answer given by the hon. Prime Minister to a PQ asked by hon. Fowdar, that is, B/1107, the answer lies in there. Thank you.

Madam Speaker: Next question, hon. Shakeel Mohamed!

Mr Mohamed: Can I have one last question, Madam Speaker?

Madam Speaker: No. Next question!

LAND CONVERSION - APPLICATIONS

(No. B/1108) Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East) asked the Minister of Agro-Industry and Food Security whether, in regard to land conversion, he will state the –

- (a) number of applications therefor approved since January 2015 to date, indicating in each case the extent of land concerned therewith, and
- (b) properties which have been subject thereto since January 2018 to date.

Mr Seeruttun: Madam Speaker, regarding part (a) of the question, on the number of applications for the Land Conversion Permit which have been approved since January 2015, the information is being tabled.

As regards part (b) of the question, I understand that the hon. Member is referring to applications for Land Conversion Permits for projects under the Property Development Scheme, and I am informed that, since January 2018 to date, 11 applications for land conversion have been approved for PDS projects.

Mr Mohamed: Can the hon. Minister confirm is it still the case that all as regards the list of 117 situations, between January 2015 to date, 115 instances where land conversion has happened...

(Interruptions)

Yes, 117.

Apart from the other issues of 2018 which adds up to the figure, could he confirm that the whole Cabinet approved that list prior to conversion being approved?

Mr Seeruttun: Madam Speaker, I can confirm that all applications go through Cabinet for approval.

(Interruptions)

Madam Speaker: You have another question?

Mr Mohamed: Yes, one thing I wanted to know. From the number of applications and approvals in this particular list, has the Ministry ever carried out an exercise as to the plus value that has benefited in total from 2015/ 2018 by converting it? What is the plus value to Real State that all those people have benefited from, and the State has not been able to make from those people? How much has the State lost?

Mr Seeruttun: Well, Madam Speaker, this is not the exercise of the Ministry to carry out. We work according to the prescribed legislation that looks after this Award of Permit; we go by that legislation.

Mr Mohamed: Madam Speaker, is the hon. Minister saying that the issue of how much the Government of Mauritius is going to forego or will not be able to make in terms of land conversion taxes - does the hon. Minister, at least, have that figure? And how much was foregone in terms of land conversion taxes by the Government of Mauritius in the process of the 117 on the list that he has just given us?

Mr Seeruttun: Of course, we can work out the tax foregone.

Madam Speaker: Next question, hon. Quirin!

**WORLD MASTERS ATHLETICS CHAMPIONSHIPS – POLE VAULT –
GOLD MEDAL**

(No. B/1109) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, he will state if his Ministry will consider offering a reward to Mr J.M.D.S. for having won a gold medal in Pole Vault during the World Masters Athletics Championships in Malaga, Spain, on 13 September 2018, under the Cash Prize Scheme, and, if not, why not.

The Minister of Civil Service and Administrative Reforms (Mr E. Boissézon): Madam Speaker, the Cash Prize Scheme is an incentive awarded by my Ministry to athletes

who have achieved excellence in major International Competitions at World International Continental and Regional Leavers. Only athletes falling under category sub junior, junior and senior are eligible for the Cash Prize Scheme.

As regards Mr J.M.D.S., he participated in the World Masters Athletics Championships in September 2018, a competition reserved for veterans. Mr J.M.D.S. does not satisfy the aid criteria and is, therefore, not eligible for any monetary reward under the Cash Prize Scheme.

Madam Speaker, I will use this opportunity to congratulate Mr J.M.D.S. for his outstanding performance at the 2018 World Masters Championships, but masters do not qualify for any reward under the Cash Prize Scheme.

Madam Speaker: Hon. Quirin !

Mr Quirin: Madame la présidente, je constate qu'il a fallu que je vienne avec cette question parlementaire pour que quelqu'un, en l'occurrence l'honorable ministre, félicite enfin l'athlète De Senneville. Peut-on savoir de l'honorable ministre si le ministère de la Jeunesse et des Sports considère que la médaille d'or et le titre mondial de l'athlète De Senneville comme n'ayant aucune valeur, donc, ne méritant pas d'être récompensé ?

Mr Boissézon : In fact, Madam Speaker, Mr J.M.D.S. is not eligible for cash reward. However, the Ministry may consider rewarding him with a shield of recognition for his outstanding performance at the 2018 World Masters Championships.

Last year, two veteran athletes were rewarded shields in recognition of their performances for the 10th African Masters Championships held from 25 and 27 August 2017 at Ivory Coast: Mrs A.K.S. for her performance in 100 metres and a gold medal in 200 metres, above 75 years; Mr S.S. for a gold medal for a five- kilometre walk, above 50 years.

Mr Quirin: Madame la présidente, suite à la réponse que vient de donner l'honorable ministre, n'est-il pas temps que le ministère de la Jeunesse et des Sports fasse les amendements nécessaires dans le *Cash Prize Scheme*, justement pour faire de la place aux athlètes vétérans qui font honneur au pays à l'étranger ?

Mr Boissézon : Madame la présidente, je ferai mention de la suggestion de l'honorable membre au ministre concerné.

Madam Speaker : Hon. Lepoigneur!

Mr Lepoigneur : Merci, Madame la présidente. Tout récemment, il y a eu l'athlète Aldo Farla qui a été élu Mr Universe. Est-ce que, lui, il doit avoir le *Cash Prize* ?

Madam Speaker : This question does not arise from the main question. The main question relates to a reward to Mr J.M.D.S. only. Next question, hon. Abbas Mamode!

MUNICIPAL/DISTRICT COUNCIL – STREET LIGHTING VEHICLES

(No. B/1110) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare whether, in regard to street lighting vehicles, she will, for the benefit of the House, obtain from each Municipal/District Council, information as to –

- (a) the number thereof attached thereto, indicating the commissioning date and number thereof presently not operational;
- (b) if the acquisition of additional ones equipped with ladders will be effected and, if so, when and, if not, why not, and
- (c) if a shift system for the operators thereof will be worked out to provide a 24/7 service delivery and, if not, why not.

The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo): Madam Speaker, with your permission, I am tabling the information in respect of parts (a) and (b) of the question.

As regards part (c) of the question, I wish to inform the House that the maintenance of street lighting is being taken care of by each Municipal Council and District Council. However, the proposal made by the hon. Member to provide a 24/7 service delivery is not feasible for the time being as it would entail financial implications.

However, it is worth noting that all the Local Authorities across the island are doing their level best to address the whole street lighting in a timely manner.

Mr Abbas Mamode: Madam Speaker, it is a daily concern on radio, people are complaining about street lighting. And, as you know, we are having theft problems and many things are occurring daily. So, Madam Speaker, will the hon. Vice-Prime Minister be agreeable for the setting up of a dedicated hotline for reporting faulty problems?

Mrs Jeewa-Daureeawoo: Well, we have set up the Citizen Support Portal and people are availing themselves of this system to report cases of default lighting. Madam Speaker, only for the Municipality of Port Louis, we have received about 160 complaints for the month of October and I can say that all the complaints have been attended to. This is a recurrent feature that we are attending to. I have the list, I will table it.

(Interruptions)

Madam Speaker: Please, not from a sitting position! Hon. Uteem, please! I said, no crosstalking. Hon. Shakeel Mohamed, you had a question?

Mr Mohamed: Thank you, Madam Speaker. From the list that has just been attended to, and since the question, if I am not mistaken, was specifically with regard to the issue of lighting, as the fourth Member ...

Madam Speaker: Yes, street lighting.

Mr Mohamed: Since the hon. Vice-Prime Minister referred to Port Louis region, may we know how many in that list concern street lighting?

Mrs Jeewa-Daureeawoo: I just communicate a copy.

Mr Mohamed: I have not finished my question. How many concerned street lighting and how many of lights have been changed within what space of time?

Mrs Jeewa-Daureeawoo: The hon. Member will have to come with a specific question.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: Thank you, Madam Speaker. In the past, it has been the practice for Municipalities to have the inspection done at night. Is the hon. Vice-Prime Minister aware that this practice has been stopped and how can the inspectors verify whether lamps are on or off during the day?

(Interruptions)

I have been a Mayor myself. So, this practice of having a round at night has been stopped...

Madam Speaker: We have understood the hon. Member's question.

Mr Bhagwan: Can the hon. Minister, at least, look with the Chief Executive and see that this practice of having surveys at night be reinstated?

Mrs Jeewa-Daureeawoo: Madam Speaker, I will look into it, but I do know that in certain Municipal Councils and District Councils, they do have this practice still ongoing, but I will check.

(Interruptions)

Madam Speaker: Time is over!

MOTION

SUSPENSION OF S.O. 10(2)

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

Mr Gayan rose and seconded.

Question put and agreed to.

STATEMENT BY MINISTER

NATIONAL CORPORATE SOCIAL RESPONSIBILITY – OPERATION & FUNCTIONING

The Minister of Social Integration and Economic Empowerment (Mr A. Wong Yen Cheong): Madam Speaker, with your permission, I wish to make a statement on the operation and functioning of the National Corporate Social Responsibility.

Madam Speaker, all NGOs which are registered with the National CSR Foundation can apply for funding whenever there is a Call for Proposals issued by the Foundation. The criteria for registration with the National CSR Foundation are, *inter alia*, to be registered with the Registrar of Associations or the Registrar of Companies as a non-profit making organisation, having a governance structure and having submitted certified financial statements over the past two years.

Madam Speaker, as at 24 October 2018, 376 NGOs were registered with the National CSR Foundation. Applications from 80 new NGOs for registration are presently being processed. The registration of NGOs is an ongoing exercise and NGOs can even apply online.

Madam Speaker, since its setting up in December 2016, the National CSR Foundation issued two Calls for Proposals, namely in April 2017 and in July 2018 respectively.

Regarding the first Call for Proposals, 231 projects from 175 NGOs were approved for a total amount of Rs203.7 m. Regarding the second Call for Proposals, 407 projects from 249 NGOs were received as at closing date of 31 August 2018. As at 30 October 2018, 224 projects from 175 NGOs were approved for a maximum indicative amount of Rs224.3 m.

With regard to the second Call, the National CSR Foundation is now having bilateral meetings with these NGOs to further discuss the financial and technical aspects before the signature of the Funding Contract Agreements which are expected to be completed by end of November 2018.

NGOs were apprised during the information sessions held with the National CSR Foundation that the assessment of project proposals would be completed within 6 to 8 weeks as from the closing date of 31 August 2018.

The Foundation is well within the time frame and there is no delay accumulated for the second Call for Proposals.

Madam Speaker, regarding the monitoring of projects, same is carried out through field visits, collection of information using a Monitoring Toolkit and requests for financial reports and relevant documents. Where required, the Project Management Team provides mentoring support to NGOs. I had, on 19 July 2018, officially launched the Monitoring Report on the first Call for Proposals and same was published on the website of the National CSR Foundation.

As at October 2018, the National CSR Foundation had monitored 210 projects, that is, 90% of the 230 projects currently supported under its first Call for Proposals. The monitoring of the remaining 21 projects will be completed by December 2018.

Madam Speaker, regarding disbursement of funds, same is effected according to agreed instalments and following the carrying out of monitoring exercise. The disbursement of funds is conditional to the NGO satisfying the requirement of the Foundation.

Madam Speaker, since the setting up of the National CSR Foundation, my Ministry has provided all necessary support in terms of logistics and human resources to enable the operation thereof in the best conditions.

Madam Speaker, with a view to centrally manage the operation of NGOs with effect from January 2019, the National CSR Foundation will receive and allocate funds to the NGOs.

In this context, an amount of Rs114 m. will be transferred to the National CSR Foundation with effect from January 2019 under the vote item 27 “Centrally Managed Initiatives of Government”.

Madam Speaker, as at 30 June 2018, an amount of Rs675,914,348 has been remitted to the National CSR Foundation by the Mauritius Revenue Authority through the Accountant-General of which funds a total amount of Rs424,075,667 have been earmarked for the first and second Call for Proposals. An amount of Rs236,960,155 will be used for the Special Call for Proposals to be launched by the Foundation in January 2019. The remaining amount of Rs14,878,526 is earmarked for the operation of the Foundation in terms of staff and administrative costs.

Madam Speaker, individuals and families registered under the Social Register of Mauritius are the beneficiaries of the programmes and projects undertaken by the National CSR Foundation which aim at alleviating poverty and facilitating the social integration of vulnerable groups through economic empowerment.

Madam Speaker, Government will spare no efforts to improve the well-being of our vulnerable groups and promote their social inclusion.

Thank you, Madam Speaker.

PUBLIC BILLS

First Reading

On motion made and seconded, the following Bills were read a first time –

- (a) *The Local Government (Amendment No. 2) Bill (No. XX of 2018)*
- (b) *The Ombudsperson for Financial Services Bill (No. XXI of 2018)*

Second Reading

THE MAURITIUS FAMILY PLANNING AND WELFARE ASSOCIATION BILL

(NO. XIX OF 2018)

Order for Second Reading read.

(4.19 p.m.)

The Minister of Health and Quality of Life (Mr A. Husnoo): Madam Speaker, I beg to move that the Mauritius Family Planning and Welfare Association Bill (No. XIX of 2018) be read a second time.

It is a privilege and a great honour for me today to bring to the House this Bill, which aims to repeal the Mauritius Family Planning and Welfare Association Act 2005 by a new and modern legislation. This will address the objects of the association shifting it from family planning services to sexual and reproductive health.

This Bill, Madam Speaker, will provide a more holistic approach to the issues of Planned Parenthood and sexual and reproductive health and rights. As part of its new objectives, we have also included, *inter alia*, the promotion of family welfare, healthy ageing, good health and social integration through effective family planning service. It will also strive to advance the rights of women, men and young people.

This holistic approach is important as nowadays with the high prevalence of non-communicable disease, the sexual health of middle-aged and elderly person can be severely affected. At the other end of the spectrum, young people tend to mature early nowadays and they also face sexual health issues such as sexually transmitted diseases and teenage pregnancy.

Sexuality education is nowadays much more than talking to young people about sex and condoms, but rather aims to prepare them for a healthy reproductive life. It should also improve knowledge and understanding, promote positive behaviours and reduce health problems such as unsafe sexual practice, unwanted pregnancies and sexually transmitted diseases.

On the other hand, Madam Speaker, Mauritius is now facing a decrease in fertility rate. The fertility rate in Mauritius is now 1.4 compared to the replacement level of 2.1. At this rate, the population of Mauritius will start decreasing from 2021 onwards; hence the need to promote awareness, and planned parenthood with a view to maintaining the fertility rate at a reasonable level.

Madam Speaker, before coming to the main points of my speech, please allow me to briefly recall the background and the role played by the Mauritius Family Planning Welfare Association.

The Mauritius Family Planning and Welfare Association previously known as the Mauritius Family Planning Association was established in 1958 as a non-profit organisation and was given a legal status with the enactment of the Mauritius Family Planning Association Act in 1967. Its main objective was, *inter alia*, to provide family planning services to the population and to promote family welfare.

The Mauritius Family Planning and Welfare Association was created at a time when Mauritius was experiencing a demographic crisis and there was a high fertility rate with more than six children on average per couple and an increasing population growth of 3% per year.

As from 1969, the birth rate and population growth showed a tendency to decrease. However, with the integration of the Mauritius Family Planning and Welfare Association with the Government Maternal and Child Health Programme, the total fertility rate dropped sharply from 5.86 children per woman in 1962 to 3.42 in 1972, and continued to drop further.

The Mauritius Family Planning and Welfare Association played a significant role in complementing the work of the Government in the field of population including provision of family planning services.

But, unfortunately, Madam Speaker, over the years, the management of the Mauritius Family Planning and Welfare Association was plagued with corruption and nepotism. As far back as 2002, the Mauritius Family Planning and Welfare Association Act (Temporary Provision) suspended the Managing Committee of the Association and it was replaced by an Interim Management Committee. This was due to serious financial mismanagement. On the advice of IPPF, that is, the International Planned Parenthood Federation, the 2002 Act was replaced by the Mauritius Family Planning and Welfare Association Act in 2005. Unfortunately, the situation persisted.

An audit exercise which was undertaken in 2006 by the IPPF, that is, International Planned Parenthood Federation, drew the attention of my Ministry on the non-compliance of the Mauritius Family Planning and Welfare Association with IPPF's principles and standards. A situation which jeopardized the current membership of the Mauritius Family Planning and Welfare Association with the IPPF.

The shortcomings highlighted by IPPF included, *inter alia*, lack of good governance, unclear demarcation of roles and responsibilities of members of the governing body and Management, lack of transparency in recruitment of members, low representation of youth and women on the governing body and conflicts of interests at the Association.

Despite the audit exercise, the situation at the Mauritius Family Planning and Welfare Association did not improve. It was still confronted with internal conflicts between Management and the National Executive Committee again with alleged malpractice, mismanagement of funds and non-compliance with rules and procedures, which were not conducive to sound functioning of the Association.

The Office of Public Sector Governance which undertook an investigation in December 2011 into the alleged cases of mismanagement and internal conflicts at the Association recommended, *inter alia*, a review of the Mauritius Family Planning and Welfare Association Act of 2005 with a revised structure and administrative set-up to clearly demarcate the responsibilities of the Chairperson of the National Executive Committee and the Executive Director of the Mauritius Family Planning and Welfare Association and adoption of proper Corporate Governance norms.

With a view to sorting out the governance problems at the Association, the Mauritius Family Planning and Welfare Association (Temporary Provisions) Act 2012 was enacted in June 2012 whereby the National Executive Committee was suspended and an Interim Management Committee vested with all necessary powers was set up to manage the Association until the Act is reviewed. The Act is now being reviewed to ensure that the IPPF standards are adhered to.

The present Bill makes provision for the establishment of a new Mauritius Family Planning and Welfare Association, with objectives of empowering the Association to better respond to the changing demographic profile and new health challenges. The objects laid down at Clause 4 of the Bill are to –

- (a) Promote awareness on planned parenthood to maintain the fertility rate at a reasonable level;
- (b) Promote family welfare across the different age group, that is, for the young people, adult and ageing population as well;
- (c) Work for the advancement of the rights of women, men and young person regarding their sexual and reproductive health.

The other functions of the Association also include –

- (d) Provision of psychological assistance as well as services to childless couples desiring to establish a family;
- (e) To collaborate with any other organization in Mauritius and abroad so as to share experiences, capacity building and bring in the best practice for the benefit of the population;
- (f) This Bill is also empowering the Association to be sustainable in the future so as to carry out social enterprise projects and activities in line with its objectives, and
- (g) All the changes that are being made in the Bill are in line with the recommendations made since 2006 by the International Planned Parenthood Federation for the Association to continue to benefit from funding and accreditation from that organization.

Madam Speaker, now, I would like to highlight some major changes that are being brought in this new Bill.

Under Clause 9 of the Bill, provision has been made for only two categories of membership namely individual and institutional. Life membership is being cancelled. This will give opportunity to recruit new members to serve the organization. Moreover, recruitment of members will be done in total transparency based on established criteria to serve the purpose of the Association.

Madam Speaker, Clause 13 of the Bill provides for the restructuring of the National Executive Community through the –

- (a) provision of nine (9) members to be elected at the Annual General Meeting, based on well-defined criteria;
- (b) provision for 50% women representation and 20% youth representation among the elected members on the National Executive Committee, again, as recommended by the International Planned Parenthood Federation. This will ensure gender balance and also engage young people in decision-making process;
- (c) it is to be noted that Members will not be appointed by nomination but by election;

- (d) the holding of office of an elected member for a period of three (3) years starting on the date of his election. However, an elected member may be eligible for re-election for one further term, and
- (e) the terms of the office bearers will be reduced from 15 to 12 cumulative years so as to promote good governance, provided he is re-elected. There should, however, be a break of, at least, one term between two consecutive terms in office.

Under Section 14 of the Bill, functions and powers of the National Executive Committee have been clearly spelt out so as to ensure a separation of roles and responsibilities between the Association and the National Executive Committee.

Madam Speaker, Clause 19 is a very important new clause. In order to avoid the financial mismanagement, which I am sorry to say, has been a recurrent feature of the Organisation, Clause 19 has been specifically added to this Bill –

- According to subsection 1 of Clause 19, no member of the Committee or of the Association shall derive any personal material gain or incentive by virtue of his status as a member;
 - Subsection 2(a): Every member of the Committee and every member of the Association shall disclose any interest that he has which could give rise to a conflict of interest in the performance of his duties as a member of the Committee or Association, as the case may be;
- Subsection 2 (b): A disclosure of interest made under paragraph 2(a) shall be recorded in writing, and
- Subsection 3: A person who is a close relative of a volunteer, or an employee, shall not be appointed to any position in the Association or to undertake any consultancy with the Association.

Regarding Subsection 3, an amendment has been circulated to include close relative of a member of the Association as well.

Madam Speaker, Provision has been made under clause 27 for the repeal of the Mauritius Family Planning and Welfare Association Act 2005 once the new Bill is enacted and comes into force.

The Mauritius Family Planning and Welfare Association (Temporary Provisions) Act 2012 will also be repealed and the Interim Management Committee will cease to operate on a date to be fixed by proclamation.

With the introduction of this Bill, Madam Speaker, I strongly believe that, the Mauritius Family Planning and Welfare Association will receive the proper legislative framework to deliver enhanced services that will ultimately lead to the provision of sexual and reproductive health and rights in accordance with international standards.

This Bill will certainly go a long way in providing a more holistic approach to sexual and reproductive health and rights to the population and strengthening further the Association's sphere of intervention with equity, transparency and accountability. I hope that the safeguard put in place in this Bill will eliminate the financial mismanagement which has plagued the Association for years.

Before ending my speech, I would like to inform the House that, my Ministry will continue to extend its full support to the Mauritius Family Planning and Welfare Association so that –

- (1) it can restructure itself to become a more effective and efficient organisation, and
- (2) obviously it can continue to provide its service to the population in the best possible manner.

With these words, Madam Speaker, I thank you for your kind attention.

Mr Sinatambou rose and seconded.

Madam Speaker: Hon. Ms Sewocksingh!

(4.33 p.m.)

Ms M. Sewocksingh (Third Member for Curepipe & Midlands): Thank you, Madam Speaker. Madam Speaker, the introduction of a new Bill is always a sign of hope that an opportunity is being seized to address a problem of growing concern to society with a view to bringing relief and solutions by correcting deviating behaviours or phenomenon in society.

Madam Speaker, before I go to the core of the Bill, allow me to give some indications and figures of the family planning which was held in the early years. Thus, Madam Speaker,

unfortunately, we are not reinventing the wheel today and we should not be ‘*amateur*.’ Elders in this House will recall in the years sixties the seeds of modernisation of family welfare in Mauritius was sown and with a high degree of success.

Madam Speaker, in fact, because of the concern of rapid population growth and resource limitations in Mauritius, the Government, several years ago, adopted a Family Planning Programme which had as objective to slow the crude production rate from 2.9% in 1962 to 1.1% between 1980 to 1987. A variety of contraceptive means were offered. In 1978, there were 71 Maternal-Child Health Family Planning Centres, 42 Contraceptive Distribution Centres and 14 Family Planning Clinics in addition to clinics and hospitals outside the National Programme. IAC programmes were addressed to adults and youths in schools.

Madam Speaker, coming to the core of the Bill, I have to admit that at the beginning I was all impressed when I learned that the Government was coming forward with this Bill, but I was very disappointed when I went through it. Even when I heard the hon. Minister right now, it was just *à la légère*. The Mauritius Family Planning and Welfare Association Bill, Madam Speaker, I should say that this Bill is like a *coup d'épée dans l'eau*. I am sorry to say that this Act will add to the statistics of non-effective laws which this Government keeps on passing. To start with, Madam Speaker, we cannot see major changes between the Act 2005 and the Bill 2018. I keep wondering the purpose of this Bill. The functions of the Association, as described in the present Bill, are fundamentally more or less the same as described in Act 2005.

Madam Speaker, families in Mauritius are fast-changing and are facing major challenges. We have lately noticed a growing number of teenage pregnancies, early marriages, serious sexual and reproductive consents in marginalised sections of the population, failed parenthood, increase in people infected with HIV and AIDS, brain drain just to mention a few.

The new lifestyle in Mauritius, Madam Speaker, imposed by globalisation and fast-moving challenges, demands a new approach and vision which, unfortunately, this Bill does not cater for. Today, we would like to see the Mauritius Family Planning and Welfare Association that can be able to move away from conventional parenting to a more positive parenting approach. Unfortunately, Madam Speaker, this Bill binds the Association to a traditional approach which is alien to the present day realities of modern Mauritius.

The difference that can be noticed in this Bill among the very few are the object which seems to be quite controversial and I will say why, Madam Speaker. The first objective of this Bill 2018, I refer to number two of the Bill and I quote. It says –

“(a) promote awareness on planned parenthood with a view to maintaining the fertility rate at a reasonable level;”

Madam Speaker, why the idea that the fertility rate has to be maintained at a reasonable level is most welcomed for Mauritius to face the challenges of the ageing population? What are we really doing to cater for the present and future to be parents of this country, especially those from the weaker sections of the population? Madam Speaker, those who come from fortunate backgrounds would somehow be psychologically and otherwise prepared for planned parenthood. But what are we doing for those from deprived areas who have children and whom we are systematically failing to bring in the mainstream of the development?

In my Constituency itself, Madam Speaker, I have seen in places and I would not like to mention the names of the places, not to stigmatise these people. They are living their own faith. Madam Speaker, it is a pity to see how many single mothers with several children are being left alone without support. Where is the Mauritius Family Planning and Welfare Association? What is the Mauritius Family Planning and Welfare Association doing to support these people, Madam Speaker?

The demography in Mauritius is changing ...

Madam Speaker: Hon. Ms Sewocksingh, I think you are deviating from the main provisions of the Bill. It is not for the Mauritius Family Planning Association to cater for the needs of poor people. The objective of the Bill is clear and I would advise you not to deviate from the main provisions of the Bill.

Ms Sewocksingh: Thank you, Madam Speaker, for this attention. It is the objective of the Bill to promote awareness on planned parenthood. We are talking about planned parenthood, Madam Speaker. How are we going to plan the parenthood? This is why I am giving examples of how it is in some places.

Madam Speaker: I think then, the meaning that you are giving to planned parenthood is not consonant with the meaning that is being given in this Bill.

Ms Sewocksingh: Anyway, Madam Speaker!

(Interruptions)

If I may continue! The population is ageing. Madam Speaker, the hon. Minister gave figures about fertility rate in Mauritius, but again what is being done to increase fertility rate? Madam Speaker, today we do not have a public fertility centre for people in Mauritius whereas we all know that private centres are very costly. What are the incentives that are intended to give to couples to have bigger families? Madam Speaker, there is a lot of hurdles and struggles for single mothers and maybe fathers also.

With regard to the promotion of family welfare, as it is mentioned in the Bill, Madam Speaker, family welfare, healthy ageing, good health and social integration, objective (b) of the Bill, I really do not see how exactly this Association and the Ministry will assume all these responsibilities to cut across the mandate of the Ministry with portfolio of social security, gender, social integration, education, youth and sports.

Through this Bill, Madam Speaker, we are of the impression that a superstructure is being created which will have super funding to achieve all these multiple objectives. But, Madam Speaker, what about concrete measures? This is my point today, Madam Speaker. What about the day care centres? What about breastfeeding? Are we going to encourage breastfeeding? Are we ready to subsidise nappies and formula milk? Can we assist families with financial budget? All is related to the family welfare, Madam Speaker. We all know that we are heading towards just a piece of paper, as this is becoming a habit of this Government, a decorative piece of law which some years later will be changed to come up with objectives more in line with the daunting challenges facing this country.

Madam Speaker, having said all this, now I would like to put emphasis on object 2(c) of the Bill which seems to be quiet controversial to me. I would like to quote the Bill –

“(c) work for the advancement of the rights of women, men and young persons with a view to enabling them to make free and informed choices regarding their sexual and reproductive health and rights.”

Madam Speaker, if we read this paragraph well: work for the advancement of rights of women to make free and informed choices regarding their sexual and reproductive health and rights; as we are talking about IPPF, the strategic framework of the IPPF itself says, Madam Speaker, if I may quote, its vision, IPPF vision –

“All people are free to make choices about their sexuality and well-being, in a world free of discrimination.”

Madam Speaker, I would really like to know here the real definition of ‘advancement’. The Bill says –

“(...)to make free and informed choices regarding their sexual and reproductive health and rights.”

These words, Madam Speaker, are quite subjective and this reminds me of the word ‘annoyance’. Are we not opening the gates to interpretation with regard to informed choices regarding sexual rights? Will the Government consider to open doors to IVG, LGBT and so on? This is what I can make out from this clause. Madam Speaker, let us call a spade a spade. Are we not being *hypocrite par excellence*? Should the Government not come out clearly on its intentions? Madam Speaker, since I said this new Bill does not have much difference with the 2005 Act, I do not see how the Government will effectively address the HIV/AIDS problems in Mauritius along with the Association.

The monthly average of new cases was 46 in the year 2006 to 2010 compared to 26 in the period 2011 to 2015. For the year 2016, the monthly average was 27 cases compared to 31 for the year 2017. I am referring to this, Madam Speaker, because the hon. Minister gave an indication about it. For the period January to June 2018, the monthly average is 32. The scale and incidence of AIDS is just too much for a small country like Mauritius.

Another alarming problem which the hon. Minister mentioned, Madam Speaker, in his speech is teenage pregnancy. The number is alarming. According to a weekly newspaper, it was reported that 35 young pregnant teenagers have been sexually abused. Madam Speaker, some girls do not know how to avoid getting pregnant. Sex education is lacking in many countries and so in Mauritius. Sexual education is important to sensitise teenage pregnancy. I would like to know, what is the Government doing along with the association in order to raise awareness of teenage pregnancy? Will the Mauritius Family Planning and Welfare Association be a union to curb this matter?

Madam Speaker, there is another pertinent issue that I would like to raise when talking about family planning, it is the risk of taking contraceptive pills and other contraception methods that may cause severe health problems. I would really appreciate if the hon. Minister can give us more information about that, if there is any campaign being done on same.

Madam Speaker, is it not the time to think in a more comprehensive and integrated manner and take the bull by its horns and bring other amendments in the law to reduce the incidence of early marriage, teenage pregnancy, sexual abuse, illegal abortions and so on?

