

ORAL ANSWERS TO QUESTIONS

(a) SIR SEEWOOSAGUR RAMGOOLAM FOUNDATION – BOARD
COMPOSITION

(b) SIR RABINDRAH GHURBURRUN FOUNDATION – ESTABLISHMENT

The Leader of the Opposition (Mr P. Bérenger) (*By Private Notice*) asked the Prime Minister, Minister of Defence and Home Affairs, Minister of Civil Service & Administrative Reforms and Minister of Rodrigues and Outer Islands whether, in regard to Foundations set up by Acts of Parliament in respect of personalities having well served the country, for the purposes of paying tribute to them, he will state if –

- (a) the objects set out in the Sir Seewoosagur Ramgoolam Foundation Act are being fulfilled, indicating the composition of the Board thereof and when it last met, and
- (b) he will agree to the introduction in Parliament of a Bill providing for the establishment of a Sir Rabindrah Ghurburrun Foundation.

Mr Bérenger: Mr Speaker, Sir, on a point of order. The law voted by this Parliament provides that it is the Prime Minister who appoints on the Board of the Sir Seewoosagur Ramgoolam Foundation and, obviously, a decision to set up a Sir Rabindrah Ghurburrun Foundation lies with the Prime Minister. This is why I have put the question to the Prime Minister. I think it is totally out of order for the Minister of Education to reply.

The Prime Minister: Mr Speaker, Sir, if I may answer the Leader of the Opposition. That may be so. Then, all that I can do is answer the question, because the whole subject matter is dealt with under the Ministry of Education. I can answer the question, but then there will be no supplementary questions.

(Interruptions)

Mr Speaker: A point of order has been raised and the basis of the point of order is that some members of the Board of the Foundation of Sir Seewoosagur Ramgoolam are appointed by the Prime Minister. I don't have the text in front of me, but there are certain institutions where the Boards or their Chairpersons are appointed by the Prime Minister, but the jurisdiction falls under the respective Ministers. For example, the Mauritius Institute of Education, I think, the Chairman, is appointed by the Prime Minister, but the Institute falls under the responsibility of the Minister of Education.

The Minister of Education & Human Resources (Mr D. Gokhool): Mr Speaker, Sir, with your permission and, as you have mentioned, the operation of this

Foundation falls under the purview of my Ministry. I will reply to this Private Notice Question as the objectives of the Sir Seewoosagur Ramgoolam Foundation relates mainly to the intellectual, physical, social, cultural and artistic development of the Mauritian citizens.

I would like to thank the Leader of the Opposition for this PNQ

With regard to part (a) I wish to inform the House that the objects of the Sir Seewoosagur Ramgoolam Foundation are as follows –

- (a) work for and further the progress of young Mauritians by affording them opportunities for their intellectual, physical, social, cultural and artistic development and by offering them scope for their creative talents in the arts and sciences;
- (b) grant scholarships in appropriate fields of study to deserving students of high promise and potential, and encourage and assist financially or otherwise institutions devoted to the achievement of goals similar to those of the Foundation.

As regards the composition, this is contained in section 5 of the SSR Foundation Act. I am laying a copy thereof.

(Interruptions)

Mr Speaker: Order!

Mr Gokhool: Although the Board *per se* has not been meeting, the objects of the Foundation have nevertheless been fulfilled through a Loan Committee, the composition of which is similar to the composition of the Board as per section 5 of the Act.

The Loan Committee last met in March 2007. It was the Board decision to meet when 5 or more requests for loans are received. Since March 2007, only two requests for loan have been received.

The objects of the Foundations have been implemented to needy students mainly through helping students with loans and for this reason the University of Mauritius has been entrusted with the responsibility of the fund.

I wish to remind that the Board is autonomous and independent and comprises only two representatives of Government. It has been vested with considerable authority and freedom to further the objects of the Foundation.

It needs to be pointed out that the members sit on the Board on a voluntary basis. I need to point out, Mr Speaker, Sir, that this Act was passed in 1981. So, it has been in operation with successive Governments. The hon. Leader of the Opposition will

appreciate that there are practical difficulties with the functioning of such foundations with heavy reliance on voluntary members.

The Sir Seewoosagur Ramgoolam Foundation has two loan schemes –

- (a) the first scheme provides interest-free loans to full-time students of the University of Mauritius who need financial assistance to pursue their studies, and
- (b) the second scheme is meant for part-time students facing severe hardship; those who fall into difficulties during a course due to unforeseen or uncontrollable changes in circumstances and cannot pay their tuition fees. The loan carries an interest of 8%.

A sum of Rs2 m. was advanced to the fund by the Ministry of Finance and Economic Development in 1994. Additional funds were also received subsequently totalling Rs5.3 m. The SSR Foundation Loan has a bank balance of Rs2,2 m. as at December 2007. According to record, for the period 1997 to March 2007, 381 needy students have been granted loans amounting to sum Rs4.6 m.

Mr Speaker Sir, with regard to part (b) of the question, the proposal of the Leader of the Opposition to set up a similar Foundation in honour of Sir Rabindrah Ghurburrun is worth considering in view of his achievements.

However, I wish to point out that the SSR Foundation dates back to 1981 and since then, a number of organizations, including socio-cultural organizations and NGOs have come into existence. Moreover, there has been a substantial increase in the number of newspapers, television and radio channels. These bodies and entities constitute now a very effective and diverse means of honouring the name and memory of the great patriots and citizens who have left their marks on the socio-economic, cultural and political life of this country. Occasionally, private members' Bills have been introduced for such purposes.

