



SEVENTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

(UNREVISED)

FIRST SESSION

FRIDAY 28 AUGUST 2020

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(Formed by Hon. Pravind Kumar Jugnauth)

Hon. Pravind Kumar Jugnauth	Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity
Hon. Louis Steven Obeegadoo	Deputy Prime Minister, Minister of Housing and Land Use Planning, Minister of Tourism
Hon. Mrs Leela Devi Dookun-Luchoomun, GCSK	Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology
Dr. the Hon. Mohammad Anwar Husnoo	Vice-Prime Minister, Minister of Local Government and Disaster Risk Management
Hon. Alan Ganoo	Minister of Land Transport and Light Rail
Dr. the Hon. Renganaden Padayachy	Minister of Finance, Economic Planning and Development
Hon. Nandcoomar Bodha, GCSK	Minister of Foreign Affairs, Regional Integration and International Trade
Hon. Mrs Fazila Jeewa-Daureeawoo, GCSK	Minister of Social Integration, Social Security and National Solidarity
Hon. Soomilduth Bholah	Minister of Industrial Development, SMEs and Cooperatives
Hon. Kavydass Ramano	Minister of Environment, Solid Waste Management and Climate Change
Hon. Mahen Kumar Seeruttun	Minister of Financial Services and Good Governance
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Hon. Maneesh Gobin	Attorney General, Minister of Agro-Industry and Food Security
Hon. Yogida Sawmynaden	Minister of Commerce and Consumer

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Hon. Darsanand Balgobin	Minister of Information Technology, Communication and Innovation
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Dr. the Hon. Kailesh Kumar Singh Jagutpal	Minister of Health and Wellness
Hon. Sudheer Maudhoo	Minister of Blue Economy, Marine Resources, Fisheries and Shipping
Hon. Mrs Kalpana Devi Koonjoo-Shah	Minister of Gender Equality and Family Welfare
Hon. Avinash Teeluck	Minister of Arts and Cultural Heritage
Hon. Teeruthraj Hurdoyal	Minister of Public Service, Administrative and Institutional Reforms

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MAURITIUS

Seventh National Assembly

FIRST SESSION

Debate No. 31 of 2020

Sitting of Friday 28 August 2020

The Assembly met in the Assembly House, Port Louis, at 3.00 p.m.

The National Anthem was played

(Mr Speaker in the Chair)

PAPERS LAID

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

A. Office of the President

The 46th Annual Report of the Ombudsman for the year 2019.

B. Prime Minister's Office

Ministry of Defence, Home Affairs and External Communications
Ministry for Rodrigues, Outer Islands and Territorial Integrity

- (a) Certificate of Urgency in respect of the Criminal Code (Amendment) Bill (No. XIII of 2020). (In Original)
- (b) The Audited Accounts and Financial Statements of the Prime Minister's Relief Fund for the year ended 30 June 2019. (In Original)
- (c) The Chemical Weapons Convention (Amendment of Schedule) Regulations 2020. (Government Notice No. 187 of 2020)

C. Ministry of Education, Tertiary Education, Science and Technology

The Annual Report 2016/2017 of the Rajiv Gandhi Science Centre Trust Fund.

D. Ministry of Finance, Economic Planning and Development

- (a) The Integrated Annual Report 2018/2019 of the Mauritius Revenue Authority.
- (b) The Public Procurement (Amendment) Regulations 2020. (Government Notice No. 189 of 2020)
- (c) The Public Procurement (Amendment of Schedule) Regulations 2020. (Government Notice No. 190 of 2020)
- (d) The Income Tax (Amendment No. 5) Regulations 2020. (Government Notice No. 191 of 2020)
- (e) The Audited Financial Statements of the Lotto Fund for the year ended 30 June 2019.

E. Attorney General**Ministry of Agro-Industry and Food Security**

The Legal Aid and Legal Assistance (Fees) (Amendment No. 2) Rules 2020. (Government Notice No. 188 of 2020)

F. Ministry of Health and Wellness

The Quarantine (COVID-19) (Amendment No. 3) Regulations 2020. (Government Notice No. 186 of 2020)

G. Ministry of Arts and Cultural Heritage

The Annual Report and Audited Financial Statements of the Le Morne Heritage Trust Fund for the year ended 30 June 2019.

ORAL ANSWER TO QUESTION**MV WAKASHIO - NATIONAL COAST GUARD - TRACKING**

The Leader of the Opposition (Dr. A. Boolell) (*by Private Notice*) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the MV Wakashio and the oil spill in the region of Pointe d'Esny, he will -

- (a) for the benefit of the House, obtain from the Commissioner of Police, information as to the exact number of times the National Coast Guard contacted the vessel prior to its being grounded;
- (b) state whether he has taken stock of the comments of the French Minister of Overseas, Mr Sébastien Lecornu, on the handling of the event prior to the grounding, and
- (c) state exactly when the environmental arm to the salvage company was selected, indicating both the environmental personnel deployed and equipment airfreighted prior to the 6th of August 2020 by the company or its agents.

The Prime Minister: Mr Speaker, Sir, I thank the hon. Leader of the Opposition for this PNQ which gives me the opportunity to once again provide all information on what has happened to dispel all doubts, insinuations and allegations being made with regard to the handling of MV Wakashio since it went aground at Pointe d'Esny on 25 July 2020.

I refer the hon. Leader of the Opposition to the reply I made on 04 August 2020 in relation to PQ B/454 wherein I gave details of the actions initiated by the National Coast Guard as soon as MV Wakashio entered our territorial waters.

But before highlighting the salient facts with regard to the actions taken since 25 July 2020, I wish to emphasise that prior to MV Wakashio reaching our territorial waters, it was being tracked by the National Coast Guard Operations Room since 23 July 2020 at 23.30 hours when it entered our Exclusive Economic Zone at 200 nautical miles, through the Sea Vision Satellite Automatic Identification System. The National Coast Guard continued to keep track of the vessel until it entered our territorial waters on 25 July 2020 at 18.10 hours.

With regard to part (a) of the question, the National Coast Guard contacted MV Wakashio from 18.15 hours on five occasions before it went aground at 19.25 hours, on 25 July 2020.

To remind, the chronological facts are as follows -

- (i) on Saturday 25 July 2020 at 18.15 hours, the National Coast Guard Radar Operators based at the Coastal Surveillance Radar System Station, Pointe du Diable first spotted a Panama-flagged bulk carrier MV Wakashio at 11.5 nautical miles in the common sea route, that is, the innocent passage, off the Mauritius coast.
- (ii) in accordance with the standard practice, the MV Wakashio was first called by the National Coast Guard at 18.15 hours on 25 July 2020 by the Coastal Surveillance Radar System Station, Pointe du Diable. No response was, however, received. The vessel was thereafter called on four occasions with a view to establishing communication, but to no avail. The National Coast Guard Operations Room based at Les Salines continued to monitor the vessel through the Automatic Identification System;
- (iii) at 19.10 hours, as the vessel was observed to be about 6 nautical miles from Mahebourg and was approaching the coast at a speed of 11 knots, the National Coast Guard Operations Room requested the Coastal Surveillance Radar System Station at Pointe du Diable to call the vessel anew and to instruct the Captain thereof to alter its course and to keep clear of the coast;
- (iv) at 19.10 hours itself, the vessel was again called by Pointe du Diable Coastal Surveillance Radar System Station, but still without any response;
- (v) at 19.25 hours, as the vessel appeared to stop off Pointe d'Esny, the Coastal Surveillance Radar System Station at Pointe du Diable immediately called the vessel, but again no response was received. The vessel was anew called at 19.30 hours, but again no response was received;
- (vi) subsequently, between 19.45 hours to 20.10 hours, the Mahebourg and Blue Bay National Coast Guard Posts called the vessel on four occasions, but no radio contact could be established;
- (vii) at 20.10 hours, the Master of the vessel finally responded to the call made by the National Coast Guard. Whilst providing information relating to its position, its last port of call being Singapore, the next port of call being Brazil, the Master of the vessel informed that the vessel was on the innocent passage. After further query, the Captain stated that he had lost control of his vessel, which got grounded.

Mr Speaker, Sir, I am informed by the Commissioner of Police that on 25 July 2020, when the vessel was 6 nautical miles away from our coast, it became a suspect vessel. However, no Fast Interceptor Boat could be deployed due to heavy swell and rough sea conditions. It is to be noted that the Mauritius Meteorological Services had issued a special weather communiqué on Saturday 25 July 2020 for a heavy swell warning.

The House will note that all the Coast Guard Ships, namely Barracuda, Victory and Valiant based at Port Louis Harbour would have taken nine hours for the preparations and transit of these vessels to reach the casualty site. Among the six helicopters, only Dhruv has night flying capabilities but could not be deployed as it was on maintenance until 07 August 2020.

Mr Speaker, Sir, with regard to part (b) of the question, the House may wish to note that it was the French President Emmanuel Macron who delegated Mr Sébastien Lecornu, Minister for Overseas Territories, to effect a visit to Mauritius in connection with efforts being made to mitigate the effects of the oil spill caused by MV Wakashio. He reached Mauritius on 16 August 2020. The decision of the French President and the visit of Minister Lecornu attest to the warmth and strength of our excellent bilateral relations between Mauritius and France.

During his courtesy call on me, Minister Sébastien Lecornu reiterated the solidarity of France with Mauritius as demonstrated by the urgent dispatch of a team of French experts and equipment to assist in the operations. He also expressed confidence that the Mauritian authorities would take the right decision following the split of the grounded vessel.

During a Press Conference, held jointly with the hon. Minister of Environment, Solid Waste Management and Climate Change in the presence of the Minister of Foreign Affairs, Regional Integration and International Trade, and the Minister of Blue Economy, Marine Resources, Fisheries and Shipping at the Blue Bay Marine Park Centre, I am informed that Minister Lecornu reiterated these sentiments and had at no time made any derogatory remarks on the handling of the incident by Government.

Prior to his departure, Minister Lecornu had a telephone conversation with me during which he expressed satisfaction on the manner in which Government had taken measures to respond to the incident. He further reassured me of the readiness of France to continue to assist Mauritius.

Mr Speaker, Sir, I am also informed that the Minister made comments in Reunion Island and such comments may be subject to different interpretations.

With regard to part (c) of the question, I am informed by the Shipping Division of the Ministry of Blue Economy, Marine Resources, Fisheries and Shipping that the owner of the vessel, Okiyo Maritime Corporation and SMIT Salvage Pte Ltd signed the Lloyds Standard Form of Salvage Agreement (LOF) on 26 July 2020.

According to this Salvage Agreement, the Salvage Team is responsible to, *inter alia*, save the vessel and take the vessel to a place of safety. Furthermore, the Salvage Team has the environmental obligation to use its best endeavours to prevent or minimise damage to the environment while performing the salvage services. This is in line with section 147 of the Merchant Shipping Act.

Mr Speaker, Sir, I am informed that prior to the arrival of the Salvage Team, the local agent, namely Rogers Shipping Ltd, attended meetings with the Director of Shipping as well as meetings of the National Oil Spill Contingency Coordination Committee of the Ministry of Environment, Solid Waste Management and Climate Change.

At the third coordination meeting on the grounding of MV Wakashio under the Chair of the Director of Shipping held on 29 July 2020, the representative of P&I Club in Mauritius reported that *Polyeco Société Anonyme* had been appointed by the Protection and Indemnity Club on 28 July 2020, as the environmental arm of SMIT Salvage for the salvage operations of the vessel. He also informed that Mr A. H., expert of International Tanker Owners Pollution Federation Ltd (ITOPF) has been contracted by the insurers to assist *Polyeco Société Anonyme* in the environmental response.

As regards environmental personnel, a team was deployed, led by a Chemical Engineer from *Polyeco Société Anonyme* and supported by a team of 15 persons from Mauritius. Equipment airfreighted by *Polyeco Société Anonyme*, included fence booms, oil absorbent booms, sorbent booms and skimmers.

Mr Speaker, Sir, our country has been confronted with an unprecedented oil spill following the wreck of MV Wakashio. As I have already stated, the concerned authorities took all appropriate actions within our existing resources and with assistance from international organisations and friendly countries, to contain and mitigate the adverse effect of this casualty.

I take this opportunity to reiterate our gratitude to these organisations and countries. I also thank all the volunteers, citizens, NGOs, private sector organisations for having spontaneously come forward to support the lagoon and shoreline clean-up operations.

Mr Speaker, Sir, inquiries are currently being held by special investigation teams at the level of the Central CID to carry out a thorough investigation so as to determine the facts and circumstances that led to this situation. Also, under the Merchant Shipping Act, a preliminary inquiry has been instituted by the Director of Shipping. Moreover, a Court of Investigation will be instituted as per section 10 of the Merchant Shipping Act.

Dr. Boolell: Mr Speaker, Sir, it stands to reason the Prime Minister is guilty of impropriety, and he is supposed to be the custodian of our safety and security. Is he aware, and the whole country is aware of it, that he is guilty of gross negligence?

The Prime Minister: Mr Speaker, Sir, this is like a court martial where he, himself, the Leader of the Opposition is the judge. I repeat again that this accident happened and Government, on the very first day, had taken all the initiatives that were required in order to see to it, first of all, with the assistance of the Salvage Team, that the ship could be removed and salvaged from where it was stuck on this reef. And, secondly, in accordance with the advice that was received, we again took all the necessary measures that were possible in order to avoid a catastrophe.

Unfortunately, as I said, the circumstances were such that an accident occurred whereby a tank had been damaged and fuel had spilled over to the sea and damaged that region of the island. Following that, we did, again, do whatever we could, and I must say that, with the help of experts, with the help of friendly countries which delegated a number of experts who came to assist us and with the help of citizens of this country, NGOs, private sector, Government authorities, we are where we are today.

Dr. Boolell: Mr Speaker, Sir, again, the Prime Minister is bluffing and I will call his bluff. Is he aware that in relation to what he said about weather condition, this does not stand - and I see no reason? Can I ask him why is it that the helicopter, which is based at the airport, was not called to intervene? And it could have done so. Under worst circumstances, helicopters have intervened and even Fast Interception Boats. Is the Prime Minister aware of this or is he simply hiding under the cover of bad weather to justify his lame duck or indecision on his part?

The Prime Minister: I shall not respond to all the insinuations of the hon. Leader of the Opposition. But let me concentrate on the substance with regard to his criticisms. I have with me all weather situations prevailing from 25 July up to the time when there was the oil spill on 06 August. I base myself on these facts in regard to weather conditions. From 25th, 26th, 27th, 28th, 29th, the sea was rough with swells of the order of 2 metres 50 and above, with

waves and winds. There was, if I can call it an *accalmie* on the 30th, but that was only for one day. And then, 31st again, high energy waves, rough seas; it went on 1st, 2nd, 3rd, 4th, 5th and 6th. So, when the Leader of the Opposition is saying that I am as if hiding behind weather conditions, he should show me how! Do you have any concrete evidence about what was the weather situation at that time, instead of saying *bla-bla-bla* and talking...

(Interruptions)

Let me finish! Instead of talking generally without substantiating, indeed without substantiating what you are saying.

