MAURITIUS

Fifth National Assembly

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FIRST SESSION

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Debate No. 18 of 2011

Sitting of Tuesday 18 October 2011

The Assembly met in the Assembly House, Port Louis,

At 11.30 a.m

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ORAL ANSWERS TO QUESTIONS

ICAC - CASES - INQUIRIES

The Leader of the Opposition (Mr P. Bérenger) (by Private Notice) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether he will, for the benefit of the House, obtain from the Commissioner of Police and the Director General of the Independent Commission Against Corruption, information as to if inquiries have been carried out and completed, in regard to the -

(a) Med Point Clinic;

(b) Infinity BPO;
(c) alleged malpractices at the State Trading Corporation;
(d) Rose Garden Project of the Rose Belle Sugar Estate;
(e) Bank of Mauritius cheque truncation system;
(f) recent tenders launched by the Central Electricity Board;
(g) recent chlorine tender launched by the Central Water Authority;
(h) recent recruitments at the Mauritius Institute of Training and Development;
(i) recruitment of a Liaison Officer at the Small and Medium Enterprises Development Authority, and
(j) recent statements of hon. Dhiraj Singh Khamajeet concerning recruitment in the public service.

The Prime Minister: Mr Speaker Sir, it is public knowledge that the Independent Commission Against Corruption is investigating in some of the cases mentioned by the hon. Leader of the Opposition.

However, as the House is aware, the ICAC, which has been established under the Prevention of Corruption Act 2002, is required by law to operate as an independent body. Its operation is monitored only by the Parliamentary Committee which, in so far as the information sought relates to an investigation already completed by ICAC, may request such information from ICAC (as per Section 61(3) of the Prevention of Corruption Act). The Parliamentary Committee may also make a report to the Assembly where it considers that it is expedient that the attention of the Assembly should be directed to, inter alia, the manner in which ICAC is discharging its functions and exercising its powers.

Furthermore, according to Section 81 of the Act, all Board Members and Officers of the ICAC are required to take an oath of secrecy and they have a duty to maintain the confidentiality of, and not divulge, any official information that becomes known to them, except as provided under that Section.

It is also worth pointing out that, by virtue of section 81(4) of the Act, it is open to the Director-General of ICAC to disclose, for the purpose of publication in the press, such information he considers necessary in the public interest. I am sure the House shares the view
that the publication of any information by ICAC that could be prejudicial to an ongoing enquiry is not envisaged by that Section.

At any rate, all cases at further investigation stage by the ICAC are referred directly to the Director of Public Prosecutions under Section 47 of the Prevention of Corruption Act.

Furthermore, all charges preferred against any accused person and which are pending before the Courts are published on the website of the ICAC.

Mr Speaker Sir, I have on several occasions, in this House reiterated my absolute respect for institutions which should be allowed to discharge their duties in a totally independent manner without any kind of external intervention. It would, therefore, not be appropriate for me to make any comment, whatsoever, on these cases.

Mr Speaker Sir, as there is reference in the Question to the Commissioner of Police, let me also remind the hon. Leader of the Opposition that I cannot interfere in the operational aspect of the work of the Police as laid down under section 71 of our Constitution.

Mr Speaker Sir, I am conscious of, and I fully appreciate the concern of the hon. Leader of the Opposition for a successful fight against corruption from whichever quarters. I believe the hon. Leader of the Opposition, in his quest for truth, justice and fairness, shares my own conviction that we ought, responsibly and seriously in our respective constitutional role and not as leader of a political party, to be guided by due care and caution and not to be misled or allow ourselves to be ensnared by vested interests to thwart truth, justice and fairness.

Mr Speaker Sir, I wish to remind the House that a considerable amount of energy and resources were deployed by many Members of this House, including those in the Opposition in putting in place the Prevention of Corruption Act and in making ICAC operational. I appeal to all Members to deploy the same commitment that this vital Institution against graft and malpractice be allowed to do what the law requires it to do regardless of the status of the persons involved. The fight against corruption is the fight of all of us in this House and of all citizens of this country.