Madam Speaker, the hon. Minister said in his speech that he is very much aware about the corruption and nepotism that is being held in the Association and I really appreciate that. The whole question is, firstly, IPPF standards in line with the principles of Good Governance in force in Mauritius? IPPF is an International Non-Governmental Organisation that has its Governance principles, which may not necessarily be in line with Government's standards. Secondly, IPPF seeks its funding from Government around the world, including Mauritius.

While the Government of Mauritius contributes to the funding of IPPF, it is also funding the Mauritius Family Planning and Welfare Association. Then, Madam Speaker, why should the Association be so privileged as against other NGOs in the country which are not funded directly by the Government? All NGOs in Mauritius are requested to send project proposals for funding to the CSR Foundation.

While the Mauritius Family Planning and Welfare Association obtains funding directly both from IPPF and the Government/the Ministry, and they are also entitled to have CSR funds, if I am correct. This, according to me, Madam Speaker is unfair and unethical and goes against the principles of Good Governance as it might create two categories of NGOs among them.

Madam Speaker, Government is spending funds on Mauritius Family Planning and Welfare Association for not doing much. I will not deny, Madam Speaker - I can see the officers here - that these people are working, they have a wonderful website. I went through their website. They have a nice laboratory. But what is the outcome today? Yes, Madam Speaker, in the years 60s, 70s and until 80s, the associations were present almost all around the country with clinics. I came across a place where it is said that the Ministry of Gender Equality, Child Development and Family Welfare is funding an Association to run a Drop-In-Centre. I would like to know more about it, Madam Speaker. I feel that this Drop-In-Centre is not working properly; it seems to be ineffective and unproductive.

Madam Speaker, has the Ministry ever conducted any monitoring and evaluation exercise as to ascertain proper use of funds by the Mauritius Family Planning and Welfare Association and the Minister just gave some points about it.

The Bill, Madam Speaker, talks about accountability and audit and also, the policy of IPPF is zero tolerance concerning fraud. Can the hon. Minister clarify in his summing-up, how will he curb, how will he manage all these corruptions which he, himself, mentioned in his speech.

Madam Speaker, there are some points that the hon. Minister raised concerning the Board and I would like to have some more clarifications about the administration. Section 13 of the Bill stipulates that the Board will consist of a Chairperson, a Treasurer, 2 youth representatives and five other persons, that is, a representative of the Ministry and three other persons co-opted by the Committee. How are these five other persons to be chosen? Out of the five members, 50 % are women and 20 % are youth representation. Does this imply that if the youth representatives are women, we have 70 % women?

Section 13 of the Act 2005 says that no Committee member shall be eligible to remuneration and this Section was removed in the 2018 Bill. Does this imply that members of the National Executive Committee will be remunerated and what will be the quantum?

Once again, since the criteria for selection is left open and you no longer need to be an elected Member other than the Chairman and the Treasurer, the question arises as to whether you need to be a Member - if I am right.

Madam Speaker, Section 15 of the Bill says that five members will constitute a quorum while Section 14 of the previous Bill says that eight members shall constitute a quorum for the Committee meetings. This implies that the five other persons whose criteria is of selection are wide open, can constitute a quorum together with the Chairman, and looking at the voting weightage, since only the Chairperson and Treasurer and the five other persons have voting rights, if those five nominated members collude, those five nominated members will control the Committee.

Madam Speaker, before I conclude, I would fail in my duty if I do not give some thoughts for a better Bill and also if we want to give this Bill *sa lettre de noblesse*. Madam, I would say that we should increase budget allocations for sexual and reproductive health, including contraception, provide sexual education for the youth, go to the doorstep of the poor and deprived ones, promote sexual and reproductive rights with less hypocrisy, provide more support for people living with HIV, campaigning to the access of appropriate contraception. Having said that, Madam, it would be more appropriate to have a Bill where the Mauritius Family Planning Welfare Association Bill be more effective in its objectives.

We should be able to call a spade a spade, as I mentioned earlier, and be bold to take drastic decisions when needed.

Thank you.

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

At 4.56 p.m., the sitting was suspended.

On resuming at 5.35 p.m. with the Deputy Speaker in the Chair.

The Deputy Speaker: Hon. Mrs Boygah!

Mrs D. Boygah (Second Member for Vieux Grand Port & Rose Belle): Thank you, Mr Deputy Speaker Sir. Mr Deputy Speaker Sir, I wish to congratulate the hon. Minister for bringing this Bill to the House and, with your permission, I wish to make a small comment that I believe will be important before I come to the Bill.

Mr Deputy Speaker, Sir, unfortunately, every time I have to reply to the hon. Member on the other side after her speech, and after reflection today, I seem to be going to a wedding, where someone has been given the role of giving a wedding speech but, unfortunately, instead of delivering the wedding speech, the person has been going round and round. Instead of talking on the bride and the bridegroom, it has passed very far from the bride and the bridegroom.

Mr Deputy Speaker Sir, the hon. Member is not here. But I wish to point out that the hon. Member on the other side who just spoke before me, has completely messed up and has not properly understood the purpose of the Bill and also the changes that are being brought. Shee stated that the Bill has remained traditional, but in fact, the hon. Member has been lagging behind in understanding the role of the Association, the history of the Association and the object of the Bill.

Mr Deputy Speaker Sir, since 2005, 2006, 2007 jusqu'à 2014, the hon. Member's party was in power, and no innovative ideas were proposed when they had the chance to do so. And what innovative idea she has recommended, none! The hon. Member, Mr Deputy Speaker Sir, should have been coached properly by her leader to do her homework well because her homework was nul and void.

The object of the Bill has been clearly stipulated and circulated among all Members of this House. Unfortunately, when we go through the Bill and the objectives of the Bill, you will see that the hon. Member on the other side has completely missed to understand the

objective of the Bill. She has gone to the website, but not understanding anything about the functioning of the Mauritius Family Planning Welfare Association. This is very sad. She stated that the Mauritius Family Planning is a privileged NGO. I must stress that this is not true as the Mauritius Family Planning Welfare Association always goes through the required process to benefit from any funding and application for fund at national, regional and international level. It is important to point out that the Mauritius Family Planning Welfare Association is an affiliate of the IPPF, officially representing the institution in Mauritius, and the Ministry of Health is the parent Ministry having the role to oversee the Mauritius Family Planning Welfare Association.

Regarding the complete misunderstanding of the election of the five NEC members, it has been clearly stipulated in the Bill that the five members of the NEC will be elected at the Annual General Meeting along with the Chairman and the Treasurer and none, I repeat, none of the members of the NEC will be rewarded. I would advise the hon. Member to please go through the Bill and check it again. The issue raised on sexual education are already in the Bill, Mr Deputy Speaker Sir. The Association receives about Rs1 m. from the Ministry of Gender Equality to run the centre and, of course, there is need for more financial support to improve services. The NEC, Mr Deputy Speaker Sir, the NEC caters for 500 new cases of sexually abused children each year, including teenage mothers. Saying that the Association is not working is very unfair. The hon. Member should go through the Annual Report of the Association and also read about its activities. The Association has been present in areas such as Le Morne, Cité Anoushka, Bois Marchand, Cité Argy, Cité Barkly and other places. Please go and check.

(Interruptions)

The Deputy Speaker: Silence, please!

Mrs Boygah: Mr Deputy Speaker, Sir, the definition of reproductive health was defined at the International Conference on Population and Development in 1994. I quote –

“A state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and its function and processes.”

The definition of reproductive health, therefore, implies that people should be able to have a satisfying and safe sex life and that they have the capability to reproduce, and the freedom to decide freely if, when, how often to do so with no coercion. This includes the right of men,

women and young people to be informed and have access to safe, affordable and acceptable methods of family planning of their choice, as well as other methods of their choice for fertility regulation which is not against the law; the right of access to appropriate Health Care Services that will enable women to go safely through pregnancy and child birth and provide couples with the best chances of having a healthy infant.

Mr Deputy Speaker, Sir, the concept of sexual and reproductive health implies that there is need to address the needs of population through the life cycle from birth until death.

The concept of sexual and reproductive health also includes –

- (i) the right to the highly attainable standard of health. It means having the right and the access to the high quality of life care;
- (ii) the right to life and survival. This implies the removal of customs and practices that endangers life and the protection of life;
- (iii) the right to non-discrimination on the basis of sex;

(Interruptions)

The Deputy Speaker: Hon. Ganoo, can you please stop talking. I cannot hear what she is saying.

(Interruptions)

Yes. Hon. Ganoo, you are a seasoned politician, you should know that when somebody is intervening, you should not talk in the House and give the liberty to the person to make a speech. Thank you.

Mrs Boygah: Thank you, Mr Deputy Speaker, Sir.

- (iii) the right to non-discrimination on the basis of sex. This implies the equality of women, including the elimination of discrimination in areas like education and feeding for children,
- (iv) the right to non-discrimination on the basis of age. This means the right of adolescents and the elderly to a full coverage of the sexual and reproductive health needs.

Mr Deputy Speaker, Sir, Mauritius is a signatory to the 1994 Cairo International Conference on Population and Development Plan of Action in which countries committed

themselves to the provision of the highest possible level of reproductive health services for all their citizens.

The Government of Mauritius has also made various commitments that has enabled sexual and reproductive health to become a priority focus. For example –

- (i) the Millennium Declaration with the Millennium Development Goal, now the Sustainable Development Goals;
- (ii) Vision 2020 and the new Partnership for Africa's Development which set targets to be achieved by the African countries for realistic socio-economic development;
- (iii) the SADC Sexual and Reproductive Health Strategy 2006-2015 which contains recommendations to achieve sexual and reproductive health in the SADC region;
- (iv) the Karma Sexual and Reproductive Health Continental Plan which called all African States to take action for the improved maternal health;
- (v) Mauritius has a signatory to the AU Maputo Plan of Action to call for strategies to ensure universal access to SRH,
- (vi) Mauritius is a Member of the Indian Ocean Commission with specific recommendation for sexual and reproductive health.

Mr Deputy Speaker, Sir, given the emerging reproductive health issue as a result of socio-economic changes in recent years as well as important demographic challenges facing the Republic, for example, low fertility, an ageing population, increasing teenage pregnancies, increasing use of substance abuse among adolescents and youths, it is imperative to lay emphasis on promoting the sexual and reproductive health needs and rights of individuals, women, men and young people irrespective of their sexual orientation to improve their quality of life.

Mr Deputy Speaker, Sir, access to high quality sexual and reproductive health services should be increased among adolescents, throughout youth friendly services in the community, in school and at work sites. There is also the need to strengthen male involvement and participation in sexual and reproductive health and address the specific sexual and reproductive health needs of our senior citizens.

Mr Deputy Speaker, Sir, despite significant progress, some reproductive health indications remain alarming. For example, high rate of teenage pregnancies, as I mentioned, high rate of abortion and increasing sexually transmitted infection, especially HIV prevalence among young people and women.

Moreover, Mr Deputy Speaker, Sir, the Contraceptive Prevalence Report of 2014 indicated a decrease in contraceptive use from 75% to 63.8% and an increase in the use of less reliable family planning methods.

Mr Deputy Speaker, Sir, to attain universal access to sexual and reproductive health services in the Republic of Mauritius, there is a need to create a conducive sexual and reproductive health environment, in which the various stakeholders may effectively deliver quality sexual and reproductive health services. The Mauritius Family Planning and Welfare Association has proved itself since very long over the years and imposed itself as a leading Governmental service provider in the field of family planning and sexual and reproductive health.

Mauritius Family Planning, Mr Deputy Speaker, Sir, is highly, as I stated before, respected at the national level, regional, international and in the civil society level. Mr Deputy Speaker, Sir, I have no doubt that the new Mauritius Family Planning and Welfare Association Bill which caters for youth and youth friendly services will wider access to young people to have information education and the youth friendly services to enable them to adopt a responsible behaviour for them to be responsible citizens though we know that the association is already providing life skills and sexual education in some of the primary, secondary, tertiary and other educational institutions throughout the island.

Mauritius Family Planning and Welfare Association, Mr Deputy Speaker, Sir, is also known for its advocacy and woman empowerment initiative and child protection services through the provision of its different types of services. Therefore, broadening the prospect to intervene for the improvement of the quality of life of the population is highly commendable.

Mr Deputy Speaker, Sir, at present women's lifestyle has changed and many are joining the employment sector, trying to balance their family life with that of their work life which requires understanding and appropriate programme and policies in the work place.

Mr Deputy Speaker, Sir, there is no doubt that with the re-orientation of the object of the association in the new Bill, it will reinforce the institutional capacity of the organisation to effectively contribute to the goal of Government in respect to the population policy to be

formulated soon. This organisation has its fair share in the socio-economic development of the country. Has it been repeatedly stated that there were recommendations from international organisations that the Mauritius Family Planning and Welfare Association Act 2005 should be changed since 2006. As weaknesses in the present legislation were greatly manipulated by some people, but nothing was done, Mr Deputy Speaker, Sir. This present Government has taken the challenge under the leadership of our Prime Minister to bring the new recommendation and the Bill to this House. Today, we should be happy that this present Government has been able to make it and come with this new legislation to further strengthen the institutional capacity of the association.

Mr Deputy Speaker, Sir, the Government has been empowering the NGO sector through the NCSR where NGOs have been able to benefit from funding. Therefore, besides this legal framework which is being put into place, all necessary financial support and technical assistance should be given to the Mauritius Family Planning Welfare Association to enable it successful achievement to the objective of the new Act, especially as regards the emerging democratic challenges to be confronted by the Republic of Mauritius.

All necessary financial support and technical assistance should be given to the Mauritius Family Planning Welfare Association to enable a successful achievement to the objective of the new Act especially as regards the emerging democracy challenges to be confronted by the Republic of Mauritius.

Mr Deputy Speaker, Sir, to conclude, I am just looking for some papers where I wrote something, when the hon. Member on the side - unfortunately, I have to quote again – said: super structure which will have super findings.

With these objects of the Bill, Mr Deputy Speaker, Sir, there is no doubt that the structure will be super and the finding also will be super. As it has been stated, a habit of this Government is to only bring a piece of paper to this Chamber; this is wrong.

To conclude, Mr Deputy Speaker, Sir, it is my wish that the new Family Planning and Welfare Association succeeds in its mission. Mauritius needs an organisation capable of positively influencing our youth and a working population, and capable of upholding the family values that made us a proper Nation Mr Deputy Speaker, Sir.

With this, I rest my case. Thank you.

The Deputy Speaker: Hon. Bhagwan!

(5.53 p.m.)

Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière): Thank you, Mr Deputy Speaker, Sir. The presentation of a new Mauritius Family Planning and Welfare Association Bill has been long overdue. This Association, which has since post-Independence been in existence, had done quite a good job, at times especially after Independence and since its inception. But unfortunately, Mr Deputy Speaker, Sir, having been around here in Parliament and having followed the Association for so many years being in active politics and also at the local authority level, I can say for once that, during the past year, especially since 2005 and even before, that Association had started losing its credibility, and I will say a few words on that.

Mr Deputy Speaker, Sir, let me, in the first instance, situate the context in which the 2005 Mauritius Family Planning Welfare Act was repealed and an interim Management Committee was set up by the Government to oversee the activities of this Association in 2012. We were around, we witnessed what had happened and that was why Government took some harsh decisions. The 2005 Mauritius Family Planning Welfare Act was repealed amidst serious structural and regulatory shortfalls, and poor governance principles and practices prevailing at the Association, especially things around 2008. The processes, policies and rules that were in place to direct and control the Association were fundamentally flawed and this created a series of administrative abuses that became unbearable. Here, in Parliament, questions were asked; there were press articles and the whole population knew at that time what was happening in that Association.

There was a conflict between the Executive Director and the Board of Management, that is, the National Executive Committee, and that became very serious. Cases of misappropriation of funds were decried. In 2009, Mr Deputy Speaker, Sir, the Mauritius Family Planning Welfare Association was the recipient of total funds of about EUR 1.3m on the global fund to fight HIV Aids, TB and Malaria. There was an agreement signed on the 16 October 2009, I still remember at the Financial Office. After investigations, Mr Deputy Speaker, Sir, by the way the fund was being utilised and managed, the global fund withdrew its funding from the Association in 2010. The fund was consequently redirected by a global fund to other NGOs in Mauritius. Likewise, the International Planned Parenthood Federation (IPPF), to which the Mauritius Family Planning Welfare Association is affiliated, threatened to suspend its funding to the Association during the same period. This is history, these are things which have happened.

In fact, the IPPF funding was drastically reduced over the years, and even in a letter dated 11 April 2011 to the Association, the IPPF drew the attention of the Association of non-compliance to the IPPF membership standards and threatened to expel - even expel - the Mauritius Family Planning Welfare Association from the IPPF Membership and to report same to its funding agencies. What a shame then for Mauritius when we took cognisance, when we heard what was happening.

There was a series of allegations, Mr Deputy Speaker, Sir, and counter allegations between the then Executive Director and the Chairman of the NEC. These allegations were made public, and were even subject to investigations by the then authorities.

Mr Deputy Speaker, Sir, it is on the basis of a series of violation of governance principles that the Government then, on the advice of the IPPF, took the decision to suspend the National Executive Committee and set up an interim management committee to be chaired by a Government official to oversee the whole functioning of the Association in 2012, and to come up with a better legal framework ensuring good governance. It took so many years, it is unfortunate but Mr Deputy Speaker, Sir, we are today being asked to debate a new Bill which is before us. *Mieux vaut tard que jamais*.

The new Mauritius Family Planning Welfare Association Bill, Mr Deputy Speaker, Sir, is supposed to set up the Association on a sounder footing. However, there is no substantive change between the 2005 Act and the present Bill. There are some new issues, new objects but for me, it is a bit *statu quo*.

This Bill, Mr Deputy Speaker, Sir, as stipulated by its Explanatory Memorandum, is supposed to have a more appropriate and modern legislative framework that makes provision for sexual and reproductive health and rights in accordance with international standards.

Mr Deputy Speaker, Sir, is this Bill, in fact, more appropriate and modern? I am asking myself, and the Minister will give us his reply later on. Let us see firstly in terms of appropriateness. Let us have a look at the objects of the Association, Part II, Section 4, the three objects of the Association, as stated in the Bill, are as follows –

- (i) promote awareness on planned parenthood(...);
- (ii) promote family welfare, healthy ageing, good health and social integration through effective family planning services(...);

- (iii) work for the advancement of the rights of women, men and young persons with a view to enabling them to make free and informed choices regarding their sexual and reproductive health and rights.

All these three objects, Mr Deputy Speaker, Sir, are the same as those of the Ministry of Health. These are the objects of the Ministry of Health as well. The hon. Minister will have to tell us which of the objects and functions of the Mauritius Family Planning and Welfare Association is not that of a Ministry. It appears to be the same objectives.

So, can we call this Bill appropriate when, in fact, the Association is duplicating the role of the Ministry? The Association is being financed by the Ministry to the tune of Rs1 m. yearly to do exactly the same activities in parallel of what the Ministry is supposed to do. This is either, Mr Deputy Speaker, Sir, an acceptance that the Mauritius Family Planning and Welfare Association, despite its serious shortfalls and poor management of its affairs, can do better than the Ministry or assist the Ministry or an acknowledgement of the incapacity of the Ministry of Health to promote family planning and family welfare.

Mr Deputy Speaker, Sir, the 8 functions of the Association in section 5, as stated in the present Bill, are still traditional, outdated, archaic and devoid of innovation according to me. The Association should have opted to do things differently because we are moving in a new world; we are having a new Bill. So, the Association should have come and proposed different things, especially in such a fast-changing environment. Its targeted population and programme have been underserved in depressed areas and the elderly and teenagers are finding it difficult to reconcile with the day-to-day realities of life. Early and unplanned adolescent pregnancies, unclear legislations on contraceptive services for sexually active adolescents and an age of sexual intercourse and marriage, the inexistence of formal sexual education in schools coupled with increasing antisocial behaviour like bullying and sexual aggressions are all areas of immediate attention. Other issues like gender-based sexual violence, infertility, sexual dysfunctioning and malignancies and reproductive cancers, namely breast, uterus, ovary and prostate cancers are also serious cause of concern.

In addition, Mr Deputy Speaker, Sir, our population is ageing at a very fast rate. The proportion of our population aged 60 years and above has increased from 9% in 2000 to 16% today and is projected to increase by 27% in the year 2036. None of the Mauritius Family Planning and Welfare Association functions, as spelt out in section 5 of the Bill, relates specifically to these issues. Mr Deputy Speaker, Sir, there is an important imbalance in

fertility level between the marginalised population and the better off in Mauritius. The total fertility rate today in Mauritius is 1.37 children per woman. This figure hides an intrinsic problem that exists in many parts of Mauritius, in deprived areas specifically. Fertility level is much higher than the national average. I am constantly on the field like my colleagues and we do witness families with 5 to 6 children living in poverty in most depressed areas and I will not mention these areas, the hon. Minister knows and we all know. My appeal to the hon. Minister is that there are areas which need special attention both from the Association and the Ministry in terms of sexual and reproductive health campaign.

The Association, Mr Deputy Speaker, Sir, should have been able to be innovative and to reinvent its objects and functions in line with these growing sexual and reproductive health issues and concerns. We should, however, Mr Deputy Speaker, Sir, acknowledge that the Association has indeed contributed tremendously in controlling the population, especially at a time when the total fertility rate was at six, but today the situation is different. This Bill should have reshaped the orientation of the Association and give it a new dimension and strategic decision. Unfortunately, it fails to do so. The Bill maintains the present situation and condemns the Association to operate as in the seventies.

Mr Deputy Speaker, Sir, the Mauritius Family Planning and Welfare Association could have been a reference for Africa and Mauritius. It could have been a centre of learning for our brothers and sisters in Africa on fertility management. The Mauritian experience in fertility management should be reckoned as one of the best in Africa. Unfortunately, the Mauritius Family Planning and Welfare Association is failing to capitalise on these opportunities through lethargy and also lack of leadership. The Association has already become invisible in the field. I still remember the presence of the Association in the community and at the place of work, promoting responsible parenthood and conducting family life and sex education through innovative approach then, in the nineties and early 2000.

Today, the Mauritius Family Planning and Welfare Association, unfortunately - I am not hurting anybody, according to me, it is my opinion - is just celebrating anniversary like the Mauritius Police Force. We all know the problem of law and order. The Commissioner of Police is spending his time on anniversaries, 50, 60, 61, 65 etc. Last year, from what I have read and seen, the Association celebrated its 60th anniversary and this year its 61st anniversary with great pomp, and this too with public funds.

This Bill, Mr Deputy Speaker, Sir, with its present objects, devoid of farsightedness, is destined to bring the Mauritius Family Planning and Welfare Association - if the hon. Minister does not change things there and continue to celebrate anniversaries - towards a certain and slow death in oblivion.

Mr Deputy Speaker, Sir, let us now look at the administrative aspect. The administrative issue is serious as it has been the main cause of the dissolution of the National Executive Committee and the institution of an Interim Management Committee. The conflict between the Executive Director and the Chairperson of the Association between 2010 and 2012 was due to undermine the different roles, each one trying to undermine the role of each other. The present Bill, at sections 13 to 16, spells out the functions of the National Executive Committee and those of the Executive Director, but fails to state as in the 2000 Act, the functions of the Chairperson and Treasurer. We all see in parastatal bodies, we have Chairpersons behaving like God, owners of Government, owners of parastatal bodies and part-time Chairperson, but involving themselves in the day-to-day affairs of the parastatal bodies, Government-owned companies and even now an Association to be funded by public funds.

In the absence of clear-cut and defined role of these office bearers, conflict will continue to happen and the problem of the Mauritius Family Planning and Welfare Association will remain unresolved. Good Governance, Mr Deputy Speaker, Sir, entails a well-defined, transparent and accountable framework of actions with clearly labelled roles and responsibilities of all actors and a well-defined enforcement mechanism. In the absence of these, abuse of power will persist. It is stated in section 16(1), Mr Deputy Speaker, Sir, that the Executive Director is appointed by the National Executive Committee. In the 2005 Act, it is mentioned at section 15(b) that the NAC has the power to appoint and dismiss the Executive Director. In the present Bill, surprisingly, the dismissal of the Executive Director has not been stated.

In case the Executive Director is found guilty of mishandling of fund and breach of good governance principles, the NAC should be empowered, according to me, to dismiss the Executive Director. This has nothing to do with the person of whoever he or she is, but with the institution where good governance should prevail at all times. It is noted, Mr Deputy Speaker, Sir, that with the present Bill, the functioning of a National Executive Committee has been drastically reduced. Compared to the 2005 Act, the number of elected members at

the NAC has been reduced and the number of the NAC meetings have been reduced from 12 to 4 years.

This, in itself, reduces the importance of regular evaluation and monitoring of activities which is very important, and they gain the principles of good governance. The NAC, according to me, should be empowered to oversee continuously, permanently the activities of the Association and ensure that good governance principles prevail at all levels through regular monitoring. Furthermore, Mr Deputy Speaker, Sir, in the Second Schedule of this Bill related to procedure for election of members of the NAC at clause 9 concerning vote by proxy.

It is stated that volunteer members of the Association should apply to the Executive Director for proxy paper for election purposes. In the name of good governance and in principles of separation of powers and as the election of the NAC members is conducted by the Office, fortunately, of the Electoral Commissioner, it would be more appropriate for the latter to provide for proxy papers to the members for election. We better trust the Electoral Commissioner. I hope that the Minister will come with an amendment because we have a very competent and well-trusted Electoral Commissioner. I think, we should give him and his Office that power. This would avoid the possible interference of the Executive Director in the election procedures, as it is the case when there is no supervision from the Electoral Commissioner.

Mr Deputy Speaker, Sir, let us now look at the other delegated intention of this Bill, namely as a modern legislative framework. There is nothing, according to me, that makes the Bill to be perceived, to be modern. The demographic profile in Mauritius is fast changing and innovative approaches are needed to address new and emerging issues.

Parenthood has evolved tremendously, new technologies, the pressure of working mothers and fathers and globalisation with its numerous challenges have redefined parenthood. The emergence of single parent families, adoptive families, families with same sexual orientation and families with children from assisted procreation constitute the new challenges. These are the new challenges.

Mr Deputy Speaker, Sir, what we need is an *avant-gardiste* approach that would address the challenges of modern parenthood. If we are aiming at transforming Mauritius to a high-income country, we should provide the sophistication it entails and ensure a comprehensive high quality service in fertility regulation and management. Mauritius,

unfortunately, Mr Deputy Speaker, Sir, still lags behind in High Tech Fertility Management, and the Mauritius Family Planning and Welfare Association could have been a pioneering organisation in this field. Unfortunately, it misses the opportunity. Our neighbouring Island Reunion is far more advanced in the field than Mauritius and we must learn from them. I am sure the Ministry has relationship from Ministry to Ministry, department to department.

A modern approach would have positioned the Mauritius Family Planning and Welfare Association as forerunner in the field of sexual and reproductive health and would have aligned its objects to the goals of a Sustainable Development Board bridging platform fraction and the Convention on the Elimination of All Forms of Discrimination Against Women, in promoting gender mainstreaming in sexual and reproductive health and fostering an inclusive society where all components of the society are on board and all emerging issues are addressed.

It is unfortunate - *je ne veux pas être méchant* - *M. le président*, to note that even the text of the Bill is not gender sensitive. Clauses 12(1), 13(3) (a), (b), 16(3), (4), 19(2)(a), 21(a), 29(2), to name but a few, use the word 'he' or 'his' to denote a member of the Executive Director. I hope there would be a change. This Bill, Mr Deputy Speaker, Sir, hence, is not at all an improvement over the 2000 Mauritius Family Welfare Act and is destined to keep the *status quo* at the Mauritius Family Planning and Welfare Association.

Governance problem will persist and I am afraid if there is no follow-up from the Minister, from the Ministry, anarchy at the Association will continue to recur.

To conclude, Mr Deputy Speaker, Sir, the Mauritius Family Planning and Welfare Association Bill is neither appropriate nor modern and fails to serve the purpose for which the Association was repealed in 2012. There are some changes, a few changes, but a modern and new approach. The Mauritius Family Planning Association is at a standstill and the present Bill in its actual form would not bring about any change at the level of the Association neither at governance level nor at the programmatic level.

Mr Deputy Speaker, Sir, at a more holistic level Mauritius needs a new population policy adaptive to its changing demographic and social profile. Mauritius needs a population policy that shifts emphasis from family planning to family management which focuses on improvement of lives of individuals and social development. Mr Deputy Speaker, Sir, we would be around - we have been here for many, many years - to evaluate the performance of the Association. I, for once, wish it succeeds despite all the shortcomings which I have stated,

and I hope that in the months to come, there would be a new approach and all these fightings, all these bad governance we have seen for the years will be something of the past. I wish well to the dedicated staff, some who have been serving the Association for years, not only at management level but at the grass root level and those working on the field.

I thank you.

The Deputy Speaker: Hon. Dr. Sorefan!

(6.20 p.m.)

Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix): Thank you, Mr Deputy Speaker, Sir, for giving me the opportunity to throw some light on the Mauritius Family Planning and Welfare Association Bill (No. XIX of 2018).

This Bill repeals the Act 2005 and without any doubt, this Bill is more appropriate to the much evolved young people of Mauritius. Mr Deputy Speaker, Sir, as Mahatma Gandhi said, I quote –

“The future depends on what you do today.”

Mr Deputy Speaker, Sir, that is what we are doing today, coming with a new modern legislative framework for the future. Mr Deputy Speaker, Sir, in the 2005 Bill, there were many issues that needed to be revised and I wholeheartedly thank the Minister of Health, Dr. the hon. Anwar Husnoo, for coming in this august Assembly to remedy the situation and to propose some new objectives.

Mr Deputy Speaker, Sir, in the 2005 Bill, many issues needed to be taken care of and they are as follows –

- (i) namely, there were no provision of volunteer. In this new Bill mention is made in Section 12, which clarifies the Registration as volunteer of the Association;
- (ii) regarding membership of the Association, this Bill is getting rid of the application as a life member and it is very explicit as regard to Membership in Section 9, To be a member, one should be above 18 years old; no employee can be a member of the Association and to apply for membership, one needs not seek the sponsor of two members of the Association, as was spelt out in the 2005 Bill;

(iii) in this new Bill provision is made for two youth representative whereas in the case of the 2005 Bill, only one youth was mentioned. There was no mention of gender when this Bill is taking care of gender;

(iv) this new Bill is also getting rid of the Appointment of a Patron by the Committee, as stipulated in the 2005 Bill. What is the meaning of 'Patron'? I honestly don't know why this was in the 2005 Bill;

(v) Section 16(1) - this is very important to the hon. Minister to appreciate what I am trying to say. I quote -

“There shall be an Executive Director who shall be appointed by the Committee on such terms and conditions as it may determine.”