Therefore, coming to the second part of the question, I have just answered. There is only one helicopter that could fly at night, and that helicopter was being serviced.

(Interruptions)

What is it to laugh about? Big deal! Big thing!

(Interruptions)

As if you can use a helicopter eternally, all the time. There is what you call servicing; it is just like a vehicle, Mr Speaker, Sir. So, some people do not seem to know!

Dr. Boolell: Mr Speaker, Sir, is he aware of what the Director of Shipping stated? That the bad weather lasted only for three days. That is what he said at the Press Conference that was held in the presence of two of your Ministers. So, are you saying, Prime Minister, that your Director of Shipping has not stated the truth or are you simply hiding behind bad weather because you have no leadership and you are outright failure?

(Interruptions)

Mr Speaker: Hon. Leader of the Opposition, be careful with insinuations.

The Prime Minister: Mr Speaker, Sir, I have already answered with regard to the weather conditions that were prevailing. These can be checked from the Meteorological Services. And as far as leadership is concerned, sometimes I do not know who is the Leader of the Opposition on the other side. I do not know, because in the international Press, there are, I believe, *usurpateurs* who claim themselves to be Leader of the Opposition. So, sort out the leadership issue on your side before you comment on my leadership.

(Interruptions)

Mr Speaker: No more insinuations. Next question, Leader of the Opposition!

Dr. Boolell: Mr Speaker, Sir, let me come to what Minister Lecornu stated, about the way the crisis has been handled by this Government -

« L'erreur est humaine et parfois la faute aussi. »

And if he wants me, I can quote selected statements made by the hon. Minister. Is he aware of what the Minister said?

« Force est de constater que le contrôle maritime mauricien n'a pas complètement fonctionné comme le nôtre aurait fonctionné. Ce qui s'est passé à Maurice entre le moment où le navire a perdu le contrôle sur des faits, qu'il faudra d'ailleurs clarifier, et le moment où les autorités mauriciennes l'ont contacté, il s'est passé un laps de temps assez significatif. »

Is he aware of this?

The Prime Minister: Why do the hon. Leader of the Opposition read only part of the intervention of Minister Lecornu?

Dr. Boolell: Manipulating!

The Prime Minister: What are you saying? I am manipulating? I think you have to withdraw this.

Mr Speaker: Don't insinuate! Leader of the Opposition!

The Prime Minister: Mr Speaker, Sir, I think the hon. Leader of the Opposition has to withdraw the allegation that I am manipulating.

Mr Speaker: Please withdraw!

Dr. Boolell: Mr Speaker, Sir...

Mr Speaker: I already warned you, Leader of the Opposition!

Dr. Boolell: Alright. Can I say that the Prime Minister is in the habit of managing sound information?

(Interruptions)

Mr Speaker: First, withdraw! Did you withdraw?

Dr. Boolell: I withdraw, but I am saying that the Prime Minister is in the habit of managing sound information.

(Interruptions)

Mr Speaker: No, withdraw that. We are doing very well. You are doing very well; withdraw it.

(Interruptions)

Withdraw it! Withdraw and then you get the reply.

Dr. Boolell: So, Sir, okay, I withdraw, but then I will put a question. Is he aware...

The Prime Minister: No, I have...

(Interruptions)

Dr. Boolell: Well, I have withdrawn. Okay I have withdrawn, alright.

The Prime Minister: You put a question, let me reply! What I was saying, Mr Speaker, Sir, is about what I have been informed, that is about what the hon. Minister said, and I quote –

« Force est de constater que le contrôle maritime mauricien n'a pas complètement fonctionné comme le nôtre aurait fonctionné. Ce n'est pas du tout un jugement de valeur, c'est un fait. On a des procédures de contacts de navires en détresse avec des procédures de contrôle, de vérification qui ne sont pas ceux qu'actuellement que l'île Maurice applique. »

So, Mr Speaker, Sir, as I said, this is a matter for interpretation. One can interpret it in another way; I interpret it as him saying that *ce n'est pas un jugement de valeur, c'est un fait*. And then, it is good to also quote when the journalist asked him –

« Est-ce qu'il y a eu une réaction tardive entre l'échouage du bateau et le début de la marée noire et cette demande à l'aide qui a été - est-ce que la marée aurait pu être, etc., etc. ? »

Le ministre répond, je le cite -

« Je ne sais pas répondre à cette question. Je vous dis franchement, je ne sais pas répondre à cette question. Ça c'est à l'enquête de voir et de déterminer. »

This is what he said also. So, why do you only quote part of what he said, just to give the perception that there has been a criticism?

Dr. Boolell: Let me come back to interception. Is he aware that there is a helicopter called Fennec which can travel in very difficult circumstances and even when the weather is

bad? Am I to understand - and that is the information that is being imparted - that you did not take any decision and you allow those helicopters to stay where they are and hiding behind bad weather again is a lame excuse because you have no leadership?

The Prime Minister: The hon. Leader of the Opposition does not know, does not have correct information, because the other helicopters that we have cannot fly at night.

(Interruptions)

Yes!

(Interruptions)

Why *menti, menti, nek menti*? You do not know! You have been out of Government for so long; that is why you do not know!

(Interruptions)

So,...

(Interruptions)

Mr Speaker: Quiet there!

The Prime Minister: Mr Speaker, Sir,...

(Interruptions)

It is under replacement! So, as I have stated in my answer with regard to the helicopter, and I say again, Dhruv, unfortunately, at that time, was being serviced and, therefore, it could not fly.

Dr. Boolell: From what the Prime Minister has said, we have failed to prevent Wakashio, a vessel bigger than Titanic, from violating the territorial integrity of Mauritius. Now, can I refer the Prime Minister to a communiqué issued by the Ministry of Shipping, and this is what it said - well, of course, the ship has wrecked.

“The vessel is not sinking and will not sink.”

This is what was said. When was it said? On 05 August 2020.

(Interruptions)

And Minister Ramano, at least, stated to a journalist, as far back as 26 July, that the risk of oil spilling is real and water has started to enter the engine, which contradicts what the Ministry of Fisheries, Shipping and Marine Resources has stated. This is a statement of fact. So, basically, nothing has been done up to the 6th. So, that is why I say, Government is guilty, and by withholding...

Mr Speaker: Put your question!

Dr. Boolell: I have put the question! That Government is ...

(Interruptions)

Mr Speaker: Don't give the reply!

Dr. Boolell: Is the hon. Prime Minister aware that Government has failed to address

...

(Interruptions)

Mr Speaker: Don't give the reply! Let the Prime Minister reply!

Dr. Boolell: ... this issue in a meaningful and forceful manner?

The Prime Minister: Well, let me again correct one ...

(Interruptions)

Mr Speaker: Quiet!

The Prime Minister: ... assertion of the hon. Leader of the Opposition when he said that MV Wakashio has violated our territorial waters. Let me repeat to him that, according to our signatory of the Convention on the Law of the Sea, we cannot prevent a ship from passing in our territorial waters unless we have information that it is going to do something which is prejudicial to the country. I am summarising because there are conditions, but, generally, there are so many ships that pass along in the innocent passage of our waters everyday. On that day, I believe there must have been about 26 ships, and I think 11 of them were calling at our port and the rest were just passing by on their way to call to other ports.

Now, the Leader of the Opposition is saying that we should have averted the risk of this accident. Let me also inform the House that, in the coordination meeting, the Salvage Team, on 03 August, was questioned and was asked about the risk of pollution. It said that the bunker tanks were in sound condition and located well above the vessel and there was low risk of an oil pollution. On the very next day, 04 August, there was a review of the situation,

and this is what it said. The representative of the Ministry of Environment asked about the risk assessment of spillage compared to the previous day. The Salvage Team informed that it was same as the previous day, that is, low risk. The very next day, again, on 05 August, the same issue arose, where the Salvage Team reported that fuel tanks in the engine room were still intact and the risk of pollution was same as the previous day. So, this was the situation and, as I have repeatedly stated, Mr Speaker, Sir, the Salvage Team of Experts, in fact, is from one of the best companies in the world and, of course, we went by the advice that was tendered by the Salvage Experts.

Mr Speaker: Time over!

MOTION

SUSPENSION OF S. O. 10(2)

The Prime Minister: Mr Speaker, Sir, 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.

The Deputy Prime Minister rose and seconded.

Question put and agreed to.

Mr Speaker: Hon. Minister of Finance!

(3.37 p.m.)

STATEMENTS BY MINISTERS

WAKASHIO SOLIDARITY GRANT

The Minister of Finance, Economic Planning and Development (Dr. R. Padayachy): Mr Speaker, Sir, whilst Mauritius, just as all countries throughout the world, has been faced by the COVID-19 pandemic, the Government, under the leadership of the Prime Minister, has acted proactively in order to protect the Mauritian population, both on the sanitary and the socio-economic sides.

Since March 2020, the Ministry of Finance, Economic Planning and Development has set up the two main financial schemes to all those affected by the crisis in the country.

It is through unprecedented measures such as the Wage Assistance Scheme, towards employees who receive a monthly salary of up to Rs50,000, and the Self-Employed Assistance Scheme (SEAS), supporting the self-employed and those in the informal sector, that the Government has provided assistance to some more than 470,000 individuals.

So far, some Rs11.4 billion has been disbursed in order to help employees during this period of great uncertainty.

If these schemes had not been put in place, we would have had massive bankruptcies and redundancies.

Moreover, the “*Programme de Soutien*” of the Bank of Mauritius and the “*Plan de Soutien aux Entreprises*” have helped to provide relief to distressed companies.

Mr Speaker, Sir, with the grounding of the MV Wakashio at Pointe d’Esny, it is this very same strategy which we have adopted. Social justice and solidarity remain key to public policy. No crisis will make us drift from this principle which we adhere to.

As a caring Government, we have already announced the setting up of a number of policies to support those most affected in the region of Mahebourg.

Having declared an environmental urgency, the Mauritian authorities are, let me reiterate it, fully engaged in activities to contain not only the environmental consequences, but also the socio-economic consequences of the stranding of the MV Wakashio.

Government is working alongside all parties concerned. In this respect, the public authorities have made progress on a large number of initiatives, which I will briefly explain.

Government has introduced the “Wakashio Solidarity Grant”. Through this financial assistance mechanism, fishers, fishmongers and Pleasure Craft Licensees operating in the regions affected by the grounding will receive a monthly allocation of Rs10,200, starting as from the month of August 2020.

The monthly payment for the Solidarity Grant is over and above the following -

- payment of a daily rate of Rs800 for cleaning of beaches and lagoons;
- payment of allowance under the Wage Assistance Scheme (WAS);
- payment of allowance under the Self-Employed Assistance Scheme (SEAS), and
- payment of bad weather allowance to fishers.

Mr Speaker Sir, concretely, this new scheme introduced by the Government will be provided through the Prime Minister Relief Fund.

This measure has for sure a financial cost, but it is, without any doubt, a necessary expense. The Government will do everything in its power to support Mauritians. Once again, let me be clear about it. We will do whatever it takes.

Mr Speaker, Sir, in addition to this monthly allowance, the Government has set up an online service to allow individuals and entities to register their claims. This e-platform has been operational since 14 August 2020.

I would also like to point out that, to complement the online platform, an onsite network has been put in place through four different sites, namely Mahebourg, Bel Air Rivière Sèche, Plaine Magnien and Bois des Amourettes.

Mr Speaker, Sir, finally, with regard to the evaluation of both environmental and socio-economic damages, I am pleased to announce that my Ministry will carry out a comprehensive impact assessment, with the support of several international institutions.

Indeed, the *Agence Française de Développement*, the World Bank, the UNDP and the African Development Bank have been mandated to form a consortium and conduct this impact assessment together.

Thank you.

Mr Speaker: Hon. Ramano!

(3.42 p.m.)

MV WAKASHIO WRECK & OIL SPILL

The Minister of Environment, Solid Waste Management and Climate Change (Mr K. Ramano): Mr Speaker, Sir, I wish to make a Statement on the Wakashio wreck and its aftermath. At our sitting of 18 August 2020, I informed the House on the situation regarding the grounding of the MV Wakashio and the oil spill which occurred on 06 August 2020 and the days following.

On 24 August 2020, the planned sinking of the forward section of the wreck was completed by the Salvage Team at a depth of around 3,100 metres. The rear section of the vessel is still aground on the reef at Pointe d'Esny. As at 23 August 2020, the 30 cubic metres of oil in the engine room have been pumped out by the Salvage team. Floating and loose objects as well as general wastes are also being removed from the rear section of the wreck. Samples of the coated paint on the ship hull will also be collected for analysis purposes.

I wish to inform the House that samples of the oil collected from MV Wakashio prior to the oil spill have been sent to France and Australia for the testing of the presence of Polyaromatic Hydrocarbons and heavy metals. The results of the analysis are expected by next week.

Mr Speaker, Sir, around 15.9 km of booms have been deployed at different areas, namely, Blue Bay Marine Park, Pointe d'Esny, Ile aux Aigrettes, Pointe Brocus, Mahebourg Waterfront, near the wreck of the MV Wakashio as well as at four rivers, namely, Rivière La Chaux, Rivière des Créoles, Rivière Champagne and Grande Rivière Sud Est.

In view of minimal risk of residual oil spill, if any, and the observed negative impact of the booms on the corals, a strategy for the removal of same in a phased manner is being effected under the supervision of the experts. Accordingly, the deployed booms, including those at Ile aux Aigrettes and the Blue Bay Marine Park, are being removed while taking precautionary measures. These are being stored for decontamination purposes at the National Coast Guard Training School at Le Chaland. The booms deployed in front of the wreck will be maintained.

Mr Speaker, Sir, my Ministry is working with all stakeholders and experts to come up by early next week, with an integrated environmental monitoring strategy for the immediate, short, medium and long-term monitoring, taking into consideration international best practices, with a view to collect data for –

- (i) assessment of the impacts of the oil spill;
- (ii) compiling scientific evidence for claims;
- (iii) advising on end points;
- (iv) advising policy makers on timing for lifting of restrictions of access to contaminated areas, and
- (v) coming up with restoration measures of the affected sites.

A meeting was held with “*L'Association des Hôteliers et des Restaurateurs de L'Ile Maurice*” and it was under the chair of the Deputy Prime Minister and it was agreed that environmental monitoring would be extended on the shoreline near hotels and tourist residences in the affected and nearby regions with a view to communicate information as to the air, water and sand quality in the region.

Moreover, it has been agreed that a central repository for all data would be set up at the level of my Ministry to keep all records in connection with the MV Wakashio oil spill and

its aftermath. Other stakeholders, including the University of Mauritius, would assist in this endeavour.

Mr Speaker, Sir, discussions have been initiated with the Indian Ocean Commission (IOC) regarding the setting up of a Regional Oil Spill Coordination Centre along with a Regional Oil Spill Contingency Plan.

As at date, around 12 experts from Japan, UK, UN and International Organisation for Migration are in Mauritius and are providing assistance in different areas of expertise while some 10 experts are assisting remotely. Local experts from the University of Mauritius have also been participating in the Strategic and Coordination, Social and Environmental Impact Assessment as well as in the joint monitoring programme.