Mr Bérenger: Mr Speaker, Sir, as the hon. Prime Minister is aware, I did not ask for details of those cases and I certainly did not suggest that the hon. Prime should interfere in the workings of either ICAC or the Police. I only wanted to know whether enquiries are on or have
been completed. And even that, we don’t get. Let me start with Med Point. I understand, Mr Speaker, Sir, that the Government cheque of Rs145 m. for the purchase of Med Point Clinic has still not been cashed. Can I ask the hon. Prime Minister whether this is the case and what measures have been taken by ICAC, the SIC or any other body for that matter to prevent that cheque from being cashed?

The Prime Minister: Mr Speaker, Sir, I have tried to enquire on this. Unfortunately, since the matter is with ICAC, I am given to understand that it is for ICAC to decide on whether to freeze or not to freeze, to ask an order for freezing, but not anyone else.

Mr Bérenger: I am given to understand that it is in fact the SCI that has stepped in to have that cheque not cashed. If that is the case, will the hon. Prime Minister confirm?

The Prime Minister: I have been told, Mr Speaker, Sir, that it is for ICAC to decide whether it will accept that the cheque be frozen or not; that is what the situation is. I cannot, of course, go and enquire from ICAC myself on what they are doing or not doing.

Mr Bérenger: I am not talking about ICAC in that case; I am saying the SIC. I am informed that SIC stepped in, because the SIC is a major shareholder in the company. Therefore, it has interests. Why will not the SIC step in, if it has not yet?

The Prime Minister: I have been told, Mr Speaker, Sir, and I have to abide by the legal advice, that it is not for the SIC but for ICAC to decide on what to do. That is the advice that I have been given.

Mr Bérenger: A few days ago, the hon. Prime Minister said in a press conference that he would be the happiest man on earth if Cabinet papers relating to that affair were made public. Will the hon. Prime Minister - we know under whose authority the Secretary to Cabinet works - see to it that the Cabinet Memorandum brought to Cabinet by the former Minister of Health, hon. Jeetah, and the minutes of proceedings - as well as on other occasions - referring to Med Point be made public?

The Prime Minister: Let me just reassure the House. I said what I said, and I maintain what I said. But there are implications. The case is, I think, in front of the court, and the court will decide. The Secretary to Cabinet, I understand, is going to reply in court.
Mr Bérenger: Being given it will be one year that ICAC has been enquiring into that Med Point affair, can we be given any indication how long it will take?

The Prime Minister: The hon. Leader of the Opposition knows that I cannot at all give an indication, because it is not in my hands.

(Interruptions)

Mr Bérenger: I move on, Mr Speaker, Sir, to Infinity BPO. In fact, the former Minister of Finance confirmed in the House that ICAC is enquiring on Infinity BPO. Can I know from the hon. Prime Minister if he can offer any reasons why his former special adviser, Mr Jean Suzanne, has still not been called by ICAC?

Mr Speaker: No. Well, I let the Prime Minister answer.

Mr Bérenger: Maybe he is still adviser. How can I know? If I can move on to the third issue, that is, malpractices at the STC. I am sure the hon. Prime Minister would have taken cognizance of the Roshi Badhain Forensic Report. There are numerous police cases in that report. Can I ask the hon. Prime Minister whether that report has been referred to both the Police and ICAC for further action?

The Prime Minister: I should say, Mr Speaker, Sir, that in many of these cases, including that case of alleged malpractice at the STC, it is us who initiated action; it is not as if ICAC started it by itself. In many of those cases, we initiated action or the management asked for action or the hon. Minister concerned asked for action. My understanding is that there is an investigation which is ongoing.

Mr Bérenger: The country lost Rs5 billion with that hedging saga at the STC. We have seen reports that the then Minister concerned, hon. Jeetah, gave verbal authority for the country to lose Rs5 billion in that hedging saga. Has the hon. Prime Minister taken the trouble to check on that?

The Prime Minister: It is not my understanding but, as I said, there is an enquiry which is going on. That is why I do not want to make comments on an enquiry which is ongoing, Mr Speaker, Sir.

(Interruptions)
Mr Bérenger: On the fourth point, the Rose Belle saga, Mr Speaker, Sir, again, is the hon. Prime Minister aware that what has taken place there is totally unlawful, that the private…

Mr Speaker: No. The hon. Leader of the Opposition is asking the hon. Prime Minister for an expression of opinion!

Mr Bérenger: No, I did not ask for his opinion. I said it is totally unlawful. I am not asking for his opinion.