Mr Deputy Speaker, in the Second Schedule, Procedure for Election, Section 1 reads as follows –

“The Executive Director shall, within 6 months of the commencement of this Act and, thereafter, not less than one month before the expiry of the term of office of the members of the Committee specified in section 13(1)(a), publish, in the Gazette and such newspaper as he may determine, a notice –

(a) inviting the submission of nominations for election as members of the Committee.”

Mr Deputy Speaker, Sir, when this Bill will be enacted, it will create what we call a catch-22, that is, the Executive Director to be appointed by the Committee, which in the beginning of the Act. There will be no Committee unless the Executive Director invites nominations for election as members of Committee. Mr Deputy Speaker, Sir, no Executive Director without a Committee and no Committee without an Executive Committee. This is the catch-22. We have to solve this if we have to enact the Bill.

This Section 1 in the Second Schedule should be amended so that the invitation of nominations for election as members of the Committee should be 'by the Ministry of Health or otherwise'. Only then, after the election of the Committee members, that the Executive Director can be appointed.

This amendment should only be for the beginning of this Act, thereafter, the same Section that is in the Bill can be stipulated and can remain in force - that is just for the first session, for the implementation of this Act.

Mr Deputy Speaker, Sir, let me now elaborate on the objective of this Bill 2018. The first one –

“(a) promote awareness on planned parenthood with a view to maintaining the fertility at a reasonable level;”

Some mothers who have spoken seem to have forgotten this fertility at a reasonable level. Mr Deputy Speaker Sir, ‘fertility’ means the ability to conceive children and ‘reasonable level’ means having sound judgement, sensible, rational and practical.

Mr Deputy Speaker, Sir, I honestly think that the Mauritius Family Planning Welfare Association, through its 60 years of existence, has achieved its mission and vision. The Mauritius Family Planning Welfare Association succeeded to bring down the fertility rate to 2.1 in the recent past, but now the fertility rate is around 1.3, which is of great concern for the future, Mr Deputy Speaker, Sir.

Mr Deputy Speaker, Sir, we should, through this Bill, pave the way and respond to demographic changes for the future Republic of Mauritius. Mr Deputy Speaker, Sir, the population growth was 0.05 % in 2016 and due to the female survival advantage in life expectancy, there are more females in the older age group than in the younger age group. With this trend, the older age group, which in 2016 was 15.6 %, about 189,000, will, as it is projected, increase to 26.9 % in 2036. At the same time, Mr Deputy Speaker, Sir, the proportion of people aged 0 to 14 years has gone down from 20 % of the total mid-year population in year 2000 to 18.7 % in 2016 and projected to decrease to 13.7 in 2036.

Mr Deputy Speaker, Sir, all I am trying to show, throughout the statistics, is that the population is going down for the future. In the medium age of the population, there are also changes. In the 15-59 year group, in year 2000, it was 50% older group and 50 % younger group. It is observed that the older group has increased whereas the younger group has decreased due to the fact that we have lower fertility rate, as I said earlier. It is 1.3 instead of 2.1. It is also observed that the older population is and will increase. Life expectancy is higher these days. This is very important. The population pyramid is changing, Mr Deputy Speaker, Sir, that is, presently the apex is narrow with old age people and wider base for younger group. That is what it was a few years ago, but it is projected that the reverse will happen and is happening with a broader apex, with a narrower base of young people. The pyramid is changing, Mr Deputy Speaker, Sir.

Mr Deputy Speaker Sir, if we are not careful to correct this prevailing situation, we will face this lack of working group of the population and that is where the Mauritius Family Planning Welfare Association comes to play its role through this Bill, which is giving all the means to reverse the fertility rate.

Mr Deputy Speaker Sir, let us see other factors. Through this Bill, the Mauritius Family Planning and Welfare Association will have to consider putting into practice so as to improve the fertility rate. The proportion of women in the production age group 15-49 years has decreased from 56.3% in year 2000 to 50.3% in year 2016, and it is projected to decrease further to 42.7% in 2036. So, the Family Planning Association will have to address this situation.

The birth rate, Mr Deputy Speaker, Sir, has declined from 13.5 per 1000 in 2007 to 10.1 in 2016. So, all the factors, statistics are showing us, we are going down. We are not producing enough to replace.

Death rate, Mr Deputy Speaker, Sir, has increased from 6.9 per 1000 in 2007 to 8.1 in 2016. But a good note, Mr Deputy Speaker, Sir, is as far as the infant mortality rate in the one-year old group, there is a decline, and also for the under-five mortality rate and so for the maternal mortality rate that has also shown a decline. This is a good note through our Ministry of Health and Quality of Life with all the policies.

The Ministry of Health, in collaboration with the Mauritius Family Planning Association, Mr Deputy Speaker, Sir, through this Bill they address and renew the commitment to improve the reproductive health indicators, without forgetting the policies and strategies that they will formulate and implement with the help of the Government to make the objective and function of the family planning go in the right direction.

Mr Deputy Speaker, Sir, fertility rate has dropped below the replacement level because the fertility rate at one time was 2.1 children per woman. Mr Deputy Speaker, Sir, I think it is a must that a couple should have an obligation to replace themselves, that is, a couple should have at least two children and why not three or four to replace when we go. We are married, husband and wife both of us go and we have only one child, producing only one. What will happen in the future? We have at least to produce two to replace ourselves.

Mr Deputy Speaker, Sir, as per the figures I have quoted above, that is, presently the fertility rate is 1.3, this is a sub replacement level. I hope, Mr Deputy Speaker, Sir, that through this Bill, we will succeed to justify what Mahatma Gandhi said 'the future depends

on what we do today', and this is what this Government is doing today for the future of Mauritius.

Mr Deputy Speaker, Sir, we must not forget that we must, through policies and strategies, encourage younger women not to postpone marriage and with proper counselling to young people, to reverse the high trend of divorce.

Mr Deputy Speaker, Sir, although I forcefully mention that a couple should have at least two children or more, it goes without saying that all couples and individuals have the basic rights to decide freely and responsibly the number, spacing, timing of their children without forgetting the responsibility towards the land they are living and enjoying.

Mr Deputy Speaker, Sir, this takes me to the second and third objectives of this Bill, more specifically, rights of women, men and young persons. The WHO defines reproductive rights as follows –

“Reproductive rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and the means to do so, and the right to attain the highest standard of sexual and reproductive health. This also include the right of all to make decisions concerning reproduction free of discrimination, coercion and violence.”

Mr Deputy Speaker, Sir, family planning saved lives and is a simple health prescription that resonates globally. We learned that from the past of what the family planning has been doing.

Mr Deputy Speaker, Sir, can we imagine for a few minutes, if Mauritius did embark on population control since 1957, what the situation would have been today? Demographic population would have definitely been higher, increase in maternal mortality rate, increase in stillbirth, increase in neo-natal and infant mortality rate. There would be increased number of unintended pregnancies and increase in unsafe abortion, increase in poverty, among others, Mr Deputy Speaker, Sir.

But, today, Mr Deputy Speaker, Sir, because of our undisputed success of family planning since 1957, we have gone too far. Today, we have to reverse the total fertility rate from what it is now, that is, 1.3 to a higher rate that is greater than 2.1 through human rights. Today, Mr Deputy Speaker, Sir, it is a critical challenge to ensure that we, as policy-makers, must come with policies and programmes that meet the well-established benefits of enabling

women to choose whether and when to become pregnant. Zero tolerance for coercion must be the cornerstone of voluntary family planning programme.

Mr Deputy Speaker, Sir, there must be a momentum in realisation that rights must be respected and protected in programme planning. Mr Deputy Speaker, Sir, we must not, in population control programme, violate human rights, and if we do so, we will cast a long shadow over family planning programme.

Mr Deputy Speaker, Sir, human rights in family planning are also critical to women's empowerment and advancement so that women can access the services they need and decide for themselves on the issue of getting pregnant.

Mr Deputy Speaker, Sir, I just mentioned services, that is, the right to health which should be –

- (i) available in sufficient quantity;
- (ii) accessible in ways that are non-discriminatory and ensure that services can be accessed physically and financially;
- (iii) it should be acceptable in the sense of being respectable of the culture of individual, and lastly
- (iv) of good quality.

Facilities must be scientifically and medically appropriate, that is, we have skilled medical personnel, and scientifically approved unexpired drugs and hospital equipment must be in working order.

Mr Deputy Speaker, Sir, the element of full, free and informed choice should be the top of the list when considering rights and family planning. Mr Deputy Speaker, Sir, this Bill, through awareness, promoting health obligation and executing policies and strategies, we shall provide for the reduction of the stillbirth rate and infant mortality and for the healthy development of the child and without forgetting measures to improve maternal health, sexual and reproductive health services, pre and postnatal care.

Mr Deputy Speaker, Sir, to conclude, sexual and reproductive health was not initially directed towards human right but this Bill is stressing towards moving to a right base paradigm shift.

Mr Deputy Speaker, Sir, through this Bill, we will witness a fundamental change in a new approach, that is, moving away from prior focus of population control through fertility control. We need readjustment because the future of our manpower needs rest on what we do today.

Mr Deputy Speaker, Sir, one of our Mauritian characteristics is adaptation to change, and change will come. Yes, we need this change, we will and we can if we have faith in ourselves and Almighty.

Thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: Hon. Dr. Boolell!

(6.42 p.m.)

Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes): Mr Deputy Speaker, Sir, this Bill is an opportunity which is knocking for the Mauritius Family Planning and Welfare Association. Either grasp the opportunity or let it go. I say an opportunity lock because, in the past, an organisation, a reputed non-Governmental organisation which was a showcase, unfortunately had become a basket case. And it is good to remind ourselves that on two occasions, interim managing committees were set up to redress the situation and to take corrective measures at the Mauritius Family Planning and Welfare Association for reasons which are obvious and which have been highlighted by hon. Bhagwan.

Lessons to be learned, and I hope that our friends who are employed at the Mauritius Family Planning and Welfare Association do understand that they are having an opportunity. The situation was grave. The Minister is trying to do his level best together with the IPPF to redress the situation, now it is up to the staff to deliver.

There is no reason as to why there should be internal bickering or conflicts. Either the staff live up to the expectation of the population, of funding agencies or they retreat. I say retreat and, to some extent, the Minister is right when he spelt out some of the measures needed to be taken to redress the situation. As to whether we have to do away with life membership is a matter that can be discussed, but the interim managing committee, which I am sure will call for new membership, has to act diligently and should not be perceived to do the bidding of any person or entity. I stress on that. Either it is perceived to be a committee which is independent and fiercely independent, and comply fully with good governance otherwise the very objectives will be defeated.

Mr Deputy Speaker, over the last 58 years, things have changed. There is a new landscape the world over and any organisation, for that matter the Mauritius Family Planning and Welfare Association, is called upon to adopt to changing circumstances. Who would have thought, Mr Deputy Speaker, Sir, that India would have legalised gay sex and there was a ruling landmark with respect to the case that was lodged before the Indian Supreme Court? Who would have thought today that Ireland would have overturned the ban on abortion or for that matter a Prime Minister of the Republic of Ireland who openly declared that he is gay? Things have changed. Even in Mauritius we had to make provisions for no discrimination irrespective of sexual orientation. We have moved a long way since the days, and I quote what Mr Forget had stated then – “Les majorités féroces s’opposent au family planning dans ce pays”. Let me quote also what Mr Bickramsing Ram Lallah stated then in 1967 –

“Family planning was taboo to many people”

Demographic changes - you have live with demographic changes. I can understand some people are shouting over the rooftop that this has impact upon all configurations, from electoral boundaries to other relevant configurations. But, of course, we are discussing demographic changes and the concern of a nation. And we have moved from an overcrowded barracoon, Mr Deputy Speaker, Sir, to an ageing workforce. We have moved from a basket case to a middle income status country. There is more permissiveness in our society. Things which were considered to be taboo or stigma today are things which have become a natural phenomenon. I said there is more permissiveness but we cannot qualify this permissiveness as a passport to sexual permissiveness. This is where the family planning comes in and has to act forcefully by coming up with new programmes; by identifying the needs and how to respond to these changing needs, how to reach out to those young people who are vulnerable.

There were days when we used to tell kids that babies were delivered by storks. Today kids, as young as 10 years, have to be told what sexual education is all about. Today kids have access to information. Information is no longer a privilege, it is a right and sometimes, sex education is distorted by having access to pornographic sites. All these are issues that have to be addressed, and the Mauritius Family Planning has good reasons to deliver because it is taxpayers’ money which is being disbursed to finance the running costs of Mauritius Family Planning. But, as an organisation which had delivered, which was a showcase, and as hon. Bhgawan stated earlier, it should have been a centre of learning, a reference for many African countries, and it used to be a reference for many African countries.

Unfortunately, as hon. Bhagwan has stated, we were on the verge of being expelled by the International Planned Parenthood Federation. So, I will tell our friends from the Mauritius Family Planning Welfare Association. When funding agencies are disbursing funds, they do not do it lightly. A programme has to be based budgeted. There is a call for output and outcome and there should be key Performance Indicators. We know the reason as to why the Mauritius Family Planning and Welfare Association lost financial ground; it is because of impropriety, because of mismanagement and misallocation of funds. So, I sincerely hope that not only corrective measures will be taken, but when the new Executive Committee will be elected, they will elect members who can deliver, who can live up to the expectation of a Nation of funding agencies and who understand how to formulate policies and what policies are. Why is it that there is a call for positive discrimination? Why is it that we have to reach out to those who are marginalised, who sometimes are alienated, those who are more vulnerable, but those who have rights? You cannot deny a family the right to have 10 children, but the State also has to provide. The State has to sensitise the public at large with respect to merits of planned parenthood.

It is the opportunities which have to be created in our endeavour to wage war on poverty; otherwise, the objectives spelt out in the Bill will never be met. The approach has to all-encompassing and all-inclusive. So, electing a National Executive Committee means that the Committee has to deliver. The Committee has to fulfil its obligation vis-à-vis the State, vis-à-vis funding agencies and the Committee should not be at loggerhead with staff members of the Mauritius Family Planning and Welfare Association. But in the name good governance, I do not expect any organisation, with respect to administrative cost, that cost should not go beyond 15% or 20% of funding allocated. Otherwise, cost which has to be used judiciously with respect to services that need to be dispensed to impress upon families the relevance and importance of planned parenthood, these objectives may be hard to achieve or to attain. So, when we talk of good governance, there is a call for proper auditing and that is why I say when we elect a Treasurer, we cannot simply elect a Treasurer who does not have the acumen to understand what bookkeeping and financial statement is all about.

At the same time, we have to empower the youth because it is easier for them to reach out to peer members and to sensitise the youth on the relevance and importance of planned parenthood. But we need also to understand that things are changing, that today, be it the advice which is going to be dispensed by *action familiale* or the Mauritius Family Planning and Welfare Association, they have to adapt and they have to live up with the ways and style

of living of our young people. Make no mistake! This is not a moral issue. It is the advice which is being tendered. It is how we reach out. You cannot moralise and you cannot create an environment which is not conducive. So, how do we reach out to them? Those who are pregnant, for example, what advice do you tender to them? The relevance and importance of telling them that there is a morning after pill or abortion pill which today, Mr Deputy Speaker, Sir, is widely used in many parts of the world. Of course, if there is a call to amend the Criminal Code, it has to be done as we did with respect to termination of pregnancy in specific cases. We cannot run away from this problem. For how long can you impress upon young people on the importance and relevance of *coitus interruptus*. What is it? People take chances. People get pregnant. There are many single mothers, what do you do with them? Society cannot neglect these people. That is where I say there is relevance and there is a justification for the legalisation of the abortion pill, Mr Deputy Speaker, Sir. These are their rights, their obligations and their choices and we cannot deny a person the choice to have an abortion pill irrespective of whether the person lives in main street, in side street or in back street, Mr Deputy Speaker, Sir.

Let me comment briefly on the abortion pill and I think it is relevant that we highlight it although this is not a thrust of the legislation. What kind of barriers stand in the way of undemand, self-managed abortion? First, despite the promise, abortion pills remain difficult to obtain worldwide even in countries with liberal abortion laws like India and South Africa. I grant you. It can be expensive, but this is a case which we can make at the World Trade Organisation to make sure that this drug is affordable and available, like we did when countries fought tooth and nail to make AIDS drugs available to those who are afflicted by the diseases.

At the same time, when we talk of HIV, Mr Deputy Speaker, Sir, we have to make sure that the Mauritius Family Planning and Welfare Association and PILS complement each other, work together to ensure that there is no overlapping and duplication of resources. We understand that some of the services which are dispensed by the Family Planning, of course, are unique to the Family Planning. For example, those who suffer from infertility, basic advice being tendered and basic tests are being carried out with respect to the level of spermatozoid. But these people need to be not only given advice, but being told where to go to make sure that they can adopt children. Do you know how long it takes for a child to be adopted by a family keen to adopt a child? It can take more than two years. The National Adoption Council can hardly provide the services because it is poorly manned. Today,

surrogacy has become an issue. What does Mauritius Family Planning and Welfare Association tells a couple who is keen to adopt a child, but wants to travel to India because they want their fertilised ovum to be implemented in a surrogate mother?

Mr Deputy Speaker, Sir, as I have stated earlier, opportunities are knocking for the Mauritius Family Planning and Welfare Association. This organisation has travelled a long way. It was an NGO of repute, but suffered setback. The Executive Director has to understand that she has to live up to expectation and cannot lean on political support to go straight. Either the organisation stands erect, it is being given an opportunity to succeed, it has grasped the opportunity but, at the same time when the Interim Management Committee is going to canvass people to be members of the organisation, make sure that it reflects the socio-configuration of Mauritius and the Family Planning does not become the ownership of one or two or three specific communities.

Family Planning belongs to the Mauritian nation. It has clear objective and a well-defined agenda. It is up to Family Planning to be showcase as it used to be.

Thank you very much.

The Deputy Speaker: Hon. Rutnah!

(7.02 p.m.)

Mr S. Rutnah (Third Member for Piton & Rivière du Rempart): Thank you, Mr Deputy Speaker, Sir. The opportunity has knocked, the opportunity was knocking and the opportunity that knocked the door, the door is wide opening by virtue of the Bill that is being presented in this Assembly today.

Mr Deputy Speaker, Sir, who would have known, who among them back in the early 50s, who were advocating for family planning, would have known that today in 2018, we would have been debating the same issue that was being debated in the 50s, in particular in 1957, when family planning was considered to be a taboo, when people was scared of talking about family planning, who would have thought that today we were going to debate the same issue. Back in those days, in the 50s, the 60s the 70s we did not have Internet.

In the 50s, 60s, very rarely someone would have a TV set in their home. Most people in the village were labourers, artisans, working in the sugar estate after hard work, hard labour, they would go, especially the band would go to the local tavern that was made of iron sheet and they would have two or three pegs of rum or *eau de vie*, there was no soda then,

they were taking it straight, so that when they go home, they can sleep well. Despite the fact that they were taking those rum and *eau de vie*, life was so difficult that they would end up having intimate relationship with their partners and eventually what happened at a time in Mauritius, there was an outburst in our population.

Why? It is because there were no entertainment, there was no TV, no electricity elsewhere, in most rural areas in the villages there was no electricity, it was dark. They were waking up early in the morning when it was dark. They were going home when it was dark. So, the only entertainment was to produce and reproduce. And those days, a family, a normal family would have at least five children.

(Interruptions)

Some are saying 10. Those who are elder than me in the House are saying 10. So, there came a time when even the international institutions were concerned about the rise in the population in Mauritius.

For example, I have come across a letter written by one George Jones in 1971 and George Jones in 1971 wrote...

(Interruptions)

I said 'George Jones' not 'George Joe'.

So, this guy, a very intelligent man of his time, was a representative of the Institute of Current World Affairs in New York and he was based in Kenya. On 25 July in 1971 from Nairobi, he wrote this to a certain Mr Nolte of the Institute of Current World Affairs in New York. He said the following –

“Dear Mr Nolte, the problem of population explosion continues to be one of the major issues in many developing countries. High population rate continue to increase despite warnings by experts regarding the impairment of individual rights, jeopardy of national goals and the threat to international stability. A recent visit to Mauritius(...).”

I think it was in 1971 when BOAC was flying in Mauritius and there were some ships boarding our port. So, he said –

“A recent visit to Mauritius, a tiny island in the Indian Ocean offered me a more comprehensive look at a developing country facing a potential population crisis(...).”

He used the word 'potential population crisis', but into bracket, he said this –

“(many of the family planning officials in Mauritius disagree with me by the use of the word ‘potential’, they feel the crisis is upon them now).”

That was back in 1971. So, this was the situation in 1971, but the real debate started in 1967, as hon. Dr. Boolell pointed out by the then hon. Beekramsing Ramlallah who brought a Private Member’s Bill and that was when the real debate started. True to say that the then Minister for Works and International Communication one Mr Forget did, indeed, say: “*Les majorités féroces s’opposent au family planning dans ce pays.*” You can imagine the kind of difficulties that those who were advocating family planning at the time were facing!

In 1967, the World Bank sent two missions to advise the Government on organisation of a Family Planning Programme and it was only in 1970 that an agreement was signed with the United Nations Funds for population activities for family planning assistance. And then, if we look at History a bit further, it was in 1974 that Family Planning Services were integrated into the Maternal Child Health Division of the Ministry of Health. So, thenceforth, we have come a long way from a country that was going to face an overpopulation, an ‘explosion of population’ as they called it. We managed, thanks to the hard work, dedication to duty, the perseverance of the Mauritius Family Planning and Welfare Association brought population into control.

So, gone were days and the era where parents would have 10 children, five children, etc. We came at a level where our population has been so much in control that today we have an ageing population rather than a population that can really face the challenges that are coming ahead tomorrow. And that is why I thank the hon. Minister of Health and Quality of Life for having foreseen the potential problems that this nation is likely to face in the foreseeable future and after the discussion in 1957, after the debate in 1967 and after the debate in 2005, this Bill is coming to complement what we were, what we are and what we are going to be in the foreseeable future.

The Bill is going to shape the future of family planning, parenthood and sexual reproductive health. Earlier on, I heard hon. Ms Sewocksingh saying that the objectives of the Bill are controversial, but I must say that I am in total disagreement with what she has said and I do not subscribe at all to the critics that she has levelled in the House. I say so, because the Bill that was presented in the House in 2005, and the Bill that was presented in 1967, are not the same as what we are presenting in 2018. We have moved on a long way; back in 1967, we had no internet, we had no means of electronic communication, there was no

facebook, there was not even a well-planned Family Planning or contraceptive facilities and, furthermore, our National Health Service as well was not as developed as it has developed now.

Nowadays, you walk in any hospital, in any Medi Clinic, in any Health Centres, you get advice for free. You go to the Family Welfare Association, you get advice for free and people can easily get access to information. Now, let me say why I disagree with hon. Ms Sewocksingh and partly I will come with where I disagree with hon. Dr. Boolell. There is nothing controversial about the objectives and the objectives are not the same as the objectives back in 2005. It is important that we look at the objectives of the Association together, so that we have no doubt in our mind.

Today, we are saying the objects of the Association shall be to promote awareness on planned parenthood - the operative words meaning planned parenthood - with a view to maintain the fertility rate at a reasonable level. So, there are two operative words in the sentence, 'planned parenthood' and the words 'fertility rate' at a reasonable level, and I will explain what reasonable level is in a minute. Now, when we look at Section 4 of the previous legislation, which deals with the object of the Association, it states as follows –

“The object of the Association shall be -

- (a) to promote family welfare;
- (b) to preserve and protect the good health, both mental and physical of parents and children through effective family planning services;
- (c) collaborate with the organisation engaged in similar activities in Mauritius and abroad, and
- (d) to promote a basic human right and free and informed choice of a person to sexual and reproductive right.”

This is what it says in the previous legislation. In the current legislation, I read subparagraph (a). Now, let us look at subparagraph (b) which says, to promote family welfare, healthy ageing, - and the use of the words 'healthy ageing', bearing in mind that today we are an ageing population - good health and social integration through effective family planning services by addressing the need for sexual and reproductive health and rights in the community through information. When we talk about information today, it may be a manuscript form, it may be an electronic form, it may be in other digital form or artificial

intelligence and this is what our Government is all about. The modernisation of our economy in all spheres of activities, so, the word 'information' is there. To promote family welfare, healthy ageing, good health, social integration through effective family planning services by addressing the need for sexual and reproductive health and rights in the community through information, education, and advocacy. Thirdly, to work for the advancement of the rights of women, men and young persons with a view to enabling them to make free and informed choices regarding their sexual and reproductive health and rights.

Now, when we refer to informed choices in respect of the objective, we are not here referring to LGBT rights etc. You might have your sexual orientation, that is a personal matter for you, you do whatever you want with your personal sexual relationship or orientation, but, as a nation, as a caring Government, as a Government that cares for the children of tomorrow, as a Government that is shaping the future of this country, we care about parenthood, we care about family planning, we care about education. The need for educating parents should be high on the agenda, from the womb to tomb, because education starts from the womb and ends in the tomb. And that is what this Bill is all about. Criticisms about the functions of this Association, that also, in my opinion, is not fair. Some Members of the Opposition say that there is no difference insofar as the functions of the Association is concerned, but I have made it a duty to carry out a comparative exercise with the previous legislation. If we look at Section 5 of the previous legislation insofar as the function of the Association is concerned, it says, I quote -

“Subject to the provisions of this Act, the functions and duties of the Association shall be –

- (a) to advise on population, education, sex education and to provide marriage counsellor;
- (b) establish family planning centres in clinics to provide family planning and welfare services to the public;
- (c) to collect and disseminate information and statistics relating to family welfare;
- (d) set up branches of the Association all over Mauritius to provide for the management;
- (e) create awareness in respect of sexual and reproductive health;
- (f) help in the treatment of childless couples desiring to establish a family, and

(g) perform such a function as may be necessary to further its object.”

So, these are the functions and duties that were enunciated in the previous Act at Section 5. What is this Bill advocating? Let us have a look at it together, so that to avoid the risk of creating doubt in the minds of those who are listening to us live on their TV. The Functions of the Association by virtue of Clause 5 of this Bill –

“(1) The Association shall have such functions as may be necessary to attain its objects most effectively and shall, in particular – ”

Now, look at the wordings of the report, its interpretation and how the Courts are going to interpret them. The wordings are very simple, drafted in very simple English.

“(a) provide sexual and reproductive health and rights information and services, including sex education and marriage counselling, specially to the youth and to vulnerable groups;”

Earlier on, there were criticisms and comments about those who are in poverty. But this Bill is not about poverty, it is not about child poverty, it is about family planning. Whether you are poor, destitute or rich, when it comes to family planning, everybody is starting at an equal footing, because there is provision for youth and vulnerable groups and the word ‘vulnerable’ for all intents and purposes means vulnerable in whatever sense you want the word to be interpreted, whether poor or whether handicapped or whether able or unable body or in whatever forms of vulnerability you find yourself in.

“(b) set up a network of youth friendly services with particular emphasis on addressing issues related to unwanted teenage pregnancy.”

This part of the Bill resolves the fear expressed by hon. Ms Sewocksingh earlier on in relation to teenage pregnancy, and it is so simply drafted that no one can make mistake about it. Then, we have got the third part –

“(c) provide counselling and psychological assistance as well as services to childless couples desiring to establish a family.”

Even if you are a childless couple...

(Interruptions)

Yes, the hon. Member can make comments from a sitting position, but I do not see his name. If he wanted to contribute, I do not see his name on the list of orators.

(Interruptions)

Ki pu kozé. If he does not want to listen, he can leave. Normally, in important Bills, hardly we see any PMSD orators participating, but he will make comment from a sitting position. That is not right. If he has to say something, he must put his name on the orators' list and then we hear.

Clause 5, sub-clauses (d) to (h) say –

- “(d) collect and disseminate information and statistics relating to family welfare and sexual and reproductive health and rights;
- (e) collaborate with any organisation engaged in similar activities in Mauritius and abroad;
- (f) advocate on issues falling under its ambit;
- (g) carry out any charitable work related to its objects; and
- (h) carry out such activities or social enterprise projects which, in the opinion of the Committee, may be beneficial to the Association in the realisation of its mission and vision.”

So, these are the functions of the Association and when one looks at the objectives and the functions of the Association, it is consonant, it is in line with when we go to the website of the Mauritius Family Planning and Welfare Association - I have made it a duty to look at it, and look what the Mission Statement of the Mauritius Family Planning and Welfare Association says –

“The Mauritius Family Planning & Welfare Association is committed to lead in driving the SRH agenda forward in line with government’s SRH policy, by adopting a holistic, concerted and rights-based approach to the provision of quality sexual and reproductive health information and services to all citizens in the Republic of Mauritius.”

And what are the core values? The core values are –

- “MFPWA believes in SRH rights as a basic human right - that sexual and reproductive health is integral to an individual’s physical, mental and social wellbeing.

- MFPWA is committed to gender equality - particularly elimination of the discrimination which threatens individual (...).
- MFPWA values diversity - and accordingly emphasizes the participation of young people, women and people living with HIV/AIDS in our governance and in our Programs.
- MFPWA is a democratic organization - based on volunteer activism and leadership in the pursuit of its mission.
- MFPWA believes in partnership - working in partnership with communities, governments, other organizations and donors.
- MFPWA believes in accountability and transparency – The Association considers reporting to its donors, clients and stakeholders and volunteers concerned on the financing, achievements and implementation of its programmes and service delivery.
- MFPWA is committed to serve the poor and the vulnerable groups in society – The MA regards service to the poor is service to humanity.”

So, when we look at the core values, the Mission Statement, and when we look at the objects of the Bill and the functions that the Bill is going to carry out and the functions of the Executive Committee, then there is no doubt that we are in the right path insofar as family planning is concerned.

Mr Deputy Speaker, Sir, insofar as the issue raised by hon. Dr. Boolell regarding the good governance, there are a number of examples of good governance in the Bill itself, when one looks at it. When one looks at clause 19 of the Bill, there is a specific provision in relation to conflict of interest, and the Bill is in essence saying that no one who is in conflict or various conflicts of interest can be a member or an employee of the Association. So, like this, there are a number, for example, we have got clause 7 which deals with non-discrimination which says as follows –

“The Association shall, in the discharge of its functions and exercise of its powers, not discriminate on grounds of race, creed, place of origin, political opinion, gender, disability or sexual orientation.”