To date, Parliament has, on the initiative of Government, introduced legislations setting up Foundations only in the name of eminent personalities from the non-political sphere, except in the case of SSR and Sir Dayendranath Burrenchobay, former Governor General. These organisations and the public at large should continue to be encouraged in honouring the memory of distinguished political and non-political figures. Wherever appropriate, the existing Foundations may be empowered, by necessary legislative amendments, to also extend their activities to those aimed at honouring the other personalities.

However, if the wish is expressed by parties interested in putting up the necessary financial and other resources required to ensure a proper functioning of a statutory Foundation, Government will consider the advisability of setting up such a Foundation.

Mr Bérenger: Mr Speaker, Sir, I understand that the Minister is circulating a copy of section 5 of the Act, that is, the Board. What I requested was the names of the

members of the Board. Can I ask, therefore, the hon. Minister to give us the names of the Chairperson, the secretary and the member of the Ramgoolam family appointed supposedly by the Prime Minister and when were they appointed?

Mr Gokhool: The Board to which I referred is chaired by the Chief Technical Officer of my Ministry...

Mr Bérenger: On a point of order, I am talking about the Board as provided under the law, not some committees set up by I don't know whom - the President of the Board *as per* the law.

Mr Gokhool: Mr Speaker, Sir, as I informed the House, the Board has not been meeting, but there is a committee, that is, a loan committee, which looks at the objects of the Board ...

(Interruptions)

Mr Speaker: Order!

Mr Gokhool: It is through the loan committee that the objects of the Foundation are pursued. This is the arrangement ...

(Interruptions)

Mr Speaker: Order!

Mr Gokhool: As I explained, the Act was passed in 1981 and if the Leader of the Opposition is implying that this is an unsatisfactory arrangement, all I am saying to the House is that, the Act was passed in 1981, successive Governments have accepted this state of affairs...

Mr Bérenger: No, there was no loan committee!

(Interruptions)

Mr Speaker: Order!

Mr Gokhool: In the implementation of the Act, there was no board as such.

(Interruptions)

Mr Bérenger: In 1981, Sir Seewoosagur Ramgoolam was in Government. They were in Government. I am given to understand therefore that there is no Chairperson of the Board, no secretary and no one appointed by the Prime Minister to represent the Ramgoolam family. There is, in fact, no Board.

Mr Gokhool: I have to be precise.

(Interruptions)

Mr Speaker: Order!

Mr Gokhool: There is a member of the Ramgoolam family who has been appointed. But, as I explained, since 1981 - and even when I looked at the file, I asked myself that this may not be a satisfactory state of affairs, and the Leader of the Opposition is aware of that - the Act was passed and successive Governments have allowed this situation to prevail. We may have to look at it and remedy the situation.

Mr Bérenger: I suppose the hon. Prime Minister knows that this was voted on 12 June after nationwide celebrations in 1980 for the 80th birth anniversary of Sir Seewoosagur Ramgoolam. It was proposed by Sir Kher Jagatsingh, seconded by Sir Veerassamy Ringadoo, and the then Leader of the Opposition, Sir Anerood Jugnauth, approved the setting up of this Board. Will not the Prime Minister agree with me that it is shocking, it is a lack of respect for the Sir Seewoosagur Ramgoolam Foundation not to have a board?

(Interruptions)

Mr Speaker: Order!

Mr Gokhool: Mr Speaker, Sir, I think we have to look at this situation in a very dispassionate manner because the responsibilities are shared. If the Act was passed, subsequently, the same situation has prevailed, I do not think it is fair for the Leader of the Opposition to try and put all the blame on the side of the Labour Party. This is a situation which has prevailed and we have to address it. This is what I am telling the House.

Mr Bérenger: The law voted by Parliament and which is still in force provides that the accounts of the Sir Seewoosagur Ramgoolam Foundation must be kept published in the Government Gazette every year. Can I ask the hon. Minister whether this has been done or is being done, if not, when were the last annual accounts gazetted?

(Interruptions)

Mr Speaker: Order!

Mr Gokhool: Mr Speaker, Sir, I said in my main answer that the Board, as it has been provided in the Act, has a lot of autonomy and independence. Besides, if you look at section 10 of the rules, I quote with your permission –

“Notwithstanding the Rules and General Clauses Act, rules made under sub section 1 shall not be required to be approved by the Minister laid before the Assembly or published in the Gazette.”

Mr Speaker: I think I have given enough latitude to the hon. Minister in answering the question. There is a specific question which has been put about the accounts or whatever it is. Has this been done?

Mr Gokhool: I have given the answer in the last part of my reply. It should not be published in the Gazette.

Mr Bérenger: Mr Speaker, Sir, the hon. Minister has made reference to loans. The law provides that scholarships would be granted. Can I know whether scholarships have been granted and, if yes, when and to whom?

Mr Gokhool: What has been done is that loans have been provided to the needy students and not scholarships.

Mr Bérenger: The law says scholarships. Mr Speaker, Sir, I think we should all feel very sorry about what has happened and it is not too late to redress the situation, that is, appoint the Board and show due respect to Sir Seewoosagur Ramgoolam.

(Interruptions)

Can I ask the hon. Minister what is the situation as far as other foundations are concerned, for example, Sir Dayendranath Burrenchobay Foundation or the Mohunlall Mohit Foundation or the Hervé Masson Foundation? Are they all without Boards as well?