Mr Speaker: You are asking whether he agrees that it is totally unlawful. How can the Prime Minister…

Mr Bérenger: I did not say whether he agrees, Mr Speaker, Sir.

Mr Speaker: Then rephrase your question.

Mr Bérenger: I did not say whether he agrees. I said that what has taken place is totally illegal insofar as the private operator concerned used a morcellement permit delivered in 2004 to Rose Belle Sugar Estate to finance the Voluntary Retirement Scheme. This year, a private operator dares to use that to go ahead with a private morcellement. This is illegal! Can I know what action is being taken?

The Prime Minister: In fact, the action was initiated by the hon. Minister of Agriculture himself. He asked for action to be initiated to look at what has happened and whether there is anything else we can do.

Mr Bérenger: No, ICAC is enquiring. Is the hon. Prime Minister aware that the Minister of Agriculture intervened to do two things? To stop Rose Belle refusing taking a stand against the EIA requirement before the EIA Board, and requesting the Board to withdraw legal action that was being started, to ask for an injunction to stop that. This is what he did!

(Interruptions)

Is the hon. Prime Minister aware of that?

(Interruptions)

Mr Speaker: Order!

(Interruptions)
Mr Speaker: Order! Order now!

The Prime Minister: Let us be clear, Mr Speaker, Sir.

(Interruptions)

Mr Speaker: Order!

The Prime Minister: It is the hon. Minister himself who initiated the action but, he has to act…

(Interruptions)

Mr Speaker: Order!

The Prime Minister: The hon. Leader of the Opposition must…

(Interruptions)

Mr Speaker: Order! Order, please!

The Prime Minister: He has to act within the legal advice. There are legal implications in what has been done.

Mr Bérenger: Sir, as far as the Bank of Mauritius is concerned, I do think that they should set the good example and go through tender procedures whenever required. Is the hon. Prime Minister taking action? Because he appoints the Governor of the bank. A tender was issued for this cheque truncation system, three firms were shortlisted, the tender was cancelled, the job given to a firm that did not even tender - without any tendering! Is the Prime Minister aware of that, and what action is he taking?

Mr Speaker: I will have to intervene here and inform the Leader of the Opposition that the Bank of Mauritius is under the portfolio of the Minister of Finance. Even if the hon. Prime Minister appoints the Governor of the bank, he appoints so many people in different Ministries and, therefore, he cannot be answerable. The question should go to the hon. Minister of Finance, so that he can have the necessary information.

Mr Bérenger: I put the question to the hon. Prime Minister because the Constitution has it that he appoints the Governor of the Bank of Mauritius. He should, therefore, know how misbehaving his appointees…
Mr Speaker: No. Whether it is the Constitution or any Act of Parliament which has been passed here, where the hon. Prime Minister appoints any Head of Department of any Head of the Bank, the responsibility of the Bank of Mauritius is given to the Minister of Finance, and I think he will have to answer the question.

Mr Bérenger: As far as part (f) of my question is concerned, that is, the CEB, there have been several tenders that have been struck down, and there have been very serious comments by the Independent Review Panel. There has been the famous case of the 660,000 economic lamps worth Rs25 m, and the award of Rs5 m. to a foreign firm, BWSC. It is a complete mess and, as I said, very serious comments have been made by the Independent Review Panel. Has the hon. Prime Minister had the opportunity of discussing with his colleague the situation there, and what remedies are being resorted to?

The Prime Minister: Mr Speaker, Sir, let me say that again action was initiated by the hon. Minister to have an inquiry, because we have heard of alleged malpractice. That is how it was started. Now that the investigation is on by ICAC, we do not want to interfere and ask what is happening. That is the position.

Mr Bérenger: On my 7th point, with regard to CWA, there has been a recent case where there has been a tendering procedure, the Bid Evaluation Committee was set up, and they disqualified the cheapest. They gave the award to the highest. A Bid Evaluation Committee was set up. They disqualified the cheapest; they gave the award to the highest. It went before the Board and, unanimously, the Board Members approved the report. It went before the hon. Minister - the law has it that the hon. Minister must sign and authorise - and he signed and authorised and when that had ended before the Independent Review Panel, what happened, Mr Speaker, Sir? Is the hon. Prime Minister aware? It undid the whole of it! It is the highest tenderer who was disqualified, the one who had got the tender at the highest price, and the lowest was found to be in order and got the tender. If that is not a case of conspiracy, I don’t know what it is.