There are a number. I am not proposing to go through all the clauses that deal with specifically the issue of transparency and the issue of good governance, but, at the end of the

day, to be a parent is a great thing and to be a parent, and to parent your child in a manner that reflects society's attitude is very important.

So, Mr Deputy Speaker, Sir, to conclude my speech, I will say that as a country that is developing fastly and rapidly in all its spheres of activities, we have to have a system where our parents, our children grow in such a way that it reflects reality of the development that we are undergoing, be it social development or economic development. So, for the future of our social development, for the future of our children, to shape the future of this country, we rely on our children. Good parenthood, good sexual education, good reproductive health is required so that tomorrow we can boast that we are a country that have assumed our responsibility in line with what we are supposed to do according to international norms.

On these notes, Mr Deputy Speaker, Sir, thank you very much for everybody's attention.

The Deputy Speaker: Hon. Lepoigneur!

(7.30 p.m.)

Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière): Merci M. le président. Avant d'entrer dans le vif de mon discours, je voudrais surtout répondre à l'honorable Madame Boygah qui avait qualifié le discours de l'honorable Ms Sewocksingh d'être complètement hors du sujet.

J'ai l'impression que de l'autre côté de la Chambre, il y a un jeu qui se déroule à chaque débat sur les projets de loi, ce qui veut dire que ce sont les instructions mais au lieu d'apporter leur contribution au manquement de ce projet de loi, c'est venir plutôt critiquer et lire le projet de loi.

Mr Deputy Speaker, Sir, I thank you for giving me the opportunity to intervene on this piece of legislation which has its importance, but I would have preferred that it should have been the Children's Bill which should have been presented instead. According to my opinion, the Children's Bill is important and long overdue. Nevertheless, it is a great pleasure to intervene on some measures in the Mauritius Family Planning and Welfare Association Bill which also concerns children's problems.

The function of the Family Planning and Welfare Association Bill should be enlarged according to the family planning services where they are talking about provisions to sexual

and reproductive health and rights information, including sex education and marriage counselling, specially to the youth and vulnerable groups.

M. le président, l'implication de l'éducation sexuelle, la participation de la Family Planning Association devrait démarrer à partir de l'école primaire, aussi avec la collaboration des parents. Avant tout, les parents et les enseignants devraient commencer à ne plus dire aux enfants que les bébés naissent dans les choux ou c'est la cigogne qui livre des bébés. Quand on parle de fonder une famille, c'est assez facile de dire des *counseling* et guider les futurs parents dans la direction voulue. Mais quand il s'agit de venir contrer la formation d'une famille non-désirée, c'est que le travail devient compliqué.

Prenons l'exemple des grossesses précoces, qui d'année en d'année ne cessent d'augmenter, qui deviennent alarmantes. Les statistiques de la MFPWA démontrent que les cas de grossesses précoces montent en flèche. Elle implique les adolescents entre 12 et 17 ans, certains ont été victimes de violences sexuelles mais la plupart des cas concernent des jeunes filles qui ont eu des relations sexuelles avec leurs petits copains. Tomber enceinte durant l'adolescence, dans la majorité des cas, signifie la fin des études, M. le président. De plus en plus, les jeunes ont des relations sexuelles tôt, mais plusieurs sont également issus des familles brisées, défavorisées et recomposées.

M. le président, beaucoup de ces filles sont issues de poches de pauvreté où la violence et la maltraitance sont choses quotidiennes.

The Deputy Speaker: May I, hon. Lepoigneur? I think by now you should know the rules of the debate. I will refer you to the relevant section of the Standing Orders which say that any honourable Member intervening should not read his speech and should make reference to his speech.

Mr Lepoigneur: I am referring to my notes, it is like hon. Husnoo and lots of other Members of this side did. Hon. Mrs Boygah read her speech as well. It is not only me who is reading my speech.

Certains ont été victimes de violences sexuelles mais la plupart des cas concerne des jeunes filles qui ont eu des relations sexuelles avec leurs petits copains. Tomber enceinte durant l'adolescence dans la majorité des cas signifie la fin des études, M. le président. De plus en plus de jeunes ont des relations sexuelles tôt mais plusieurs sont également issus des familles brisées, défavorisées et recomposées. Beaucoup de ces filles sont issues de poches de pauvreté où la violence et la maltraitance sont choses quotidiennes. Ce sont les situations

familiales difficiles où il y a souvent des cas d'incestes. Les conditions dans lesquelles elles vivent, on découvre une énorme couche de pauvreté qui occasionne l'inceste où plusieurs dorment dans un même lit.

M. le président, des relations sexuelles avec des jeunes de moins de 16 ans sont interdites même si les adolescents affirment qu'ils étaient consentants. Le consentement n'est pas reconnue par la loi, par conséquent lorsque deux mineurs ont des relations sexuelles, ils commettent tous deux un délit. Mais souvent, même si la fille déclare qu'elle est consentante, c'est uniquement son petit copain qui est poursuivi. Par ailleurs, l'article 11 de la Child Development Protection Act stipule qu'une personne, que ce soit dans une école ou dans le domaine médical soupçonne qu'il y a eu un cas d'abus sexuel, le cas doit être référer aux autorités concernées du Ministère des égalités des genres, du développement de l'enfant et du bien-être de la famille et éventuellement au Child Development Unit.

Je pense que la Mauritius Family Planning and Welfare Association devrait être impliquée pour pouvoir encadrer et guider les familles non-programmées. Le rôle de la situation est de conseiller ces jeunes, de leur assurer un suivi médical et psychologique, par la suite, si besoin est, on les réfère à d'autres instances. Le plus important de tous les acteurs concernés commence par les parents qui doivent être plus responsables. Je sais que la Mauritius Family Planning Association offre des piqûres aux jeunes tous les 3 mois pour ne pas retomber enceinte mais assez souvent, ces personnes vulnérables ratent leur rendez-vous par manque d'encadrement des parents, manque de moyens de transport pour s'y rendre à leur rendez-vous ou carrément l'oubli. Mais au niveau de la Mauritius Family Planning Association, il aurait dû avoir un moyen de communication pour un appel de rendez-vous des patients et combler les problèmes qui les empêchent de venir.

M. le président, dimanche dernier dans ma circonscription, j'ai rencontré une fille de 14 ans qui est venue me demander de l'aide pour aller à son rendez-vous à l'hôpital. A mon grand étonnement, elle était enceinte de 7 mois, une fille de 14 ans. Comme elle n'était pas à son premier rendez-vous, je lui ai posé la question par rapport au père de l'enfant, elle m'a répondu qu'une seule fois un policier et une personne assignée, les officiers de l'hôpital avaient posé des questions à sa sœur qui l'avait accompagnée. Elle ne sait pas si la Family Planning a été averti. Ces familles-là ne savent même pas si la Family Planning existe. J'ai été voir dans quelles conditions cette fille de 14 ans vit, avec une mère qui est tout le temps absente car elle vit dans deux différents endroits et il y a sa sœur qui vit sous le même toit qu'elle, qui est aussi un enfant perdu, qui a survécu dans les mêmes conditions que sa sœur et

qui n'a pas une vie stable. La maison dans laquelle vit cette famille, je la qualifierais d'étable. Loin de toute facilité, nous savons tous qu'à partir de 7 mois de grossesse, à n'importe quel moment, son enfant peut venir au monde. Imaginez qu'elle est seule et qu'elle perde les eaux au beau milieu de la nuit, que pourrait faire une fille de 14 ans sans la présence d'un adulte responsable à ses côtés ? D'après mes renseignements, le géniteur de l'enfant âgé de 19 ans, qui a mis cette fille de 14 ans enceinte, a déjà abandonné la fille et refuse de prendre ses responsabilités. A ce jour, il n'a pas été interrogé par la police pour avoir eu des relations sexuelles avec une fille de moins de 16 ans. Ce que je veux faire comprendre, M. le président, la fille, qui est elle-même encore un enfant, est sur le point de mettre un enfant au monde? Les autorités concernées, c'est-à-dire la CDU, la Mauritius Planning Welfare Association etc. auraient déjà dû prendre cette enfant en charge afin qu'elle puisse mettre son enfant au monde dans les meilleures conditions pour éviter un autre drame, car il ne faut pas oublier l'épisode de la mort de la jeune Ruwaidah, 13 ans, mariée religieusement, qui était enceinte. Ce drame a bouleversé la nation entière. Le décès de la petite Ruwaidah a été un cas de trop. Donc je fais un appel pressant aux autorités concernées de considérer ce cas en priorité. Je suis à votre entière disposition pour les renseignements voulus afin d'éviter un autre drame.

M. le président, depuis de nombreuses années, le nombre de mineurs ayant donné naissance dans les hôpitaux publics tourne autour de 600 chaque année ; un chiffre alarmant d'autant qu'elles sont de plus en plus jeunes et beaucoup de grossesses n'arrivent pas à terme. Sans repères, ces jeunes mamans se retrouvent souvent dans le cycle des problèmes sociaux et doivent faire face à des situations difficiles. La Mauritius Family Planning and Welfare Association est concernée par ce fléau mais le service actuel de la MFPA ne permet pas aux personnes défavorisées d'avoir accès à ce service qui est payant c'est-à-dire les services tels que stérilets, préservatifs, contraceptifs et les consultations des médecins sont payants de ce fait que ces personnes qui se trouvent dans la pauvreté ne peuvent pas bénéficier des services de la MFPA ? La MFPWA bénéficie d'un soutien conséquent au niveau des finances de la IPPF, du ministère et je pense certains services de MFPWA auraient dû être gratuits comme dans certains centres de santé et les ONG.

M. le président, je pense aussi qu'il y a un manque de communication entre la MFPWA et la communauté défavorisée. Je reconnais, comme l'a indiqué l'honorable Rutnah, que c'est facile de tout savoir sur la MFPWA à travers les réseaux sociaux où elle est très présente. Mais il faut une communication différente pour les personnes défavorisées qui n'ont pas accès à l'internet. Ils peuvent se servir d'autres moyens, par exemple, les officiers de

terrain peuvent aller à la rencontre des personnes vulnérables. J'ai fait une petite visite à la MFPA où j'ai récupéré des brochures de différents types de service qu'offre la MFPA et je reconnais que ces brochures sont bien explicites au niveau technique médical mais il faudrait un langage beaucoup plus approprié pour les personnes qui n'arrivent pas à comprendre. Pourquoi pas en créole ? Ces mêmes brochures sont disponibles au comptoir de la MFPWA mais je pense qu'on aurait dû les distribuer à travers les journaux pour toucher plus de personnes.

M. le président, il est difficile pour les enfants formant partie de la classe défavorisée à éduquer leurs enfants à une santé physique mentale planifiée quand ils ont eux-mêmes grandi dans le même système et n'ont aucune connaissance de la préparation de leurs enfants à la vie. La MFPWA a le rôle de faire un recensement pour détecter cette catégorie de personnes et leur donner des cours dans les centres sociaux de leurs régions au moins une fois par semaine.

M. le président, aujourd'hui, avec le sida qui fait des ravages, avec une sexualité de plus en plus précoce chez nos jeunes, je pense qu'un accompagnement approprié par la MFPWA serait souhaitable.

Pour conclure, M. le président, je souhaiterais dire que je n'arrive pas à comprendre la motivation de ce gouvernement qui, depuis le 16 octobre, a présenté différents projets de lois qui sont moins important que la loi concernant les enfants. Je pense sincèrement que ce gouvernement devait venir au plus vite avec ce projet de loi car il y a eu trop de drames concernant les enfants. Le dernier en date, c'est le cas du petit Ritesh Gobin qui a été sauvagement assassiné à Gros Cailloux en voulant secourir sa sœur. Évitions que cela se reproduise!

Je vous remercie, M. le président.

Mr Boissézon: Mr Deputy Speaker, Sir, I move that the debate be now adjourned.

Mr Ramkaun rose and seconded.

Question put and agreed to.

Debate adjourned accordingly.

(7.43 p.m.)

Second Reading

THE LOCAL GOVERNMENT (AMENDMENT NO. 2) BILL

(NO. XX OF 2018)

Order for Second Reading read.

The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo): Mr Deputy Speaker, Sir, I move that the Local Government (Amendment No. 2) Bill (No. XX of 2018) be read a second time.

The purpose of introducing the Local Government (Amendment No.2) Bill (No. XX of 2018) is to amend the Local Government Act 2011 to provide as follows -

- (i) to fix the year for the holding of the next general election of Councillors to a Village Council to be held in the year 2020, thus bringing certainty;
- (ii) to extend the mandate of every present member of a Village Council, District Councillor and Chairperson and Vice-Chairperson of a Village Council or District Council until the next general election of Village Council in 2020, and
- (iii) to provide that in case there is a vacancy in the office of a Village Councillor, District Councillor or Chairperson, and Vice-Chairperson of a Village or District Council, pending the next general election of Village Councillors to a Village Council in 2020, the vacancy shall be filled in the manner as already provided for in the Local Government Act 2011.

Section 12 (1) of the Local Government Act 2011 initially provided that the election of Councillors to a Village Council shall be “held in 2012 and thereafter every 6 years on such date as the President shall appoint.”

The last Village Council election in Mauritius was held on 02 December 2012.

Thereafter section 12(1) of the Local Government Act 2011 was amended in 2015 by the Local Government (Amendment) Act 2015. The purpose of that amendment was to add the following in section 12(1) “or in such other year, and at such date, as the President shall, on the advice of the Prime Minister, appoint.” As such section 12(1) of the Local Government Act 2011 after the amendment in 2015 now reads as follows -

“The election of Councillors to a Village Council shall be held in 2012 and thereafter every 6 years or in such other year, and at such date, as the President shall, on the advice of the Prime Minister, appoint.”

Mr Deputy Speaker, Sir, through this Bill we are, therefore, availing ourselves of the amendment made in 2015 which provides that the next general village Council election could be held every 6 years or in such other year. We are hereby fixing the year for the next general elections of Councillors to a Village Council to be held in the year 2020 in accordance with the existing provisions of the law and not in such other year which could extend beyond 2020 as the present law allows, which creates rooms for uncertainty.

We are also providing that every present member of a Village Council, and District Councillors and every Chairperson and Vice-Chairperson of a District Council or Village Council currently in office shall continue to serve and remain in office until the next general Village Council Elections in 2020.

As the law stands today, it could be interpreted that the village election could have been held in any such other year after 6 years period and not necessary in December 2018. Alternatively, it could have been interpreted also that the village elections could have been held in any such other year with the 6 year period. Accordingly, the amendment brings certainty and predictability. This cannot be construed as a postponement of the village council election because the year for the said village election has been fixed.

(Interruptions)

Laissez-moi terminer! Mr Deputy Speaker, Sir, ...

(Interruptions)

The Deputy Speaker: Silence, please!

Mrs Jeewa-Daureeawoo: Mr Deputy Speaker, Sir, through this Bill, the Government is, in fact, fixing the year 2020 for the holding of the next general elections of Village Council. We are also doing away with any the ambiguity and uncertainty by deleting the words ‘or in such other year’. As such, there will be no discretion left to be exercised and Village Council elections shall have to be mandatorily held every 6 years after those of 2020. Clause 3 of the present Bill provides for a similar amendment to be brought to section 11 of the principal Act, concerning Municipal elections, where the words ‘in such other year’ are being deleted.

Mr Deputy Speaker, Sir, allow me now to give reasons as to why we have not caused the village election to be held this year, but in 2020. The rationale behind the holding of the next general elections of Village Council in the year 2020 is that our Government is currently in the process of bringing major electoral reforms in the country.

(Interruptions)

This is in line with the Government Programme 2015-2019 where we undertook to achieve meaningful change in the country. At Paragraph 248 of our Government Programme, we undertook during this mandate to eradicate fraud, corruption, malpractices and irregularities in all aspects of public life and restore our national values. To this end, we undertook to legislate a new Declaration of Assets Act for MPs and high ranking public officials and a Financing of Political Parties Act.

A Ministerial Report has already been published on the proposals on electoral reform and the Electoral Reform Bill will soon be before this House. The Government also intends to bring before this House a new Declarations of Assets Bill and the Financing of Political Parties Bill. All these new legislations may well have a direct bearing on the electoral process at all levels in Mauritius. The Government wishes to incorporate and encompass the elections at the level of Local Authorities and take them on board in these electoral reforms. One example of how these coming reforms would impact the elections at Local Government level is that we are considering to add Village Councillors, District Councillors and Chief Executives of a Municipal City Council, Municipal Town Council or District Council in the categories of persons on whom the new Declaration of Assets Bill would impose an obligation to make a declaration of their assets and liabilities. As we can see, it is the wish of our Government that the Village Council elections be held after the completion and implementation of any further reform which may have a bearing on the electoral process at regional level.

By fixing the next general election of Councillors to a Village Council in 2020, our Government wishes that the elections at the Local Government level, namely the Village Council general elections also to avail of all these new reforms which will be by then completed and implementable. This will give the Government ample time to consider bringing and applying these electoral reforms at Local Government elections and to consider whether there is any need to bring any further amendments or reforms to the present Local Government Act 2011 to bring it in line with the new electoral reforms.

Furthermore, Mauritius is presently undergoing major constructions and development project works throughout the islands which have been initiated by the local authorities under this Government, and are yet to be completed.

Several projects have been identified following the unfavourable climate conditions that affected the country in 2018, resulting in severe flooding. The priority of our Government is to focus on timely implementation of these projects, especially the crucial ones like drains. An election at this point in time is not opportune as this may disrupt, lengthen or jeopardise the timely completion of all these projects. Thus, the holding of the – can you please listen?

(Interruptions)

The Deputy Speaker: Silence, please!

Mrs Jeewa-Daureeawoo: When you will intervene, I will listen carefully...

(Interruptions)

The Deputy Speaker: No crosstalking please! Continue with your speech!

Mrs Jeewa-Daureeawoo: Thus, the holding of the election of Village Council in 2020 will enable the local authorities to efficiently follow through and complete these important projects for the benefits of the population.

Mr Deputy Speaker, Sir, Clause 5 of the Bill is inserting a new Section 12A to the principal Act. The new Section 12A is purely temporary and provisional in nature because it will be applicable only until the next election of 2020. It is entitled “Transitional provisions until general election of village councils to be held in year 2020”. The main purpose of these temporary transitional provisions is to preserve and maintain the *status quo* in all the Village Councils and District Councils pending the next election in 2020. These provisions will ensure the continuity and stability at all levels and prevent any sort of disruption or disturbance in the operations of Village Councils and District Councils.

The new Section 12A (1) is extending the mandate of every present member of a Village Council, a District Councillor and Chairperson and Vice-Chairperson of a District Council or Village Council currently in office by providing that they shall continue to serve and shall remain in office until the next general Village Council election in 2020.

These provisions cater for continuity and stability at the local authorities pending the next Village Council election in 2020. This will also enable the current office holders to

successfully oversee and manage the completion of all the ongoing major construction and development works which they have initiated and which are in the phases of completion.

Mr Deputy Speaker, Sir, there is a proposed amendment that has been circulated which I intend to bring to Clause 12A (2) to (5) of the Bill. This amendment concerns the situation when a vacancy occurs in the office of a Village Councillor, District Councillor or Chairperson or Vice-Chairperson of a District Council or Village Council, pending the next election in 2020. After the proposed amendment to be made at the Committee Stage all the vacancies in these offices will be filled as per the prevailing provisions of the Local Government Act 2011, that is, sections 12, 34 and 42 respectively. These vacancies will be filled democratically, as provided by the law, either by the reserve lists or elections by secrets ballots. Therefore, we are not changing the ways and methods of filling the vacancies as prescribed by the present provisions of the law.

Mr Deputy Speaker, Sir, Clause 12A (5) of the Bill finally provides that a member of an Executive Committee of a District Council referred to in Section 47 shall continue to serve as such, pending the next general Village Council election in 2020. I, therefore, commend the Bill to the House. Our Government firmly believes that fixing the Village Council election in 2020 is in the best and utmost interest of the population and the country at large.

I will propose an amendment, as already circulated, at Committee Stage, more particularly at Clause 5, to provide that in case there is a vacancy in the office of a Village Councillor, District Councillor or Chairperson, and Vice-Chairperson of a Village or District Council, the vacancy shall be filled in the manner as already provided for in the Local Government Act 2011. Moreover, a member of an Executive Committee of a District Council referred to in Section 47 shall, on the commencement of this Act, continue to serve as such until the day immediately preceding nomination day at the election of Councillors to a Village Council to be held in the year 2020.

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

The Prime Minister rose and seconded.

The Deputy Speaker: Hon. Leader of the Opposition!

(7.57 p.m.)

The Leader of the Opposition (Mr X. L. Duval): Mr Deputy Speaker, Sir, *heureusement que le ridicule ne tue pas*. And what feeble excuses for knifing democracy in the back!

Mr Deputy Speaker, Sir, I have a different reading of the manifest of *l'Alliance Lepep* in 2014. This is what the manifest said, Mr Deputy Speaker, Sir, concerning democracy –

“(...) consolider la démocratie est un impératif de stabilité et de développement que nous tenons à cœur. ”

So, this is not in any way shape or form *consolider la démocratie*. And also, Mr Deputy Speaker, Sir, as has been mentioned recently at the Committee of Supply when question was raised by, I think, hon. Bhagwan, concerning whether the Village Council election should be held this year, this is what the Prime Minister had to say: “Well, from memory I can recall that we have made a provision in the Budget for the holding of the Village Council election this year.”

So, it was clearly not only the intention of Government in 2014 to consolidate democracy and not to knife it in the back, but also, a few months ago, at Budget Time, at least, unless we were all deliberately fooled, it was the intention to hold the village election for which, I think, Rs118 m. or something like that has been in the budget. So, this obviously comes with a long list of other broken promises made by *l'Alliance Lepep* since 2014. I think we need to know why this U Turn by Government, what has happened. Is it panicking? What is the reason, why the Government suddenly after a few months has decided now that it is no longer opportune to have these Village Council elections. Please, I mean, let us not try and play *ti komik* and offer these very weak excuses for knifing democracy in the back.

In the past, there has been postponement of elections. Back in 1972, of course, elections were postponed. I still think for very valid reasons because then democracy was in danger, we were in a state of emergency, the country was having problems and Sir Seewoosagur Ramgoolam, Sir Gaëtan Duval extremely great democrats, I think today too, we are right...

(Interruptions)

I can go in great detail in what happened at that time; I would not do so. I can go great detail, if you wish me too. But it saved democracy, it saved our way of life and it allowed Mauritius

to become prosperous today and we are very happy that it happened. It had to be done and it was done. That was one reason for postponing the elections which even today I support.

In the recent past, the MSM/MMM Government postponed the Village Council election. From 2002, some law was being prepared which was never, I think, promulgated anyway or hardly or ever until 2005. It is an interesting point, Mr Deputy Speaker, Sir, that for the last 21 years no Village Council Elections were ever held and the MSM were in power. It's a fact. It is probably not a coincidence: 1997, 2005, 2012! For the last 21 years, no Village Council Elections when the MSM were in power!

Now, I accept that in 2010, the Village Council Elections were postponed for two years and a Bill was prepared by my then colleague, Hervé Aimée. I was on the Committee. I think I even shared some of the sittings of that Committee. It was a very substantial Bill, about 30 or more amendments were brought to the Local Government Act and also major amendments were brought to the Village Council Elections and the way that the District and Village Councils were run, in particular, the mandate of the President was extended to two years. We had this requirement that a third of the candidates would be women and also, importantly, Mr Deputy Speaker, you may know, we created three new District Councils. That was just a part to deal with Village and District Councils. And the law dealt with the Municipalities etc. So, I still think it was a valid reason then, major changes were being brought, there were a lot of discussions in Government. And finally, we agreed on what was presented and passed and the elections were duly held in 2012. But now, Mr Deputy Speaker, no valid reason at all, except that one can only conclude some sort of fear of the electorate. Although we all know that Village Councils Elections are not fought by political parties, whereby surrogates of political parties, everybody has people they put in. At the end of the day, one has a red flag, a blue flag, an orange flag, a mauve flag or something. It is not fought by political parties as such, mainstream, but still, it seems that some people are afraid to face an electorate, Mr Deputy Speaker, Sir, even via some surrogates. We have heard this again today and it is a great shame.

What are the reasons that are being put forward? *Hon. Collendavelloo, trop beaucoup de constructions dans le pays! Beaucoup de constructions, where? The Metro Express from Rose Hill to Port Louis where its only the village of Richelieu which is affected by the Metro Express; I can see no other village. Grand Gaube where I live, they are not even touching a bus stop. Nowhere else is there any big construction happening that would justify stabbing*

democracy in the back, Mr Deputy Speaker, Sir. The flyover at Decaen is in Port Louis, the AIM1 Bridge is just *derrière* Beau Bassin. All this is absolute rubbish!

Now, hon. Sinatambou and hon. Vice-Prime Minister: the Declaration of Assets has to be passed! Mr Deputy Speaker, Sir, I was in Government, the Declaration of Assets Bill was brought to Cabinet, it was given to a Committee four years ago. It was brought to Cabinet and given to a Committee headed by hon. Collendavelloo. Where is it till now? It disappeared, although it was only a two-page Bill. As far as I remember, two or three-page Bill. It was brought four years ago and now it is being used as a lame excuse for postponing village elections, when we know anyway that any new Declaration of Assets could apply to any Counsellor, however he has been elected, Village Council/ District Council. So, it is absolute rubbish, Mr Deputy Speaker, Sir. Four years the Committee has sat! *Le pays est en chantier!* Again, we are being told that *le pays est un chantier*. It is not obviously the fact that rural areas of Mauritius are *en chantier*, it is not at all the case, Mr Deputy Speaker, Sir. Even if it were, and it is not the case, it is not a reason for postponing elections. We are worried about the general elections next year.

If these are the reasons for postponing Village Elections, which concerns 60% of the population - 60% of the electorate are found in villages - what can we be told next year? That the Declaration of Assets has not been passed, so we somehow try and postpone the General Election. Any reason can be good, if these are the reasons that we are given for postponing democracy for 60 % of the electorate. Nearly 550,000 people would have had a right to vote and they are being denied this right to vote, Mr Deputy Speaker, Sir. Now, the other one, *financement!* I think we have not yet agreed on the Bill; it has not been presented. *Financement des partis politiques*, says hon. Sinatambou. These *partis politiques* are not present in these elections. I don't think the MSM or the MMM is going to stand in the Village Elections. So, what is this rubbish of using that excuse? So, that is also out. Mr Deputy Speaker, these are the excuses, they are even making a mockery of this House by giving this type of excuse.

They could have used perhaps a bit more imagination. I know that we are not very good in innovation. We are now, I think 79th in the world under this present Minister, but surely the Government could have innovated and found some decent reason to fool us, not even that, Mr Deputy Speaker, Sir. The pure fact remains and this is clear to the electorate that it is a *fuite en avant*, a refusal to face even through surrogates, the will of the electorate

and it boasts very badly for our democracy and even for the general elections which are going to be held, hopefully, next year. I say hopefully, Mr Deputy Speaker, Sir.

Mr Deputy Speaker, Sir, there have been also some misplaced criticisms. I think the hon. Vice-Prime Minister did correct this. It is about the amendments that were brought. I think it was the 2015 Act, where I did chair that Committee which brought the amendments which were proposed to Cabinet, which were approved by Cabinet, approved in this House and one of the amendments, amongst others, was that the elections could be held every six years or in any other year. I remember it is not here anymore. Ravi Yerrigadoo, who was then Attorney General was explaining to us, to me at least, that it is meant holding every six years or an earlier year. That is what it meant, it was never intended to allow Government to postpone elections, be it Municipal or Village Elections *ad infinitum* into the future. That would have been an undemocratic amendment to the law, and the State Law Office would never have allowed us to do so. I see hon. Sinatambou getting ready to reply, so I will quote hon. Dr. Husnoo, who was my good friend at that time, but he no longer is. At that time, I chaired his Committee and this is what hon. Dr. Husnoo said concerning this change in the law.

And it says this at clause 3 -

“To allow the holding of Municipal elections this year and thereafter every six years, or earlier in such other year as the President shall, on the advice of the Prime Minister, appoint.”

This is Hansard.

So, it says quite clearly that Municipal Elections should be held every six years or earlier in such other year as the President shall on the advice of the Prime Minister appoint, and it further goes on to say, Mr Deputy Speaker, Sir -

“Further with a view to ensuring consistency, a similar provision is being made at clause 4 for the holding of the Village Council elections.”

So, there is no confusion. The Minister made it very clear in his speech at that time that the idea was to hold it every six years or earlier if the Prime Minister had decided and advised in that way the President.

This is, Mr Deputy Speaker, Sir, the truth about this amendment and, obviously, it is collaborated and substantiated by the speech of the then Minister of Local Government.

Anyway, the proof of the pudding is in the eating. If we have brought this amendment today, it is because the law, as it stands, does not allow the postponing of the elections after the six years which is being done now, Mr Deputy Speaker, Sir. So, there is no valid reason for the postponement and, of course, Mr Deputy Speaker, Sir, what is democracy without elections? There can be, by definition itself, no democracy without an election. So, any attempt at fooling around, postponing of elections, is a direct attempt at our democracy and it is anti-democratic and I think not only the rural area, but the whole country and the political class have condemned this Bill that is being presented today.

Village Councils, District Councils are at the heart of democracy in Mauritius. It is participative democracy. Many people are concerned. And what does a Village Council do? Appoint the Village Councillors, appoint the District Councillors! Apart from that, what do they do? They do the small development projects, some cultural events; they take care of the football grounds, of the public amenities that are at the beaches. This is what the Village Councillors do. It is harmless, but it is important because it is participative democracy.

Obviously, the District Council has more power, not huge amount of powers, licensing, where the buildings will be built, financing larger development projects when it has the money, cultural events, welfare programmes, road infrastructures, lightings and scavenging. These are the things that the District Councils do. Again, important things for the Communities, things that should not be disregarded or looked down upon as if they are not doing anything important. That is not true. District Councils have a very important role in the administrative and democratic process of this nation. As I mentioned, they concern 550,000 people, electors, many more inhabitants, probably 800,000 inhabitants and they have a great role to play, and this amendment for me, Mr Deputy Speaker, Sir, *c'est un manque de respect envers la population rurale*, and especially the way and the manner that it is being done. The way and the manner that it is being done represents *un manque de respect envers la population rurale*.