Mr Gokhool: Mr Speaker, Sir, I do not have the answer because the question relates to Sir Seewoosagur Ramgoolam Foundation.

Mr Bérenger: Mr Speaker, Sir, I address my question to the hon. Prime Minister. Can I ask the hon. Prime Minister through the Minister who has been made to reply, whether the reply is yes that there will be legislation coming to this House to set up a Sir Rabindrah Ghurburrun Foundation?

Mr Gokhool: I have answered the question in part (b). If the hon. Leader of the Opposition wants me to reply once again, with your permission, I can do that.

Mr Bérenger: Mr Speaker, Sir, I want to know whether the hon. Minister has discussed it with the hon. Prime Minister, at least, to show due respect and whether the Prime Minister has agreed to the setting up of a Sir Rabindrah Ghurburrun Foundation?

Mr Gokhool: Mr Speaker, Sir, in all fairness, I have to discuss with my Prime Minister. I can't come to the House and give an answer. I have discussed with my Prime Minister.

Mr Bérenger: The hon. Minister has or he is to discuss?

Mr Gokhool: I have discussed, hon. Leader of the Opposition!

Mr Bérenger: The answer is not a definitive yes. But can I ask again to the Prime Minister through the Minister who has been made to reply that when the Sir Robin Ghurburrun Foundation is set up, that it be provided with what the law says, that is, a Board, a Secretary, a Chairperson, the financial means to fulfil the objects of the Board. Can I appeal to the hon. Prime Minister that this should be done in the case of the existing Foundations, starting with the Sir Seewoosagur Ramgoolam Foundation and the others, and should apply to the Sir Robin Ghurburrun Foundation?

Mr Gokhool: Mr Speaker, Sir, first of all, I have to say that we are not saying no. What we are saying is that the proposal of the Leader of the Opposition is worth considering, but there are other issues that have to be taken on board. The second thing is that I have also referred to is that, should a legislation be brought, then we have to bring about the necessary amendments so that the Foundation can function in a much more effective manner. This is what I have indicated to the House.

Mr Bérenger: Can I also, Mr Speaker, Sir, put the point to the Prime Minister through the Minister? I referred to Sir Robin Ghurburrun because he has just left us. He is the last case of a deceased patriot who has left us. There are other cases - I won't mention other names - that deserve the same kind of consideration. Can I appeal to the hon. Prime Minister that, going down memory lane, we should pay due respect...

Mr Speaker: Hon. Leader of the Opposition, I am sorry, the main question is specific on two Foundations. It is not a general question and I think that it is not relevant to the question which has been put.

(Interruptions)

Order! No further questions. Time is over!

Hon. Members, the Table has been advised that PQ No. B/478 addressed to Dr. the hon. Prime Minister has been withdrawn. PQ No. B/475 with regard to Fishing Facilities addressed to Dr. the hon. Prime Minister will be replied by Dr. the hon. Minister of Agro Industry and Fisheries and PQ No. B/488 addressed to Dr. the hon. Prime Minister will be replied by the Attorney-General and Minister of Justice, keeping in mind that these questions will answered after the questions, time permitting. Questions addressed to Dr. the hon. Prime Minister!

PRISONERS – SENTENCE REMISSION – JANUARY 2006-20.05.2008

(No. B/476) Mrs L. D. Dookun-Luchoomun (Third Member for La Caverne and Phoenix) asked the Prime Minister, Minister of Defence & Home Affairs, Minister of Civil Service & Administrative Reforms and Minister of Rodrigues & Outer Islands whether, in regard to the prisoners, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if any of them has been granted remission of sentence since January 2006 to date, and if so, the number thereof, indicating if any of them was convicted of rape and or murder.

The Prime Minister: Mr Speaker, Sir, remission of sentences is governed by section 50(1) of the Reform Institutions Act 1989 which provides for a person sentenced to imprisonment for a period exceeding 31 days to be eligible for discharge after having served two thirds of the period of sentence. The law was amended in 1994 with the introduction of section 51A which provides for the non-applicability of remission in cases of -

- (a) an offence under any provisions of the Dangerous Drugs Act, and
- (b) a sexual offence on a child or a handicapped person.

A new amendment was brought to section 51A of the Reform Institutions Act in August 2004 to extend remission to a person who had been convicted of an offence under section 34 of the Dangerous Drugs Act.

I am informed, Mr Speaker, Sir, by the Commissioner of Prisons that since January 2006 to date, 4666 detainees have benefited from remission for various offences, including 13 for rape. There has been no convicted detainee for murder since January 2006. It is to be noted that in relation to cases of murder or rape, a convicted person would be entitled to remission under the Reform Institutions Act, except for a person who has been convicted of rape of a child or handicapped person.

Mrs Dookun-Luchoomun: May I ask the hon. Prime Minister if he is aware of the case of a person, alias Cannibale, who was granted remission and who, on his release, was involved in another criminal case?

The Prime Minister: I suppose the hon. Member knows that the remission is not given by me. But again there is a provision that when you are on remission, you again do another act, then, of course, it is second case when the case comes to Court.

Mrs Dookun-Luchoomun: May I ask the hon. Prime Minister if he has any information about the number of people who have been granted remission and have been involved in further criminal cases?

The Prime Minister: I don't have the specific number in front of me, Mr Speaker, Sir.