On 24 August 2020, a National Ramsar Committee was held under the chair of the Ministry of Agro-Industry and Food Security. The Ramsar Convention Secretariat is requesting for status of the Blue Bay Marine Park and Pointe d'Esny Ramsar sites following the oil spill. A joint assessment of these sites effected by the local and Japanese experts revealed that those sites were not affected by the oil spill. The findings will be communicated to the National Ramsar Committee.

Air quality monitoring by the National Environment Laboratory of my Ministry is ongoing to assess the possible presence of Volatile Organic Compounds (VOCs) at seventeen schools and eight other locations. So far, VOCs have not been detected at any of the affected sites. With the weathering of the oil, a gradual phasing down of air quality monitoring at the affected sites is being considered.

Coastal water quality monitoring at twenty-seven sites is being carried out on a daily basis by the National Environmental Laboratory, Albion Fisheries Research Centre and Mauritius Oceanography Institute to assess for compliance with the Guidelines for Coastal Water Quality of the Environment Protection Act. Trend analysis for indicative parameters has also been carried out. It was noted that the levels of Oil and Grease and Total Hydrocarbons at the most impacted sites, namely, Vieux Grand Port, Rivière des Creoles and Bois des Amourettes have decreased significantly as at 23 August 2020 as compared to the period immediately after the spill.

Mr Speaker, Sir, I am informed by the Ministry of Blue Economy, Marine Resources, Fisheries and Shipping that as at 28 August 2020, 37 melon-headed whales and one bottlenose dolphin were found dead in the region of Grand Sable, Petit Sable, Pointe aux Feuilles and Pointe Canon to Deux Frères. Post-mortem examination was conducted by the veterinary officers of the Ministry of Agro-Industry and Food Security to determine the possible cause

of stranding and death. Mr Speaker, Sir, a sad coincidence, the same number, that is, around 37 were found dead in March 2005 in the same region. The autopsy was assisted by the Mauritius Marine Conservation Society, Mauritius Megafauna Conservation Organisation and the Mauritius Museums Council. The preliminary report of the post-mortem revealed the following –

- a) No fluid was found in the thoracic and abdominal cavities;
- b) The intestines were found empty;
- c) Trachea and oesophagus were found to be clear;
- d) One of the lungs was found to be congested;
- e) Several worms were found in the heart and lungs of some of the carcasses.

All the samples will be subject to bacteriological and toxicological analysis.

Mr Speaker, Sir, an Action Plan on shoreline cleaning from International Tanker Owners Pollution Federation Ltd (ITOPF) has been submitted and is being adjusted. According to satellite imagery dated 10 August 2020 from the US National Oceanic and Atmospheric Administration (NOAA) and drone surveys carried out by *Polyeco Société Anonyme* on 11 August 2020, additional sites from Pointe du Diable towards Ile aux Cerfs will be assessed anew by ITOPF and included in the Action Plan.

In order to speed up the clean-up operations, two clusters have been set up and distributed between Le Floch Depollution and Polyeco SA. Both contractors are submitting their daily programme of work, which is reviewed and validated by the Solid Waste Management Division of my Ministry. Cleaning is being carried out in non-sensitive areas and according to four stages, namely –

- (i) removal of accumulated/stacked waste oil/unused artisanal booms;
- (ii) collection of contaminated debris such as plastic bottles, wood and other general wastes;
- (iii) removal of contaminated seaweeds and washing, and
- (iv) pressure washing of contaminated rocks in contained conditions.

In respect of removal and disposal of wastes, 1,236 metric tons of liquid wastes Heavy Fuel Oil have been collected and have been sent to Ecofuel Ltd and Virgin Oil Company (Mauritius) Ltd. 815 metric tons of solid waste and contaminated debris have been collected and transferred at the Hazardous Waste Interim Storage Facility at La Chaumière

for interim storage and subsequent exportation. The La Laura and Poudre d'Or waste transfer stations have also been opened for collection of solid wastes.

Additionally, 1,007 cubic metres of saturated booms have been carted away to the Interim Hazardous Waste Facility at La Chaumière and La Laura Transfer Station. The contaminated sugarcane leaves are being dried to a moisture content of up to 15% and would be carted away to Independent Power Producers (IPPs) for burning while the remaining contaminated wastes would be disposed of at the Interim Storage Facility for Hazardous Wastes at La Chaumière for interim storage and subsequent exportation.

Mr Speaker, Sir, Government has established an E-Platform to facilitate the submission of claims. Any person or entity who has sustained a loss or damage caused outside the ship by contamination resulting from the escape or discharge of bunker oil from the ship, the cost of preventive measures as a consequence of the grounding of MV Wakashio and ensuing oil pollution, has been invited to submit his claim through the platform. Helpdesks have been made available at the Citizen Advice Bureau at Bel Air Rivière Seche, Plaine Magnien, Bois des Amourettes and Mahebourg Social Welfare Centre to facilitate the online submission of the claims.

With these words, Mr Speaker, Sir, I thank you.

POINTE AUX SABLES - FOUNDRY

With your permission, Mr Speaker Sir, I have another statement to make. Mr Speaker Sir, with your permission, I wish to make the following statement with regard to the matter raised by hon. Mrs Arianne Navarre-Marie, Fourth Member for Grand River North West & Port Louis West at the sitting of 14 February 2020 in connection with nuisance being caused by a foundry situated at Pointe aux Sables.

I am informed that on 20 July 2016, following a Preliminary Environment Report, approval was issued to Tradeway International Ltd, located within the La Tour Koenig Industrial Park at Pointe aux Sables, in accordance with section 16(6)(a) of the Environment Protection Act 2002, subject to a set of conditions.

These conditions, included, *inter alia* -

- (a) all emissions from the plant shall comply with the Environment Protection Regulations 1998, promulgated under the Environment Protection Act 2002;

- (b) flue gas analysis shall be carried out by an accredited body and the results of the analysis shall be submitted to my Ministry on a bi-annual basis or as determined by the Director of the Department of Environment;
- (c) necessary measures shall be taken during all the phases of the project, including site preparation, construction and operation so as not to cause any nuisance by way of dust, noise and vibration to the public and surrounding environment, and
- (d) in case of environmental nuisances arising from this development, my Ministry in consultation with other concerned authorities may impose additional conditions, which shall be strictly observed; and will take necessary actions in accordance with the provisions of the Environment Protection Act.

Mr Speaker Sir, the foundry became fully operational in August 2017 and all complaints received regarding its activities since then, have been duly addressed by my Ministry.

I am further informed that no complaint regarding the operation of the foundry has been received since April 2018.

Following the matter raised made by hon. Mrs Arianne Navarre-Marie, Fourth Member for Grand River North West & Port Louis West, at the sitting of 14 February 2020:

- (a) officers of my Ministry have investigated into the matter and I am informed that the foundry has not been in operation since 04 October 2019. The foundry holds a Scrap Metal Exporter licence which is valid up to 30 October 2020 and consequently, instead of melting the scrap metal, same is being exported;
- (b) the *Police de l'Environnement* and officers of my Ministry have effected surprise checks during the day of 02 March 2020, in the night of 03 March 2020 and in the early morning of 04 March 2020 and it was confirmed that the foundry is not in operation;
- (c) my Ministry conducted a joint monitoring exercise on 05 March 2020 with representatives from the Solid Waste Management Division, the Ministry of Health and Wellness, the Water Resources Unit and the Wastewater Management Authority. It was confirmed that the foundry is not in operation.

On 25 May 2020, Officers of my Ministry conducted an independent site inspection and same was confirmed.

In addition to the above, the National Environment Laboratory of my Ministry conducts continuous ambient air monitoring in the inhabited region of Pointe aux Sables. The results for the last exercise conducted in April 2019 were within the ambient air quality standards of the Environment Protection (Standards of Air) Regulations 1998.

An ambient air monitoring exercise was scheduled to start in the first week of April 2020 and could not be held due to the Covid-19 lockdown. The exercise has thus, been rescheduled to mid-September 2020. Furthermore, the foundry has been requested to: -

- (a) inform my Ministry prior to resuming its operation;
- (b) ensure that it does not operate at night, on Sundays and during public holidays in accordance with a commitment taken by the latter on 07 September 2018;
- (c) reactivate the line of communication with inhabitants of the locality for prompt action in case of complaints;
- (d) undertake regular visual inspection of the stack emissions during operation, and
- (e) undertake an independent stack monitoring on a bi-annual basis in accordance with conditions set in the Preliminary Environment Report approval and to submit the results to my Ministry. The first stack monitoring exercise should be effected within a month after the resumption of operation of the foundry.

My Ministry is closely monitoring the situation and will take necessary actions in accordance with the provisions of the Environment Protection Act 2002 should the need arise.

In case of environmental nuisances arising from the operation of the foundry, my Ministry, in consultation with other concerned authorities, will impose additional conditions, which the foundry shall be required to strictly observe.

I thank you, Mr Speaker, Sir.

Dr. Boolell: Mr Speaker, Sir, I have a right to seek clarification from the Minister when a statement is made. In respect to the first statement made by the Minister, nothing has been said in relation to the location where part of the Wakashio has been scuttled and, of course, sunk with dynamite, which has become the killing field for those mammals.

(Interruptions)

Mr Speaker: Order!

Mr Ramano: M. le président, je trouve cette déclaration insultante pour la nation mauricienne parce que cela ne repose sur aucun fait, aucune preuve, M. le président. Le *sinking* qui a été fait en ce qui concerne le *forward part* a été fait en consultation avec tous les experts qui sont présents présentement à Maurice, avec tous ceux qui sont concernés avec le *rearing of dolphins*, etc. Je peux vous dire, M. le président, que toutes les conditions, tous les paramètres ont été respectés à cela et ces insinuations du Leader de l'opposition sont infondées, dégradantes pour la nation mauricienne, M. le président.

(Interruptions)

Mr Speaker: Next item!

MOTION

THE CRIMINAL CODE (AMENDMENT) BILL (NO. VIII OF 2020) - WITHDRAWAL

The Prime Minister: Mr Speaker, Sir, pursuant to Standing Order 63 of the Standing Orders and the rules of the National Assembly, I move that the Criminal Code (Amendment) Bill (No. VIII of 2020) be withdrawn.

Mr Speaker, Sir, as the House is aware, the Criminal Code (Amendment) Bill (No. VIII of 2020) was introduced into the National Assembly on Tuesday 14 July 2020. After the introduction of the Bill, concerns were expressed in certain quarters that the Bill could affect Freedom of Expression. The Bill was never intended to limit Freedom of Expression which is guaranteed by our Constitution.

However, in order to avoid any doubt or misinterpretation in this regard, the Bill has been revised so as to clearly formulate its intended scope. As this exercise entails significant amendments to the Bill, compliance with the provisions of Standing Order 58 (3)(a) of the Standing Orders requires that, instead of bringing such amendments at Committee Stage of the Criminal Code (Amendment) Bill (No. VIII of 2020), the more appropriate course of action is to incorporate the proposed amendments in a revised version of the Criminal Code (Amendment) Bill which is on the Order Paper for today's sitting and which will be debated at a later sitting.

I, therefore, move that the Criminal Code (Amendment) Bill (No. VIII of 2020) be withdrawn.

The Deputy Prime Minister rose and seconded.

The motion was, on question put, agreed to.

(4.03 p.m.)

PUBLIC BILLS

First Reading

THE CRIMINAL CODE (AMENDMENT) BILL

(No. XIII of 2020)

On motion made and seconded, the Criminal Code (Amendment) Bill (No. XIII of 2020) was read a first time.

Second Reading

THE COURTS (AMENDMENT) BILL

(No. X of 2020)

Order read for resuming adjourned debate on the Courts (Amendment) Bill (No. X of 2020).

Question again proposed.

Mr Speaker: Hon. Lesjongard!

The Minister of Energy and Public Utilities (Mr G. Lesjongard): Merci, M. le président, de me donner l'occasion de participer aux débats sur le *Courts (Amendment) Bill*, projet de loi qui a une portée historique avec la mise sur pied de la *Land Division* de la Cour suprême.

M. le président, le *Courts (Amendment) Bill* comprend plusieurs changements comme stipulés dans l'*Explanatory Memorandum*, notamment, et je fais référence à l'*Explanatory Memorandum*, M. le président -

« *The object of this Bill is to amend the Courts Act for –*

(a) *the setting up, within the Supreme Court, of a Financial Crimes Division and a Land Division;*

- (b) *the setting up, within the Intermediate Court, of a Financial Crimes Division;*
and
- (c) *enabling the Chief Justice to set up, within the Supreme Court and the Intermediate Court, such other divisions as he thinks fit for the despatch of civil business and criminal business ».*

M. le président, quant à moi, je vais consacrer mon intervention uniquement sur la création de cette *Land Division*. La création d'une telle division à la Cour suprême est un grand pas afin de réparer les injustices commises tout au long de l'histoire de notre pays. Des injustices qu'ont dû subir plusieurs générations de Mauriciens dont certains font partie de la diaspora mauricienne de par le monde ; des injustices qui ont donné une direction opposée à leur vie et qui ont aussi eu de graves séquelles sur notre société. Nous pouvons aussi imaginer les conséquences que cela a eues sur les développements économiques, socioéconomiques de notre pays.

Tout d'abord, il faut souligner, M. le président, qu'en tant que parlementaires, nous sommes les représentants de l'Exécutif. Nous sommes appelés régulièrement à voter des lois qui sont démocratiquement débattues au sein de cette auguste Assemblée, mais nous ne sommes pas des juges ou des magistrats qui définissent si un acte d'injustice ou pas a été commis.

La mise sur pied d'une Cour de justice afin de faire la lumière et de démontrer les vérités sur les cas de dépossession des terres est avant tout une preuve de l'avancée de notre pays dans le domaine de la justice. Il est important, aujourd'hui, M. le président, de faire une chronologie pour mieux comprendre la décision du gouvernement de mettre sur pied cette instance judiciaire.

Nous sommes un gouvernement qui tient ses promesses. La population en est le témoin privilégié et aujourd'hui, nous joignons l'acte à la parole. Nous avons annoncé la création d'un *Land Division* à la Cour suprême lors du discours programme en janvier de cette année.

Cet amendement, qui est aujourd'hui présenté devant la Chambre, est la preuve que nous tenons toujours parole.

M. le président, je dois remercier le ministre de la Justice d'avoir emmené ce projet de loi au Parlement.

M. le président, si la Commission Justice et Vérité a été instaurée par le docteur Navin Ramgoolam en 2009 ; toutefois, seulement quelques recommandations du rapport publié en 2011 ont été appliquées sous le régime PTR/PMSD. Le rapport avait tout simplement été rangé dans un placard.

On se souvient aussi que le gouvernement de l'époque avait également mis sur pied un Comité interministériel présidé par l'honorable Xavier Luc Duval, qui était à l'époque le *Deputy Prime Minister* et je comprends pourquoi il ne participe pas au débat sur ce projet de loi.

Encore une fois, M. le président, rien n'a été fait car le Premier ministre d'alors avait d'autres priorités plus importantes que les affaires d'État.

An hon. Member: *li ti p vend l'ampoule.*

Mr Speaker: Order!

Mr Lesjongard: J'ai écouté, M. le président, avec beaucoup d'attention...