Now, Mr Deputy Speaker, Sir, Village Council Elections are being used as a Ping-Pong, postpone here, postpone it there, it has to come at a politically convenient time for this Government. So, I would like to invite the House, Mr Deputy Speaker, Sir, to think differently and this is why I had raised the issue during the weekend that after 50 years of Independence, we do need to think differently and not just say and do things as before. Let us try and think and improve things.

And, Mr Deputy Speaker, Sir, I have floated the idea that we should try to regroup General Elections, Municipal Elections and Village Elections in one single day so that we would not have to trouble the electorate a few times for voting and so that also, Mr Deputy Speaker, Sir, we have other advantages which I am going to talk about just now.

Firstly, participation. Now, participation in Village, Municipal and even General Elections have been going down, I am sure you are aware of that. Now, Village Elections are not that bad. 50% of the electorate voted in the last Village Elections in 2012. Down, we must admit, from about 52% previous statistics in 2005. So, it has been going down, but still reasonable.

What about Municipal Elections? Municipal Elections, Mr Deputy Speaker, Sir, 35% of the electorate only voted, which means 65% did not turn, did not even go to these schools to vote. 65% just turned a blind eye to the elections. And that also is down from the previous Municipal Elections of 2012 where 45% of the electorate voted. So, Mr Deputy Speaker, Sir, fewer and fewer people are bothering to vote, and that is not good for our democracy.

It is the same thing for the General Elections. 2010: 79%, 2014: 74%, maybe the right people did not vote, I don't know. But 74% only, a large number did not vote.

Now, there is a need to regroup, encourage people to vote and ensure that by regrouping, we have more people to vote. So, what we would have, in fact, *ce n'est pas la mer à boire*, it is two separate ballot papers, whichever colour you might choose. Two separate ballot papers, one would vote for in each school, it would be either General Elections or the Municipal Elections, or the General Elections or the Village Council Elections. That is all. That is all the amendment that would need to be made for this to happen, but, obviously, there are other issues which I am going to talk about. So, one is participation and I am sure that if we are talking about organisation, that the Electoral Supervisory Commission will this time be able to organise the two ballot papers in such a small country as Mauritius, it is not the end of the world.

The other aspect which is not the most important aspect, but as the Prime Minister and Minister of Finance and as we have seen with dialysis, with everything else that the public services are falling apart. I am sure that if we could save Rs215 m. when we hold Village Elections by itself, that is what it cost in 2012, Rs215 m., almost the same cost as General Elections. The General Election 2014 cost Rs231 m. So, the Village Elections is almost like

for the Budget like holding General Elections. These are the figures, and the Municipal Elections are a little bit cheaper but not that much cheaper at Rs124 m.

So, you see, Mr Deputy Speaker, Sir, the fall in participation, huge costs involved and, of course, there are other considerations. What is corruption? You talk about financing of political parties. The more elections, the more reason to look for financing; the more elections, the more financing that is needed, anyway, and so it would help by relieving the burden on probably the private sector also which has always got to help in these issues.

Mr Deputy Speaker, Sir, regrouping the elections will cost less to the Exchequer, will cost less to the economy at the same time obviously then, and I believe reduce opportunity for corruption. Now we can look at other aspects like the strain on our security services, the police, the strain on the administration itself to be able to hold these numerous elections. Often - and this is what the Vice-Prime Minister also said, although for village election, major political parties do not take part - these elections also block the Government machinery with Ministers having to go every night in every corner of the country to try and defend the policy of Government and to try to get a good result for Government. So, it is, in my view, a huge waste of resources to be having all these elections. We would then have the elections simultaneously but, obviously, there are important issues like, let's say for a mandate of 5 years, the problem we will have if Government was suddenly to lose a vote of confidence in the House. There will have anticipate snap elections and that would trouble the process, but many countries like South Africa, Sweden, USA for the mid-term elections, Germany, and other countries have managed to find a way to regroup these elections.

An interesting work, Mr Deputy Speaker, Sir, done for the Indian Department of Legal Affairs and it was through a request by none other than Prime Minister Modi, who, in April 2018, recently launched this idea of regrouping and having simultaneous elections in India and so, they do not mess about there. The Indian Government appointed a Law Commission which issued a draft report. Hon. Bodha will be happy to know that it is not a private secret report. It is a public draft report because there it is a real democracy. This draft report has been prepared by the Law Commission appointed by Mr Modi who has a famous and beautiful slogan: 'one nation, one election'. This can work also in Mauritius. We can have one nation, one election. Why should we have municipal elections? Why should we have rural elections? What is the message that is being given? Somehow that one is not the same as the other. So, the slogan of Mr Modi is one nation, one election and I believe that it is a beautiful slogan that could also apply to Mauritius. What is the conclusion? It is a long

report, I did not have time to look through it all myself. I only got it today but this is one of the conclusions which you will find in the Executive Summary. I will table this report if ever someone wants to read the whole thing. This is what the Law Commission in India, appointed by Mr Modi, says in recommendation number four, Mr Deputy Speaker, Sir –

“It said that after detailed discussions, the Commission has come to the conclusion that holding simultaneous elections would be ideal as well as desirable, but a workable formula is required to be provided in the Constitution.”

The Commission is proposing to work further. Therefore, Mr Deputy Speaker, Sir, I think this would be ideal for Mauritius to do so. We are also innovating and improving our electoral system much more by anything else that is being proposed. Tonight, it is the occasion for me to float this idea that we should also in Mauritius innovate, take best practice, follow what is happening in other countries including the Republic of India and please do not tell me that we cannot do it in Mauritius with 1.3 m. people but that India can do it or is proposing eventually to do it with 1.5 billion people. So this is, Mr Deputy Speaker, Sir, my contention. I believe that the electorate, after 40 years of free education, can easily distinguish between two different ballot papers.

I will end, Mr Deputy Speaker, Sir, by saying that I am pleased that this horrible provision in the law which was aiming to usurp democratic power away from village councillors, district councillors and place it in the hands of the Minister has been done away with. However, one can only be shocked at any motivation that would have encouraged the Vice-Prime Minister to come up in the first place with one of most horrendous provisions that could have been ever thought of. So, I am happy that it is being removed. I am also extremely unhappy that it was ever proposed. Also, Mr Deputy Speaker, Sir, I can only be happy to see that sometimes, not always, in the face of public displeasure, in the face of public discontent, the Government backs down and I hope, Mr Deputy Speaker, Sir, that the public also will take that as a good lesson to show that if they show this pleasure, if they show anger, then democracy will be preserved in this country.

Thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: Hon. Members, I suspend the sitting for one hour.

At 8.30 p.m., the sitting was suspended.

On resuming at 9.39 p.m. with Madam Speaker in the Chair.

Madam Speaker: Hon. Sinatambou!

The Minister of Social Security, National Solidarity, and Environment and Sustainable Development (Mr E. Sinatambou): Thank you, Madam Speaker. I am honoured to be given the opportunity to address this august Assembly on the proposed Local Government (Amendment No. 2) Bill (No. XX of 2018). A Bill which has aroused what I consider to be a lot of hypocritical passion, unnecessary excitement and undue anxiety. I will, during the course of my speech, dissipate those needless and flimsy comments, from my point of view maliciously orchestrated mainly by our opponents who, as usual, will in vain try to run a silly show in the absence of valid arguments.

Madame la présidente, il n'y a pire aveugle que celui qui ne veut voir. As the House is aware, the principal aim of this Bill is to amend the Local Government Act of 2011 for the next elections of Councillors to a Village Council to be held mandatorily in the year 2020. At the very outset, Madam Speaker, let me remind the House that there is nothing sinister nor any attempt whatsoever to baffle democracy in this country with this amendment to the Local Government Act. It is neither a rape of democracy nor an anti-constitutional *coup* as our opponents have been trying to impute with the unfortunate complicity of a few others outside this House. Incidentally, the extension of the election for Village Councillors is not something new and is certainly not the exclusive making of this Government.

In fact, if we go down in history, we will all know that in the past, General, Municipal and Village Council elections were postponed. By whom and for what purpose? In the 1970s, the then Government postponed the General Elections. A state of emergency was even declared. This was described by some, on the other side of the House today, as a true rape of democracy and yet this decision was not struck with empty constitutionality when the full bench of the Supreme Court on which were sitting the then Chief Justice, Maurice Latour-Adrien and the then Senior Puisne Judge Henry Garrick gave his judgement in 1973. By-elections were postponed indefinitely and were banned by the then Labour Government. I must say that I looked very attentively to the front bench of the MMM as the Leader of the Opposition tried to justify what was done in those days.

It is not to be forgotten, Madam Speaker, that in 2010 the Labour and PMSD Government amended the Local Government Act of 1989 and the Local Government Act of 2003 to provide for the election of Councillors of local authorities to be held until 2011. They, in fact, postponed the elections both for Municipal Councillors, District Councillors

and Village Councillors. So, how ironical if not cynical to come today and claim that there is a knifing of democracy when, in fact, they postponed three set of elections in one go. Now they want three elections in one go, they want us to have general, municipal and village elections together. In 2010, they postponed all three in one go, Municipal, District and Village elections. Today, we have clear reasons for proposing an amendment for the extension of these elections and we do not need to have the acceptance of the other side.

We have parliamentary democracy. I recall the speech of hon. Mohamed in the debate concerning the postponement of the elections of the Municipal, District Council and Village Council elections in 2010, how he claimed that this was actually parliamentary democracy: 'We came to Parliament', he said 'and we proposed the amendment and if it was passed, this was appropriate'. We are doing the same thing and we have our reasons, we have explained them and we would like to say we have no hidden agenda.

In fact, the elections are now with predictability and certainty going to be held in 2020. Election which is the most vital instrument in our democratic set up has to be organised within an environment with clear and fair rules of the games and where the different players would be in a real fighting democratic mood and imbued with the democratic spirit and the playground in mint conditions. Elections whether general, municipal or village have to be organised when all the conditions exist so that the democratic values and traditions which have always characterised our country save for small spans of time are well in place.

The electors and the candidates alike should feel that they are engaged in a battle of ideas and programmes that will go in the interests of the country and the democratic principles are upheld in a dignified manner. Both the elections and the candidates should be guided by the principles of democratic rationality rather than by democratic revenge and vengefulness. In fact, at this stage, Madam Speaker, I would like to go to a few debates where we will see what different parties have said upon the postponement of elections in the course of three postponements over a period of less than 10 years.

I want here, Madam Speaker, to refer to the Local Government Amendment Bill of 2002, then to the Local Government Amendment Bill of 2003 and after that, to the Local Government Amendment Bill of 2010. Because what we shall see is that every single party has, at some stage or another, postponed village elections. Let me start with 2002, where the MMM was in Government and then the Labour and PMSD was in the Opposition, let me tell you, Madam Speaker, what was one saying then. Those who postponed elections in 2010,

when they were in Opposition in 2002 and that some other party in Government was postponing election said: *‘Ceux qui se gargarisent de démocratie, d’extension des démocraties et d’espace démocratique du matin au soir, et qui essaient de se donner l’illusion d’une démocratie en ce pays, viennent aujourd’hui faire voter le renvoi des élections rurales. Voilà un décalage entre les mots et les actes de la part du gouvernement’.*

What I am trying say is that, unfortunately, there seems to be too much hypocrisy. There seems to be too much impudence, it verges on indecency that to try and score cheap goals, cheap political goals, some are prepared just to use words and say things which they do not seem when they are in power to me.

Let me give another instance of what was said by another Member in the debate of 02 July 2002. The first statement I gave was from a Member of the Labour Party.

(Interruptions)

No, it is not good to say names for this one because there is a reason for that. I have a reason for not quoting the name of this one.

(Interruptions)

Madam Speaker: Please, no crosstalking!

Mr Sinatambou: No, I have a good reason, I will tell you later on and I am sure you will appreciate why.

Madam Speaker: Hon. Sinatambou, please address the Chair, not the hon. Member!

Mr Sinatambou: Yes, Madam Speaker.

Now, another Member of the then Opposition said: ‘We should not forget that by postponing the election, by amending the legislation, we are a frustrating democracy. There is a legitimate expectation of the people in the rural areas.’

These two statements are from those who are from the party which then in 2010 postponed Municipal, District and Village elections. In 2003, I have another set of statements which shows, and you will see why I am saying this, Madam Speaker, that every time there is a postponement, not a cancellation, I stretch the word, there is a postponement of elections, you will see that there is an attempt to what I will consider recuperate politically the phenomenon. What is said this time: ‘This Government is using parliamentary democracy to pervert the very essence of democracy by postponing the District Council election twice’.

Again, this is the Labour Party stating this Government - a Government to which the MMM then belonged - has been dishonest and double-tongued as far as elections are concerned, but then, seven years later, after saying this, actually postponed the Municipal elections, the District Council elections and the Village Council elections.

Let us now come to the Local Government Amendment Act of 2010. Because this time what happens, it is those who were the champions of democracy now bring an amendment to postpone Municipal District Council and Village Council elections and on the other side, we have...

(Interruptions)

You have been changing so many sides. We do not even know where you stand you see. You must stop changing side.

(Interruptions)

Please, yes.

Let me concentrate! Okay, thank you. So, you see, I was being so nice to them; you will now have me to name people.

So, what happened this time is the hon. front bencher from the MMM who in the 2002 and the 2003 postponements were the bringers of the Bill, now stood against the proposal to postpone the elections at Municipal, District Council and Village Council level. The Opposition clearly stated that it stands against the postponement of the Municipal Elections, then the front bencher from the MMM said: "Who are the rapists today? Rape of democracy, rape of Parliamentary democracy, trick to avoid election." This is what is being proposed today in this august Assembly, it is a Parliamentary trick to postpone elections. Now, you wonder why is it that every time there is this politicking, and this is what we are saying before this House today, we are coming with a postponement of the Village Council Elections. That is what they could say. But, in fact, what we are saying is that we are bringing certainty and predictability by saying that the next Village Elections are going to be in 2020, whether it pleases the other side or not. What we are however telling them, is that, *vous êtes comme ce jeune homme qui criait au loup*. He always shouted *au loup*, everytime people came and there was no *loup* until the day that the *loup* came and swallowed him. So, stop speaking about anti democratic, stop speaking about knifing of democracy. This is not at all the case. In fact, we are democratic. We are coming with a Bill to see the postponement of this particular legislation in a democratic way through the Parliamentary way.

Here, I must say I was quite amused because I saw my good friend, the hon. first Member for Beau Bassin and Petite Rivière who stated: “*Nous sommes résolument contre le renvoie des élections municipales. Ce n’est pas seulement la voix des élus du MMM, c’est la voix des contribuables. Ils sont tous contre cet amendement, c’est un coup d’État contre les habitants* ».

Democracy is democracy. There is a vote, the vote is taken and we accept it. If it was a cancellation, if it was a postponement *sine die*, you could say that this is not at all what this is. Now, Madam Speaker, what I would like to add here, is that there have been a lot of debates, discussions, and opinions expressed on this proposed Bill in the Press and the social media. As usual, we have had more experts in the field than one could imagine. However, many seem to forget that this Bill is not postponing election *per say*, but making arrangements for it to be held at the most opportune time according to this Government, that is, in 2020.

Now, whether the Opposition likes it or not, this year and the ensuing year had been and will be very eventful years. My colleague, the Vice-Prime Minister, Minister of Local Government and Outer Islands has mentioned, for example, the specific laws that are being passed, that are being discussed and will be coming before Parliament. If you look at the reasons of the enactment of the 2002, 2003 and 2010 laws which postponed elections, the reasons for postponing elections this time are certainly stronger, more solid and more robust than the reasons that they had. And I must say that, in fact, what is happening now - I believe and I am convinced - will show, and allow sufficient time to people, especially the youth, to prepare themselves for those forthcoming Village Elections. We believe that the young generation is taking a keen interest in the affairs of the country, and sitting for the Local Government Elections will be an opportunity for them to be exposed and to learn the basics of our democratic set up and the machinery of Government. The Local Government Framework will be reinforced as the elections of councillors to a Village Council will mandatorily be held in 2020, and thereafter every six years.

Moreover, the democratic rule will be preserved because on an occurrence of the vacancy in the office of the Village Councillor, it is not the Minister who will make the appointment for replacement. The same provisions as are in the present Local Government Act 2011 will prevail. I repeat, there is no attempt whatsoever to violate our democracy. We have a commitment vis-à-vis the nation to modernise the country and to govern, so that the country is propelled in the league of nations as a model to follow, not only for its economic

success, social harmony, but also for its constance thrust towards reinforcing democracy and keeping it alive. This has been our guiding principle and the amendment will allow elections to be held in a transparent, fair and equitable manner. The proposed amendments, in my view, Madam, should be viewed from this very perspective. I am sorry for those who cannot understand or simply refuse to understand this basic element in the proposed Bill.

There is one thing I would like to add. I heard the hon. Leader of the Opposition say that for the last 21 years, there have been no Village Council Elections when the MSM was in power. But then, he quoted 1997, 2005 and 2012. Now, one thing I know, is that the MSM was not in power in 1997, so I think this is an inaccurate statement which ought to be corrected. Now, something else which I heard, Madam Speaker, is that the postponement of the Village Council Elections might be something about fear or unpopularity. I will say that this argument is not a sensible one. To me, anyone who would say that it is out of being unpopular or out of fear that Government is coming with a proposed postponement of the Village Council Elections is nearly something which smears *l'imbecilité*, nonsense because, indeed, although this is something where we seem to have observed an attempt to propagate this argument, this is not a sensible one. Because Village Elections are never an issue between Government and Opposition. The effigy is never *la clef, soleil ou le coeur*, the effigy is a butterfly, a flag, a chair and, very often, Members of Government...

(Interruptions)

Let's be serious, gentlemen! Very often, Members of Government and Opposition are actually in the same group of candidates. So, all these hoo-hahs is simple politicking attempt to recuperate, you know, in a partisan political manner. We have been evolving in such a serene atmosphere. I don't want to be too rough, but there is one thing which strikes me and that is not proper. Of course, the other side wants elections. Of course, they are bound to ask for elections. Why? Because on this side there are 45. Over there, one party has 6, one has 5, one has 2, but we must not therefore cry and shout out that anything we do is anti-democratic.

What is happening here is that there is no kniving of democracy, there is no fear; there is no panic at all. It is just that it is Government Agenda that this year and next year, there are several important laws that have to be passed. They are related to what concerns Village Councillors also. It is felt by this Government that it is better to, therefore, hold Village Elections in 2020.

Now, Madam Speaker, the extension of the holding of elections and fixing it to 2020 is, from my perspective, a blessing contrary to what those on the other side of the House have tried or may try to make believe. In fact, there is no rape of democracy. We are by what we are doing with the Electoral Reform, with the Declaration of Assets Bill, with the Financing of Political Parties Bill that is going to come before this House, this Government is reshaping democracy and giving it its *lettres de noblesse* and encouraging local people to be interested in local affairs and to serve the nation, however modestly in their own capacity. I happened to be one who believes very strongly that State and local Governments have their proper roles and this is not me saying, it is Donald Lee Nichols, a great American politician.

I consider it, Madam Speaker, anti-democratic, unpatriotic and a direct attempt to the dignity and decorum of local Government. If people have a *bassesse* consistently and persistently repeating that this Bill is anti-constitutional, there is nothing as such. On the contrary, as I said earlier, this Bill will reinforce democracy and pave the way to a more responsible and responsive and transparent local Government framework, as far as elections are concerned.

In fact, I would to thank and congratulate the Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare to come up with the amendment to the Bill on time so as to ensure that the election of Councillors to a Village Council is held in 2020, but, most importantly, to maintain the present provisions regarding the appointment of Councillors, Vice-Chairpersons and Chairpersons in case of vacancies. Here also there is no *mainmise* of the hon. Vice-Prime Minister.

Madam Speaker, our endeavours as a Central Government is to work together with Municipal, District and Village Councillors so that they have the required vigour, transparency and independence which will allow them to work hand in hand with the Central Government for the interest of one and all in this country. This is precisely what we actually mean.

Before ending, Madam Speaker, let me reply to something which the Leader of the Opposition actually stated in the course of his speech. He mentioned the fact that it was the intention of the hon. Prime Minister to actually hold Village Elections this year. It has been put in a different manner by others. Others have tried to make believe that the hon. Prime Minister and Minister of Finance and Economic Development actually stated that Village

Elections would be held this year. Not only did he reply that please bring along - wherever he said that - any document, wherever he said that, because he never said that. Yes, a budgetary provision has been made but never has it been said that elections would be held this year. And we should not try - this is exactly what is happening today in this country.

Nous avons, malheureusement, certains, que l'opposition le fasse, que l'opposition, Madame la présidente, ait recours à des propos tendancieux, que l'opposition quelques fois et, malheureusement, recours à des propos fallacieux. On peut le comprendre, on ne l'approuve pas, on peut le comprendre, *if they are in the game, it is because they want to try and take power, and sometimes they are prepared to go to improper and adverse means to take power.* Je n'approuve pas ce genre de manoeuvre, mais je peux le comprendre, mais qu'il y ait des complices hors du Parlement, qui, sous des couverts occultes et au propre et aux recours à de mêmes propos tendancieux et essais de manipuler la population de ce pays, c'est infect et inacceptable. Mais, malheureusement, c'est ce que nous voyons jour après jour par certains qui sont donc des complices quand l'opposition a recours à des moyens incorrects, et il est malheureux que ceci perdure. Et nous espérons que le public, que la population verra clair en ce jeu et qu'elle ne se laissera pas manipuler.

Something else which I would like to say, Madam Speaker, when I heard the Leader of the Opposition saying that '*heureusement que le ridicule ne tue pas.*' *Cela pourrait aussi s'appliquer à lui.*

(Interruptions)

Pardon ! Mo pas ti pu mort mwa. Mwa mo devir zot sak fois mwa.

Madam Speaker: Please, no crosstalking! Hon. Minister, do not reply to them.

Mr Sinatambou: Yes. No, they should not provoke me with their ridiculous statements.

Madam Speaker: Just ignore them!

Mr Sinatambou: Yes, you are right, one should ignore the ridiculous guys.

Parce qu'il est clair et net comment aujourd'hui ce parti qui a participé à ce que l'autre parti de l'opposition appelle une violation de tous les droits de l'époque, peut venir dire que la démocratie est ce qui le tient tant à cœur, alors qu'il a participé à tant de renvois des élections.

What is sauce for the goose is sauce for the gander. Today, what is happening, as I said earlier, in the course of 10 years, from 2002 to 2010, we have had three laws which have postponed elections, Municipal, District and Village. Here is one which is pushing it only for one year, from now to 2020. So, let it be and I believe that with these words, Madam Speaker, I have said what should be said, and I really congratulate the Vice-Prime Minister, Minister of Local Government and Outer Islands for this piece of legislation which I believe should be commended before this House.

I thank you for your attention, Madam Speaker.

Madam Speaker: Hon. Bérenger.

(10.10 p.m.)

Mr P. Bérenger (Third Member for Stanley & Rose Hill): Yes, Madam Speaker. The Local Government (Amendment) Bill before us was prepared *en catastrophe* last Friday. Indeed, Madam Speaker, we know that the Cabinet Communiqué announcing Cabinet decision every Friday when there is a Bill coming, it is amongst the first items in the Cabinet Communiqué.

Last Friday, indeed the first item was, I quote the Cabinet decisions of the 23 November –

“Cabinet has agreed to the introduction of an Ombudsperson for Financial Services Bill into the National Assembly (...).”

And indeed today, the First Reading of that Bill took place today as announced in the Cabinet Communiqué. No mention at all about any Local Government (Amendment) Bill and I understand, therefore, that Ministers and others worked very late Friday to get that Bill ready to be presented First, Second and Third Reading today before the National Assembly.

It would seem that this happened because Government had been ill- advised that the Village Elections could be postponed without going through Parliament. This is my information and that would explain why it is only last Friday, *en catastrophe*, that the amendment was prepared. It would seem that Government had been ill-advised that village elections could be postponed through *la présidence de la république*.

Anyway, it is clear that the Bill was prepared *en catastrophe* last Friday only and circulated: First, Second, Third Readings today, which generally speaking we find unacceptable. This is not the way of doing good parliamentary works, certainly not. The Bill,

that was prepared last Friday and that was circulated, it has been amended since, I will come to that, did two things *et nous condamnons les deux aspects du projet de loi circulé* - First, Second, Third Readings *du projet de loi tel qu'il était à l'origine, jusqu'à hier, jusqu'aujourd'hui ici, jusqu'à ce que l'amendement soit circulé ici. Deux aspects - 1 aspect, un renvoi à 2020*, whatever words we use, call a spade a spade. Village elections were due this year, village elections have been postponed to 2020, that is the first aspect.

And the second aspect was *une main mise totale* of Government through the Minister concerned. The Minister was given the power - in the original version, now amended - when there are vacancies at the level of the Village Council Chairman, District Council Chairman, and so on, to appoint people. These were the two aspects and we found both aspects - as far as the MMM is concerned - *condamnables. Nous avons condamné*. We may use a great word but we condemn as undemocratic the two aspects that the original Bill contains.

Let me move therefore one by one. The question *du renvoi* - now don't get me wrong. I am the first one to say that there had been in the past and there can be today or tomorrow genuine reasons to postpone local elections. What kind of reasons? Well, if the Village Council Elections, if local elections are going to coincide with General Election, obviously they will have to be postponed. If new legislation is being prepared as was the case in the past or if there is a catastrophe *naturel*; yes, local elections have been postponed in the past. Not always for good reasons but sometimes for good reasons. But what have we heard today? *Mon Dieu!* Honestly! The reasons that have been put forward today, honestly? I sympathise with the hon. Vice-Prime Minister who had to read those words. I feel so sorry she has all my pity. The reasons put forward: Yes, a lot of legislation are being prepared" so we postpone the Village Council Election. *Beaucoup de chantiers*, hon. Collendavelloo said that in a meeting during the week-end and she picks that up. *Beaucoup de chantiers - non*, let's be serious! If you are going to say general elections are one, two years away, say it but do not come and tell me that it is a good reason to postpone village elections that there a lot of *chantiers* and a lot of legislation being prepared. Rubbish is not very parliamentary but this is genuine rubbish, Madam Speaker.

I heard hon. Sinatambou quote where the Prime Minister confirmed that elections would take place, but, in Hansard, you find it. It is in the Hansard. The hon. Leader of the Opposition did not quote the whole part. Let me read, at Committee Stage, and it is not *la fin du monde*, the exchanges; hon. Bhagwan put a question to the now Prime Minister and this is what he says, I will quote in toto, and it is in Hansard: "Well, from memory, I can recall that

we have made a provision in the Budget for the holding of village council elections this year. But I will find out, it must probably be under centralised managements of operations - *Interruptions*”

It is here! Good! This is in Hansard. It is here! Good! So let's get ready.

(Interruptions)

No, so what? This is in Hansard and as I said, *ce n'est pas la fin du monde*. At that point in time, he said there is financial provision and get ready because elections will be in 2018. This is in Hansard. So this question of postponing to 2020, *nous condamnons*, we do not agree. You have the required majority. I must say that there has been, I suppose this morning, a little manipulation of *Le Mauricien* because I have heard that not only will *la mainmise ministérielle* be done away with, it has happened but I have heard also that there is going to be a precise date for the elections and apparently this was leaked to *Le Mauricien* because, in this afternoon's edition, *Le Mauricien* announces at the front page: “*Au moins une quinzaine d'intervenants pour les débats sur le renvoi des élections villageoises à 'not later than June 2020'*”.

So, it was leaked to the press that not only *la mainmise ministérielle* will be done away with but not later than June 2020, which is not in the Bill before us. In the Bill before us, it is 2020; it is not at latest June 2020. It does not make a big difference. So, this first aspect of things, I repeat, yes there have been *renvois* of local elections in the past, some for bad reasons, some for good reasons, but this time, the reasons put forward are not serious at all.

The second thing, *la mainmise ministérielle* : it is a good thing that Government has come back into that. I was going to say backpedalled but I do not want to hurt anybody's feeling. It is a good thing that Government has backpedalled on that. I am sure that the hon. Minister concerned never asked for such powers, but it was totally undemocratic that, during those years left before the next village council elections, whenever there is a vacancy at the Head of the District Council/Village Council, it is the Minister who would appoint according to the Bill circulated, before it was amended, good thing. If that is not undemocratic, well I do not know what is undemocratic. And I appreciated so much *la naïveté adorable de la Ministre* when she made mention of this back pedalling. Did you hear? We all heard when she was explaining the backpedalling or good backpedalling. Sometimes you have to ride bicycles by backpedalling. She said, with this back pedalling, she did not say that; she said

“with this doing away with *la mainmise ministérielle*, it means that now the Chairman and so on will be democratically elected”.

You get my point. *A l’envers* what does it mean? What was being proposed was not democratic and it is true. Definitely, I believe that this aspect of the Bill was against the Constitution, was unconstitutional. As we know, every legislative or administrative action has to fulfil the condition. It must be reasonably justifiable in a democratic State. It was not reasonably justifiable in a democratic State that the Village Councillors, District Councillors were no longer to choose, if there were vacancies, their Chairperson, but the Minister. Therefore, it is a good thing that Government has backpedalled on that point because I repeat, it was constitutional and it would not have passed the tests, but then Village Council elections will come within the next two years, so we would not have time to go the Supreme Court and then appeal to the Privy Council and so on. But it is a good thing that Government has backpedalled on this second aspect of the amendments proposed. This has been done away with. We are back to where we were. It is a good thing. We are left with this postponement to 2020. Call it what it is. It is a postponement to 2020.

I will conclude by saying that I hope that a lesson has been learnt. Preparing a Bill *en catastrophe* as was done last Friday resulted in this *mainmise ministérielle* being provided for in the law. It is a good thing that Government has backpedalled on that and reference has been made to *réforme électorale*, *financement des partis politiques* and New Declaration of Assets Act. Well, let us learn a lesson. Circulate the draft Bills well before it comes before the Legislative Assembly. Let us not repeat what we have just seen. *Un projet de loi* prepared *en catastrophe* last Friday and then one half of the *projet de loi* was to postpone Village Council elections. This is being kept, unfortunately. The second half was to provide for *une mainmise ministérielle* and this has been done away with. Good! *Allons tirer une leçon de tout cela et à l’avenir, pour les autres projets de loi circulés*, especially the Electoral Reform Bill, circulate as soon as it is ready, the text of the Bill, so that we have ample time to consider *à tête reposée*.