Mrs Dookun-Luchoomun: May I ask the hon. Prime Minister if he would consider reviewing the law to make sure that people, hardened criminals, who have been involved in rape cases, are not given remission. Because there is a case in which a child was raped and murdered, that person was granted remission and, once out of prison was again involved in a criminal case, one month after his release.

The Prime Minister: I should say, Mr Speaker, Sir, that as the law stands, if a person had been convicted of a rape of a child, he should not be given remission.

Mrs Dookun-Luchoomun: May I ask the hon. Prime Minister to look into the matter, because this has been the case recently, I'll let the Prime Minister have the name afterwards - to make sure that such cases do not recur.

The Prime Minister: As I said, Mr Speaker, Sir, the remission is not given by the Prime Minister, as you know; it is the Board for remission and all this.

PRISONS OFFICERS - INTERDICTION

(No. B/477) Mr G. Gunness (Third Member for Montagne Blanche and GRSE) asked the Prime Minister, Minister of Defence & Home Affairs, Minister of Civil Service & Administrative Reforms and Minister of Rodrigues & Outer Islands whether, in regard to the Prison Officers currently under interdiction, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number thereof as at todate, indicating the number of –

- (a) cases in which the inquiries have been completed and
- (b) prison officers who have been reinstated in their post.

The Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Prisons that there are currently 33 Prisons Officers who are under interdiction in accordance with regulation 28 (1) of the Disciplined Forces Service Commission Regulations 1997.

I am also informed that Police enquiries have been completed in the 17 cases involving 25 Prisons Officers against whom criminal proceedings have been instituted. Police enquiry is under way in one case involving a Prison Officer.

As for the remaining 7 Prisons Officers, Committees of Inquiry have been set up by the Disciplined Forces Service Commission to enquire into their cases. The enquiries have not yet been completed.

I am further informed that since 2000, 21 Prisons Officers have been reinstated in their post.

Mr Guinness: Can I know from the hon. Prime Minister where matters stand in the case of the officers who were interdicted in the case of late detainee Sabapathee's escape?

The Prime Minister: I need notice of this question, Mr Speaker, Sir, because I cannot go through all the list.

Mr Bérenger: Can I ask the hon. Prime Minister whether he has information since when the longer suspended officer has been suspended.

The Prime Minister: I don't have the specific detail, but I know what the Leader of the Opposition is getting at. This is a problem that we have. Sometimes people are interdicted and it takes a long time for them...

(Interruptions)

And they are paid full pay. We are, in fact, looking at the legal and constitutional implications of whether it would be possible to partially hold their pay, for example, they are not paid full pay, but part of it after some time. There are some implications and we are looking at that. We have also asked that things can be expedited. Be it at the level of the Police or the disposal of the cases in the Courts, it is taking a long time. Very often, I must say, barristers find every sort of reason to postpone a case.

Mr Bhagwan: Can I know from the hon. Prime Minister whether his attention has been brought to the fact that many of the suspended officers – some in very serious cases – have access to the prison?

The Prime Minister: I am not aware of this, but I can look into the matter.

Mr Bérenger: Some prison officers were suspended after the recent visit of the United Nations team which made recommendations. They claim to be innocent. In that case specifically, can matters be expedited ?

The Prime Minister: Yes, we will certainly ask that matters be expedited. I know the United Nations officers said it.

NATIONAL SECURITY SERVICE – POLICE OFFICERS, VEHICLES ETC

(No. B/478) Mr G. Gunness (Third Member for Montagne Blanche and GRSE) asked the Prime Minister, Minister of Defence & Home Affairs, Minister of Civil Service & Administrative Reforms and Minister of Rodrigues & Outer Islands whether, in regard to the National Security Service, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to –

- (a) the number of
 - (i) vehicles attached thereto, and
 - (ii) Police Officers posted thereat
- (b) the amount of money disbursed as rewards, if any, and
- (c) the duties of the officers.

(Withdrawn)

AIME CESAIRE – FUNERAL

(No. B/479) Mr G. Lesjongard (Second Member for Port Louis North and Montagne Longue) asked the Prime Minister, Minister of Defence & Home Affairs, Minister of Civil Service & Administrative Reforms and Minister of Rodrigues & Outer Islands whether, in regard to late Aimé Césaire, he will state if -

- (a) the Government of Mauritius was invited to attend his national funeral and, if so, if any member of the Government attended thereto and, if not, why not, and
- (b) the condolences of Government have been conveyed to the bereaved family.

The Prime Minister: Mr Speaker Sir, it was indeed with deep sorrow that we learnt of the passing away of Aimé Césaire, poet, essayist and politician, on 17 April 2008. He was given the honour of a State Funeral on 20 April 2008 in Fort-de-France, Martinique. I am advised that we did not receive any invitation to attend the ceremony.

However, I have contributed a message for the special edition of a Review which is going to be published by UNESCO on 22 May of this year entitled “*A l’Écoute de l’Afrique*” which will be entirely dedicated to his memory. In the message we have expressed the condolences of the Government and the people of Mauritius to the bereaved family. I have also highlighted therein the fact that Mauritius, by virtue of its history, is engaged in the quest for identity that is characteristic of his works.

I also wish to inform the House that Mauritius was represented by its permanent delegate to UNESCO on 17 April 2008 at the closing session of the 179th Session of the UNESCO Executive Board where the Director General, His Excellency, Mr Matsuura paid a tribute to Aimé Césaire on behalf of UNESCO and all the permanent delegations.