(Interruptions)

Has the hon. Prime Minister …

(Interruptions)
Mr Speaker: No, no! I am sorry again, I will have to intervene. The hon. Leader of the Opposition is allowed to put questions and not to make comments, whether it is conspiracy or not, that is his point of view. The hon. Leader of the Opposition has to put the questions and the hon. Prime Minister must be in a position to answer. The department of CWA is under the Ministry of the hon. Deputy Prime Minister.

Mr Bérenger: Then, can I ask whether - because the Police is very active these days in cases of conspiracies - the hon. Prime Minister has asked the Commissioner of Police, the Police, to start an enquiry and whether there has been criminal conspiracy, or not?

The Prime Minister: All that I can say is that the Legal Adviser has found out some irregularities in the whole process, that’s why the hon. Minister did what he did and ICAC is investigating on that matter.

Mr Bérenger: With regard to the 8th part, recent recruitments at the Mauritius Institute of Training and Development, can I remind the hon. Prime Minister that on 21 June, a Parliamentary Question was put to the Minister responsible, the hon. Minister of Education asking for the names and addresses of those recruited during year 2010. The hon. Minister’s reply was: “Mr Deputy Speaker, Sir, the list is being compiled and will be laid on the Table as soon as possible.” Months and months later, on ne voit rien venir! Can I ask the hon. Prime Minister whether he has discussed the issue with the Minister concerned?

The Prime Minister: My understanding is that it has been laid in the National Assembly.

Mr Speaker: The answer is that the list has been laid.

Mr Bérenger: I checked regularly; I wouldn’t be surprised that something has been put in today.

(Interruptions)

Be ashamed of yourself!

Mr Speaker: Order! Order! If the question was put to the hon. Minister of Education, he would have answered. Unfortunately, the hon. Prime Minister cannot follow what the hon. Minister of Education did …

(Interruptions)
Mr Bérenger: I understand your ruling. The hon. Minister has promised to lay it as soon as possible. I am going to ask that same Minister how soon is possible!

(Interruptions)

I am not prepared to take that line of action.

(Interruptions)

Mr Speaker: I am sorry, this has been the practice in the past and now I am looking into matter. The question has been raised with me by the Chief Whip.

(Interruptions)

Yes, I am looking into the matter. In the past it has been practice, that’s what one has to remember. I will look into the matter and I will see to it.

(Interruptions)

Mr Bérenger: Maybe I should have put my PNQ to the hon. Speaker then!

(Interruptions)

Mr Speaker: Order now! Order!

Mr Bérenger: I think Mr Speaker missed that comment of mind. Good! Can I move to part 9, the recruitment of a Liaison Officer at SMEDA, where again it has been made public that the Human Relation Personnel Committee gave a unanimous report that all jobs have to be advertised and, in spite of that, the Board went ahead and recruited this gentleman. Le Directeur, Mr Ramgoolam, who refused twice under pressure from the Chairperson of the Board, appointed by the hon. Minister concerned, lost his job. A political appointee was recruited as a Liaison Officer and who has only a School Certificate. Has the hon. Prime Minister discussed with the hon. Minister concerned, being given that this is du domaine public?

(Interruptions)

Mr Speaker: Order, please!

The Prime Minister: Mr Speaker, Sir, because ICAC is inquiring, I cannot go and ask, and I do not want to interfere.

Mr Bérenger: Yes, on the last part, un usurpateur d’identité …
Mr Speaker: Order! Order now! No comments!

Mr Bérenger: On the last part, Mr Speaker, Sir, that is, those statements of hon. Dhiraj Singh Khamajeet, our local ‘DSK’, as he is known. Does the hon. Prime Minister think - because we all know, and he said in his recent press conference that ICAC is carrying out an enquiry - that it was proper for him *de blanchir*, to say - as hon. Prime Minister who, of course, does not interfere in ICAC’s work - that he is innocent, that he has done nothing wrong, and at the same time as he confirms that ICAC is carrying out an enquiry? Does the hon. Prime Minister find that proper?

Mr Speaker: Order! Order!