Thank you, Madam Speaker.

Madam Speaker: Hon. Gayan!

(10.25 p.m.)

The Minister of Tourism (Mr A. Gayan): Thank you, Madam Speaker. Let me start by congratulating my colleague, the Vice-Prime Minister, Minister of Local Government and

Outer Islands, Minister of Gender Equality, Child Development and Family Welfare for not only introducing this Bill in the House, but also for the very clear manner in which she had the Second Reading.

Madam Speaker, this is not the first time in the House that Bills come for the purpose of deferring the holding of an election, local election. All the parties present in this House, the Labour Party, the MMM, the PMSD, the MSM with the exception of the ML, have all been parties to this. Having said that, I think it is important for all of us to understand that when a Bill comes before the House, there are reasons why it comes before the House. When we look at all the debates and all the postponements that have taken place regarding elections, all the arguments that were used in the past are again the arguments that are being used today. When I read what has happened in the past and when I hear what is happening tonight in this House, I am reminded of the Roman times. You see in the Roman times, they used to have the Vestal Virgin. The Vestal Virgins ...

(Interruptions)

Yes, I can see! The Vestal Virgins were the high priestesses of Rome. They were looking after the welfare and well-being of Rome as a City and Romans as citizens. They were taken as from the age of 6 to 10 and they had as Vestal Virgins to be totally devoted to the goddess of Vesta and they had to remain chaste for 30 years. I am saying this because we have all been part of the process of postponing or deferring elections. We cannot claim to be Vestal Virgins because we have all become reconditioned Vestal Virgins.

Let me say, Madam Speaker, that this Bill has become important to be brought to the House because of an interpretation issue. The original section 12 of the Local Government Act reads as follows –

- “(1) The election of Councillors to a Village Council shall be –
- (a) held in 2012 and thereafter every 6 years or in such other year, and at such date, as the President shall, on the advice of the Prime Minister, appoint; and
 - (b) conducted in accordance with the Representation of the People Act.”

Now, it is possible to interpret ‘thereafter every 6 years or in such other year, and at such date, as the president shall, on the advice of the Prime Minister, appoint’, it can be within and it can also be interpreted to be outside the 6 years. So, this Bill brings clarity on

this issue. It says the elections will be held in 2020. So, it brings clarity and it was important for this House to understand the purpose behind this Bill. I believe that this Bill is important for the purpose of bringing clarity.

Now, the hon. Leader of the Opposition has said lots of things that elections have been postponed, but I must also say for the sake of history as well, that the PMSD and the Labour Party postponed General Elections. The General Elections that were supposed to be held in 1972 were held in 1976. So, the life of Parliament was extended from 1967 to 1976 and that was done with the complicity of the PMSD, and today the hon. Leader of the Opposition has the temerity to come and say that was done to preserve democracy. The hon. Leader of the Opposition seems to forget that that was the biggest rape of democracy that ever happened in this country and they paid a price.

When the MMM/PSM took power with hon. Bérenger, Rt. hon. Sir Anerood Jugnauth and some of us still in the House, we made sure that never again would General Elections be postponed. This is why I can see from the list of orators on this Bill, Madam Speaker, that there will be some Members of the Labour party. It is good that I refer to what hon. Uteem said in the course of the debate on 06 December 2011. He was referring to hon. Shakeel Mohamed and this is what he said -

“(...) on democracy! One hour and not a single word, not a single reason why he is condoning the postponement of local elections once again!”

He was referring to hon. Shakeel Mohamed’s speech -

“Quoting from hon. Minister Shakeel Mohamed last year, I referred to the term ‘rapist of democracy’. Little did I know, Mr Deputy Speaker, Sir, that we are not dealing with a rapist of regional democracy but with a serial rapist of democracy!”

When we look closely at the Local Government Bill that is being proposed today, it is not just a serial rapist that we are dealing here, it is an outright murderer. We are murdering the Local Government today in this Assembly. *On est en train d’assassiner la démocratie régionale.* The words are not too strong and I agree totally with hon. Shakeel Mohamed when he says that it takes guts. Yes, Mr Deputy Speaker, Sir, it takes guts to come before this Assembly with such a piece of legislation.

(Interruptions)

Serial rapist.

Of course, they will come and say lots of things about democracy, but we have other things as well in this House about the debates that have taken place.

Madam Speaker, in the course of the same Bill that we have before the House, hon. Duval, today, Leader of the Opposition, is talking about knifing democracy and the elections are supposed to be held in December. Let me quote, this is what he said, Madam Speaker –

“Mr Deputy Speaker, Sir, I am quite sure that there is no Mauritian who wants elections in December.”

(Interruptions)

“Mr Deputy Speaker, Sir, I am quite sure that there is no Mauritian who wants elections in December. December is a special time for Mauritius. I think my colleague, hon. Cader Sayed-Hossen, was saying most of the spending of Mauritian citizens is done in December. People want to be able to enjoy the end of the year, they want to be able to enjoy a quiet social time with their family. This is not the time to have elections.”

(Interruptions)

Madam Speaker, it makes great reading, this is knifing democracy in December. Madam Speaker, we live in Mauritius *dans un climat de tension politique permanente*. Every day in the papers, on the radio, we live in that climate of permanent electoral tension. I think it is good that we had democracy, but to say that simply by deferring the holding of an election by one year is knifing democracy is certainly not serious. We are not talking of general elections; we are talking of local elections.

We all know when we read the debates in the House what went on when the Municipalities were run by the PMSD. Who does not know what happened? ‘*Écurie d’Augais*’, I think they were called then. We know when there is the election of the president of a District Council, people are sequestered, they are taken to a *campement* or they are sent overseas, simply to get the votes. All sorts of *manigances*. We need to address all these things and this is why we say we are coming with major reforms to the electoral system.

We are coming with reforms to the electoral system, we are coming with reforms on the Declaration of Assets, Financing of Political Parties. In fact, the electoral reforms have gone to the Electoral Commission for the comments.

In fact, the hon. Leader of the Opposition said that there were no valid reasons, he himself gave a valid reason. When you are looking at all the reforms, and he said: 'Why we can't we have all the elections at the same time simultaneously'. That is something that can be considered. Other countries do it and he said that in India, Prime Minister Modi is saying: 'One nation one election.'

Well, India is a big country and we know that it is easy to say it than to implement it. Already, when elections are held in India, whether it is State Elections or General Elections, sometimes the elections are held today and the voting takes three months or four months because of the magnitude of the electorate and the terrain. So, it is difficult to compare country to country. It is a suggestion and we are open to suggestions. I am sure that we have to study it and he himself evaluates the reasons why this is happening. But, over and above those reasons, Madam Speaker, we are going to have elections, whether general elections, municipal elections or village elections in a new environment as far as digital media is concerned. We do not know what will be the impact of the digital regarding the conduct of elections. We need to be aware of this. When we had the Bill the other time on some issue regarding the impact of fake news, I mentioned the problem of Brazil. We know what is happening in the United States, we know what is happening in some other countries which are concerned about hacking of their system.

In the United States itself, they just had the mid-term elections. In some other States, the results took days before being counted and they had to go back to the original system. So, we need to be aware of what is happening in the world regarding elections. So, Madam Speaker the impact of the digital age on the conduct of elections is something also that we need to look at. It is easy to say: 'Yes, let us hold the elections', but we have to look at it holistically and we must have a comprehensive approach to have elections to be conducted. This is why it is important to ensure that there is no foreign interference, that there is no risk of any fake news derailing the process of elections and these are things that we need to be very serious about so that the elections are free and fair.

We need to ensure that elections are free and fair. We are coming with a Bill on Financing of Political Parties. We cannot have one architecture regarding fairness of elections and we have another system that derails whatever we had done. So, it has to be looked at holistically and I hope that we do that. This is why I believe that this particular Bill, Madam Speaker, is something that is not sinister. It is important for the process in which we are embarked on. It will happen in 2020. Now, we have clarity, we have a certain date regarding

this. I am happy also that the tone of the debate, on the other side of the House, is not something that we cannot live with. We understand that there will be disagreement on the other side but, at least, there is no hostility. I think that this is the way a Parliament should operate. I am very happy that we are having a very civilised debate on this issue.

I thank you for your attention, Madam Speaker.

Madam Speaker: Hon. Armance!

(10.40 p.m.)

Mr P. Armance (First Member for GRNW & Port Louis West): Merci, Madame la présidente, de me permettre de prendre la parole pour débattre sur l'amendement que la vice-Première ministre amène à la Chambre aujourd'hui.

J'aurais aimé reprendre une citation de ma collègue, une expression qu'elle a utilisée à en rire ou en pleurer.

Oui Madame la présidente en écoutant nos honorables ministres de l'autre côté de la Chambre, du gouvernement, on se demande: est-ce qu'il faut rire, pleurer ou simplement leur demander de fermer leur bouche pour ne plus nous sortir les absurdités?

Le discours de l'honorable vice-Première ministre avec les raisons avancées pourquoi nous devons renvoyer les élections sont aussi farfelues, non fondées, et surtout bidons. Les jours passent et se ressemblent pour ce gouvernement. Les actions et réactions clairement définies comme étant des actions antidémocratiques font parties du quotidien du gouvernement.

Madame, le 30 octobre, j'ai posé la question à l'honorable vice-premier ministre : à quand la tenue des élections villageoises ? Jusqu'aujourd'hui, elle n'a pas pu répondre. Je soutiens l'honorable Bérenger qui vient dire aujourd'hui à la Chambre que le projet de loi a été préparé en catimini. On a dû les réveiller pour qu'ils puissent comprendre que ces élections étaient dues en décembre de cette année-ci, que les élections villageoises et de *districts councils* doivent se tenir. Il nous faut rire encore une fois quand on vient nous dire qu'on renvoie les élections parce que Maurice est en chantier. Est-ce que c'est la première fois que Maurice est en chantier ? Est-ce que c'est la première fois que Maurice entreprend des gros chantiers ? Il a eu des cas où il y a eu des constructions massives et ça n'a pas empêché les élections.

Madam Speaker, I am very, very upset and disappointed with the postponing of the Village and District Council Elections. Much has been said by the Leader of the Opposition, hon. Xavier-Luc Duval. I hope that this will not go into *les oreilles des sourds*. He has elaborated on various factors on how to become more effective in our approach to elections. He has elaborated on measures that we, PMSD, believe and value for a better efficient formula of these elections, bearing in mind what is being done in other countries, and tabling the report requested by hon. Modi as example.

Now, like hon. Sinatambou or the hon. DPM to go in the Press again and say '*mo croire zott inn tombe lor zott la tête*'. Even Minister Modi now talked about simultaneous elections. They went to the Press and said that. Now, we will see who has his head on his shoulders and who is doing politics with words, hiding behind unfounded arguments to report the elections. He has shown to the House that we believe into a more democratic approach rather than only laying criticisms to the postponing of these elections. We just hope that the Minister will, at least, take into consideration what has been said in the House.

Be a caring Government instead of being *un gouvernement de caprice*. Admettre sa peur c'est tout à fait humain, admettre l'indifférence de l'électorat vis-à-vis du gouvernement c'est tout à fait logique. Nul besoin de se cacher derrière le pouvoir pour essayer d'amadouer la population, le peuple mauricien. Madame, un villageois, sur une antenne radio, a même qualifié l'action du gouvernement de renvoyer les élections de caprice du gouvernement et je pense qu'il a absolument raison. Les mauriciens commencent à comprendre : *nous qui ti viré mam, aujourd'hui pe deviré*. Maintenant c'est le caprice de M. le Premier ministre et de ses ministres, pour ne pas dire autres choses.

Madam Speaker, by postponing the date of the elections, the Government is admitting that they are afraid of elections. Let me remind the House of the election of Quatre Bornes, no candidates, no guts to align a candidate.

(Interruptions)

Yes, we lost the election, but we had the courage to put a candidate. Yes, *nou pa inn tir caution, mais on ne s'est pas sauvé devant nos responsabilités*. We had the courage; we had the guts, *on ne s'est pas sauvé!*

(Interruptions)

On a assumé notre responsabilité envers notre électorat.

Madam Speaker: Order, please !

Mr Armance: In 2015, Madam, I was sitting on the other side, just next to hon. Rutnah, and we amended the laws for the Municipal Election.

(Interruptions)

Madam Speaker: Please! Hon. Jhugroo, don't interrupt the hon. Member!

Mr Armance: Madam, we amended the laws for the Municipal Election. We came with a legislation to amend existing laws to accommodate for a gender balance. You will recall the composition of the councillors, one-third and two-third. Now, let me tell the population that this Government is not playing a fair game in regard to gender balance and gender equity. I will take some examples. I have the list of all the councillors in the different District Councils. Let's take the example of Savanne where out of 17 members, only one woman sits under the Council. District of Moka - that of our hon. Prime Minister: only one woman; District of Pamplemousses: 2 out of 21. District of Grand Port, out of 28, only two women sit on that Council. What I am trying to show now is the discrepancy, we amended a law in 2015 because we believe that we have to put a balance, we have to bring equity. And, today, why don't we take this into consideration? We want to postpone the election instead of giving the opportunity to the population to correct all these discrepancies. Let us remember what happened to Mrs Véronique Leu-Govind, the ex-chairperson of the Black River District Council. She was asked to step down. Elle était harcelée par certains. Et pourquoi, parce qu'elle était membre du PMSD ! Madame, elle n'a pas hésité, elle a joué le jeu de la démocratie et elle a accepté la motion de blâme. Se trouvant en minorité, elle a accepté de céder son siège de président au détriment d'un autre conseiller.

Madam Speaker: But what has this to do with the Bill ?

Mr Armance: It's about gender.

Madam Speaker: It is not about the Bill, it is not about gender, it is about postponement of the elections.

Mr Armance: Madame, actuellement, les institutions peinent à fonctionner correctement. On a besoin de changement au sein des villages et des districts. Cela ne peut plus continuer. Ces élections concernent environ 800,000 personnes et, Madame, la raison avancée c'est qu'on est en chantier. Chantier de quoi, le Metro Express ? Le Metro ne passe pas dans les villages, sauf à Richelieu.

We also amended the Local Government Act to allow the population to choose their representatives, to correct discrepancies in regard to gender but, more importantly, in 2015, we believed that we needed to give the opportunity to other representatives to take control of the Municipalities and deliver the visions of the Government. Now, we are postponing the Village and District Council Elections and we are not giving this opportunity to the population. We are not giving them the choice to elect the right candidates to fulfil their requirement and their needs. We are only refraining them from having those elections because they believe the Government is not performing well...

(Interruptions)

They might lose all their seats against the Opposition if they bring these elections in December...

(Interruptions)

This is crystal clear, Madam. They can say no, but it is clear, the population says this.

(Interruptions)

Madam Speaker: Hon. Jhugroo!

Mr Armance: At each and every corner of the street, people are saying that the Government is afraid of giving elections. Everyone in Mauritius is saying that. You just have to listen. *Et là, je m'adresse aux conseillers villageois et de districts : Ne soyez pas accrochés au pouvoir. Ayez le courage de remettre les votes entre les mains de l'électorat. Seul le peuple jugera l'action de ce gouvernement et toute l'île Maurice sait aujourd'hui ce qui attend le gouvernement lors des prochaines élections.*

Madame Speaker, I will end by quoting from the report that Mr Modi requested; he was asking to regroup three elections, to have simultaneous elections. In fact, we believe that this will save money, this will save time, and this will encourage people to come out to vote for the representatives and this will enable the population to think differently. There will not be *politique de vengeance* anymore. There will not be *politique de représailles* anymore, pas *de politique de blocage des institutions* anymore. Let us take the opportunity of the coming election, Madam Speaker, to think differently, to give the chance to a new system that even Mother India is thinking now 'One Nation One Election'.

With these words, I thank you.

Madam Speaker: Hon. Ganoo!

(10.52 p.m.)

Mr A. Ganoo (First Member for Savanne & Black River): Thank you, Madam Speaker. Madam Speaker, the main reason for the Government coming forward with this piece of legislation, from what I have understood when listening to both the Minister and hon. Minister Gayan, is for the sake of clarity, I suppose to me this would have seemed to be the reason justifying the amendment which is being proposed to the Local Government Act today.

Well, I do not think anybody will buy this argument of Government, and I think also, Madam Speaker, that the reason given by the hon. Vice-Prime Minister and the two other Ministers who have spoken after her, are, in fact, cynical reasons. The fact that there are other legislation to be brought, Government is working on different pieces of legislation and all the reasons that we have heard, of course, this argument does not hold any water, Madam Speaker.

En fait, c'est du cynisme pour moi. Ce gouvernement est en train de prendre les enfants de bon Dieu pour des canards sauvages comme on dit si bien en français.

I don't think it is a very convincing argument. I think Government could have come forward and justified in a more rational manner why Government has taken the decision not to hold these Village Council Elections this year, because we know that in the law, it is provided that elections were held in 2010 and thereafter every six years. True it is, the words 'or in such other year' and 'at such date that the President shall on the advice of the Prime Minister appoint', but the Government could have had so much time to bring the necessary amendment to the current piece of legislation, amend it, clarify the situation. Government had all the time to do this and then organise the elections as it has been provided for in our law in the amendment of 2015 which was brought to the Local Government Act and the elections could have been held this very year.

In fact, I would not come upon what the hon. Prime Minister had even stated in the House, but I remember asking a question myself to the Prime Minister a few months ago about when those elections will be held. It was on 03 July of this year, I put a question to the hon. Vice-Prime Minister, Minister of Local Government and Outer Islands. I asked her whether in regard to the Village Council Elections, she will state when same will be held, and the reply was – and that was in July of this year, Madam Speaker –

“Section 12(1) of the Local Government Act 2011 as subsequently amended (...) provides for Village Council Elections to be held in 2012 and thereafter every 6 years or in such other year, and at such date, as the President shall, on the advice of the Prime Minister appoint. As such, the prerogative for the holding of Village Council Elections lies with the Prime Minister.”

So, there was no mention in that reply which the hon. Vice-Prime Minister gave in July of this year that the law needs to be clarified and it will be done, and then elections would be held as provided for in the law in this year, that is, six years after 2010.

Government has decided to postpone these elections. Everybody can offer explanations, the Oppositions, we have just heard the hon. Member who spoke before me, giving the arguments, according to him, why Government has decided not to hold elections for political reasons, and fear that these elections might work against Government and, of course, it would be politically risky for Government to organise Village Council Elections and risks to be defeated and that would not be a good start for Government to prepare its electoral campaign in the forthcoming General Elections.

This is the explanation of the Opposition, but be that as it may, Madam Speaker. To me, as the hon. Members have said in this House, many a time in the past, Government postponed elections and they have given reasons why they have done that, but in this case why do we not buy the arguments of the hon. Vice-Prime Minister and of the hon. Minister who has spoken. It is precisely because this Bill does not only come with a proposal of postponing elections for whatever reason, but this Bill contains also inherent clauses which were anti-democratic in nature. This is why the Oppositions view with suspicion the arguments of Government, because here was a Bill which was proposed on Friday evening to all of us, which was circulated, and for the first time, I think we saw the amount of *mainmise*, of *ingérence* which this Bill wanted to give to the hon. Vice-Prime Minister and Minister of Local Government in the affairs, in the administration, in the *fonctionnement* of the works of the District Councils and Village Councils.

C'est pourquoi, Madame la présidente, ce projet de loi nous a choqué tous, en tout cas les membres de l'opposition. Les propositions, *original proposals* de ce projet de loi, en effet confrontait à une démarche fâcheusement anti-démocratique, Madame la présidente. Non seulement parce que le projet de loi voulait renvoyer les élections villageoises à 2020, et n'oublions pas déjà six longues années se sont écoulées depuis que les élections villageoises

ont eu lieu dans ce pays, en 2012. Je me souviens moi-même en 2012 les élections villageoises avait eu lieu dans ce pays, nous sommes aujourd'hui donc six ans après, nous savons tous nombreux sont les villageois de ce pays qui attendaient les élections ; les jeunes, les femmes attendaient les élections pour participer à cet exercice démocratique qui fait partie de notre vie, de notre vécu démocratique de l'île Maurice. Et avec l'adoption de ce projet de loi, Madame la présidente, les électeurs des régions rurales donc maintenant ils choisiront leurs élus, leur Président des collectivités locales après huit ans. Donc, c'est dans huit ans, six ans plus deux ans, que les villageois, les mauriciens, les citoyens de notre pays, habitant *in the rural regions will have the chance to go and vote for* leur représentant et choisir, et les conseillers élus auront la possibilité, eux, de choisir notre *Chairman of the different District Councils*.

Donc, la question se pose, Madame la présidente, on se tarde d'être un *shining democracy*. Est-il normal que dans un pays démocratique, un exercice aussi important que choisir ces élus pour diriger les collectivités locales se fait après huit ans ? Mais le pire est que cette démarche qui constitue déjà un recul énorme pour la démocratie, était accompagnée par ces propositions arbitraires et anti-démocratiques que l'ancien *leader* de l'opposition vient de qualifier comme anticonstitutionnelle.

En effet, M. le président, qu'est-ce qui a pu motiver ces amendements qui, heureusement, ont été enlevés, ont été amendés? Les amendements donc ont été amendés, heureusement ce matin nous avons tous vu qu'il y a une nouvelle proposition devant la Chambre aujourd'hui pour enlever ces propositions scélérates et rétrogrades que le gouvernement, that the *Vice-Prime Minister wanted to introduce in our statute book*. En effet, ces propositions auraient enlevé l'élection du président, du vice-président de nos conseils de district par les conseillers de districts. Ces amendements, qui heureusement ont été évacués de cette Chambre, donnaient carte blanche au ministre pour nommer le président, son adjoint, le conseiller de district en cas de *vacancy* après l'adoption de ce projet de loi.

Donc, c'était un mécanisme qui violait toute logique démocratique. Heureusement que le gouvernement a revu sa copie, et ce matin même à la radio, sans savoir que le gouvernement allait retrouver son bon sens, on a dénoncé ces propositions anti-démocratiques dans les trois radios libres que nous avons dans ce pays, heureusement. Et nous sommes heureux de l'avoir fait, M. le président. Et c'est bon aussi que le premier ministre et la ministre ont décidé de faire marche arrière, de *backpedal*, et de reculer. Mais cela aurait été une décision arbitraire unilatérale de la part de la ministre alors que notre Local

Government Act prévoyait déjà l'élection du président du District Council, de son Deputy, du District Councillor. La loi prévoyait que tout ceci se fasse par des moyens démocratiques, par un mécanisme démocratique, c'est-à-dire, que les autres conseillers de districts en toute souveraineté avaient la possibilité d'élire soit le District Councillor ou le Chairman du District Council concerné.

Alors, heureusement qu'on est retourné à la vraie *grassroot* de la démocratie. Donc, ce sont les conseillers du village qui vont eux-mêmes d'abord choisir leurs conseillers de districts et les conseillers de districts eux-mêmes heureusement ont eu la possibilité au sein du conseil de district de choisir le *chairperson* et la *vice chairperson* du district concerné. Si le gouvernement n'avait pas reculé, n'avait pas fait marche arrière, Madame la présidente, le gouvernement donc aurait, d'un trait de plume, démoli les bases de notre démocratie régionale et aurait corrompu l'apport de notre démocratie. Cela aurait été une ingérence inacceptable dans l'administration et le fonctionnement de nos collectivités locales qui aurait été une vraie tentative antidémocratique alors que le gouvernement aurait dû élargir l'espace démocratique en n'octroyant plus le pouvoir de décision et promouvoir plus d'autonomisation des collectivités locales. Le gouvernement avait pensé s'embarquer dans cette voie centralisatrice et heureusement je dis, le bon sens a prévalu. Merci donc pour ce sursaut à la dernière minute, Madame la présidente. Je suppose que le premier ministre a réalisé que c'était une voie suicidaire. Il y aurait eu une levée de boucliers après l'adoption de ce projet de loi et tant mieux donc si le bon sens a prévalu comme je viens de le dire.

Mais les choses ne s'arrêtent pas là, Madame la présidente. Je pose une question à madame la ministre, la Vice-Prime Minister. Le projet de loi lit comme suit, "*Notwithstanding this Act*". Donc madame la ministre nous a dit et comme c'est écrit dans le projet de loi, «*Transitional provisions until general election of Village Councils to be held in year 2020*».

So, we are dealing with transitional provisions now. What the law is proposing holds good only for after the Bill will become an Act and until 2020, that is every member of the village council, the district councillor and even the Chairperson, they will stay in office but where there is a vacancy in these officers, the vacancy shall be filled in accordance with the present legislation, that is, Section 42, concerning the Village Councillor, Section 13 concerning the District Councillor or Section 34 concerning the Chairperson or the Vice-chairperson.

But then, the question I wanted to put to the hon. Minister is: we have in the law Section 36, Madam Speaker, which deals with a Motion of No Confidence. What will happen in after the adoption this law? There is a Chairman of any District Council who will stay in office and what will happen if, after some time, the other District Councillors are not satisfied with his performance, for *le non respect de l'éthique* or for whatever other reason, they decide to choose another District Councillor to replace the present Chairperson who will stay in office after the adoption of the present piece of legislation?

Section 36 of the law says, Madam Speaker –

‘Only one motion of no confidence shall be allowed during the tenure of office of a Lord Mayor, Deputy Lord Mayor, Chairperson or Vice-Chairperson of a District or Village Council, and no such motion shall be allowed during the first 6 months of his tenure of office.’

But the law also says that the Lord Mayor, the Deputy Lord Mayor, the Mayor, the Deputy Mayor, the Chairperson or the Vice-Chairperson of a District Council elected in accordance with subsection 1 shall hold office until such times and so on.

But the law says also that he will have to vacate office if he longer commands a majority following a Motion of No Confidence that has been debated and passed against him, the Minister shall revoke the Lord Mayor or the Chairperson or the Vice-Chairperson. The question I am asking is: will those provisions hold good in the case of this Chairperson who will stay as Chairperson after the law is admitted. If that is the case, therefore, why did we have to say “*Notwithstanding this Act*”? Or should we have said “subjected to the provisions of this act”? “*Notwithstanding this Act*” means that whatever there is in this Act does not concern the present amendment. So, this is question I want to put to the hon. Vice-Prime Minister: will there be any possibility for the District Councillors after 6 months to come and table a Motion of No Confidence against the new incumbent who is presently the Chairperson because the law says “*Notwithstanding this Act*”, that is, let us forget everything that is contained in the present legislation.

These are transitional provisions. They stay on their own. These are provisions which have nothing to do with the present legislation. So, if this is the case, if it means that the District Councillors will not have the chance to choose another Chairperson if they are dissatisfied with the present Chairperson, then it means that we have to review this law. Then, it means that we are denying to these District Councillors the democratic possibility of

getting rid of the Chairperson of the District Council in question if they are not satisfied with his performance, as I just said.

Si c'est vrai ce que je suppose, Madame la présidente, les conseillers de districts se verront privés de leurs droits d'introduire cette motion de censure contre un président qui n'a pas été à la hauteur pour des raisons propres à lui, qui n'inspire plus de confiance au conseil de district et les collaborateurs siégeant dans ce conseil de district. Avec le passage de cette loi, il semblerait que le président ne sera plus redevable envers ses pairs, les autres conseillers, en jouissant de la protection de ces provisions et donc il pourrait s'adonner à des actes de non-respect d'éthiques etc. sans être tracassé.

This is the point I wanted to make, Madam Speaker. Before I conclude, I was just going to say that Local Government directly impacts on the lives of our citizens residing in the rural areas. The existence of Local Government in our country has always been defended and protected under the basis that it is a crucial basis of the process of democratisation and mass participation in the decision making process in our country. No political system is considered to be complete and democratic if it does not have a perfect democratic system of Local Government. This is why, Madam Speaker, we have raised our voice today *contre toutes ces tentations de nuire à la bonne démocratie régionale*.

Thank you, I have done.

Madam Speaker: Hon. Quirin!

(11.14 p.m.)

Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière): Madame la présidente, permettez-moi, d'emblée, de préciser qu'il n'est jamais réjouissant d'intervenir sur un tel projet de loi, sur ce genre d'amendement que le gouvernement propose à cette Assemblée ce soir. Guère réjouissant parce qu'on a l'impression de devoir réveiller non pas une personne qui dort, mais une personne qui fait semblant de dormir. Faut-il, encore en 2018, Madame la présidente, rappeler aux élus du gouvernement le rôle fondamental de la démocratie régionale à l'ère de la décentralisation, les rappeler que la démocratie fleurit que lorsque la démocratie régionale est vibrante et vivante, que les bonnes pratiques en matière de gouvernance se penchent vers davantage d'autonomie financière et administrative et des droits garantis par la Constitution ? Faut-il aussi les rappeler que le vote de l'électeur ou de l'électrice est sacré tout comme le mandat qu'il ou qu'elle vous offre, un mandat pour se

mettre au service du pays ou de sa région dans le respect de son serment d'élu pour une durée déterminée ? Le premier respect envers l'électorat, c'est de respecter son mandat.

Il n'y a aucune raison, Madame la présidente, qui justifie la présentation de ces amendements au *Local Government Act* qui vise inexorablement à renvoyer les élections villageoises à 2020 alors qu'elles étaient prévues pour décembre de cette année. Le renvoi d'un exercice démocratique à quelques semaines ou quelques jours seulement de son application n'annonce rien de bon pour un pays, il en est même inquiétant. Oui, Madame la présidente, je suis inquiet, comme tous les mauriciens d'ailleurs qui se sont exprimés sur une décision que je qualifierai d'incongrue de ce gouvernement de priver nos concitoyens le droit d'élire leurs représentants au niveau des conseils de village. Il n'est pas du tout étonnant de constater depuis samedi dernier, soit depuis que les amendements ont été rendus public, une levée de boucliers de la part des politiques de la société civile contre les propositions faites par ce gouvernement pour prendre en otage la démocratie régionale. Quand un mandat démocratique arrive à son terme, il est important que l'exercice démocratique reprenne ses droits et avec ces amendements, surtout le renvoi des élections villageoises pour 2020, le gouvernement sait pertinemment bien qu'il viole la démocratie et il s'en moque allègrement. Ce n'est pas ce recul en catastrophe à la toute dernière minute pour enlever la nouvelle section 12A au *Local Government Act* qui donnait des pouvoirs absolus à la ministre des Administrations Régionales sur la gestion des conseils de villages et de districts qui va changer grand-chose.