Mr Lesjongard: Mr Speaker, Sir, may I ask the hon. Prime Minister when the message will be sent and secondly, whether there is any activity or programme in Mauritius to mark that sad event?

The Prime Minister: Messages have already been sent since quite some time and it is going to be published on 22 May.

Mr Lesjongard: Mr Speaker, Sir, I asked a second question.

The Prime Minister: The Municipalities, I believe, are going to organise some events.

DRIVING LICENCES – HOLDERS - 60 YEARS OLD AND ABOVE

(No. B/480) Dr. R. Hawoldar (Second Member for La Caverne and Phoenix) asked the Prime Minister, Minister of Defence & Home Affairs, Minister of Civil Service & Administrative Reforms and Minister of Rodrigues & Outer Islands whether, in regard to the proposal for the amendments to the regulations in relation to the renewal of the driving licence of the holders thereof who are 65 years old and above, he will state where matters stand.

The Prime Minister: Mr Speaker, Sir, I wish to refer the hon. Member to the reply made to Parliamentary Question B/1308.

I am informed by the Land Transport and Shipping Division of the Ministry of Public Infrastructure, Land Transport and Shipping that a Committee chaired by that Ministry and comprising the representatives of the Police has already worked out a new set of regulations to govern the whole question of driving licences.

Based on the recommendations of the Committee, that Ministry is proposing to review these regulations and has submitted the Draft Road Traffic (Driving Licences) Regulations 2007 to the Attorney-General's Office for vetting. A number of working sessions with the State Law Office has been held to discuss the draft, which will be finalised once the Attorney-General's Office has completed the vetting exercise.

I am also informed, Mr Speaker, Sir, by the Ministry of Public Infrastructure, Land Transport & Shipping that the new set of Road Traffic (Driving Licences) Regulations will take some time before it is being finalised. However, as a short-term measure, and with a view of implementing the new proposals regarding the renewal of driving licences for holders who are 60 years or above, that Ministry proposes to request the Attorney-General's Office to make the relevant amendment to Part V of the Road Traffic Regulations 1954 relating to "Restricted Driving Licences".

Mr Jhugroo: Mr Speaker, Sir, can the hon. Prime Minister inform the House how many drivers over 60 years have been involved in serious road accidents?

Mr Speaker: This does not arise from this question.

AMBASSADORS/HIGH COMMISSIONERS – MISSION TRIPS

(No. B/481) Mr S. Dayal (Second Member for Quartier Militaire and Moka) asked Prime Minister, Minister of Defence & Home Affairs, Minister of Civil Service & Administrative Reforms and Minister of Rodrigues & Outer Islands whether, in regard to the Ambassadors and High Commissioners appointed by Government, he will state if it is the practice for them to effect mission trips to Mauritius and, if so, indicate the benefits and/or *per diem* to which they are entitled in connection therewith.

The Prime Minister: Mr Speaker, Sir, it has always been the practice for our Ambassadors and High Commissioners to undertake Mission trips to Mauritius. Ambassadors and High Commissioners seek prior approval before effecting such missions. Missions are undertaken to attend important conferences, official functions or events hosted in Mauritius, to accompany to Mauritius foreign dignitaries from the countries in which they are accredited as well as for consultations.

While on official mission to Mauritius, the Ambassadors and High Commissioners are entitled to a return business class air ticket and are paid appropriate allowances. Transport and VIP facilities are also extended to facilitate their movements.

Mr Dayal: Mr Speaker, Sir, will the hon. Prime Minister state to the House, since 2005, the Ambassadors who effected mission trips to Mauritius, the cost of air fares and the amount of *per diem* paid to them?

The Prime Minister: I said, it is the usual practice, Mr Speaker, Sir, but I can give a list of all those who have come.

JOURNALISTS – OBJECTIONS TO DEPARTURE

(No. B/482) Mr P. Jhugroo (Third Member for Port Louis North and Montagne Longue) asked the Prime Minister, Minister of Defence & Home Affairs, Minister of Civil Service & Administrative Reforms and Minister of Rodrigues & Outer Islands whether, in regard to the arrest of three journalists, on or about Wednesday 21 November 2007, he will, for the benefit of the House, obtain from the Commissioner of

Police, information as to if objections to departure have been lodged against them and, if so -

- (a) the date thereof ;
- (b) the reasons therefor, and
- (c) if it is proposed to have the objections waived.

The Prime Minister: Mr Speaker, Sir, I am informed by the Acting Commissioner of Police that on 22 November 2007 three provisional charges of “Diffusing False News” and “Defamation” were lodged against the three journalists concerned. On the same day, a motion was made by the Police Prosecutor, and an objection to departure was raised by the Court against them.

In all cases where objections to departure have been raised by the Court, they remain in force until the disposal of the case by the Court.

Accordingly, all the three accused are still subject to a prohibition order to leave the country.

I am also informed, Mr. Speaker Sir, that on 11 April 2008, upon completion of the enquiry, the case file was forwarded to the Director of Public Prosecutions for advice.

I should add, Mr Speaker, Sir, that in spite of a prohibition order, an aggrieved party wishing to travel abroad may still apply to the Court for a Variation Order as per Section 16 of the Bail Act 1999. The Court may vary the prohibition order if it is satisfied that it is necessary to do so.

Mr Bérenger: Mr Speaker, Sir, you will remember that it relates to the health of the Prime Minister; they reported that he was in bad health.