(Interruptions)

Mr Speaker: Order!

Mr Lesjongard: ...l'intervention du député...

An hon. Member: *Amenn so maitresse promener.*

Mr Lesjongard: ... Reza Uteem lors des...

Mr Speaker: Order!

Mr Lesjongard: ...travaux parlementaires mardi d'avant.

An hon. Member: *Vini mo donne twa. Gopia.*

Mr Speaker: No crosstalking!

(Interruptions)

You are representing the Leader of the Opposition. You have been upgraded.

Mr Lesjongard: M. le président, je disais j'ai écouté avec beaucoup d'attention l'intervention du député Reza Uteem lors des travaux parlementaires mardi d'avant.

M. le président, je me permets de qualifier cette intervention d'intellectuellement malhonnête et qui frise l'indécence parlementaire, et je vais expliquer pourquoi. Lors de son

intervention mardi d'avant, il avait mis en avant deux arguments, M. le président ; le premier, la création d'un *Land Court* au lieu d'un *Land Division* et le second, c'est que la Cour suprême n'est pas *a Court of Equity*.

Pour le premier argument, le ministre Avinash Teeluck, qui avait pris la parole ce jour-là, avait démolit l'argument en rappelant que le MMM, dans son programme électoral, avait prévu en cas de victoire de mettre sur pied une *Land Division* et non une *Land Court*. M. le président. Je me réfère au programme électoral du MMM avant les élections de 2019 où il est dit le MMM propose d'introduire dans les plus brefs délais une législation pour la création d'une *Land Division* de la Cour suprême.

(Interruptions)

Mr Speaker: Order!

Mr Lesjongard: Juste avant les élections, le MMM parlait de la création d'une *Land Division* et moins d'un an après l'honorable Reza Uteem vient nous reprocher la création de cette même *Land Division*.

(Interruptions)

Mr Speaker: Order!

Mr Lesjongard: Il a peut-être la mémoire courte ou la mémoire sélective. C'est pourquoi je pense que ce reproche est injuste et que c'est de la malhonnêteté intellectuelle.

Maintenant, concernant le point soulevé sur le fait ce *Land Division* ne sera pas une *Court of Equity*, ma collègue la ministre de l'Intégration sociale et de la Sécurité sociale, qui avait présidé à un certain moment un Comité interministériel sur ce même projet de loi, avait brillamment expliqué que selon le *Courts Act* de 1945, la Cour suprême *is a Court of Equity*.

Mardi d'avant, M. le président, l'honorable Reza Uteem avait aussi affirmé, dans son intervention, et je cite du Hansard –

« En septembre 2018, sept longues années plus tard, sept longues années après la publication du rapport de la Commission Justice et Vérité (...) rien n'a été fait. »

M. le président, je pense qu'il aurait pu se renseigner auprès de son nouveau allié politique, l'honorable Xavier Luc Duval, pour qui son leader politique file le grand amour ces dernier temps, un amour dont les militants sont peu fiers. En 50 ans de rivalité politique entre le MMM et le PMSD, la question qu'on est en droit de se poser, est-ce que...

(Interruptions)

Écoutez-moi.

(Interruptions)

Mr Speaker: Order! Back to the Bill!

Mr Lesjongard: La question qu'on est en droit de se poser cet après-midi, M. le président : est-ce que le cœur du MMM est autant affaibli pour s'amouracher d'un coq déplumé?

(Interruptions)

Par ces temps difficiles que traverse notre pays, certains veulent se refaire une virginité politique en mettant en péril l'harmonie sociale de notre pays. Les pères fondateurs de notre nation nous ont légué un riche héritage et des valeurs humaines. Nul n'a le droit de mettre en péril ces acquis et de fragiliser notre vivre ensemble, M. le président.

M. le président, je ne compte pas m'attarder longtemps sur la politique pendant mon d'intervention sur ce projet de loi, qui selon moi est un pas historique.

Mr Speaker, Sir, as I have said above, this Government track record since 2014 speaks for itself. We have always kept our words and we will continue our work for the betterment of this country. The new Land Division of the Supreme Court will soon be a reality; we do not make fake promises. We are constantly listening to the voice of the people.

M. le président, nous ne laissons pas les rapports moisir au fond des tiroirs, car au sein de ce gouvernement nous privilégions une culture de travail et notre Premier ministre incarne cette culture.

M. le président, la nation mauricienne est jeune, mais il ne faut pas oublier tous ceux qui ont contribué à sa création. Nous avons un devoir de mémoire envers ceux qui ont bâti cette nation. Le développement de notre pays s'est construit à coups de fouet sous l'ère coloniale. Le son des fouets résonne toujours dans la mémoire collective des descendants d'esclaves, ceux qui ont versé leur sang pour construire ce pays.

Mon intervention sur la *Land Division* est axée sur deux aspects : l'aspect historique et l'aspect légal. Je pense qu'il est important de revenir sur certaines étapes et sur certains faits ayant menés à la création de la *Land Division*. En premier lieu, le rapport de la Commission Justice et Vérité et ensuite celui de la *Law Reform Commission* et j'essaierai d'être le plus

bref possible sur ces deux rapports. En 2011, il y a eu le rapport de la Commission Justice et Vérité. Une partie de ce rapport, M. le président, concernait la terre, particulièrement la dépossession des terres des esclaves et des travailleurs engagés et de leurs descendants. Ce rapport est basé sur des faits et des témoignages des descendants d’esclaves.

I refer, Mr Speaker, Sir, to page 346 of the Report. Sous les Articles 3 et 4 (c) du *Truth and Justice Commission Act 2008*, les membres de la Commission avaient comme mandat et je cite –

“To enquire into a complaint other than frivolous and vexatious complaint made by any person aggrieved by dispossession or prescription of any land in which he claims he had an interest”.

Et la Commission avait mis comme objectif –

- (1) de créer une base de données sur les achats et les ventes de terres;
- (2) examiner les politiques et les lois relatives à l’acquisition des terres à partir de 1723;
- (3) examiner l’étendue des propriétés foncières par les esclaves libérés et les ex-esclaves, les travailleurs engagés, leurs descendants et aussi examiner les détournements des terres;
- (4) examiner les raisons des obstacles à accéder à leurs propriétés foncières;
- (5) examiner les questions foncières soumises à la commission, et
- (6) conseiller et aider les personnes à obtenir des documents afin de leur permettre de récupérer leur terre lorsque c’est possible.

Ils avaient reçu, à cette époque, 300 réclamations des membres qui avaient rencontré des difficultés du fait qu’il y avait un manque d’information sur les contrats des terres ou sur l’arbre généalogique des familles qui faisaient des réclamations.

M. le président, je pense que nombreux organisations du privé ou même des individus doivent faire leur devoir de conscience.

La Commission cite ainsi, and I quote from the report –

“As will be noted from the preliminary categorisation, for example, a large number of complaints were received, involving large plots of land, alleged to have been prescribed or occupied by sugar companies.

A majority of the complaints emanated from people who, through ignorance or lack of financial resources, have left their ancestral lands undivided or unoccupied.

Most of such lands have subsequently been appropriated by other parties, including the sugar estates through prescriptions, wrapping ups, and so on.

Other cases refer to litigation among heirs and family conflicts.”

Mr Speaker, Sir, it became apparent to the commission that a lot of people were ignorant of the basic laws and procedures regarding the preparation of affidavits of succession, acquisition and other procedures to be adopted to safeguard their rights. They thus fell prey of unscrupulous self-appointed land expert.

M. le président, en tant que représentant du peuple, que ce soit du côté de cette Chambre ou de l'autre côté, malgré nos différences d'opinion politiques, nous avons le droit et le devoir de corriger ces injustices commises à l'égard des bâtisseurs de notre pays.

Il ne faut jamais oublier que ce pays a été bâti de la sueur des esclaves et des travailleurs engagés. Nous leur devons cette justice aujourd'hui. Nous pouvons ne pas être d'accord sur certaines sections de ce projet de loi, mais nous ne pouvons pas être en désaccord avec la mise sur pied de la *Land Division*.

Toute loi est appelée à s'adapter à l'évolution de la société. Cette loi, M. le président, sera sûrement amendée dans le temps mais c'est un commencement dans notre cheminement en tant que représentant de la nation pour réparer les erreurs du passé. Plusieurs types d'éventuels cas d'injustice ont été cités dans ce rapport. La liste est longue. Mais chaque cas avéré est un crime de société, M. le président. Un crime qui a plongé des descendants d'esclaves ou des travailleurs engagés dans l'extrême pauvreté et qui a eu des répercussions sur l'histoire économique et politique de notre pays.

Et c'est dommage qu'on a un temps limité pour débattre sur cette page sombre de notre histoire. Les séquelles sont toujours présentes, tout comme les séquelles de l'exode d'une partie de notre population pendant la période de l'Indépendance. Aujourd'hui toute une partie de la population souffre de ces séquelles.

Mr Speaker, Sir, like I said and it was also said in the Truth and Justice Commission Report –

“Colonialism, whether Dutch, French and British, was never interested in the development of the enslaved people, the indentured labourers or other forms of labour.

The quest for profit and capital accumulation brought them to Mauritius and led them to wage colonial wars, first, among themselves and then against indigenous people across the world for centuries until the 20th century.”

Sur notre terre, je l’ai dit plus haut et je le redis, le développement s’est produit à coups de pioche et de fouet. C’est dommage que nombreux ont oublié cette souffrance.

Now, let me say a few words, Mr Speaker, Sir, with regard to the legal aspect of the Bill, but, first of all, let me place on record the commitment of our Prime Minister who has, once again, brilliantly stood by his promise, as we are today presenting this Bill to this House.

Ce projet de loi est un point tournant pour les cas de dépossession des terres et c’est un commencement afin que la vérité et la justice soient mises à jour. M. le président, ce serait intellectuellement malhonnête de pointer du doigt ce gouvernement. Le *Courts (Amendment) Bill*, plus précisément la section pour la mise sur pied de la *Land Division*, contient des extraits qui témoignent de notre volonté de corriger les méfaits qui ont pu arriver depuis des décennies.

Mr Speaker, Sir, furthermore, the rationale behind such legislation unfolds in clear terms when under the same clause it is further mentioned that the setting up of the Land Court has been rendered necessary with a view to facilitating the just, expeditious and accessible resolution to land dispute. On the above premise, do allow me, Mr Speaker, Sir, to humbly make the following point that this legislation is paving the way for a more just, fair and equitable society where those who legitimately feel that they have been wrongly, unlawfully, without any just cause or reason been dispossessed of their land, these people will be able to invoke their rights directly before the Land Division of the Supreme Court which would be a specialised Court.

Therefore, Mr Speaker, Sir, that Land Division of the Supreme Court will assume real and effective powers and authority. It will sit as a Court having original jurisdiction, in other words, it is vested with the powers to hear all relevant evidence, try it, set forth judgment on the law and the facts before any appellate review.

M. le président, en tant que gouvernement, on ne peut affirmer que nous allons corriger tous les cas d’injustice, de dépossession des terres qui est une période, comme je l’ai dit, sombre de l’histoire de notre pays. Nous sommes des députés, nous sommes des ministres et on ne peut remplacer les juges. Notre rôle est de débattre et de voter des lois, mais nous

n'appliquons pas ces lois. Mais en tant que gouvernement responsable, ce que nous pouvons certainement garantir c'est que la loi fera en sorte que ces personnes sans scrupules qui ont fait usage des pratiques illégales soient présentées devant la Cour et que justice soit rendue.

M. le président, la confiance placée dans le Premier ministre par les familles des descendants d'esclaves, ces familles qui vivent dans la pauvreté aujourd'hui parce que des dizaines d'années de cela, leurs grands-parents et arrière grands-parents ont été victimes d'injustice. Voilà l'importance de la loi que nous débattons aujourd'hui. C'est un débat, M. le président, qui doit être au-dessus de toute partisanerie politique. On ne peut faire de la politique sur la tragédie humaine.

This is a truly historic moment. Ce serait injuste de politiser un sujet aussi sensible, telle que la dépossession des terres qui implique une tragédie humaine profonde. M. le président, il serait contraire à notre éthique de revendiquer une grandeur ou de brandir une bannière de victoire au vue de longues années d'attente et de souffrance de certaines personnes pour la création de cette *Land Division*. C'est pour cela qu'il est aussi juste de saluer humblement le courage du Premier ministre qui est convaincu que notre pays doit rendre justice aux descendants d'esclaves. Nous avons cru dans les opinions des membres de la Commission Justice et Vérité et aussi dans les membres de la *Law Reform Commission*. Nous reconnaissons les erreurs du passé. Ce gouvernement a bien compris la douleur et la souffrance de ceux qui ont été injustement privés de leurs droits de propriété et ont lancé un cri d'aide et d'espérance.

M. le président, je vais conclure, en toute humilité et en toute fierté, avec un sens du devoir accompli.

Merci, M. le président.

(Applause)

(4.29 p.m.)

Mr D. Ramful (First Member for Mahebourg & Plaine Magnien): Mr Speaker, Sir, let us, first of all, see and try to analyse what Government is proposing in this Bill. The objective of this Bill is to create two Divisions. One Division shall be responsible for the management and disposal of cases related to financial crime offences and the other will be dedicated to issues related to land disputes.

I have heard the previous orators on this Bill and apart from the fact that some have been trying to settle political scores, which I am going to leave to later. From what I can deduce, is that the debate turns around one simple issue. To what extent will the creation of those Divisions contribute to the effective management and disposal of these types of cases, namely land disputes and financial crime offences?

This is the issue which, as I have said, I can deduce arising from the debate. Let me first deal with the Land Division and it is important that we go to the root of the problem before we can assess the effectiveness of the solution that is being proposed in the Bill.

En 2009, comme l'a bien dit l'honorable Lesjongard, sous le gouvernement travailliste, la Commission Justice et Vérité avait enregistré pas moins de 300 cas concernant les disputes reliées à l'expropriation des terres appartenant à des individus. La nature de ces disputes varie et concerne, entre autres, les problèmes d'héritage, la prescription, négligence professionnelle de la part des arpenteurs, des notaires, des avocats, des avoués. L'occupation illégale par des tierces personnes, délit d'usurpation d'identité, des affidavits de succession mal rédigés, interprétation erronée des legs et des testaments, et bien sûr, des terres occupées par des sucriers. *These were the cases; these were the complaints that were registered before the Truth and Justice Commission.*

Après leurs analyses, les commissaires avaient recommandé, parmi les autres recommandations, deux choses en particulier : premièrement, l'instauration d'un *Land Research and Monitoring Unit*, dirigée par des experts afin d'aider les victimes à mieux présenter leur cas devant une cour de justice. Et l'autre jour j'étais surpris, je dois vous dire, quand l'*Attorney General* avait annoncé en plein débat que ce *Unit* a déjà été créé sous la tutelle du ministère du Logement. J'étais surpris parce que très peu d'informations ont transpiré à ce sujet. On ne connaît pas qui sont les personnes qui ont été nommées dans cet organisme et quelle est la feuille de route de cet organisme, mais je dois dire tant mieux si l'organisme a déjà été créé ; tant mieux, c'est un pas positif dans la bonne direction, mais j'espère que ce *Unit* fasse son travail comme ça doit l'être.