Le mal est fait, Madame la présidente, et ce gouvernement ne peut venir prétendre désormais qu'il consolide la démocratie et favorise la participation des élus. Tant mieux si le gouvernement a décidé de reculer, mais Madame la présidente, la dérive de ce gouvernement était néanmoins amorcée depuis 2015, soit à peine trois mois après les élections générales avec un premier amendement à la *Local Government Act*. Nous savons tous que ces amendements ont non seulement pour objectif de renvoyer les élections villageoises à 2020, mais avaient aussi la ferme intention de donner un pouvoir accru à la ministre des Administrations Régionales, comme je l'ai indiqué précédemment dans mon intervention. Ce n'est ni plus ni moins qu'un recul de la démocratie et aussi une mainmise étatique sur le droit démocratique de la population. C'est comme à la veille d'un match de foot, on ne peut pas changer les règles. Or, ce qui se passe avec la présentation de ces amendements, le gouvernement a tenté un passage en force pour changer les règles du jeu à sa convenance. Donc, sous la pression des politiques, de la société civile, de la presse entre autres, le

gouvernement n'a eu d'autres choix que de faire marche arrière en ce qui concerne les pouvoirs accrus que l'honorable ministre des Administrations Régionales voulait s'octroyer. Mal conseillé probablement et finalement le bon sens a prévalu et rien ne changera concernant les replacements aux postes vacants ainsi que dans la désignation des présidents et vice-présidents des conseils de districts et de villages. Tant mieux, Madame la présidente !

Ces amendements, nous le savons tous, allaient non seulement faire reculer la démocratie, mais aussi la bafouer. C'était en effet inacceptable qu'un ministre se substitue à la place de ceux que le peuple a élu démocratiquement. Dois-je rappeler, Madame la présidente, que selon les premiers amendements qui étaient proposés, c'était la ministre qui avait le pouvoir de choisir le remplaçant en cas de vacance que ce soit dans un conseiller de village, d'un conseiller du district, d'un président ou d'un Vice-président d'un conseil de village ou d'un président ou d'un Vice-président d'un conseil de district. À en croire la ministre des Administrations Régionales, il paraît qu'elle voulait faire croire que les élus locaux ne sont pas en mesure d'assumer pleinement leurs responsabilités. Le gouvernement, malheureusement, joue un jeu dangereux quand on constate l'opacité et la rapidité avec lesquelles ces amendements ont été proposés. Tout un scénario a été mis en place pour faire passer la pilule, mais le pot aux roses a été découvert et encore une fois nous voyons leurs vrais visages. Avec ces amendements qui nous sont proposés, il est clair que le peuple a désormais affaire à de faux démocrates, mais aussi à des farceurs, je dois dire, qui ont estimé que les élections villageoises ne pouvaient être organisées à cause de nombreux chantiers à travers le pays.

Ce projet de loi, Madame la présidente, nous ramène dans les années sombres de l'histoire de notre pays. Ces années où les élections avaient été renvoyées sans aucune raison. Le MMM, lorsqu'il accéda au pouvoir en 1982, la Constitution de Maurice fut amendée afin que jamais plus les élections générales ne puissent être renvoyées comme l'a souligné avant moi l'honorable Anil Gayan. Tout comme en 2000/2005, Madame la présidente, le MMM avait jeté les bases pour la mise en place d'une vraie municipalisation du pays et nous sommes fiers de ce que nous avons accompli à ce jour principalement lorsqu'il est question de permettre aux mauriciens d'exercer leurs droits démocratiques.

Ce gouvernement sait qu'il est impopulaire et ce n'est pas le renvoi des élections villageoises qui va changer grand chose. La panique et la mise en scène qu'il a eu autour de la présentation de ces amendements est la transcription d'une panique généralisée qui s'est installée au sein du gouvernement. Quand la panique s'installe, ce sont des lois bâclées qui

sont présentées dans cette Chambre. Nous faisons la triste expérience aujourd'hui avec le tripotage honteux du *Local Government Act*, et semble-t-il qu'on va tout droit vers une pagaille, car dehors la colère gronde, et le peuple n'attend qu'une chose, exprimer son ras-le-bol à travers un vote.

Et, au lieu de faire face à la population, ce gouvernement, comme pour l'élection de remplacement dans la Circonscription No. 18 en 2017, a choisi la fuite en avant pervertissant au passage notre démocratie. Pourtant, l'honorable Premier ministre et les membres de son gouvernement prennent un malin plaisir à s'afficher dans les journaux télévisés, mais quand il s'agit de permettre à l'électorat, qui a le droit de se prononcer après ce mandat de six ans, il se dérobe et renvoie les élections en quatrième vitesse afin de bâillonner le peuple.

Une aberration certes, et c'est pour cette raison que nous rejetons avec force, cette vile démarche qui consiste à enlever au peuple le pouvoir de choisir ses nouveaux représentants à la fin d'un mandat et la manipulation éhontée du calendrier électoral, afin d'éloigner temporairement une dépression jugée menaçante pour le gouvernement du jour.

Je vous remercie.

Madam Speaker: I will now ask the Deputy Speaker to take the Chair.

At this stage the Deputy Speaker took the Chair.

The Deputy Speaker: Please be seated! Hon. Mohamed!

(11.11 p.m.)

Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East): Thank you, Mr Deputy Speaker, Sir. It has been quite interesting to listen to all people, hon. Members who intervene on this piece of proposed legislation, and sometimes, I think that it is important for us to try to reflect on what exactly people watching us are thinking at this very moment.

I think it is also very important to reflect on what will be the reaction of the people of this country in the future, the future generations when they are to read what is going on in this Assembly, after 50 years of Independence, where I hope I have gathered enough political maturity, not only political maturity because I make the difference between political maturity and parliamentary maturity of the nation.

I hope that we have gathered this maturity and I hope that in 50 years' time when people will read Hansard, they will not look at us as people they will have no respect for.

Because what we have heard today, Mr Deputy Speaker, Sir, is basically Members on the other side of the House and I shall start with hon. Minister Sinatambou describing in his intervention how the Labour Party, at some stage, in 1969, came up with an amendment to the Constitution for postponement of General Elections.

The same hon. Sinatambou, some time in his career, was one of the staunchest soldiers and defenders of the Mauritius Labour Party, not only of the Mauritius Labour Party of the time, but he stood by its history, he revered the history and he was the president of the Mauritius Labour Party. That is the first question they'll ask themselves after listening to the hon. Minister Sinatambou, wondering, or some of them do not even know that he was once upon a time the president to the Labour Party, and how easily today, he has made such a very comfortable speech condemning....

(Interruptions)

...or was it a transitional mistake, I do not know.

But how easily today he has criticised very smoothly the Mauritius Labour Party.

But then again, I am not saying that what he has said today is wrong or what he is saying is right, those are just facts. I am not here to pass judgment on what he had said, but I just think it is important to remind all those in this House and all those listening to us that history is important. We have heard hon. Gayan as well talked about the confusion in the law. You will recall, Mr Deputy Speaker, Sir, when we listened to hon. Gayan, whom I have a lot of respect for as a Lawyer, he is a Senior Member of the legal profession, he is a Learned Counsel, Senior Counsel. I am one of those who may have political differences, but when it comes to his legal reasoning, I have a lot of respect for that because I have to bow to what our elders and seniors have to say.

But we do not have to always agree with them. Why here I humbly disagree with hon. Gayan and I will explain why. Because he says that one of the reasons that they are coming forward with this piece of legislation today is in order to try to remove the confusion that there is in the law for there to be clarity. He says that with this amendment, now there is going to be certainty as to the date of the election because he goes on to say that the law as it stands, I am here referring to clause 3 of the law and section 11 of the Principal Act that is being amended.

He says here that the words 'or in such other year' are the five words that create this confusion and what he is coming to say here is because the law as it stood was that at section

12 the election of councillors to a Village Council shall be held in 2012 and thereafter every six years or in such other year and at such date, as the President shall, on the advice of the Prime Minister, appoint. So, basically, he has said in no uncertain terms that it is six years, but there is room for other interpretation when it comes to those words 'or in such other year'.

Now, having listened to hon. Minister Gayan come with this legal analysis in order to justify the reason why they are coming up with this amendment was, indeed, very enriching. I am not saying that he was right. The difference with my intervention pertaining to what hon. Sinatambou said, I would say that I do not agree with him or I was not here to say that he was right or wrong, but I say it clearly for hon. Gayan, he is wrong, and I do not mean any disrespect to him when I say he is wrong.

The reason why I say he is totally misguided, and I humbly say it is because he forgets that in 2015, there was an amendment to the law. In 2015, there was an amendment to the Local Government Act, and that Act was, in fact, the Local Government (Amendment) Bill (No. V of 2015). The person that brought that amendment to this Assembly was hon. Dr. Husnoo, Minister of Local Government, who usually sits exactly next to hon. Gayan. Now, I do not recall whether hon. Husnoo was here when hon. Gayan was making his speech earlier on, but had he been there I guess he would have nudged him and said: 'Wait a minute, you are making a blunder. And where you are making the blunder is as follows: you have failed to realise', and this why he is wrong that the words 'or in such other year' were brought in by his Government. So, this justification that he is putting forward as though those are the words 'or in such other year' can lead to interpretation, meaning to use his reasoning that could mean within the six years or after the six years. This is what he said.

But this is being brought in 2015 because before the Local Government Act No. V of 2015, this did not exist, be it in Section 11 or in Section 12. It is the Government led by Sir Anerood Jugnauth, who was the Rt. hon. Prime Minister in that year 2015, who brought this amendment, adding those words to the law: 'or in such other year'. It did not exist before. So, who, therefore, brought in the confusion? And what is surprising is that learned as he is, you see how, for political reasons, one can simply forget that this was in fact confusion created by his Government or the Government that he belongs to. Because then, I am asking myself, and I think people out there should ask themselves the other question. He says that this Government - and both him and hon. Sinatambou say so - this law is going now to bring certainty, that we know when elections are going to be held. What they are trying to say,

therefore, is that the law prior to the amendments brought in by the Government of the MSM, led by the MSM, there was no certainty. Let us look at the law and let us see whether or not there was certainty. In 2015, the law read at Section 12, the Election of Councillors to a Village Council shall be held in 2012 and thereafter every six years. This is what it read in 2014 before the amendment brought by MSM Government. I mean, no need to mention other partners but MSM Government, and if the MSM Government wanted to know whether there was clarity, whether there was certainty, yes, there was; there was no confusion whatsoever. So, prior to the MSM coming to power in in December 2014, there was clarity, elections shall be held mandatory in 2012 and thereafter every six years. Therefore, elections should have been held here, in December of 2018. Isn't this clear? Where is the room for confusion? It was in the law. And when, in 2014, the MSM Government came into power, in 2015, this Government of the day amended and added 'or in such other year'. It did not exist before and that was through the Local Government Amendment Bill No. V of 2015. So, if they are told that our friends from Government are confused, it is precisely because it was self-inflicted. Now, let alone the other reasons put forward by the Government, we have heard other orators before me, explain in very simple terms that the explanations and justifications put forward do not really hold water. Now, they will say that, and then, I come back to what I was saying earlier on. I was reading this beautiful intervention by an hon. Member - and I will quote him and I will give his name afterwards - and I quote this speech that was made in this august Assembly by one of the great ones –

“They can cancel elections and they have the cheek to say we are doing this for the good of the people.”

It is funny and uncanny how I could use those very same words and say it for this Government. They can cancel the elections that are supposed to take place in December 2018, this year. It was certain, it was clear, it should have taken place in December of this year and they have the cheek, through hon. Sinatambou, through hon. Gayan, through the hon. Vice-Prime Minister and the other Ministers and the other Members of Government who will come later on to speak. They have the cheek to say we are doing this for the good of the people. And who spoke those very beautiful words then? Those beautiful words were spoken by hon. Bissoondoyal, Third Member for Vieux Grand Port and Rose Belle in 1969! I mean, it was so interesting to read this speech and I will say because we, the Labour Party, have been criticised for having postponed the elections in 1969, and I, as *Chef de file* of the Labour Party, Member of the Labour Party, I have been a Minister of

the Labour Party, I must say that I read this and I read the Bill. And it is interesting that this Bill was presented by the then Prime Minister, Sir Seewoosagar Ramgoolam and it was Mr Abdool Razack Mohamed who rose and seconded the postponement of the elections. And this is how hon. Bissoondoyal starts out his speech, I quote –

“This morning Sir, I was looking into the Oxford dictionary, read felon means an abcess so there is no danger, this political crisis, this felon, taken figuratively this act of felony.”

This is how he started out by describing what the Labour Party did in the day.

Time has passed ever since 1969, Mr Deputy Speaker, Sir, the world has evolved, Mauritius has changed, people have changed and I, in 2018, do not sit very comfortably with what the Labour Party did in 1969. I admit it, and today, let me go further. You know how ridiculous it gets because if I am to make a speech today and say, well, you also, the MSM and the MMM postponed the elections in 2003, three or four times. Let’s stop counting! And then, they, on the other side, Mr Deputy Speaker Sir, will come and say, well you did it as well in 2010, and then, I will say, oh no, but the MSM was also in power with us in 2010 when we did it, and then you will say, but you did it again in 2011, and then they will say that this time we were not with you, and then I will say, well, now you are doing it in 2018.

But then, out there, people must be wondering what a bunch of funny people this *classe de politiciens* that we are, and we just keep on throwing the ball around and just having a match, an exercise of hitting our chests and trying to prove to ourselves how better we are than one as opposed to the other. But at the end of the day, who is winning the debate? I just like wondering who is winning the debate. Because, finally, its an exercise where each hon. Member - we are going to stand up and say how we have done better than you and you going to come and show us to speeches from before, you have done better than us. Excellent! But who wins the day? There is only one certainty, Mr Deputy Speaker Sir, the people of the country, the electorate, they are the losers. There is no doubt about it. I think it is important for us to realise that we learn from the past and we have to admit wherever we are wrong, wherever we need to learn from mistakes in order not to repeat mistakes. Now, that is why, I think it is important to say, yes, the Labour Party may have changed the elections, amended the Constitution, moved on the elections that were supposed to take place in 1972. Fair enough! I spoke with Yusuf Mohamed this

morning because I wanted to find out from him, why it is that the Labour Party postponed these elections. I wanted to know. I mean, in 1969, I was barely one year old; I was born in 1968. I wanted to find out from him because he was in the august Assembly here, he was in the Legislative Assembly as it was called, and I wanted to find out from him what was the reason because he also made a speech in 1969 for that particular debate. He said to me that, in those days, there was the need for the country to stick together; he said to me there was the need in order to make sure that the country would not go down the doldrums, economic disaster, because there was this new party coming up, the MMM, this was in their mind in those days. But then, again, I said to him: but does this justify postponing an election for three years?

I am with the Labour party today. I did not live those times. So, I cannot judge what they went through in 1969. Maybe in those days they thought it was right, but today when I look at it hindsight, I would maybe think differently. But there is no doubt that each and every party in this Assembly at some point or the other, let us call a spade a spade, we have postponed elections. Does it mean that what they are doing today because it has been done in the past is correct? Because this is basically what we hear in this Assembly each and every time! This is exactly what people outside also hear and say. What do they hear and say? 'Well, what did the Labour party when you were in power?' And then we will say: 'what did you do?' And then we keep on going back and back and forth. This is basically the whole point of the debate we are having. It is not a question of upholding democracy. We all have beautiful words, Mr Deputy Speaker, Sir. We have excellent theories that we put forward, but the only defence we have for one another, for our sins, is telling you the other 'what did you do? Did you not do the same?' Is this what we are going to live for posterity?

Simply what, the justification for this Government today is that they are right because the Labour party did not, or what they are saying, they are right because they did the same with the MMM in 2003? That means they are right today, or how about look it another way. We were all wrong, and precisely because we were all wrong, we should not keep on compounding this wrong. But then again if we are to think so simplistically that we were all wrong, where goes our ego, as if it had a role to play in this whole debate.

Mr Deputy Speaker, Sir, in 50 years' time, people listening to us will laugh at us, and I say us, I am not saying at those in Government or only the Opposition, as us. Why? Because we cannot really think about elevating this country to really give a real meaning to democracy if we keep on the blame game and we do not take responsibility for our actions.

I hope with those few words, I may have contributed to give the future generations another representation of what can do and what could be done. Thank you very much.

The Deputy Speaker: Hon. Deputy Prime Minister!

(11.44 p.m.)

The Deputy Prime Minister: Thank you, Mr Deputy Speaker, Sir. Of course, I shall be very brief tonight. I was in this House in 2002 when we presented a Bill, the Local Government (Amendment) Bill. The debate was more or less the same, except that there was much more hysteria on the part of the Labour party whom you know they are the Popes of democracy. There are no holier people than these people in the Labour party. We denounced this hysteria and it is no mean coincidence that tonight we see a sobriety in the debate from certain sides of the Opposition, however forceful the argument and however much we may disagree, and this is consistent with the culture of this Parliament and this is consistent with what has always happened whenever the Village Council Elections were in issue. There has been very little room for hysteria and great room for debate.

The intervener just before me found a new system. He is demarcating himself from the political class, from even his own party, from whatever they have done, now there is a new class of political hero in Mauritius. He goes to the extent of invoking Bissoondoyal at the time to say there is somebody now, a new political class which is emerging, whatever reason maybe. We need not go further into what the last intervener has said.

The Local Government Act is what it is. It was passed in 2011 and they were to be elected in 2012 and thereafter every six years, and as the last intervener rightly said, in 2015, we inserted in the law an amendment to the law as it is written today and the amendment was that the elections would be held every six years or in such other year and at such date as the President shall appoint on the advice of the Prime Minister. It appeared to suffer no ambiguity and there was an interpretation that this amendment could lead the President to do it. The hon. Third Member for Stanley and Rose Hill is absolutely right when he says that there was a thinking about it. And then there came a possibility that this particular amendment could have been the subject of a legal challenge in Court. Whether right whether wrong, that is not the point. I do not believe that that legal challenge would have been successful, but what I believe is irrelevant, opinions are opinions, but the fact is that this legal challenge would have led to a bad situation. I use the most neutral word that I can obtain in the country, and this is why everyone speaks of that word 'clarity' and we are here today.

We have, for instance, hon. Ramful's intervention on the radio who came up with the legal arguments against that interpretation. The hon. Third Member for Stanley and Rose Hill rightly circumscribed the issues to two matters and those are the two matters. First of all, the timing of this matter, why wait all this time and rush? The Prime Minister after me will be coming and will be dealing with this. But it is true and I have said what my thinking is about the need for coming with this amendment.

Secondly, there is that great debate, especially raised by the hon. First Member for Savanne and Black River and the Third Member for Stanley and Rose Hill that the amendment, as it is today, but which is going to be subject to an amendment later on, gave the Minister too much power. Well, we have to agree to this, but what is the point? Are you sorry that we are saying 'no, the Minister should not have this power'? We have realised after consultation, after having heard other people. Yes, and there is no shame about it, about realising that we should change and that is democracy...

(Interruptions)

Anyone can fall into error. No one should say and pretend that one is holier than the other, you know - we are the popes, we know everything, etc. No, of course not! There is no harm in being humble, eating humble pie and not doing something when we see that what was originally contemplated could have led to abuse, and that is why we are correcting today and the Vice-Prime Minister, whom I congratulate specially for this, presenting this amendment to say: 'no, no let's all come back to the situation' and indeed there is unanimity about this. Except that one would like to say 'Ha! Ha! You are not retreating, you are *reculé*, backpedalling etc.' That is not the point. There is no loss of face when we are in such debates.

A point was made about the constitutionality of fixing elections in 2020. Those used the term 'postponing' I use the term 'fixing'. I do not think there is a constitutional debate because if somebody tells me that there is a breach of Constitution, my immediate reaction will be: 'What is the section of the Constitution that has been breached?' In our Constitution, there is only section 31 which prescribes an election and that is general elections and there is only one reference to local elections. It is in, I believe, the section on discrimination which permits for local elections to have gender discrimination in the list of candidates, and that is all. Strictly speaking, except for a remote interpretation of Section 1, there is no direct prescription for local elections. So I have no fear and, in fact, there has never been any case

before the Supreme Court challenging any postponement of the local elections, specially village elections.

I, therefore, will resume my seat by thanking and congratulating the Vice-Prime Minister for her stand and I fully support the Bill. In fact, the main reason for my taking the floor tonight was to make it very clear that insofar as the ML is concerned, we fully support this Bill so that there be no ambiguity on our stand.

Thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: Hon. Dr. Boolell!

(11.55 p.m.)

Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes): Mr Deputy Speaker, Sir, it is almost midnight and we were told that the decision taken by Government to amend the Local Government Act was taken almost on the stroke of midnight.

The Prime Minister, unfortunately, has created unnecessary confusion when he made a statement or when he gave a reply to a question put to him by hon. Bhagwan at Committee of Supply, and when he told us to get ready for the village council elections.

(Interruptions)

You said it! You see, a Government is not run by trial and error more so when a Prime Minister has to make a statement which will have a bearing upon more than 500, 000 people in the rural areas. People were joking for position, getting ready for the forthcoming village council elections and then, out of the blue, the Prime Minister realised that he had made a blunder. Now, I am not going to say that they run away from bi-elections, this is another issue. But you cannot be surprised or dismayed when there is an outcry in the public. In the face of adversity and popular discontent, unfortunately it is the Vice-Prime Minister who was squeezed between the anvil and the hammer, and has had to make the biggest U-turn of her political life. She was almost caught in the act. Why is there a popular discontent? Yet, as has been said and aired by almost all Members, it is not the first time that elections are being postponed. But there is always a good reason to postpone elections, Mr Deputy Speaker, Sir; except in this case, there is not even a lame duck reason. There is no justification at all. We may differ with respect to postponement of election in scale, in scope, but, in principle, we all have squared the circle. The only difference, Mr Deputy Speaker, Sir, is the double whammy blood.

Let me refer to the Local Government (Amendment) Act of 2015 which has been highlighted at large by my good friend, hon. Shakeel Mohamed. When we look at the amendment that was brought to the principal Act, the Prime Minister has arrogated himself powers which he thought the President had. We know that the President, under Section 64 of the Constitution, cannot act without advice tendered to him by the Cabinet. By deleting the words 'on such date as the President shall appoint', and replacing them by the words 'or in such other year' and then 'at such date as the President shall, on advice of the Prime Minister, appoint'.

The Prime Minister believes he could decide on the date of village council elections at his whims and caprices. My only regret, as it has been stated by the Deputy Prime Minister, is that there and then, at that time, nobody challenged the constitutionality of Section 12. That was in 2015. And we know what was happening in 2015, Government had a $\frac{3}{4}$ majority, had almost absolute power and we know what absolute power can do. The Government went on a spree of political vendetta and arbitrary arrests, Mr Deputy Speaker, Sir.

Let me come to the second reason for the double whammy blood. I am glad that, on this issue, Government has taken the corrective measure, what we call the *mainmise ministérielle* or what could have been a travesty of grassroots democracy. The hon. Vice-Prime Minister has surrendered, has backpedalled and surrendered to the village councillors their legitimate rights.

Mr Deputy Speaker, Sir, in 2010, when debates to postpone the village council elections were taken, both by the Labour Party and the MSM, there was justification for postponement. As I have said earlier, in respect of the amendment being brought by the Vice-Prime Minister, there is no justification at all, except that it was the outcome of the blunder committed by Government.

We had good reasons when we were in Government. What were the reasons? A major Bill with respect to Local Government, a comprehensive Bill was in the pipeline. I am glad that *la loi Aimée*, as we call it, remains to a large extent untouched and consolidates grassroots democracy which this Government wanted to usurp. I am not going to go into the reasons and arguments put forward by the Vice-Prime Minister to justify the postponement because I have stated earlier there is no justification at all except that Government is guilty. Government has to acknowledge that not only it has to backpedal, but it has to convey

apologies to the Nation for coming forward with a blunder which it should not have committed. A serious Government is not run by trial and error, Mr Deputy Speaker, Sir.

Thank you.

The Deputy Speaker: Hon. Members, Madam Speaker will now resume her seat.

At this stage Madam Speaker took the Chair.

Madam Speaker: Hon. Prime Minister!

(00.04 a.m.)

The Prime Minister: Madam Speaker, the Bill before the House aims to amend the Local Government Act to provide for election of Village Councillors to be held in 2020.

The last Village Council Elections were held on 02 December 2012 and according to the provisions of the Local Government (Amendment) Act 2015, I quote –

“(1) The election of Councillors to a Village Council shall be –

- (a) held in 2012 and thereafter every 6 years or in such other year, and at such date, as the President shall, on the advice of the Prime Minister, appoint;”

One interpretation of that section of the law is that elections can take place at any time within the six years from the date of the last elections.

The other interpretation is in spite of the fact that elections may be due after six years, that is, in 2018, yet this section of the law provides also in such other year and at such date as the President shall, on the advice of the Prime Minister, appoint.

As things stand, and in conformity with the existing law, I could have advised the acting President to issue a writ of election specifying the nomination day and, by notice, appoint the polling day at such date as we think appropriate. We could have held the election in 2020 without coming to Parliament. But, Madam Speaker, obviously, consultations were held at the Attorney General’s Office and I had consultations with other senior members of the Bar because I wanted to get confirmation about the interpretation of this section of the law. I must say that there have been diverging views because initially we thought that there was no need for us to come to Parliament. True it is. That is why we are coming with this legislation today. But so that there is no uncertainty, we decided that it would be better to come with a Bill before this House because we did not want to cast any doubt in the mind of

people and, therefore, the best way forward was to come to the National Assembly for a debate, but for an amendment to be voted.

I heard hon. Mohamed spoke about this section - and he knows very well -and he mentioned that although hon. Gayan had interpreted it in one way, he would interpret it in a different way. This is why it was not unanimous that it meant that we could do it at any other date and year after the six years, that it would be open to challenge. Again, I repeat that is why we are coming with this legislation. Therefore, it is clear and it stands to reason that although we have voted the 2015 amendment, we have to agree, we thought at that time, it was clear, it was certain, but as it stands today, from the views that we have gathered, there are different opinions, it lacks certainty as no definite date is stated for the Village Council elections.

Now, in the name of transparency and certainty, we have decided to amend the law so that the formulation is more precise. We are now stating the specific year in which the Village Council elections must be held, that is, in 2020.

Section 12 of the principal Act is amended so that the next election should be, and I quote –

“(...) held in the year 2020 and thereafter every 6 years, at such date, as the President shall, on the advice of the Prime Minister, appoint.”

This is, Madam Speaker, a fundamental change that serves to reinforce democracy by providing certainty and precision.

Madam Speaker, I am, therefore, not surprised that the Opposition, both inside and outside this august Assembly, some Members of which have themselves in the past been closely associated with postponement *sine die* of Village Council elections for mere political reasons and motives, should, for these same reasons, now be clamouring that democracy is being violated.

Let me say again, because I have been quoted from Hansard, and I think everybody listened to what has been stated in an answer to the hon. Member from the Opposition. But it is clear. One can interpret that Village Council elections would be held, but I never stated, and in no uncertain terms, that there would be general election of Councillors. Never!

So, I am surprised because I feel that deep down and in their value judgment, they cannot but agree with the rationale of the fixing of the year of the Village Council elections, but

opposing it just for the sake of opposing, I do not think it is the right strategy. Never mind! I am not going to make mention of all the other legislation that is coming before this House. Some of the legislation will have a bearing on Councillors, but I must admit, I do not think they will have so much bearing as to justify by themselves that we should hold elections after December.

I listened to the proposal of the hon. Leader of the Opposition that simultaneous elections rather than separate elections at regional level are becoming in a number of countries the norm in modern democratic States. I think we should give serious thought to that because there could be potentially a case for holding Municipal and Village Council elections concurrently. I say there could be a case. This has to be looked at, this has to be studied, and more so, if it can be financially more effective also. I believe that could also reduce the period of political turbulence and instability that the country goes through in times of election.

Simultaneous election could also go a long way towards putting our towns and villages on the equal footing. Moreover, Madam Speaker, long drawn-out election campaigns can obstruct governance and slow down administration, which can have a negative impact on Government's ability to deliver. Those who are opposing the Bill pretend to be defending democratic ideals. I am not going to quote lengthily what has been said in the past, but it will be good for me to mention, at least, a few instances. For example, when the Labour Party twice postponed Village Council elections that were due in 2010. The Village Council elections were postponed in 2010 and again in 2011. Under Sir Seewoosagar Ramgoolam, Village Council elections, which were due in 1974, were not held until 1979, that is, five years after the date they were due.

I heard hon. Dr. Boolell saying that there is no reason why we are fixing - we are not postponing - the elections for 2020. Hon. Mohamed has, at least, stated that he is not comfortable with what has happened in the past. Let alone whether he agrees or not, he is not comfortable.

Now, it is also true that we have not been proud of our democratic model. History will also recall that following the August 1967 elections, there were no legislative elections until 1976, and we are talking about general elections. For nine long years, citizens were not allowed to cast their ballots.

I heard the hon. Leader of the Opposition talking about – what did he say? – knifing democracy in the back, when he mentioned why elections were postponed at that time - I am talking of general elections. He was not in politics at that time. At least, I must say, I can understand hon. Mohamed when he queried what has happened in the past. Whatever he said today, that is something else. But I am surprised by what I heard from hon. Xavier-Luc Duval. He was not in politics; he was not a member of the PMSD at that time, but he stated clearly that he approved of what was being done at that time. There were reasons; he was proud of what has been done. And he continued in his speech later on to say, ‘What is democracy without election?’ I mean, how contradictory can one be by approving what was done by the Labour/PMSD Government in postponing general elections, and then commenting on this Bill for the general elections of Councillors to say what is democracy without election.

Let me correct one thing that he has stated. He said that there have never been Village Council elections when MSM is or has been in Government. I think he does not know history. He must do some research. We have a number of years: 1983, 1986, 1989, 1992. I hope he will check those years when there were Village Council elections and when there have also been municipal elections. Let me also remind the House that in 1996, the law was amended with retrospective effect so as to make 1971 a virtual election year. Yes, a fiction that became law. The then Prime Minister, Dr. Navinchandra Ramgoolam, amended the National Assembly (Retiring Allowances) Act so that Members of the Legislative Assembly who were elected on 07 August 1967 were deemed to have been re-elected on 30 July 1971. Thus, sitting MLAs were considered to have served a second term starting on 31 July 1971 and, of course, some people must have pocketed significant financial gains through this weird legislative provision. And now they say that we are going against democracy, *c’est un viol de la démocratie! Mais, Madame la présidente, celui-là, enfin* I do not want to be rude...