(Interruptions)

That is not the case! Because I was going to enquire after his health.

The Prime Minister: This was about whether a sum of money was found in the locker of a policeman who has passed away.

(Interruptions)

Mr Speaker: Order!

TROU-AUX-CERFS CRATER - MONITORING

(No. B/483) Mr Y. Varma (First Member for Mahebourg and Plaine Magnien) asked Prime Minister, Minister of Defence & Home Affairs, Minister of Civil Service & Administrative Reforms and Minister of Rodrigues & Outer Islands whether,

in regard to the Trou-aux-Cerfs crater, he will, for the benefit of the House, obtain from the Meteorological Services, information as to if any monitoring is being done in relation thereto as to any volcanic activity, in view of the climate changes and, if so, give details thereof and, if not, if he proposes to have it monitored.

The Prime Minister: Mr Speaker, Sir, I am advised by the Director of the Mauritius Meteorological Services that as part of an early warning system, the Mauritius Meteorological Services has, since January 2007, installed on its premises at Vacoas a seismometer capable of monitoring earthquakes over the entire Indian Ocean. A second one is planned to be installed in Rodrigues shortly. These seismometers will be helpful not only to detect tremors and vibrations associated with earthquakes, but also those resulting from volcanic activities.

I am also informed by the Director of the Mauritius Meteorological Services that 15 officers of his organisation have recently been trained by an expert from the United States Geological Survey in the monitoring of earthquakes and the use of related computer softwares.

Following the severe flooding registered on 26 March, I informed the House that Government had approached the World Meteorological Organisation for expert assistance to study the existing forecasting arrangements at the Mauritius Meteorological Services among others and to make recommendations within a multi-hazard approach.

I wish to inform the House that the team of experts is actually in Mauritius and I had a meeting with them yesterday.

I have asked the team to also advise Government, if possible, on the need of having in place a full monitoring mechanism for volcanic activities on the island.

CIVIL SERVICE – PERFORMANCE MANAGEMENT SYSTEM

(No. B/484) Mrs S. Hanoomanjee (Second Member for Savanne and Black River) asked the Prime Minister, Minister of Defence & Home Affairs, Minister of Civil Service & Administrative Reforms and Minister of Rodrigues & Outer Islands whether, in regard to the Performance Management System recently introduced in the Civil Service, he will state the criteria laid down to assess the performance of the public officers.

The Prime Minister: Mr Speaker, Sir, The criteria for assessing the performance of Public Officers have been clearly defined in the Guidelines for the Performance Management System (PMS) and the Performance Appraisal Forms. They form the basis

of an agreement between an officer and his immediate superior and they relate to Key Results Areas, Key Tasks, Performance Standards and competencies that the officer is expected to demonstrate in the performance of his duties. The criteria are clearly explained to all officers concerned in the course of an intensive training programme carried out prior to the implementation of the PMS.

These criteria for the assessment of Public Officers have been developed based on models from several countries such as the UK, Malaysia and Singapore and after consultations with stakeholders.

As stated in the reply to PQ B/750 last year, the implementation of PMS is in line with our vision to create a modern Public Service for achieving excellence in the delivery of services and ensuring good governance, and in accordance with the recommendations of the Pay Research Bureau in its 2003 Report.

It should be pointed out, however, that PMS goes beyond individual performance and focuses also on group and organizational performance. In this regard, it is fully consistent with and even complements other reform initiatives being undertaken, namely the Programme Based Budgeting under the Medium Term Expenditure Framework which is being led by the Ministry of Finance and Economic Development.

I am informed that as at date, thirty-four Ministries/Departments have embarked on this important reform initiative, covering some 15,000 public officers. It is expected that by the end of this year, some fifty organizations representing 40% of the Civil Service will have implemented the PMS.

Mrs Hanoomanjee: Mr Speaker, Sir, will the Prime Minister confirm that the performance of civil servants will be evaluated on an individual basis, taking into consideration their personal contribution to the goals of the Ministries?

The Prime Minister: I think that should be the case, Mr Speaker, Sir. That is the whole idea. It is not just the whole organisation, but also individuals.

Mrs Hanoomanjee: Mr Speaker, Sir, can the hon. Prime Minister say whether in the case of non-performance disciplinary action will be contemplated?

The Prime Minister: I think what needs to be done is to try to help them to perform better, Mr Speaker, Sir.

Mrs Hanoomanjee: Mr Speaker, Sir, what about the case of those who perform very well? Will there be a system of reward for them?

The Prime Minister: I am all for that.

Mrs Hanoomanjee: Mr Speaker, Sir, will the hon. Prime Minister consider then putting up a system where there will be reward for those who perform and, at least, disciplinary actions against those who do not perform?

The Prime Minister: As I said, it has to be performance related. Those who are unable to perform should be helped to see whether they can be made to perform better.

(Interruptions)

Mr Speaker: Order! Order!

The Prime Minister: There are some people who never want to learn anything and never want to improve. They will have to be subject to disciplinary actions.

Mrs Martin: Mr Speaker, Sir, can the hon. Prime Minister say whether any mechanism has been put in place so that those who do not perform are, indeed, helped?

The Prime Minister: That is what I said in my answer. They have an intensive course at the very beginning.