The Prime Minister: Let me reassure the hon. Leader of the Opposition that this is not what I said. What I said was - I didn’t say …

Comments! No, no! But I can understand the misinterpretation. What I said, actually he did not send any letter to the PSC as he was saying he is going to send or whatever. But, actually there was no crime committed in the sense that no letter was sent to the PSC. That is what I said.

Mr Jugnauth: Mr Speaker, with regard to…

Mr Speaker: Order now! I said order! I do not see anything funny when hon. Jugnauth is putting a question.

Mr Jugnauth: Thank you, Mr Speaker, Sir.

Mr Speaker: Order! Hon. Ms Deerpalsing! Order!
Mr Jugnauth: With regard to the hedging disaster of Rs5.4 billion that was approved by the then Minister of Commerce, without the approval of Cabinet and at a time when technicians at the Ministry were saying that the price of oil was on a decreasing trend, I heard the hon. Prime Minister saying that an enquiry is on the way. We are talking about since July 2008. Would the hon. Prime Minister state by whom this enquiry is being conducted, which authority, and so far, since 2008, what is the outcome and what actions have been taken?

The Prime Minister: In fact, Mr Speaker, Sir, it is I who asked that an enquiry be carried out, and asked Mr Badhain to enquire in the first place because we do not want to have any malpractices. We want to know what has happened. So, that has been started and then ICAC has started investigating and that is the situation.

Mr Bhagwan: I have two supplementary questions. One is concerning the STC, alleged malpractices. Can the hon. Prime Minister inform the House whether whilst going through the Forensic Report, the name of one Mr Ah Fat has been mentioned in that report and that the same person, who has been involved in several malpractices, is now a senior adviser at the Prime Minister’s Office? How does he reconcile the fact that the same gentleman who has been not only in one, but in several cases of malpractices is now being attached to his Office, whether he has discussed same with that person?

The Prime Minister: Mr Speaker, Sir, this is a good example of where we want to clean wherever there is allegation. We ourselves initiated the action but, in any case, not everything that you hear is true. I have to warn you about this and in any case, that is the proof that the investigation, including him would be investigated by ICAC.

Mr Jhugroo: Can I ask the hon. Prime Minister whether he considers it proper for the Deputy Prime Minister to have participated in deliberations with regard to Med Point...

Mr Speaker: No! I will stop the hon. Member here! He cannot ask the hon. Prime Minister to divulge proceedings of the Cabinet. Hon. Bhagwan!

(Interruptions)

There are so many Members who are asking, I want to give everybody a chance.
Mr Jugnauth: Mr Speaker, Sir, on a point of order, the hon. Member is asking about deliberations with regard to a meeting, not Cabinet, whether the Deputy Prime Minister has participated in a meeting with regard to the Med Point issue. So…

(Interruptions)

Mr Speaker: In a meeting, yes.

(Interruptions)

Keep Quiet! I am asking …

(Interruptions)

Order! Order!

Mr Jhugroo: I am asking the hon. Prime Minister whether he considers it proper for the Deputy Prime Minister to have participated in deliberations in a meeting with regard to Med Point issue and not having declared his interest.

(Interruptions)

The Prime Minister: But I need to know what meeting the hon. Member is referring to.

(Interruptions)

Mr Speaker: Hon. Bhagwan, yes!

Mr Bhagwan: Docteur inn dimann pardon ça!

(Interruptions)

Mr Speaker: No, I have said ….

(Interruptions)

I am sorry!

(Interruptions)

The hon. Member has put a question which was not precise; he has said meeting…

(Interruptions)

Wait! I am moving to hon. Bhagwan now and then I will come back to the hon. Member.
Mr Bhagwan: Mr Speaker, Sir, I’ll come to part (a), Med Point Clinic. Can I …

Mr Speaker: Order! Hon. Lormus Bundhoo, please order; don’t have cross talking.

Mr Bhagwan: With regard to part (a) Med Point Clinic, Sir, can I ask the hon. Prime Minister whether the Chief Government Valuer has resumed his work, whether he has taken office again. Can I also ask him whether this gentleman, who had lost his memory concerning this second evaluation, has regained his memory?

Mr Speaker: The first part of the question is allowed as to whether he has taken back his job.

The Prime Minister: As far as I know, he has left his work quite some time back.