(Interruptions)

C’est un viol virtuel!

Let us also not forget what happened in 2014. I shall not dwell into that because *la démocratie était prise en otage. Le Parlement n’a pas fonctionné pendant plusieurs mois.*

So, let me also mention that in August 2004, when we were in the MSM/MMM Government, we also came with an amendment to the Local Government Act to postpone the municipal elections by two years to 2006, and to maintain in office all existing Municipal,

District and Village Councillors in post. We all know that this amendment was in the context of a comprehensive reform of the local government system as a whole. I must say there was a will to upgrade the Village Councils at that time, but again what happened in 2005, the then Prime Minister, Dr. Navin Ramgoolam, amended the law to get back to what it was previously.

So, Madam Speaker, let me come to one section of the Bill that was circulated last week. Yes, it was proposed that, where a vacancy occurs in the office of a District Councillor, of a Chairperson or Vice-Chairperson of the Village Council or a District Council, the Minister shall appoint another person from amongst Village Councillors or District Councillors, as the case may be, to fill the vacancy. I can assure the House that we have had a number of consultations, discussions, and I can assure the House that there has been no ulterior motive behind this section.

But, obviously, we do listen, we do hear and take into consideration various opinions that have been expressed, especially by Councillors themselves and others, and also Members of the Government. After consultations, we have decided to review the Bill, to take into account those views and, therefore, where a vacancy occurs in the offices mentioned, it will be filled according to the provisions of the existing law.

Madam Speaker, I shall not be too long, but let me say that on 21 December 2019, this Parliament will stand dissolved and General Elections must be held by May 2020 at latest, and we consider it would be more appropriate to hold general elections of Councillors after the General Elections.

Today, by bringing this Bill to the House, the Government is contributing to bringing certainty to the electoral process for the sake of Village Council elections, and it shows also that we are living in a completely different political environment and enjoying a healthier democracy.

Thank you.

Mrs Jeewa-Daureeawoo: Madam Speaker, I thank Members on both sides of the House who have participated in the present debate on the Local Government (Amendment No. 2) Bill (No. XX of 2018).

Many salient points have already been canvassed by Members on this side of the House, however allow me to sum up the debate with essentials.

Let me say that some Members of the Opposition Side have made some good points to quote hon. Alan Ganoo but some Members, I think, do not need any comment at this late hour, I am not going into *politicaille*, this is not my cup of tea.

To reply to hon. Armance, I have difficulty to understand the relevance of his point regarding the presence of only one female candidate. Is the hon. Member trying to say that this is the Government's fault? The issue at hand is that we have come forward today to fix the year of the election for the sake of clarity. The hon. Member's arguments are purely demagoguery.

Now, referring to hon. Quirin, it seems that the hon. Member wanted to create his own reason of why the Village Election has been fixed and why Government took such a decision.

Hon. Duval spoke about democracy. What have we done today, Madam Speaker? We are consolidating democracy by removing the words 'in such other year'; we are removing the discretion to postpone the Village Elections *sine die*. With the present Bill, the Village Election will have to be held mandatory every six years.

Let me remind the hon. Members of the Opposition that we are also fully aware of Sections 1 and 2 of our Constitution. We are also fully aware of the jurisprudence of these two provisions. I must also say that hon. Duval did raise a very good point, the point has just been mentioned by hon. Prime Minister, it is about the possibility of conceding the General Election, the Municipal Election and the Village Council Election, so a point which we need to canvass further.

Madam Speaker, as has been rightly said by hon. Sinatambou, successive Governments had postponed election, be it General, Village or District election. Nobody then talked about democracy *bafouée*. The question is: is this because they were in power? With this Bill in Parliament today, we are bringing certainty in the year Village Election will be held, that is all what we are doing.

Coming to the question put to me by hon. Alan Ganoo, as regards the revocation of the Chairperson or Vice-Chairperson, if there is such a case, hon. Member, then this would amount to a vacancy and, therefore, the current provisions of the law will apply to fill in the said vacancy. The words 'subject to this Act' would not have been the appropriate words instead the words 'notwithstanding this Act' are the appropriate words to be used inasmuch as the intention is to say notwithstanding that the mandate of the Village Councillors would

end after six years, this amendment law is, in fact, extending the mandate of the Village Councillors.

Now, let me say, Madam Speaker, there is nothing sinister about Government amending a Bill before commending it to the House. As has been said by hon. Deputy Prime Minister, on this side of the House, much thought was given to the Bill. This has also been said by our Prime Minister. The Bill was circulated prior to the amendment brought, I am happy about that. Members of the House must be reminded that, on this side of the House, there are many of us with tremendous experience at local level who have made it a duty to express their views. Furthermore, many of us, of the legal profession have also expressed our opinions about the provisions of the Bill after consultation with the hon. Prime Minister, himself, who is, I must say, a trained lawyer with experience in the democratic process before we decided to come up with an amendment of the Bill. This also has been criticised, Madam Speaker. Is it the first time that an amendment is being brought after circulation of a Bill? So, what I would say is that this is leadership, a Prime Minister open to the views of Members on this side of the House.

Before closing, allow me to thank the hon. Prime Minister for his commitment towards regional democracy. If the hon. Prime Minister has stayed so late to comment on this Bill we are presenting today, it is because he is greatly concerned about the matter of the Village Election. He has favoured clarity and transparency through the amendment in Parliament today. We have brought the amendment in time to make sure that the Village Council Election be held in the year 2020. I think it was important to bring clarity to the interpretation of the year, the Village Election can be held. There will be as from now no ambiguity. This is what the Bill is all about.

So, with these words, Madam Speaker, I commend the Bill to the House.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(Madam Speaker in the Chair)

THE LOCAL GOVERNMENT (AMENDMENT NO. 2) BILL

(No. XX of 2018)

Clauses 1 to 4 ordered to stand part of the Bill.

Clause 5 (New section 12A inserted in principal Act)

Motion made and question proposed: “that the clause stand part of the Bill.”

Mrs Jeewa-Daureeawoo: Madam Chairperson, I move for the following amendments in Clause 5 –

“By deleting the proposed new section 12A and replacing it by the following section –

12A. Transitional provisions until next general election of Village Councils to be held in year 2020

(1) Notwithstanding this Act –

- (a) every member of a Village Council, including a District Councillor, other than a Chairperson and Vice-chairperson of a District Council or Village Council, in office on the commencement of this Act, shall continue to serve as such until the day immediately preceding nomination day at the election of Councillors to a Village Council to be held in the year 2020;
- (b) every Chairperson and Vice-chairperson of a District Council or Village Council, in office on the commencement of this Act, shall continue to serve as such until their successors are elected after the election of Councillors to a Village Council to be held in the year 2020.

(2) (a) Where a vacancy occurs in the office of a Village Councillor after the commencement of this Act, the vacant seat shall be filled in accordance with section 42.

(b) Where a vacant seat is filled pursuant to paragraph (a), that person, whether elected or appointed, shall hold office until the day immediately preceding nomination day at the election to be held in the year 2020.

(3) (a) Where a vacancy occurs in the office of a District Councillor after the commencement of this Act, an election to fill the vacancy shall be

held within 15 days of the occurrence of the vacancy by the Village Council concerned and conducted in the manner provided in section 13.

(b) A District Councillor elected pursuant to paragraph (a) shall hold office until the day immediately preceding nomination day at the election to be held in the year 2020.

(4) (a) Where a vacancy occurs in the office of a Chairperson or Vice-Chairperson of a District Council or Village Council after the commencement of this Act, an election to fill the vacancy shall be held within 15 days of the occurrence of the vacancy and conducted in the manner provided in section 34.

(b) A Chairperson or Vice-Chairperson of a District Council or Village Council elected pursuant to paragraph (a) shall hold office until his successor is elected after the election to be held in the year 2020.

(5) A member of an Executive Committee of a District Council referred to in section 47 shall, on the commencement of this Act, continue to serve as such until the day immediately preceding nomination day at the election of Councillors to a Village Council to be held in the year 2020.”

Amendments agreed to.

Clause 5, as amended, ordered to stand part of the Bill.

The title and enacting clause were agreed to.

The Bill, as amended, was agreed to.

On the Assembly resuming with Madam Speaker in the Chair, Madam Speaker reported accordingly.

Third Reading

On motion made and seconded, the Local Government (Amendment No. 2) Bill (No. XX of 2018) was read the third time and passed.

ADJOURNMENT

The Prime Minister: Madam Speaker, I beg to move that this Assembly do now adjourn to Tuesday 04 December 2018 at 11.30 a.m.

The Deputy Prime Minister rose and seconded.

Question put and agreed to.

Madam Speaker: The House stands adjourned.

MATTERS RAISED

(00.36 a.m.)

PORT LOUIS SOUTH & PORT LOUIS CENTRAL – SEWER NETWORK

Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central): Thank you, Madam Speaker. I have a list that I have prepared for the attention of the hon. Deputy Prime Minister, and it concerns sewer problem in my constituency. It is quite long and I am going to table it for you.

(Interruptions)

Madam Speaker: Please proceed!

Mr Osman Mahomed: We can talk afterwards. I have raised it with the Wastewater Management Authority on several occasions, they have not been resolved. We will talk afterwards.

Thank you.

Madam Speaker: That's done. Hon. Tarolah!

SEBASTOPOL & CAROLINE – SUGARCANE FACTORIES - CHIMNEYS

Mr K. Tarolah (Third Member for Montagne Blanche & GRSE): Thank you, Madam Speaker. My intervention this early morning is addressed to the hon. Minister of Arts and Culture regarding the old sugarcane factories chimneys which can be easily found throughout the country.

I am mostly concerned with the one located at Sebastopol and another one at Caroline. These two chimneys are in public places and they are considered as a great threat regarding the safety of the public. On the top as well as on the sides of the chimneys, we can easily notice that many plants are growing on their own, thus the roads are making their own way. Resulting to the falling of rocks from the chimneys, therefore my humble request to the

hon. Minister is whether a survey can be carried out and necessary measures can be taken on time before any fatal incident may happen. Thank you.

The Minister of Social Security, National Solidarity, and Environment and Sustainable Development (Mr E. Sinatambou): Madam Speaker, I will transmit the request to the Minister.

Madam Speaker: Hon. Lepoigneur!

TEENAGER – PREGNANCY

Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière): Merci, Madame la présidente. Ma requête s'adresse à la Vice-premier ministre, l'honorable Madame Jeewa-Daureeawoo concernant ce que j'ai dit dans mon discours un peu plus tôt, concernant cette fille de 14 ans qui est enceinte de sept mois. J'ai été voir dans quelle condition elle est en train de vivre. Je pense si la CDU peut prendre contact avec elle et qu'elle accouche dans une meilleure condition. Elle est dans un état vraiment déplorable là où elle vit. Si c'est possible qu'elle soit prise en charge un peu plus vite.

The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo): The hon. Member will have to give me more details about that lady so that we can take care of her.

At 00.40 a.m., the Assembly was, on its rising, adjourned to Tuesday 04 December 2018 at 11.30 a.m.

WRITTEN ANSWERS TO QUESTIONS

KHASHOGGI, MR JAMAL, SAUDI NATIONAL - DEATH

(No. B/1084) Mr K. Ramano (Third Member for Belle Rose & Quatre Bornes) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the death of J. K., a Saudi Arabian journalist, on the premises of the Saudi Arabia Consulate in Turkey, he will state if Government has communicated any concern in relation thereto to the Saudi Arabian Government.

Reply: Mauritius has not issued any communication in relation to the death of Mr Jamal Khashoggi, Saudi National.

Mauritius has, however, taken note that the Government of the Kingdom of Saudi Arabia has launched an investigation into this matter.

**MINISTRY OF HEALTH AND QUALITY OF LIFE – MEDICAL AND
HEALTH OFFICERS - POSTGRADUATE STUDIES**

(No. B/1111) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East) asked the Minister of Health and Quality of Life whether, in regard to the priority fields for which Medical and Health Officers/Senior Medical and Health Officers are allowed to take study leave without pay to pursue postgraduate studies, he will state if a list thereof and the respective quota thereof has been worked out for 2019 and, if so, indicate if same will be published and, if so, when.

Reply: I wish to inform the House that the information requested by the hon. Member is still being worked out and will be tabled in due course.

POLICE OFFICERS - PERFORMANCE BONUS

(No. B/1114) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the Mauritius Police Force, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if the Pay Research Bureau Recommendations relating to performance bonus will be paid to the Police Officers and, if so, when.

Reply: I am informed by the Commissioner of Police that paragraph 14.2.9 of the PRB Report 2016, recommends payment of a one-off performance bonus to Police Officers from the grade of Police Constable up to the grade of Inspector of Police in post as at 01 January 2016, provided they have satisfied the criteria set down therein.

As there were no financial provisions in the budget for payment of the performance bonus, the Commissioner of Police made a request for funds to the Ministry of Finance and Economic Development on 19 January 2018.

Subsequently the Ministry of Finance and Economic Development informed the Commissioner of Police that the matter was referred to the High-Powered Committee (HPC) for consideration. The HPC examined the request and decided that, in view of the serious implications, the implementation of the recommendation at paragraph 14.2.9 of the PRB Report 2016 be deferred, and that the matter be re-examined by the PRB in the context of the next General Review Exercise due in January 2021.

VEHICLES – FIX PENALTY NOTICE

(No. B/1117) Mr J. Leopold (Second Member for Rodrigues) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to Fixed Penalty Notices, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if consideration will be given for the advisability of counter-checking with the National Transport Authority the required information on the vehicles in respect of which same are issued, prior to the issuing thereof.

Reply: I am informed that particulars on all vehicles registered at the National Transport Authority are available in real time on the Remote Query System (RQS) at all Police Stations, Divisional/Branch Operations Rooms (OPS Room) and Police Information and Operations Room (PIOR).

Additionally, with the Safe City Project, which is expected to be operational by June 2019, some 4,500 smart radios will be issued to Police Officers at the front line. These smart radios will be equipped with an appropriate mobile application which will enable officers to access the database at the National Transport Authority. Hence, the Police will be able to check the details of the vehicles, in real time, prior to the issue of a Fix Penalty Notice (FPN).

I would like to inform the House that the NTA also is working in the same direction, especially with the launching of the “Online Renewal of Motor Vehicle Licence” on Thursday 22 November 2018, whereby its Enforcement Officers are now able to access, in real time, all particulars in relation to a vehicle, before issuing a FPN.

SOREZE - DRAINS

(No. B/1121) Mr P. Armance (First Member for GRNW & Port Louis West) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the region of Sorèze, in Pailles, she will state the measures taken recently, if any, in relation to the –

- (a) poor maintenance of the drains, and
- (b) clearing of the natural drains obstructed by wastes from construction works.

Reply: In view of the topography of the region, the drains are frequently obstructed during heavy rainfalls. There is also frequent littering in the road side drains. Regular visits are effected by the Municipal Inspectors and the private contractor is requested to keep in the drain free from obstruction.

Since it is an old *morcellement*, it is very common that private land owners tend to backfill the road side drains to have access to the land during construction and this tends to obstruct the drains in the region.

I am informed by the Municipal City Council of Port Louis that –

- (a) the contract for cleaning of drains in the region of Sorèze, Pailles had been awarded to a private contractor;
- (b) needful is being done by the contractor for the removal of construction material and rubble whenever required, and
- (c) notices have been served by the Municipal inspectorate upon five persons for causing obstruction of drains in the region, requesting them to clean the drains. The offenders have complied with the notices served upon them.

I am also informed that the cleaning of drains is being closely monitored by the Municipal City Council of Port Louis.

MINORS – DRUGS POSSESSION - PROSECUTION

(No. B/1123) Mr A. Ganoo (First Member for Savanne & Black River) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to minors involved in cases of possession of drugs in small quantities, he will state if consideration will be given for the advisability of amending the legislation with a view to avoiding the prosecution thereof.

Reply: I am informed by the Commissioner of Police that the different sections of the Law under the Dangerous Drugs Act (DDA) do not specify “minor” committing an offence under this Act. Thus, “Any person” found committing an offence under the DDA is liable for prosecution, irrespective of his/her age.

I am further informed by the Attorney General’s Office that it is the policy of the Office of Director of Public Prosecutions, on the ground of public interest, not to initiate prosecution, but to administer a warning in accordance with section 3(2) of the Criminal Procedure Act in cases referred to it by the Police where, *inter alia* –

- (i) the accused is a young person, which includes a minor;
- (ii) the nature of the offence is not serious;

- (iii) the accused has made a confession;
- (iv) the accused is a first time offender, and
- (v) in drug cases, the quantity involved is relatively small.

The issue of amending the legislation with a view to avoiding the prosecution thereof in case of possession of small quantities of drugs does not arise for the time being.

FINANCIAL SERVICES COMMISSION - CHIEF EXECUTIVE OFFICER - OVERSEAS MISSIONS

(No. B/1124) Mr A. Ganoo (First Member for Savanne & Black River) asked the Minister of Financial Services and Good Governance whether, in regard to the Chief Executive Officer of the Financial Services Commission, he will, for the benefit of the House, obtain therefrom, information as to the number of official trips undertaken by the incumbent thereof since his assumption of office, indicating in each case the –

- (a) cost of airfares and amount of *per diem* paid thereto;
- (b) purpose, duration and outcome thereof, and
- (c) names of the accompanying persons, indicating the costs incurred in respect thereof.

Reply: I wish to inform the House that the Financial Services Commission has the mandate to oversee and develop the non-banking financial services, the global business sector as well as other activities related to the Mauritian International Financial Centre, including the global legal advisory services.

Accordingly, to ensure that the Financial Services Commission delivers as an effective regulatory body, the Commission has undergone a major restructuring exercise with the support of its international counterparts.

In this regard, I am informed that since his appointment to date, the Chief Executive of the FSC has undertaken 15 official trips abroad for various purposes directly related to the regulatory mandate of the Commission.

With regard to part (a) of the question, I am informed by the Financial Services Commission that the costs of airfares for the 15 missions abroad amount to Rs1,910,910.82 while the amount of *per diem* paid for these missions stood at Rs2,715,214.95. Moreover, the Chief Executive was also paid an entertainment allowance totaling Rs197,300 for the 15 missions.

I am tabling a breakdown of these expenses as well as the information asked for at parts (b) and (c) of the question.

**FINTECH AND INNOVATION-DRIVEN FINANCIAL SERVICES -
REGULATORY COMMITTEE**

(No. B/1125) Mr A. Ganoo (First Member for Savanne & Black River) asked the Minister of Financial Services and Good Governance whether, in regard to the Fintech and Innovation-Driven Financial Services Regulatory Committee, he will, for the benefit of the House, obtain therefrom, information as to the cost of the Report submitted by the Committee.

Reply: I wish to inform the House that the Regulatory Committee on Fintech and Innovation-driven Financial Services was set up to assist in paving the way for appropriate regulatory frameworks for encouraging and supporting the development of Fintech in Mauritius. The work of the Committee is coordinated by the Financial Services Commission.

The Committee comprises eminent international personalities, namely Lord Meghnad Desai and Lord Anthony St John of Bletso of the House of Lords, UK, Ms Loretta Joseph, Chair of the Australian Digital Currency and Commerce Association, Mr Nishith Desai, Founder of the Nishith Desai Associates Law Firm of India as well as Mr Y. Googoolye, Governor of the Bank of Mauritius, Mr H. Seegolam, Chief Executive of the Financial Services Commission and Mr R. Ramloll, Deputy Solicitor-General, Attorney General's Office. The Committee is chaired by Lord Meghnad Desai.

It was agreed that the members would not be remunerated for their participation in the meetings of the Committee but the Financial Services Commission will, in addition to providing secretarial facilities, bear the costs of travelling and accommodation of the Chairperson and members to attend the meetings.

I am informed that the Committee met on three (3) occasions. The first meeting was held in Mauritius and the costs of air tickets and accommodation amounted to Rs761,742. Subsequently, given the busy schedule of the international members to travel to Mauritius, the other two (2) meetings were held in the House of Lords in UK. The costs for these two meetings amounted to Rs1,274,571 and Rs1,137,246 respectively.

MORTUARY COMPLEX – CONSTRUCTION

(No. B/1128) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the project for the construction of a modern mortuary

complex, at Moka, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the –

- (a) location earmarked therefor;
- (b) number of post mortem examinations that would be able to be performed simultaneously;
- (c) timeframe for the implementation thereof, and
- (d) cost thereof.

Reply: I am informed by the Commissioner of Police that the decision to construct a Modern Mortuary Complex was taken as far back as 2011. The site earmarked was the ex-Moka Court. However, the National Heritage Trust Fund has not allowed the pulling down of the building due to its historical value. Pending the identification of another site and taking into consideration the priority of other projects of the Police Department, the project has been put on hold.

As regards part (b) of the question, I am informed that, the project makes provision for two autopsy rooms, hence two post mortems can be carried out simultaneously. It is to be noted however that the existing mortuary houses situated at Victoria Hospital, Dr. Jeetoo Hospital, SSRN Hospital as well as Queen Elizabeth Hospital in Rodrigues are meeting the present needs of the Police for post mortem examinations, which are usually carried out within 24 hrs. However, in certain specific circumstances, depending on the nature of the case, autopsy may be delayed.

With regard to part (c) of the question, due consideration will be given to its implementation at a later stage.

I am further informed that with regard to part (d) of the question, the project value was estimated at Rs62 m. in 2011.

EMPLOYMENT RELATIONS ACT AND EMPLOYMENT RIGHTS ACT – MINISTERIAL COMMITTEE

(No. B/1131) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Minister of Labour, Industrial Relations, Employment and Training whether, in regard to the Ministerial Committee set up to consider proposed amendments to be brought to the Employment Relations Act and the Employment Rights Act, he will state the date of the last meeting thereof, indicating the expected date of introduction of the proposed amendments in the House.

Reply: The Ministerial Committee, set up to consider the proposed amendments to be brought to the Employment Rights Act 2008 and the Employment Relations Act 2008 met on ten occasions. The last meeting was held on 12 November 2018.

The amendments which are being proposed to the Employment Rights Act 2008 and the Employment Relations Act 2008 have far-reaching implications and, *inter alia*, comprise the introduction of a Portable Gratuity Retirement Fund in replacement of the existing Gratuity Retirement Regime. In view of this major change, Cabinet agreed to my Ministry arranging for an actuarial study to be carried on the sustainability of the proposed Fund.

The actuarial study has been carried out by SICOM and the report was submitted on 05 October last. The Ministry of Finance and Economic Development has agreed, in principle, to the introduction of the Portable Gratuity Retirement Scheme. At the meeting of 01 November 2018, Cabinet referred the actuarial report to the Ministerial Committee for consideration. The main features of the proposed scheme have been posted on the website of my Ministry to seek the views and comments of the stakeholders. The deadline was 21 November 2018. The views and comments made by the stakeholders will be examined and further discussions will be held with them before seeking Cabinet's approval and finalisation of the draft Bills.

The hon. Member may wish to know that at the tripartite meeting on salary compensation held on Thursday 22 November, representatives of Trade Unions enquired about the status reached in the review of the legislation and also whether the Bill would be introduced into the National Assembly this year.

They were informed that the Ministerial Committee had already submitted its report on the review of the labour legislation. As regards the Portable Gratuity Retirement Scheme, the actuarial report thereon has been referred to the Ministerial Committee. They were also informed that the draft Bills would be introduced into the National Assembly in 2019.

ELECTRIC FENCING – INSTALLATION

(No. B/1132) Mr J. C. Barbier (Fourth Member for GRNW & Port Louis West) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to electric fencing, he will state if consideration will be given for the introduction of legislation for the regulation thereof.

Reply: I am informed that presently there is no legislation regulating the manufacture and installation of electric fencing in Mauritius.

Presently, electric fences are being installed by specialised companies in Mauritius. These installations are normally carried out by certified technicians, using recommended materials by either the South African Bureau of Standards (SABS) or the British Standards (BS). These international standards also recommend the manner in which installations should be done –

- (a) the high voltage output be limited so that the shock is not stronger than one resulting from an electrostatic discharge;
- (b) there is provision of warning signs at spacing between 0.8m and 10m, displayed in such a manner that the warning signs are visible from any point where access may be gained;
- (c) provision of mounting heights of at least 1.5m above ground level; and,
- (d) installation of earth spikes every 50m.

The main risks associated with electric fencing are an unpleasant electric shock and a fall from a height due to contact with the fence.

I am also informed that there is a remote possibility of death due to exhaustion if a person becomes trapped in an electric fence and cannot easily free himself. It is therefore important that the electric fencing is not subsequently modified by users without the intervention of the installer.

GRAND' BAIE – HEALTH CENTRE – CONSTRUCTION

(No. B/1146) Mr S. Rughoobur (Second Member for Grand'Baie & Poudre d'Or) asked the Minister of Health and Quality of Life whether, in regard to the proposed construction of a Health Centre at Grand' Baie, he will state where matters stand.

Reply: I wish to inform the House that a plot of land of an extent of 952 m² has been vested in my Ministry on 22 October 2018 for construction of the new Community Health Centre at Grand Bay. The preliminary design has already been approved by the Building Plan Committee on 16 August 2018.

As per the estimates submitted by MPI, the cost of the project amounts to Rs27.7 m. (VAT inclusive). Funds have been made available and the Ministry of Public Infrastructure and Land Transport will be requested to initiate action for tendering exercise.

MAHEBOURG MUSUEM – REHABILITATION

(No. B/1147) Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien) asked the Minister of Arts and Culture whether, in regard to the Mahebourg Museum, he will state if consideration will be given for the rehabilitation thereof.

(Withdrawn)

MAHEBOURG & PLAINE MAGNIEN - SPORTS PROMOTION

(No. B/1148) Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien) asked the Minister of Youth and Sports whether, in regard to the Constituency No. 12, Mahebourg and Plaine Magnien, he will state the measures taken by his Ministry for the promotion of sports thereat.

(Withdrawn)

POLICE FORCE – DISCIPLINE & SERVICE DELIVERY

(No. B/1149) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the Mauritius Police Force, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the actions initiated to enforce discipline and increase the efficiency of service delivery.

(Withdrawn)

LAW AND ORDER

(No. B/1150) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, following the recent cases of theft, larceny and aggressions, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the additional actions initiated to ensure public safety as of late.

(Withdrawn)

MAURITIUS - TOTAL FERTILITY RATE

(No. B/1151) Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes) asked the Minister of Health and Quality of Life whether, in regard to the fertility rate, he will state the measures taken by his Ministry for the improvement thereof.

Reply: The Total Fertility Rate (TFR) of a population is the average number of children that would normally be born to a woman over her lifetime.

A lower fertility rate is due to lifestyle choices associated with economic affluence where mortality rates are low, birth control is easily accessible and the cost involved in

bringing up children. Higher education and professional careers often mean that women have children later in life.

In Mauritius, the total fertility rate dropped below the replacement - level fertility of 2.10 children per woman - the level needed for a woman to replace herself and her partner - for the first time in the mid-1980s; however, it was not until 1997 onward that fertility has continuously been at sub-replacement level. In 2017, the total fertility rate was 1.44 children per woman compared with 1.67 in 2008, resulting in a decrease of about 14.0%.

There is no single easy solution to achieve a reversal in the lowering fertility trends but there is a need to have a comprehensive approach in order to mitigate the dire consequences. Thus, my Ministry has embarked in the development of a new national population policy where one of the goals would be to bring back fertility at a minimum replacement level of 2.1.

The assistance of both UNFPA and WHO was sought in October 2017 to conduct an assessment of the demographic trends and to review the National Population Policy of Mauritius with recommendations to address the ramifications of the changing demography in Mauritius.

In this context, a Consultant from UNFPA was in Mauritius from 21 to 26 January 2018 and he submitted a first draft of the National Population Policy in April 2018. The document was reviewed by stakeholders and it was found that the policy document was a generic one and reflected the characteristics of a country with high fertility and thus does not apply to the Mauritian context.

UNFPA was informed accordingly and in August 2018, we again approached WHO for the services of a consultant to provide technical assistance to undertake a situational analysis of the Demographic and Population issues and to elaborate a comprehensive and coherent Population Policy.

In the meantime, UNFPA has proposed to send a team of about 4 experienced officers headed by the UNFPA Regional Director for East and Southern Africa Regional Office during the third week of January 2019 to work with our local team and various stakeholders including government, civil society and academia, to review all the sections of the draft National Population Policy.

With a view to creating awareness among the population and to sensitise them on the problem of low fertility, several workshops have been held by my Ministry with stakeholders. Brainstorming sessions were also held with stakeholders, namely, the private

sector to find out ways to increase the fertility rate in Mauritius. The general consensus revolved around 4 key actions –

- (1) work-family life balance;
- (2) financial incentives;
- (3) flexi time ;
- (4) baby day care centres/crèches. These interactive workshops are part of the ground work that has been carried out, so far, prior to finalise the national population policy.

SODNAC – MRS Z. B. RUHOMALLY – RESIDENCE – FIRE OUTBREAK

(No. B/1153) Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes)

asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if a case of a cocktail molotov having been thrown at the residence of Dr. Ruhomally on or about 06 November 2018 has been reported thereto and, if so, indicate if an inquiry has been carried out thereinto and where matters stand.

Reply: I am informed by the Commissioner of Police that on 06 November 2018, Mrs Zabine Banu Ruhomally, sister-in-law of Dr. H. Ruhomally, residing at Avenue des Rosiers, Sodnac and in an adjacent house to that of the Doctor, made a declaration at Sodnac Police Station that at around 03.45 hrs in the early morning, she was woken up by a loud noise from her yard. She went out and saw fire at two different places there and with the assistance of her relatives, the fire was extinguished.

Thereafter, she found pieces of broken bottles and burnt cloth in the same place. No damage was reported and no one was injured. She further affirmed that she did not suspect anyone in particular.

Police Officers of Sodnac Police Station and Scene of Crime Officers attended to the case. The pieces of broken bottles and burnt cloth have been secured and forwarded to the Forensic Science Laboratory (FSL) for examination, on the same day. I have been informed by the Director of the FSL that analysis is currently in process. Since the incident, regular patrol has been maintained at the above address. Enquiry into the case is in progress and so far no person has been arrested.