PUBLIC GATHERINGS – ABUSIVE LANGUAGE

(No. B/485) Mr E. Guimbeau (First Member for Curepipe and Midlands) asked the Prime Minister, Minister of Defence & Home Affairs, Minister of Civil Service & Administrative Reforms and Minister of Rodrigues & Outer Islands whether, in regard to abusive language with racist connotation, he will state if he will consider toughening the law to sanction and control the use thereof in public gatherings.

The Prime Minister: Mr Speaker, Sir, section 10 of the Public Gathering Act 1991 already contains a provision dealing with misbehaviour at public gatherings. It provides that a person “who uses threatening, obscene, abusive or insulting words or behaviour, whether or not directed against any person, body or group of persons, shall commit an offence”. The penalty for committing this offence is set out in section 18 of the same Act, which is a fine not exceeding 2,000 rupees and imprisonment for a term not exceeding 2 years.

The use of language with racist connotation may fall under the definition of either “threatening, obscene, abusive or insulting language”, depending on the words used, and is, therefore, amenable to prosecution under section 10 of the Public Gathering Act.

Moreover, section 296 of the Criminal Code makes insult a criminal offence. The word ‘insult’, Mr Speaker, Sir, is defined as “any injurious expression or any term of contempt or invective, or other abusive language, not carrying with it the imputation of a fact”. Under paragraph (b) of that section, if the offence is committed in public by means of words, exclamations or threats, the penalty is a fine not exceeding 10,000 rupees.

It is also open to a person to enter civil proceedings and claim damages against anyone who has used abusive language with racist connotation against him for “*faute*” under Article 1382 of the *Code Civil Mauricien*. It is for the claimant then to prove his case and to show that he has suffered prejudice.

Already, Mr Speaker, Sir, we have provisions in the law to deal with the use of abusive language with racist connotation both in public and, more specifically, at public gatherings. However, with a view to toughening the law to sanction and control the use of abusive language with racist connotation, an amendment to the Criminal Code Act is being prepared.

Mr Guimbeau: Mr Speaker, Sir, electoral campaign is at the door and we are all aware what it is going to be. May I ask the hon. Prime Minister if he can toughen the law so as to avoid racist propaganda, especially from Government side?

The Prime Minister: Mr Speaker, Sir, I think the hon. Member has a short memory. He, himself, should know what kind of campaign was led against me. He should know!

Mr Guimbeau: Mr Speaker, Sir, I am not talking about the last campaign, but what is going to happen in a few months’ time. Is the hon. Prime Minister going to toughen the law so as to avoid such racist provocations?

The Prime Minister: Especially in private meetings where lots of connotations are made! It is not in a few months’ time, the hon. Member has to wait until 2010.

Mr Bérenger: I am sure, in preparing his answer, the Prime Minister had probably a look at it. Has there ever been anybody found guilty under the law, as it exists, for racist communal language, as far as the hon. Prime Minister is aware?

The Prime Minister: If my memory serves me right - maybe barristers on the side can remember - I get the impression that there was somebody, but I can’t say for sure, Mr Speaker, Sir.

Mr Soodhun: Mr Speaker, Sir, foul and communal language is not only used in public gatherings, but also on private radios. A lot of people know PicPac or PacPac. Is the law going to be applied to such people?

The Prime Minister: It is on the radio, but in any case, as I said, we are contemplating strengthening the law.

CEB SUB-STATION, EBENE – MR J.G.L – DEATH

(No. B/486) Mr S. Naidu (Third Member for Beau Bassin and Petite Rivière) asked the Prime Minister, Minister of Defence & Home Affairs, Minister of Civil Service & Administrative Reforms and Minister of Rodrigues & Outer Islands whether, in regard to one J.L., who died on the premises of the Central Electricity Board, at Rose Hill, on or about 01 May 2008, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the circumstances of the death.

The Prime Minister: Mr Speaker, Sir, I am informed by the Acting Commissioner of Police that on 01 May 2008 at 0545 hours, Police has identified the dead body of one J.G.L. at the CEB Sub-Station located at Ebene.

Autopsy report has revealed that the death was due to “*shock following cranio-cerebral injuries*”. Police Inquiry is ongoing and will establish, *inter-alia*, the circumstances of the death of the person.

QUINZE CANTONS – MINISTER OF PUBLIC UTILITIES - INCIDENT

(No. B/487) Mr N. Bodha (First Member for Vacoas and Floreal) asked the Prime Minister, Minister of Defence & Home Affairs, Minister of Civil Service & Administrative Reforms and Minister of Rodrigues & Outer Islands whether, in regard to the incident which occurred at Quinze Cantons, during the course of which the official car of one hon. Minister was damaged, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand in relation to the police inquiry.

The Prime Minister: Mr Speaker, Sir, I am informed by the Acting Commissioner of Police that at about 22 00 hrs on 29 April 2008, Mr. Y. S., Police Constable posted to VIPSU, reported to the Vacoas Police Station, an incident which had happened whilst he was on duty with the hon. Minister of Public Utilities. According to the Police Officer, on that day, at about 20 10 hrs, the hon. Minister and himself were walking around Henrietta Cross Road accompanied by some other persons, when they saw some twenty other persons running towards them with batons and sabres. The Police Officer immediately caused the hon. Minister to enter his car and drove away. However, as he was about to overtake a parked lorry, the rear windscreen of the car was smashed. The Police Officer then went to the Vacoas Police Station to report the matter.