Mr Lesjongard: Mr Speaker, Sir, with regard to the Central Electricity Board concerning the 11 engineers who have been suspended for the past one year, is it normal for an organisation …

Mr Speaker: With due respect to the hon. Member, this question relates to ICAC on matters whether inquiries have been completed or not and not to that question.

Mr Lesjongard: Mr Speaker, Sir, in the question it is mentioned ‘recent tenders launched by the Central Electricity Board’.

Mr Speaker: Regarding the inquiry which is being carried out by ICAC.

Mr Lesjongard: This is ongoing for the past one year and…

Mr Speaker: No, that is not allowed, I have given my ruling, come with a substantive question.

Mrs Hanoomanjee: Mr Speaker, Sir, with reference to Rose Belle Sugar Estate, the hon. Prime Minister just said that the hon. Minister of Agriculture himself had asked for an inquiry. Fair enough! Can I ask the hon. Prime Minister then what was the role of the representative of
the Ministry of Agro-Industry on the Board? Wasn’t he part and parcel of any decision which was taken?

**Mr Speaker:** That question has to be addressed to the Ministry of Agro-Industry.

**Mr Jhugroo:** Regarding the meeting, it was a meeting which was chaired by the hon. Prime Minister. I also want to ask the hon. Prime Minister whether he can confirm as to whether in the Med Point case the enquiries of the hon. Deputy Prime Minister and the hon. Minister Dr. Jeetah have already been completed.

**Mr Speaker:** The hon. Prime Minister has said that the inquiry is still on, he has answered the question and the hon. Member cannot ask for details as to who have been called and who have not been called, and this under section 61 of the Prevention of Corruption Act.

*(Interruptions)*

**Mr Jugnauth:** With regard to the …

*(Interruptions)*

**Mr Speaker:** Order!

**Mr Jugnauth:** With regard to the issue of the Cabinet proceedings, I heard the hon. Prime Minister saying in a press conference and now he has stated that if it was for himself, of course, he is willing to give but the Secretary to Cabinet will take a stand on the case before the Court. Now, can I just ask the hon. Prime Minister to have a look at section 70 of the Constitution whereby it specifically says that the hon. Prime Minister can give instructions to the Secretary to Cabinet? I am asking, in the interest of Justice, being given that this Med Point issue has been ongoing for so long and that people are asking for the truth to come out, would the hon. Prime Minister not consider that it is within his powers, according to section 70, just to allow and to instruct the Secretary to Cabinet to publicise …

**Mr Speaker:** No, I am sorry. This is a matter I have been informed of. I have read. I would have expected hon. Pravind Jugnauth to send me a copy of the proceedings which are pending before the Supreme Court right now. I understand he has entered an action, and the Prime Minister has said that the matter is pending there. Therefore, it is *sub judice*. How can you question on that?
Mr Bhagwan: The Prime Minister has stated his commitment to fight corruption in many of his replies, but can he inform the House, the country and the nation - the nation wants to know - at least, when will he replace the member of the Board of ICAC who has passed away? The member has not yet been appointed.

Mr Speaker: This has nothing to do with this question. Hon. Leader of the Opposition!

(Interruptions)

Mr Bhagwan: The hon. Prime Minister must inform the nation.

Mr Speaker: Come with a substantive question!

Mr Bérenger: My last question, Mr Speaker, Sir. For today, my PNQ referred …

(Interruptions)

My PNQ of today has had to refer to only the 10 scandales le plus d'actualité, otherwise my question would have gone three pages. Can the hon. Prime Minister say ‘yes’ when he checks whether any of these 10 scandales were alleged scandales? If any one of them has not been referred either to the Police or to ICAC to date, will he tell us that he will have the case referred to either ICAC or the Police as the case may be?

The Prime Minister: I did explain, Mr Speaker, Sir, it is my understanding that all of these cases - 10 or whatever cases – are already being investigated by ICAC. In fact, I should add there are several high profile cases in which we expected enquiries to be carried out. There are other cases that we have enquiries carried out.

Mr Speaker: Questions addressed to Dr. the hon. Prime Minister!

(Interruptions)

Order!

(Interruptions)

Order now! Hon. Bhagwan, you are the Whip of the Opposition, you must set the example. Let me carry on with my work. The Table has been advised that Parliamentary Question No. B/747 has been withdrawn. Hon. Ameer Meea!