The second recommendation, c'était l'instauration d'un tribunal spécialisé ; on ne parle pas d'une division de la Cour Suprême ou la Cour Intermédiaire, on parle d'un tribunal spécialisé pour administrer et juger des cas d'expropriation des terres. C'est là où on a une divergence d'opinion. Est-ce que la création d'une division de la Cour suprême ou de la Cour

Intermédiaire est une solution aux problèmes juridiques, administratifs et financiers encourus par les victimes d'expropriation des terres ?

Permettez-moi, M. le président, de citer très brièvement trois cas qui ont été cités dans le rapport de la Commission pour m'expliquer. Premièrement, je parle du cas de Danielle Tancrel ; le dossier Tancrel est un cas typique de dépossession de terre appartenant à un colon français qui a eu des enfants avec une esclave. Danielle Tancrel affirme être descendante d'Antoine Tancrel, l'un des premiers colons français. Il a acheté plusieurs terrains à Rivière Coignard, Camp de Masque, dont un de 86 arpents. Je ne vais pas aller dans les détails puisque l'*Attorney General* me dit qu'il y a déjà un cas en cour, mais d'après la conclusion du rapport de la Commission, il figure que ce terrain est occupé par Fuel, sans aucun titre de propriété. Les démarches de Danielle Tancrel datent de 2013 et ses démarches sont bloquées d'après la Commission, faute de moyens. Alors, *my question to the Attorney General is: what new financial and administrative solution will the creation of this new Division provide over and above what is currently in place in our judicial system, that will give justice to Danielle Tancrel?*

Let me go to the second case, le cas de Didier Kisnorbo. This one as well is before a Court of Law – Alteo. It concerns about 200 arpents de terre que la famille Kisnorbo allègue, sont illégalement occupées par la propriété Deep River Beau Champ, et d'après ce qui a été rapporté devant la Commission, à cause du Code Decaen, qui était en vigueur à l'époque, qui interdit aux enfants esclaves d'hériter de leur père blanc, la famille Kisnorbo have been denied their rights to their property. Alors, je pose la question encore une fois à l'*Attorney General: what new legal solution will this new Division of the Supreme Court provide to the Kisnorbo family over and above what is in place at present in our judicial system?*

Et le troisième et dernier cas concerne la famille Bisset, Raymonde Bisset ; huit ans de procédures et plus d'un million de dépenses. Again, my question to the Attorney-General; what new practices, what new procedures will this new Division bring more than what is being provided presently that will provide an effective remedy to *la famille Bisset?* I will be waiting for the Attorney General later on during his summing-up, but I don't think the Attorney General will find the answers to my question because he knows very well, he has been a lawyer, he has been practicing at the Bar for quite long and he knows that with the existing laws and procedures that apply to such cases, *avec la loi sur la prescription acquisitive*, there won't be any solution à ces 300 cas qui ont été cités dans le rapport de la Commission. This is why the Commission has recommended that there be a specialised

tribunal, the reason being that a tribunal will be less costly, a tribunal will be less time-consuming and, more importantly, a tribunal will be less formal, because don't forget, we are here dealing with cases that have emotional issues.

So, let us not try to use this debate and give false hope to those victims as if the creation of a Land Division will be a remedy to all their problems. Let's not give this false hope; I won't be long. But let me come to the Financial Crimes Division. The reason for the creation of a separate Financial Crimes Division in the judicial system, which I can read from the Explanatory Memorandum of the Bill, is to ensure that financial crime cases are dealt with expeditiously in compliance with recommended international best practices and FATF recommendations. One of the areas of its AML/CFT regime on which Mauritius had to improve, according to the FATF, is to demonstrate that law enforcement agencies have the capacity to conduct money laundering investigations, including parallel financial investigations and complex cases. Although I admit that the setting-up of this separate Division, in a certain extent will help in expediting cases before our courts, however, the real problem is with regard to the time taken for those investigations to be completed. This is the real problem, the time taken by law enforcement agencies to complete the investigations because we are dealing with complex issues and this is where the creation of the Financial Crime Commission, which is much being awaited would be most welcome.

Pour conclure, M. le président, - *I said I will not be very long* - je suis d'avis que ce projet de loi n'apportera rien de concret en termes de solution juridique. Je ne vois rien d'historique comme avait proposé l'honorable Lesjongard. Ce que le gouvernement propose, ce sont des solutions que je qualifie de stérile et cela n'apportera aucune solution aux problèmes des victimes d'expropriation de terres et aux problèmes reliés au *blacklisting* de Maurice sur la liste de l'Union européenne.

Mr Speaker, Sir, I have to be honest, it was not my intention to use this debate to settle political scores, but after having heard the intervention of hon. Lesjongard, I said, maybe, I should remind him of some recommendations, not all, but some recommendations that were implemented by the Labour Party. Let me remind him or let me inform him *plutôt*, that the setting-up of the Truth and Justice Commission itself shows the political courage of the Labour Party to bring justice to those having been dispossessed of their land. No other political party has had this courage. The setting-up of this Commission itself, the creation of the Ministry of Social Integration and Economic Empowerment by the Labour Party was an implementation of one of the recommendations of the Commission; the setting-up of the

Equal Opportunities Commission shows the commitment of the Labour Party to implement the recommendations of the Commission. And, finally, not to forget the inclusion of Creole language as a subject in the school curriculum is yet another implementation of one of the recommendations by the Labour Party.

Thank you very much, Mr Speaker, Sir.

(4.48 p.m.)

Mr Speaker: Hon. Vice-Prime Minister, Mrs Dookun-Luchoomun!

The Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology (Mrs L.D. Dookun-Luchoomun): M. le président, je voudrais en premier lieu vous remercier pour l'opportunité qui m'est offerte d'intervenir sur ce projet de loi, le *Courts (Amendment) Bill*, et aussi de féliciter l'*Attorney General*, l'honorable Gobin pour avoir présenté ce projet de loi à l'Assemblée nationale.

M. le président, le *Courts (Amendment) Bill* est un nouveau symbole de l'engagement pris par le gouvernement dirigé par l'honorable Pravind Jugnauth vis-à-vis du peuple. La *Land Division* étant l'un des projets prioritaires dans le programme gouvernemental, ce projet de loi vient illustrer clairement notre devoir sacré envers la population, celui d'honorer notre parole envers elle. Elle vient aussi consolider nos actions pour une République, où priment l'équité et l'inclusion. La mise en place au sein de la Cour suprême de cette division spécialisée dans les litiges fonciers, comprenant à la fois des questions techniques et complexes de la gestion et l'administration des terres, a été rendue nécessaire en vue de faciliter une action plus juste et plus rapide menant à la résolution des conflits fonciers.

Cette *Land Division* au sein de la Cour suprême a été commentée par plusieurs parlementaires. Je ne compte pas revenir là-dessus, mais peut-être simplement faire référence à la section 16 du *Courts Act* qui va dans ce sens.

The Supreme Court is a Court of Equity, vested with powers, authority and jurisdiction to administer justice and to do all acts for the due execution of such equitable jurisdiction in all cases when no legal remedy is provided by any enactment.

M. le président, cette *Land Division* au sein de la Cour suprême aura la responsabilité d'entendre et de déterminer des cas ayant trait à la propriété des terres, à des droits de propriété autres que ceux relevant de la compétence d'un tribunal intermédiaire ou même de district aussi bien que ceux dirigés vers elle par le Chef Juge. En ce faisant, le gouvernement

tient sa promesse envers des centaines de personnes qui avaient déposé des plaintes et qui ont été entendues par la Commission Justice et Vérité.

M. le président, la Chambre se souviendra du rapport de la Commission Justice et Vérité, publié en 2011. L'honorable Ramful a fait ressortir le courage du gouvernement Travailleuse pour venir de l'avant avec la Commission Justice et Vérité. Mais ce qu'il n'a pas dit, c'est que par la suite il n'y a pas eu de suite à cette Commission Justice et Vérité ; les recommandations faites n'ont pas été suivies. Un travail minutieux avait été abattu par la Commission pour mettre en lumière les abus du passé où plus d'une centaine de familles ont été entendues, la plupart disant avoir été expropriées de leur terre. Aujourd'hui, ce travail colossal reçoit la considération attendue, l'instauration de la *Land Division*.

M. le président, le rapport de la Commission Justice et Vérité préconisait l'institution d'un comité interministériel pour se pencher sur la spoliation des terres au préjudice des descendants d'esclaves ou de travailleurs engagés. Ceci a été fait. S'il y a bien un gouvernement qui a pris les initiatives appropriées, c'est bien ce gouvernement-ci. Dès notre arrivée au pouvoir, le Conseil des ministres, en 2015, a pris ce dossier en main.

Le comité présidé par Mme Jeewa-Daureeawoo, alors vice-Première ministre, est venue avec trois recommandations. La première étant de mettre sur pied la *Land Division*. La seconde étant de venir avec un *Land Research and Monitoring Unit*, et la troisième, venir de l'avant avec les fonds appropriés pour aider ces gens à faire de la recherche et à présenter leur cas en Cour.

Et je dois dire que cela était suivi par les décisions prises au cours du Budget 2019-2020 où mention a été faite par l'honorable Pravind Jugnauth de la mise sur pied d'un fonds de R 50 millions pour venir en aide aux victimes de dépossession de terre. Aussi, le *Land Research and Monitoring Unit*, au sein du ministère de *Housing and Land Use Planning* viendra de l'avant, avec des travaux appropriés, pour venir en aide à ces victimes. Et c'est là que j'aurai dit à l'honorable Ramful qu'à part la *Land Division* qui a été instituée au sein de la Cour Suprême, nous avons aussi ce fonds qui a été mis à la disposition des victimes afin de les aider à préparer leur cas et de trouver la lumière au bout du tunnel. Rien n'a été fait à demi. On a tout pensé. Bien sûr, on a encore beaucoup à faire, mais on a débuté déjà. Ce gouvernement a pris des décisions pour venir en aide à ces gens. On ne s'est pas limité à la mise sur pied des commissions et à garder les recommandations dans les tiroirs. M. le président, nous sommes un gouvernement d'action. La recommandation de la mise sur pied

de la *Land Division* avait été communiquée aux victimes qui étaient déjà mis au courant depuis belle lurette que nous allions venir avec la *Land Division* de la Cour suprême.

Mr Speaker, Sir, allow me to situate the whole issue in a much broader perspective. The notion of land captures the very essence of a person's existence, of his identity and of his sense of belonging. Mr Speaker, Sir, writing the wrong of dispossession is indeed of paramount importance for people who feel that they have been wronged. Such a feeling animates a number of people in Mauritius. Land that legitimately belongs to one forbears has a huge emotional value and the Report of the Truth and Justice Commission refers to many cases as mentioned by the hon. Member who intervened before me. But, obviously, we are not speaking exclusively of the expropriation that was historically grounded at the time when oligarchies prevailed, the despoiler despoiled antagonism has also had family roots, shoot-based antecedents, etc. However, for obvious pecuniary reasons, Mr Speaker, Sir, many of those who have been dispossessed of their land, find it onerous and financially demanding process to seek retribution and restitution through the Supreme Court or even the Privy Council. Thus, there is a strong case for greater social justice and I do believe that the setting up of this fund to help and assist those people, would help enormously and this Land Division along with this set up will have a significant role to play.

Mr Speaker, Sir, this Division of the Court will have the responsibility to work with researchers to authenticate cases and separate the wheat from the chaff and, Mr Speaker, Sir, as mentioned earlier, this Land Research and Monitoring Unit will have to take over and complete the work with respect to the cases highlighted before the Truth and Justice Commission. Mr Speaker, Sir, the House will recall that measures have been taken in the Budget of 2019-2020 to come forward with these projects.

M. le président, on vit aujourd'hui un moment historique car le *Courts (Amendment) Bill* présenté par l'honorable *Attorney General* viendra sans aucun doute corriger ces injustices du passé et surtout rendre possible cette conciliation tant nécessaire avec le passé pour ces familles victimes de dépossession ou d'expropriation des terres. Cette démarche découle d'une intention bien ferme, celle de rendre aux victimes leur droit à la propriété, leur dignité. Il serait bien de rappeler à la Chambre, surtout aux membres de l'opposition, ceux qui font tant de bruits, ceux qui sont si pessimistes que c'est bien ce gouvernement dirigé par l'honorable Pravind Jugnauth qui, en 2018, est venu de l'avant avec l'*Acquisitive Prescription Act* avec des meilleurs garde-fous pour prévenir d'autres cas d'abus. Et ce gouvernement ne compte pas s'arrêter en si bon chemin.

Outre le projet de loi, le programme gouvernemental comprend aussi la création d'une base de données numérique sur les terres et nous pensons que nous allons pouvoir rapidement trouver des solutions et on arrivera à avoir un registre foncier d'État. Cela permettra une meilleure surveillance foncière et préviendra dans une grande mesure les conflits d'ordre foncier.

M. le président, l'objectif du *Courts (Amendment) Bill*, est aussi d'amender la *Courts Act* pour créer au sein de la Cour Suprême tout comme à la Cour Intermédiaire une *Financial Crimes Division*. M. le président, il faut l'avouer, durant les 30 dernières années, il y a eu beaucoup de préoccupations des gouvernements à travers le monde à propos des crimes financiers, et cette démarche viendra non seulement garantir une meilleure image dans le domaine financier, mais aussi nous permettra de mieux protéger nos citoyens, comme nos institutions contre les activités financières douteuses et illégales. M. le président, *the setting up of the Financial Crimes Division of the Supreme Court and the Financial Crimes Division of the Intermediate Court will help enormously to deal with such cases in a very rapid manner and in compliance with the FATF*. M. le président, vous conviendrez que les crimes financiers ont aujourd'hui une ampleur différente. Les types de délits financiers sont innombrables; des fraudes à grande échelle pour financer des opérations suspectes, des groupes terroristes, des dirigeants qui utilisent leur position et leur pouvoir pour piller les coffres de l'État et remplir leur coffres-forts à eux, M. le président. Les chefs d'entreprises, les cadres supérieurs qui manipulent ou qui déclarent mal les données financières afin de corrompre la véritable situation financière d'une entreprise. Les employés du plus ancien au plus nouveau qui volent des fonds et d'autres actifs, la fraude peut être perpétrée, M. le président, par le client, un fournisseur, un entrepreneur ou même par une personne sans aucun lien avec l'organisation. Qui plus est, le fraudeur externe agit souvent de concert avec l'employé pour obtenir plus facilement des résultats. La criminalité financière, M. le président, couvre une multitude d'infractions telles le *cybercrime*, le blanchiment d'argent, le financement du terrorisme, pot-de-vin, corruption, abus du marché entre autres.