I am further informed that on the following day at about 12 30 hrs, the hon. Minister of Public Utilities confirmed what had been reported by Police Constable Mr. Y.S. to the Vacoas Police Station. On 05 May, 2008, the hon. Minister gave a detailed statement to the Police regarding the incident which had happened on 29 April 2008.

Six other persons also reported the incident to the Vacoas Police Station on 30 April 2008 at about 13 00 hrs.

Subsequently, an inquiry was initiated by the Vacoas Police Station. However, in view of the complexity of the case, the inquiry was taken over by the Major Crime Investigation Unit on 05 May 2008.

I am further informed that in the course of the inquiry, one person residing at Quinze Cantons, Vacoas, was arrested on 05 May 2008. A provisional plaint for the offence of "Giving instructions to commit a crime to wit: Damaging a Government vehicle by band" was lodged against him before the Curepipe Court on 06 May 2008. He was remanded to Police cell up to 13 May 2008. However, upon application, a bail motion was heard before the Curepipe Court on 09 May 2008, and following a ruling of the District Magistrate on 15 May 2008, the person was released on bail.

On 06 May 2008, three other persons also residing at Quinze Cantons, were arrested and provisionally charged for the offence of "Damaging motor vehicle by band" before the Curepipe Court. They were all remanded to Police cell up to 13 May 2008, on which date they were granted bail by the District Magistrate.

On 07 May 2008 three other residents of Quinze Cantons were arrested and a provisional plaint of "Damaging motor vehicle by band" was lodged against them before the Curepipe Court. They were granted bail again by the District Magistrate on 13 May 2008.

I am informed that the Police inquiry is still under way. Upon completion thereof the case file will be forwarded to the Director of Public Prosecutions.

Mr Bodha: Mr Speaker, Sir, may I ask the hon. Prime Minister whether he is aware that two of the persons accompanying the hon. Minister did make a statement at the Police station denying the participation of the main accused?

The Prime Minister: I am not going into detail. There have been some people who have made one statement and then retracted later, apparently, under threat. I do not want to say anything.

Mr Bodha: May I ask the hon. Prime Minister whether there were any dawn raids and searches which were carried out?

The Prime Minister: According to the information I got, there were raids, not necessarily dawn raids, that were carried out.

Mr Bodha: May I ask the hon. Prime Minister whether any arms and ammunitions were seized during those raids?

The Prime Minister: The answer is yes, Mr Speaker, Sir.

Mr Bodha: Can the Prime Minister give some details about the arms and ammunitions which were seized?

The Prime Minister: I do not know whether it would be proper for me to do that, Mr Speaker, Sir. There is going to be a Court case soon.

Mr Bodha: Will the hon. Prime Minister agree that the treatment which was given to the main accused was not proper, as the Police maltreated him?

Mr Speaker: This is asking the opinion of the hon. Prime Minister. Unless the hon. Member puts a question as to whether there was violence or maltreatment against the main accused.

The Prime Minister: Is the hon. Member saying that the Police mistreated somebody who had allegedly made threats? Allegedly some people have said that he is the one. As the hon. Leader of the Opposition once said, the Police are not there to give *biberon*.

(Interruptions)

Mr Bérenger: I see that the hon. Prime Minister, in spite of his health problems, still has a good memory. We have heard of people being arrested, freed by the magistrate and so on. Is the hon. Prime Minister aware that, *dans son zèle*, the Police came to arrest somebody for taking part in this allegedly riotous situation and when they found out that it was a disabled in a wheelchair, they backpedaled?

The Prime Minister: I must say in all honesty, Mr Speaker, Sir, that I have no such information. Whether it is true or not, I don't know!

PQ No. B/488 – See ‘Written Answers to Questions’

MBC – DEPUTY DIRECTOR-GENERAL’S OFFICE - ACCESS

(No. B/489) Mr G. Guinness (Third Member for Montagne Blanche and G.R.S.E.) asked the Prime Minister, Minister of Defence & Home Affairs, Minister of

Civil Service & Administrative Reforms and Minister of Rodrigues & Outer Islands whether, in regard to the Deputy Director General of the Mauritius Broadcasting Corporation, he will, for the benefit of the House, obtain from the Corporation, information as to if, on 01 May 2008, some employees of the Corporation broke into his office and, if so, if an inquiry has been carried out thereinto and the outcome thereof.

The Prime Minister: Mr Speaker, Sir, I am informed by the Director-General of the Mauritius Broadcasting Corporation that there was no break-in into the office of the Deputy Director-General of the Corporation on 01 May 2008.

The Director-General has reported that, at around 1900 hrs on Thursday 01 May 2008, two employees of the Corporation requested the attendant on duty to open the office of the Deputy Director-General as they were looking for accessories.

The Director-General has also informed that, in some cases, it is the practice for employees of the Corporation to have access to the offices at any time, provided proper authorisation is obtained.

Since the two employees did not have the required authorisation to enter the office of the Deputy Director-General, they have been both verbally reprimanded and instructed not to repeat such an action.

Mr Speaker, Sir, I am further informed by the Director-General that the Deputy Director-General has confirmed that nothing was missing and no document has been tampered with in his office.

Mr Gunness: Can I know from the hon. Prime Minister why the two officers get into that office? What was the reason behind it?

The Prime Minister: I did not give the reason. It appears, apparently, there were some ties and coats that they wanted to get out.

Mr Speaker: Time is over! The Table has been informed that PQ Nos. B/509, B/510, B/511, B/530 and B/533 have been withdrawn.