M. le président, ce n'est plus un secret que les organisations criminelles prospèrent et les organisations criminelles sont donc des groupes capables de construire et de maintenir l'infrastructure financière efficace, et des techniques de plus en plus sophistiqués sont aujourd'hui utilisées pour transférer des fonds entre des juridictions. M. le président, la mondialisation de la finance et de développement des systèmes de paiement électronique instantanés ont eu une incidence sans précédent sur l'évolution de la fraude. Les menaces du

crime financier prennent désormais une forme de fraude financière, de blanchiment d'argent et de corruption ainsi que la cybercriminalité qui prend une ampleur nouvelle et qui est donc difficile à surveiller et à prévenir. On entend de nos jours dans les médias des cas où des gens qui se font arnaquer d'importantes sommes d'argent à travers des réseaux sociaux, et les cyber criminels trouvent des moyens les uns les plus surprenants que les autres pour escroquer les innocents, et l'entrée en opération d'une *Financial Crimes Division* dont provision est faite dans le *Courts (Amendment) Bill*, viendra nous donner des moyens plus efficaces et rapides pour combattre ce genre de crime. Elle pourra entendre les cas ayant trait aux infractions sous l'*Asset Recovery Act*, *the Financial Intelligence and Anti-Money Laundering Act*, *the Prevention of Corruption Act*, entre autres. Comme l'a bien fait ressortir mon collègue l'honorable Mahen Seeruttun, le *Courts (Amendment) Bill* vient doter notre système judiciaire d'un environnement propice et permettant au juge de mieux se concentrer sur les spécificités des délits.

Avec cette approche prenant une spécialisation dans divers domaines de criminalité, les cas devant la justice pourront être entendus dans de meilleurs délais et ce même principe, M. le président, s'applique aux autres divisions de la cour suprême dont la *Family Division*. On entend souvent exprimer des souffrances concernant les problèmes familiaux ayant trait à la violence domestique, au divorce, à la garde des enfants, au non-paiement de l'*alimony* entre autres. N'était-elle pas le temps, M. le président, de venir de l'avant avec un tel projet de loi pour permettre à la Cour de justice de résoudre ces cas dans les meilleurs délais et dans une manière plus efficace?

En me référant aux interventions de certains membres de l'Opposition, je leur demanderai de réaliser la portée de cette législation. Nous avons eu droit, M. le président, à des exemples flagrants au sein de cet auguste Assemblée visant une énième fois à banaliser, diminuer, voire dénigrer le rôle de nos institutions et c'est bien dommage que de ne pas être apte à saisir la pertinence et l'importance d'une telle législation. Je trouve cela bien triste. Quelquefois le pessimisme de mes collègues me rend vraiment extrêmement chagrine.

M. le président, pour conclure, je tiendrai à souligner et à réitérer l'engagement sans relâche du gouvernement d'œuvrer dans l'intérêt premier de nos citoyens. Le gouvernement a une vision bien claire et reste déterminé à mener à bien le mandat que lui a confié la nature mauricienne.

Je vous remercie, M. le président.

Mr Speaker: Hon. Members, I suspend the sitting for 30 minutes.

At 5.06 p.m., the sitting was suspended.

On resuming at 5.50 p.m. with Mr Speaker in the Chair.

Mr Speaker: Please be seated! Hon. Minister Ganoo!

The Minister of Land Transport and Light Rail (Mr A. Ganoo): Thank you, Mr Speaker, Sir.

Mr Speaker, Sir, I would like, just like my other colleagues on this side of the House have done before me, to congratulate the Attorney General, the Minister of Justice, for coming up with the present Bill. For my part, Sir, I will dwell only on the issue of the setting up of the Land Division and the matters surrounding that Land Division.

Sir, what is, in fact, Government doing today when proposing the present Bill? In fact, I don't want to repeat what has been said before me. Much has already been said for the usefulness of setting up such a legislation today but, in fact, what are we doing today, Mr Speaker, Sir? Government is putting an end, in fact, to a long lasting issue which had retained the attention of law practitioners, of litigants, of the depossessed as we call them, the victims of deposal and also many well-wishers of this category of our citizenry.

In fact, we are today, as I say, Mr Speaker, Sir, clearing the situation, putting an end to this long lasting debate, this issue as I said on which we had been focussing our attention for not years, for decades, Mr Speaker, Sir. The debate has indeed lasted for long, long years and I will come to that in a few minutes. The confusion has lingered and lasted for several decades as I just said on the choice of the mechanism which the State should put in place to provide and offer relief to those hundreds and hundreds of our fellow citizens who claim that they have been victims of *dépossession*.

Many proposals have been made in the course of the past years in the hope that, finally, we will find a solution to this complex and multi-dimensional problem, Mr Speaker, Sir.

As we all know we have heard of the suggestions of a Land Tribunal, a Land Restitution Commission, a Land Court, a Land Division. All these proposals, Mr Speaker, Sir, have been bended around, sometimes very loosely, throughout those past years and, for my part, I am convinced, after having been following this situation very, very closely, Mr Speaker, Sir. In fact, if I have time, I will come to that. In this very House, I was on the other side of the House, I raised this matter on adjournment in 2005, 15 years ago, about the

possible solution which should be brought to the plight of these *dépossédés*. *15 ans de cela, M. le président !*

I have listened to all the learned commentators, to all those who have been involved in this struggle, all the ideas that have been put forward, the proposals that have been made, Mr Speaker, Sir. I have been following that very closely and this is why I am convinced today, Mr Speaker, Sir, that it is the right legal framework that is being proposed by the Government and the Attorney General. It has taken many years. I was myself lost at some time about which would be the right formula to put at the disposal of these fellow citizens to find *la lumière au bout du tunnel*. And today, I am convinced, Mr Speaker, Sir, that we are debating on the right formula and I will explain myself in a few minutes. But I would like, first of all, to come on the legal aspect, on the technical aspect, Mr Speaker, Sir. When we look at all our legal instruments, at the Constitution firstly, Mr Speaker, Sir, the Constitution endows the Supreme Court of Mauritius with certain powers. Section 3 of the Constitution, the Supreme Court of Mauritius shall be constituted in the manner prescribed in Chapter 7 of the Constitution. The Constitution itself, the Courts Act, Mr Speaker, Sir, the powers of the Supreme Court, as has been alluded to before me by certain of my friends on this side of the House. Section 15 of the Courts Act –

“15 Powers of Supreme Court

The Supreme Court shall be a superior Court of record and, in addition to any other jurisdiction conferred on it, shall have all the powers and judicial jurisdiction necessary to administer the laws of Mauritius.”

Section 16 - Supreme Court, a Court of Equity to which many of our friends have made reference to –

“The Supreme Court shall be a Court of Equity vested with power, authority and jurisdiction to administer justice, and to do all acts for the due execution of such equitable jurisdiction, in all cases where no legal remedy is provided by any enactment.”

Section 17 –

“The Supreme Court shall have full original jurisdiction to hear, conduct and pass decisions in civil suits, (...).”

I can go on, but what I want to say, Mr Speaker, Sir, is that these different provisions I have referred to and the amendments proposed today in the Bill to set up this Land Division do not, in any manner, alter the essence and the nature of our judicature. I repeat what I am saying, Mr Speaker, Sir, the proposals to be found in the Bill today do not, in any manner, alter the essence and the nature of our judicature. The aim of the amendments is first and foremost to set up specialised divisions including the Land Division in the Supreme Court so as to achieve, as the hon. Attorney General said, the expeditious and effective administration of our laws and also the expeditious resolution of land disputes.

The Attorney General, by way of this amendment, is effectively setting up special jurisdiction to enable a division of cases in allocated divisions, Mr Speaker, Sir. The Bill proposed today, I repeat it, constitutes in no way any breach of the provisions of our existing laws of the Constitution, of the Courts Act or of any other pieces of legislation for that matter.

It has been clearly explained before me by the Attorney General and by the Minister of Social Integration, Social Security and National Solidarity, Mr Speaker, Sir, how land disputes and other civil cases for that matter have to wait for a long time for their turn to be heard in Court, and there is no doubt that litigants in general including the claimants will have their cases disposed of more expeditiously once the law is proclaimed.

The Bill also, Mr Speaker, Sir, corrects in one way, formalises, again I will use the word that has been used during the debates, the Bill regularises a situation where two divisions, namely the Family Division and the Commercial Division had been created in the recent past administratively. Today, this Bill is giving statutory jurisdiction to these divisions and we shall be no more in a situation of administrative existence. So, statutory jurisdiction is being conferred on these divisions and we are moving out of a situation of administrative existence that is these divisions had been created in the past administratively. But, Mr Speaker, Sir, even when these divisions were set up administratively, we have a few judgments of the Supreme Court, the case of L.A. Garment, the case of Maudarbocus v.s MCB of 2017 which have ruled that Judges of the Commercial Division or any division for that matter are first and foremost Judges of the Supreme Court retaining the powers and jurisdiction of the Supreme Court Judges as conferred by section 15 of the Courts Act and there is no statutory provision ousting or curtailing the jurisdiction of the Judge of any division. So, Mr Speaker, Sir, this is where we are. It is as simple as that. Recent history and evolution of the situation in our Supreme Court, for us members of the Bar, for us

practitioners, Mr Speaker, Sir, has abundantly demonstrated that even these administratively set up Family and Commercial Divisions have successfully worked, have cleared a lot of backlogs. Let us take the Family Division, we all know today what is happening in our society in families and we know how busy the Divorce Court, as it used to be called, was, Mr Speaker, Sir. With now this Family Division sitting everyday with its own Registry, with its two Judges we all know, Mr Speaker, Sir, my friends of the Bar know how, by instituting administratively this Family Division, it has restored, how this has enhanced the good repute of our judiciary, Mr Speaker, Sir. So, the Bill also adds a few precisions, Mr Speaker, Sir. I see an amendment which has been circulated, as promised by the Attorney General in his speech, for example, that the tenure of the Judges will not be affected in any way in line with the spirit of our Constitution by instituting these new divisions.

Having said this, Mr Speaker, Sir, I really cannot understand - and I am not being unfair - why the Opposition has taken such a stand by opposing this Bill which has nothing to do with politics. It is a Bill which is proposing a legal device to enhance our Judiciary. I cannot understand, Mr Speaker, Sir, besides doing politics, does the Opposition have any legal foothold on which to stand, to challenge, Mr Speaker, Sir, the honesty in this Bill, the sincerity with which we are coming with this Bill which is, in fact, as I just said, a technical, a legal device whose aim is to reform our Judiciary in the interest of litigants, especially those in the case of the Land Division, those who have been disposed of their property.

Mr Speaker, Sir, I heard hon. Ramful just now saying that there will no difference and so on, and he said we should have come up with a Land Tribunal, and I think this is the first proposal that I have been hearing from the Opposition because I was there last time for debates. So, the Opposition seems to be proposing, why have we not set up a Land Tribunal instead of a Land Division, and all of us, on this side, have explained, Mr Speaker, Sir, the implications, the opportunity, the usefulness of coming up with the particular mechanism of the Land Division. So, Mr Speaker, Sir, why not a Land Tribunal, asked hon. Ramful.

I have with me a copy of the Report of the Law Reform Commission, Mr Speaker, Sir, and the Law Reform Commission which came up with this Report, this Opinion Paper Mechanisms for Settlement of Land Disputes (September 2018), the Law Reform Commission, at that time, Mr Speaker, Sir, was constituted of legal brains, not only Mr Domingue, now Justice Kam Sing, Mr Satyajit Boolell, the DPP, Mrs Narghis Bundhun, reputed barrister, Mr Narsinghen, Law Academic (University of Mauritius) and so on. These are the most well-known legal personalities I am citing, Mr Speaker, Sir, who are members of

this Law Reform Commission. And this is what this Law Reform Commission had to say about the Tribunal. Paragraph 78, page 35 –

“The Commission is thus of the view that it would be appropriate to establish a Land Court - because the Law Reform Commission came up with a suggestion, the proposal of a Land Court - which would be a Court of record, and which would be more proper than the establishment of a Land Tribunal, given the Mauritian Judicial system. The purpose is to ensure that there is a specialised Court separate from other Courts in the Judiciary to deal especially with land disputes.”

The report goes on to say, Mr Speaker, Sir –

“The relative simplicity with which proceedings can be initiated, the physical appearance of hearings and the approach of the Tribunal to the conduct of hearings can convey the misleading impression that decision-making processes are carried out in a rather relaxed and informal matter. Also, those who appear before Tribunals without assistance may be disadvantaged because there is imbalance of power between the parties, and this is even more so in matters concerning land disputes.”

Furthermore, paragraph 80 reads as follows –

“Also, Tribunals are often constituted and operate as part of the administration whose decisions are normally called into question before them and may lack independence and impartiality. They enjoy extensive discretion on without proper mechanisms for accountability, leading to great variations in decision making.’ For all these reasons, the Commission’s preference goes to the setting up of a Land Court instead of a Land Tribunal.”

So, this is what the Law Reform Commission had to say about the choice of a Land Tribunal, Mr Speaker, Sir.

Sir, I would like to underline the consistency of Government on this issue of setting up a Land Division. As hon. Minister, Mrs Jeewa-Daureeawoo, reminded us, this decision to come up today with the amendments of the Courts Act by setting up this Land Division, Mr Speaker, Sir, is not just a flash in the pan, it has been thought through for many, many years. It was announced, it was proposed by the Inter-Ministerial Committee which was set up in 2019. This Inter-Ministerial Committee, in the aftermath, in fact, after the Report of the Law Reform Commission in 2018, from which I just cited, the Inter-Ministerial Committee which was set up in 2019 and this Committee proposed a Land Division and this measure was

announced in last year's Budget Speech, Mr Speaker, Sir, and it was also in the Government Programme of the *Alliance Morisien* in 2019.

Furthermore, Mr Speaker, Sir, what we should also remember that today we are not putting in place only the Land Division, this new mechanism to which I have referred to, but, as we can see, there are also other accompanying measures, Mr Speaker, Sir, ancillary measures, the Land Research and Monitoring Unit which also finds its place in the Government Programme of 2019, which was announced in the Report of Truth and Justice Commission and also the second measure, Speaker, Sir, is the Special Fund of Rs50 m. So, this Special Fund, in fact, which was proposed by the Law Reform Commission, Mr Speaker, Sir, of course, will be of immense help to the litigants, to the claimants, because we remember what was said in the Report of Truth and Justice Commission, Mr Speaker, Sir. I have myself cited this sentence a few times in the past and I do it again, there is no justice in Mauritius for those who cannot afford lawyers, notaries, land surveyors and attorneys. So, this is why besides the law, Government is also putting at the disposal of the claimants, of those who claim that they have been victims of *dépossession*, Mr Speaker, Sir, this Land Research and Monitoring Unit which shall be conducting researches, because we know how painful, how difficult it is to do research in such cases of land claims, Mr Speaker, Sir, having to go to the Registrar and having a look at all these title deeds a century ago, and so, this is the purpose, in fact, the essence of putting up this Land Research and Monitoring Unit, Mr Speaker, Sir, and on top of that, the Special Fund which has been created, this amount of money which has been put at the disposal of those unfortunate *dépossédés*, Mr Speaker, Sir.

So, if I may digress a little to come on the political aspect of this situation. I have just commented on the Bill from the legal prospective, Mr Speaker. But this Bill has, of course, also its human, its social and its political dimension, Mr Speaker, Sir, because we know why and we know the reasons for that. Land is an asset, land is a component, is an element, so much vital and indispensable to the development, to the welfare, to the progress and to the proper organisation of any society. Societies in all civilisations, Mr Speaker, Sir, in all countries, all over the world, from immemorial times, have struggled and fought for land to ensure their livelihood, their progress and their prosperity. And we know, in fact, in any society, in any country, Mr Speaker, Sir, those who possess land, possess one of the dominant heights of their economy.

I remember when I was a student during my university days, Mr Speaker, Sir, in Latin America, when the movements, organisation struggling for the poor peasants in those

countries, in those southern American States, Mr Speaker, Sir, fighting for the peasants who were claiming for a decent living and their rights to land, when the land in those countries were totally controlled by the landlords, by the lords, by these magnates, Mr Speaker, Sir, and how much bloodshed took place due to the massive killing of the poor peasants who were fighting for the land to feed their families and to feed their children Mr Speaker, Sir.

I remember one of their battle cries was land or death, Mr Speaker, Sir. Land or death! And land is not only our *mère nourricière* it is also the essence for the advancement and the progress of a population, Mr Speaker, Sir.

In other countries we know how invaders have landed in countries, stolen their land due to their cultural or sometimes ethnic superiority, hoisted these poor people, forced them to go to live in reserves; ripped them off of their land. Sometimes in these very countries, Mr Speaker, Sir, after having stolen the land of the autochthones population, of the natives, what did they do? They brought slaves from the African continent and built their prosperity on the stolen land of Red Indians and on the sweat and blood of slaves who had been captured from the African continent, Mr Speaker, Sir and how many instances of such native population being driven into misery by the sheer *accaparement* of their land, Mr Speaker, Sir. Unfortunately, it is some of these people and countries who today are still teaching us lessons of democracy and how pacific marches can ensure progress for the people, when people in their own country, Mr Speaker, Sir, poor people are shot at when demonstrating passively, peacefully for their own rights.

Mr Speaker, Sir, in Mauritius what has been the situation, very briefly as regards land tenure? Mr Speaker, Sir, as we all know for us to have reached in such a situation today, when we have so many claimants, so many litigants claiming of having been dispossessed of their rights, to their land, we must go back a little in history. The French took possession of an island deprived of natives; it was the *Compagnie des Indes* which started the policy of making substantial land grants to attach settlers to the island and to encourage firstly agricultural production.

Mr Speaker, Sir, the Royal Government continued this policy, then came the revolution of 1789. The colonial Government started the sale of public lands at reasonable prices and given the speculation of land and the anarchy that prevailed at that time Mr Speaker, Sir, we remember a *tribunal terrier* was set up under the Crown Government and by

the end of the 18th century the structure of land ownership had already changed in the country and was extremely unequal.

Mr Speaker, Sir, access to land ownership was scarcely possible for *les gens de couleur* at that time. Although land was not limited to the European population but it was decreed that *les gens de couleur* should not possess more than 20 *arpents* of land from the history books that we have Mr Speaker, Sir. It is estimated that, in the mid-1800s, 1830 to 1850. the *gens de couleur* including the 3 blacks, the Indian artisans and sailors, the manumitted slaves, Mr Speaker, Sir, owned only about 10% of the inventory land under cultivation.

Then came the abolition of slavery and many ex-apprentices started to purchase portion of land to undertake cultivation of food crops. This was what the historians call the époque of the *petit morcellement*, Mr Speaker, Sir, and then this led to the rise of a small planter class among the descendants of the slaves and even of the Indian immigrants. Then, Mr Speaker, Sir, came the time when the ex-apprentices failed to consolidate their position and by the 1850s the number of independent ex-apprentice proprietors of land had dwindled considerably.

This is what I can read from a book of Auguste Toussaint - «*Après l'abolition, plusieurs anciens esclaves s'étaient établis dans les hauts de Plaine Wilhems où ils s'adonnèrent à la culture des légumes qu'ils allaient vendre à Port Louis. Il fallait leur assurer la possession des terres où ils s'étaient établis et donc personne ne voulait à ce moment. Mais il n'en fut rien. Et plus tard, lorsque les Plaine Wilhems prirent faveur, ils furent brutalement dépossédés.* »

As we also know, Mr Speaker, Sir, of cases of abuses subsequently relating to prescription of land when some lost their lands under the pretext of acquisitive prescription.

Mr Speaker, Sir, this is a little bit of history and then when we look at the landmarks in the history of restitution of land, we are talking of the Truth and Justice Commission of 2012 but there was one landmark before the Truth and Justice Commission.

Mr Speaker, Sir, in 2005, the MMM/MSM Government sent a delegation to South Africa in view of the possible setting up of a Land Restitution Commission in the country and they came up with a report. Late Mr Justice Glover was the Head of this delegation which went to South Africa and came back to the country, and produced a report. This was the first

time in recent history that the question of *dépossession* was addressed and the report came with the proposal of setting up a Land Restitution Commission, Mr Speaker, Sir.

After that came the Truth and Justice Commission and I won't go with all the recommendations that was made but suffice it to say, Mr Speaker, Sir, that the Truth and Justice Commission setup by the Labour Party proposed a Land Division, proposed a Land and Research Unit just as we have setup today - the Land Research and Monitoring Unit. This Truth and Justice Commission, - we will see in one of the reports which they have come up with - in fact, proposes a Land Division, Mr Speaker, Sir.

Then the third landmark, Mr Speaker, Sir, I think, was the amendment to the Acquisitive Prescription Act, which as underlined in the Truth and Justice Commission, was by way of which many of the owners of land were dispossessed, lost their land because of the different types of frauds including false affidavits and so on. Therefore, the Truth and Justice Commission rightly suggested that we had to review, revisit, and amend our acquisitive prescription laws. This was done and this was another landmark, Mr Speaker, Sir.

Today, this last but one final landmark was the Law Reform Commission presided by Mr Domingue, who came up with the Law Reform Commission Study, the mechanism, the opinion paper in 2018. Today we are in 2020, this is, I think, the last measure that we are taking by setting up once for all this Land Division, Mr Speaker, Sir. The journey started in 2005, as I said, with the visit of the delegation to South Africa. Many measures were taken since 2005 and today, 15 years afterwards, we have come up with this Land Division Bill, Mr Speaker, Sir, which hopefully will be the end of the journey and will provide solace to all these claimants and all these litigants who, because of being deprived of their property, some of them as we know are living in abject poverty.

So, this is why I would like, Mr Speaker, Sir, to congratulate the hon. Minister for this beautiful piece of legislation that he has come up with. Now, we will, therefore, have the possibility of resorting to this Land Division, Mr Speaker, Sir, to put an end to this injustice. We have to restore *rendre à César ce qui appartient à César*, Mr Speaker, Sir.

I will conclude on that, Mr Speaker, Sir. The Truth and Justice Commission says and I am quoting –

“(...) the landless today were not always so. The pioneering work of Dr. Richard Allen, in highlighting the landownership of ex-slaves has shown how after abolition many ex-slave families purchased land during what he terms the ‘early

morcellement’ period. Their subsequent dispossession of land manifested by the hundreds of land claims received at the Commission as well as visits and meetings with dozens of families is testimony to the fact that people of Afro-Malagasy origin were not always landless.”

and he went on to say –

“Land speculation, poverty, greed of some family members, the corruption of officials and professionals, an ever encroaching sugar industry and laws that protect the traditional economic structure have ensured that landownership remains in the hands of the same traditional economic elite who have today been joined by members of the state bureaucracy, politicians and the new business community.”

And then this is where came the beautiful sentence –

“There is no justice in Mauritius for those who cannot afford lawyers, notaries, land surveyors and attorneys.”

By what we are doing today, Mr Speaker, Sir, we are providing justice for those who cannot afford to pay for research work and for professionals. This is why I would like to congratulate again the Minister.

I have done, Mr Speaker, Sir.

(6.25 p.m.)

The Leader of the Opposition (Dr. A. Boolell): Mr Speaker, Sir, this is a very complex legislation and it has a strong political dimension to it. And irrespective whether we are on Government bench or on the Opposition bench, to a large extent, we both have tried to leverage this issue to obtain some political gains, and I say it without fear or prejudice. And what Government, by way of legislation, is trying to do, will certainly give no satisfaction to the gentleman who probably will go on hunger strike, Mr Harmon.

I recall when we were on the Opposition bench, which we are still, some of them are certainly sitting on Government bench, are members of the Cabinet, and if I single out two of them, my good friend, hon. Ganoo and, of course, hon. Lesjongard. And I don’t know of anybody who had been so vocal over this issue than these two gentlemen, and I recall the questions that were put to the then Deputy Prime Minister, hon. Xavier Luc Duval. A lot of ground was covered, but the problem remains whole, and it is up to us to put our best

endeavour to resolve the matter. It is going to be a long outstanding issue, and I will come to it at a later stage.

But let us look at the amendments being proposed. Clauses are being rearranged and the Bill makes provisions for the setting up of a Land Division, a Financial Crimes Division, and it makes provision to formalise the two existing Commercial and Family Divisions.

Of course, the object is to err on principle of caution. I will refer to section 41 (2) and also to part (c) of the Explanatory Memorandum. I quote, and I will refer to one of the objects of the Bill, section (c) –

“enabling the Chief Justice to set up, within the Supreme Court and the Intermediate Court, such other divisions as he thinks fit for the despatch of civil business and criminal business.”

There are indeed wider implications and, as a layperson, of course, like most of you, I have to do my homework and, of course, interface with people who are well-versed in the subject. I am sure no one will disagree if I say that there are wider implications, because judgements pronounced by the Commercial and Family Divisions can be challenged after this Bill is passed. I will explain at a later stage, and I hope Parliament does not legislate in vain.

Before I come to the thrust of the debate, which is the Land Division, let me turn to Financial Crimes Division. The Financial Crimes Division is being created to be in compliance with recommended international best practices and norms of the Financial Action Task Force. Now, the deficiencies in the Anti-Money Laundering and the Combatting of Financing Terrorism are being addressed and I hope - and this is our ardent prayer - that we will be out of the woods by April next year. Without having to repeat what has been said *ad nauseam* when the Anti-Money Laundering and Combating of Financing Terrorism (Miscellaneous Provisions) Bill was debated, action has to speak louder than words.

Neither the Financial Action Task Force nor the European Union owes us any favour and they will hit hard at us if we fail to live up to the immediate outcome of the Mutual Evaluation Report.

Before I come to the Financial Crimes Division *per se*, let us understand why is EU behaving like a tiger which has been mauled. Its annual revenue losses in the EU, due to international tax evasion by individuals, have been estimated at 46 billion Euros; corporate tax avoidance at more than 35 billion Euros; cross-border VAT fraud 50 billion Euros, and EU itself has low tax jurisdiction and a few tax havens in its realm. But if we look elsewhere,

do you know, Mr Speaker, Sir, how many Europeans have allegedly washed, rinsed and spin-dried their money in real estates in Mauritius and other low-tax or high-risk third jurisdiction?

EU will wage an intensive war against tax avoidance and evasion and it will update the Scoreboard used to select the jurisdiction it has screened to include the most recent data and ensure all risks covered. However, we have to deliver on high profile cases. But for high profile cases to be lodged before the Financial Crimes Division, the law enforcement agencies have to be prepared. There will be no response from the EU or the Financial Action Task Force if we do not enforce the law in an effective manner. I must say European Union is not always the Saint that goes marching in. An excellent article written by a Caribbean Economist in the *Financial Times* entitled 'European Union is weaponising money laundering and tax rules' is indeed worth reading.

Let us now look at the Financial Crimes Division which, of course, has its *raison d'être*. It is being created for speedy justice to clear the backlog of more than 246 cases. Now, I hope the net is not cast to catch the small fries only, simply to submit statistical figures to ESAAMLG, the regional body of FATF, by ICAC. They will not be fooled by us if we rush in and submit figures of cases which are not significant. The Financial Crime Division is indeed a strong link in the conveyor belt, but without substantial evidence, lawyers will raise endless point of law and it will take years before a ruling is given. Are we surprised of the criticism level at the FIU, ICAC and Police Force? Therefore, policies have to be revisited. There is a call to bring all law enforcement agencies and the Office of the DPP together for a coordinated approach. When there is a financial crime, the big banks in Mauritius get away; small banks which have failed will have their licence revoked, perhaps to be transferred to those close to Government.

Mr Speaker, Sir, as of now - and we cannot stop question being asked - what has been the outcome of the MCB/NPF case? Have the assets of Bastos or Sobrinho been seized? Where the freezing of assets, since the last four years, the Asset Recovery Unit has not tabled its Annual Report and the MRA is yet to find out who are those who have acquired property overseas but with payments effected in Mauritius. How many unexplained wealth have been redistributed to society for alleviation of poverty and general welfare? Yet, the legislation on Good Governance and Integrity Reporting Act was introduced in 2015. How many, whose wealth is disproportionate to their earnings, have been investigated and cases referred to the Financial Crime Division?

Mr Speaker, Sir, one should not think that the banks are too big to fail, and cannot be a refuge for banksters or fat cats. It has to be accountable and responsible in relation to any suspicious related transaction. That is why in the Finance Bill, I made a strong plea that under section 143 of the Companies Act, Directors have to be competent and fiercely independent. Accounts have to be audited and stress tests done though we don't know who is going to audit the Auditors.

The Financial Reporting Council cannot remain a dormant entity. Those guilty of giving toxic loan to the Pabari and Shetty are yet to be prosecuted. If an offence is committed, Government should not concede to the request of the aggrieved country for return of seized assets until a case is heard. Mutual legal assistance serves a specific purpose, but should not be a bypass of the Financing Crime Division.

Mr Speaker, Sir, let me now come to land restitution. I expect the in-depth changes proposed by Professor Narsinghen will be given due consideration, and I have been told that when all else has failed, the Deputy Prime Minister met our friends and agreed to be a harbinger of good message. I don't know what the outcome has been. I expect there has been no outcome; otherwise, I would have expected better provision in relation to the amendment being brought to the Courts Act. Now, whether we like it or not, we need to look at section 8 of the Constitution. This has to be revisited to make provision for the oppressed; the *Code Civil*, the law on acquisitive prescription.

Mr Speaker, Sir, much has been said in relation to the Truth and Justice Commission, and I quote to reinforce what has been said –

“There is no justice in Mauritius for those who cannot afford lawyers, notaries, land surveyors and attorneys.”

Some of the Members on the Government bench have commented on the Rs50 m. provided in the 2019-2020 Estimates of the Ministry of Housing and Lands to meet expenses in relation to the Land Research and Monitoring Unit to retrieve valuable documents and provide legal assistance. But we would like to have a breakdown on the expenditure and, as of now, there is no outcome. I recall the Committee was chaired by Mr Lutchmeeparsad, and not much ground has been covered and there is still plenty of room for recovery. But I will refer to the work done by Mr Mandary who submitted his Interim Report as far back as April 2015 and he mentioned that there are 42 cases with sufficient evidence of land dispossession notwithstanding the five cases which relate to alleged dispossession by the Sugar Estate, and

let us hope that the cases will be heard. In the meantime, the technical committee chaired by Mr Mandary is neither here nor there. So, basically, there is no technical commitment.

Unfortunately, what is before the House is neither the recommendation of the Law Reform Commission nor the proposal made by former Chief Justices Eddy Balancy and late Sir Victor Glover. As we are on the realm of the recommendation of the Truth and Justice Commission regarding land dispossession, the House should realise that section 41(b) is not just enough. Indeed, one of the biggest obstacles to any of the claims of those who were dispossessed of their land is the legal prescription of 30 years. One cannot initiate legal proceedings regarding a property issue after 30 years in relation of the wrong being complained of. So, if Government really intends to implement the particular recommendation of the Truth and Justice Commission, it should disapply the 30-year bar so as to allow those people who were dispossessed to stand a chance of getting their land back, and I invite the hon. Attorney General to clarify this issue for the House and for the Commission.

Mr Speaker, Sir, I refer now to clause 3 of the Bill, which deals specifically with the new section 41(b) of the Courts Act and, of course, which provides for the setting up of the Land Division of the Supreme Court. Now, it may be that the creation of the New Land Division of the Supreme Court has been made necessary, hence the new section 41(b) of the Courts Act for implementation of the recommendation of the Truth and Justice Commission in relation to the setting up of a Land Division to provide redress and adjudicate upon cases of unjust dispossession of land during the days of colonisation and thereafter. But, once again, the Attorney General has kept totally silent. I strongly believe that there is a need for him to enlighten the House and let us know whether he has today acted in favour of the Mauritians who were dispossessed of their land and to whom the Truth and Justice Commission endeavoured to provide redress in its report. Therefore, it is expected of the hon. Attorney General that he should enlighten the House as to whether we are in an instance of new jurisdiction being created for the purposes of implementing one of the recommendations of the Truth and Justice Commission regarding the dispossession or is section 41(b) of the Courts Act before this House for another purpose.

Let me now come to clause 3 of the Bill, which introduces the new legal provisions for the setting up of Divisions of Supreme Court by the hon. Chief Justice through the proposed enactment of the new sections 41, 41A, 41B, 41C and 41D into the Courts Act. It is an anomalous that has to be looked into, and I am referring to the Explanatory Memorandum in this Bill.

I do not know whether the Attorney General has conveniently left out the establishment of the Family and Commercial Divisions of the Supreme Court when he stated that the object of the Bill is to amend the Courts Act for the setting up, within the Supreme Court, of a Financial Crimes Division and Land Division. In so doing, he surprisingly left out the establishment of the Family Division and the Commercial Division of the Supreme Court from the declared object of the Bill when the establishment of these two Divisions is, in fact, provided by the new sections 41C and 41D into the Courts Act. Now, these two new sections, 41C and 41D of the Courts Act are, obviously, of significant scope and magnitude inasmuch as they purport to govern family, matrimonial and commercial matters before the Supreme Court. The legitimate question arises as to why they had been left out, as stated earlier, of the Explanatory Memorandum and not from the stated object of this Bill.

Mr Speaker, Sir, in addition to the above, I would like now to refer to a judgment pronounced by the Supreme Court when it stated as far back as 2009, and I quote –

“The New Commercial Division of the Supreme Court is an informal Division with no legal existence.”

And I understand from the said judgment that the Judge stated that the Commercial Division of the Supreme Court had not been established by any legislation, and the Judge took notice of the real existence of the Commercial Division with two Judges of the Supreme Court assigned to it by the hon. Chief Justice. The point which arises, according to my information, is that there may be an issue if the Court adjudicates against a citizen but that Court has no legal existence inasmuch as the Court has not been established by any legislation.

Mr Speaker, Sir, what appears not to be right here is that the hon. Attorney General has not told us anything, and I believe he ought to clarify the matter and give this House an unequivocal explanation in case it happens that we are now putting in dispute, as I stated in my opening speech, thousands of judicial decisions by establishing that they were adjudicated upon by a Court which has no legal existence. Indeed, this can be *a contrario* conclusion arising from the enactment of sections 41C and D.

I will now come to what may be one of the biggest lacunas of this Bill. Indeed, we have heard over the years numerous complaints from those in the legal profession and from Judges also about the fact that our country requires a full-fledged and ostensibly impartial and independent Court of Appeal. I am given to understand that, at the moment, Judges of the Supreme Court hear Supreme Court cases, but also hear appeal cases against the judgment of

their peers in the same Supreme Court cases. In other words, they hear appeals against each other's decision. I believe that this is not the best we can do for our Judiciary, and Government should - I am not saying that it has missed an opportunity to do good to our Judiciary, but the Attorney General should explain why Government is not coming today with the establishment of a Court of Appeal. I have done.

Thank you very much.

(Applause)

Mr Speaker: Hon. Deputy Prime Minister!

The Deputy Prime Minister: Mr Speaker, Sir, this Bill has generated some interests in the House, quite a few speakers on the majority benches and four speakers on the Opposition side. I do not propose to repeat what has been said by many and I will focus on the Land Division of the Supreme Court, except to make one general remark that the setting up of the Financial Crimes Division together with the Land Division and the formalisation of the Family Division and the Commercial Division present a number of advantages. First, as explained very clearly by the Attorney General in presenting the Bill, placing the two existing Divisions on a statutory basis, formalising them, brings the advantage of certainty in the face of any possible contestation. The formalisation of these two existing Divisions and the setting up of two new Divisions allows for specialisation in the case of the Land Division, it will certainly allow us to expedite matters in respect of the many longstanding cases.

But the important point is that this exercise which the hon. Second Member for Constituency No. 2 dared qualify as "*defonce ene la porte ouvert*", in fact, is the fruit of considerable reflection on the part of Government and wide ranging consultations first and foremost with the Judiciary. So, I would pray that the Members of the Opposition do keep this in mind, but let me turn rather to the Land Division of the Supreme Court. Mr Speaker, Sir, let me say that I welcome and I, very happily, welcome the setting up of a Land Division within our Supreme Court. Firstly, as a longstanding sympathiser of the cause of our compatriots who claimed to have been the victims of history in that they were dispossessed or rather their forebearers, their ancestors were dispossessed of land by virtue of the unequal balance of power between rich and poor. And I also welcome this initiative as Minister of Housing and Land Use Planning with the power and responsibility to act consciously, concretely and decisively to offer support and assistance to the alleged victims of injustice.

I wish, therefore, right at the outset, to commend the Prime Minister, our Prime Minister, for translating into deeds the rhetoric of those who chose not to act when they could have acted. The Leader of the Opposition knows what I mean. And I, therefore, congratulate the Attorney General for bringing the present Bill to the House. Let us briefly recall, Mr Speaker, Sir, that in 2009, the Truth and Justice Commission was set up. In 2011, the Commission submitted its recommendations. True it is, as the hon. First Member for Constituency No. 12 recalled, there were some initiatives, but there was no action concerning the sensitive issue of land. The hon. Leader of the Opposition says this piece of legislation is complex. Land is a difficult and sensitive issue and the then Government chose not to act having regard to land issues and the recommendations of the Commission. It was only in 2011, let me recall, the Commission had recommended the setting- up of a Land Monitoring and Research Unit, but it was only in November 2015 that the Government led by Sir Anerood Jugnauth did set up this Land Research and Mediation Unit, as it was called then, to investigate into the 424 cases mentioned in the Report of the Truth and Justice Commission four years earlier.

Now, I am informed that following investigation of these 424 cases, 69 turned out to be non-land issues, non-land related. So, there remained 355 cases to be addressed. In 2018, the Law Reform Commission proposed a solution, proposed a mechanism to address these land disputes. It recommended the establishment of a Land Court and it recommended the establishment of a Special Fund dedicated to helping those who claimed to have been unlawfully dispossessed of their land, of course, and who have deponed before the Truth and Justice Commission. That same year, immediately after the Law Reform Commission, Mr Speaker, Sir, just after it submitted its recommendations, Government set up an Inter-Ministerial Committee which was then chaired by the Acting Minister of Social Security, comprising of a large number of Ministers, and the Committee thoroughly examined the Report of the Truth and Justice Commission, as well as the Interim Report of the Land Research and Mediation Commission, the so-called Mandary Commission, to which the Leader of the Opposition referred, and it also examined this opinion paper of the Law Reform Commission.

Following the recommendations of the Inter-Ministerial Committee, in June 2019, the then Government led by our present Prime Minister, agreed to three initiatives –

- (i) the setting-up of a Land Division of the Supreme Court by law and formalising at the same time, the two existing Divisions that had been set up

by the Chief Justice, the Family Division and the Commercial Division, in the sense of providing a statutory basis to the existence and operation of those Divisions;

- (ii) the second Cabinet decision reached, governmental decision reached in June 2019, was the setting-up of a Land Research and Monitoring Unit to take over and complete the work of the Mandary Commission, and
- (iii) the creation of a Special Fund with not less than Rs50 m. to meet the expenses related to the work and functions of the Land Research and Monitoring Unit.

Thereafter, the Unit was created and an amount of Rs50 m. was provided in the budget of the Ministry of Housing for the running of the Unit. Then, we had the elections, we have had the COVID, so it has been a rocky path to getting this Land Research and Monitoring Unit off the ground and operational; but, it is operational. As the Leader of the Opposition might not agree with his colleague, the First Member for Constituency No.12, who thought this was a very good step forward, it is presently operating under the supervision of the Deputy Chief Surveyor. It is staffed by one Senior Surveyor, one Survey Technician and one Management Support Officer. Now, because of the volume of work which has been allocated to the Unit, the services of three Private Land Surveyors have been enlisted and they are now working with the Unit. Moreover, because of the legal issues, the complex legal issues, we had at one point in time an Attorney following these cases, now we are recruiting two Attorneys so that the Land Research Monitoring Unit can move forward even faster.

The mandate of this Unit, let me recall, is -

- (i) to carry out in-depth investigation concerning alleged complaints or hold enquiries into land issues out of its own initiative or at the instance of interested parties;
- (ii) to advise the applicant after thorough investigation and inquiry as to his claim and any other relevant issues;
- (iii) to assist the applicant or is already assisting applicants, to retrieve all necessary documents, including title deeds, plans, and civil status documents, and in collaboration with other appropriate institutions to draw up genealogical trees;
- (iv) to study plans of grants, relevant notarial deeds and any other relevant documents related to land movement, also to provide within statutory limits,

assistance, financial or otherwise to claimants as regards land surveys and other such action, and

- (v) to submit or refer the matter to mediation and promote amicable settlements that shall be binding upon all parties.

So, the point made by several Members of the Opposition, including the Leader of the Opposition, when they quoted the Report of the Truth and Justice Commission, concerning the difficulty of the poor to have access to research and surveyors and so on, is already very concretely being addressed by the Unit. It is being addressed.

Mr Speaker, Sir, I want to add that the Unit, in July 2019, took possession just before the last General Elections, in fact, of all the files which were in the custody of the Ministry of Finance. Of the 355 cases, 46 have already been entered in Court, and the other cases are under active investigation. They relate to cases where documents pertaining to ownership or land already sold are missing, and there may be some cases which, in fact, do not relate to dispossession of land. So, these cases are all being examined by the Unit.

I wish to turn albeit briefly to what have been stated by the four speakers on the Opposition side and to whom I have listened very carefully, as usual. The Leader of the Opposition has brought no new points forward concerning the Land Division of the Supreme Court, he has taken up one or two of the arguments made earlier. I note a difference in tone, the most hawkish of the Opposition speakers was, of course, the Second Member for Constituency No. 2, he found the Bill to be *'une grosse déception,'* to quote his words. Whereas, the First Member for Constituency No. 15 referred to the Attorney-General having good intentions, sending out the right signals or the First Member of the Constituency No. 12 - both are not here unfortunately, I was here to listen to them, but they are not here to listen to me; so, be it. So, the First Member for Constituency No. 12 said the Land Reform Monitoring Unit is a step forward, a difference in tone, but I can understand because the MMM has - as far back as my memory goes - been in Opposition, so it can afford to take a swipe at all Governments, including the previous Labour Party/PMSD Government, which was the case when hon. Uteem spoke of *'sept années plus tard.'*

I don't know whether the Labour Party would appreciate this, but that was the point he made and he referred to the issue of a Land Court and put the question: why are we going for a Land Division of the Supreme Court rather than a Land Court? I think that point has been amply addressed by previous speakers on this side of the House. It has been clearly

explained that the intention is not to add another layer which will further delay matters. The intention is not to add another subsidiary, another court of law. That has been made very clear by the Attorney-General and the former Deputy Prime Minister, so I will not repeat the argument. By now, I believe this must be very clear.

Now, the hon. Second Member for Constituency No. 2 raised a very strange point about the power to summon witnesses to produce documents or the power to act against witnesses who do not turn up or produce documents. I do know that the hon. gentleman, my colleague from the Bar does not do a lot of litigation, but I think he will acknowledge that this point was a very bad point indeed. The Supreme Court has all powers to act for witnesses to be summoned, to produce documents and to act against those who are in contempt of court. That point is very clear and, therefore, his arguments cannot stand.

The hon. Second Member for Constituency No. 2 repeatedly mentioned the argument that there is no justice for those who cannot afford it. I have just explained in detail, while he was not in the House, that the Land Research and Monitoring Unit is functioning; the first time a Government has created a Land Research and Monitoring Unit and has endowed it with a budget of Rs15 m. So, how can one say that there is no justice for those who cannot afford it? But I want to go to the key point: what kind of court do we want? Hon. Lobine, the First Member for Constituency No. 15, understandably from the PMSD, chose to steer clear of the debate on the Land Division of the Supreme Court. Nearly at the end of his speech, very timidly, saying that he supports hon. Uteem. That is understandable, given the *bilan* of the PMSD on this land issue.

Hon. Ramful raised the same points as hon. Uteem and spoke of the necessity of a *tribunal spécialisé*, less formal, because this is an emotional matter; I did not quite understand. He said: what are the new procedures and what is the new legal solution to the problems, how a less formal tribunal will help in delivering effectively the result we seek? I fail to understand. But there is an important point which I do not want to evade, the point that hon. Uteem - echoed by hon. Ramful - raised, was whether this should not have been a court of equity. The issue has been addressed by my colleague Minister Jeewa-Daureeawoo; I believe by the Attorney-General initially, but certainly by hon. Ganoo. The answer lies in the Courts Act, not merely section 16, but also sections 15 and 17. I believe hon. Ganoo read out these three sections, so I will not repeat. Taken together, these sections established clearly that our Supreme Court has the same power and jurisdiction as the High Court in England, to grant concurrently, and without limitation, both legal and equitable remedies; that

much is clear. However, of course, any decision is subject to the law of prescription and that is the difficult issue. Any decision is subject to the law of prescription. I do not want to evade the point and that is why it is a difficult question. So, the issue is not about the type of court. My colleague the Minister of Arts and Cultural Heritage, with the intuition of a forensic lawyer, dug up the MMM manifesto to point out that the MMM had spoken under the title ‘*L’Unité Nationale*’. *Je cite – ‘ Le MMM propose d’introduire dans les plus brefs (...)’*. It is less than a year since the General Elections, so we are doing what they would have done, what they would have hoped to do.

(Interruptions)

‘(...) introduire une législation pour la création d’un *Land Division* de la Cour suprême (...).

Was the hon. gentleman not aware? But, Mr Speaker, Sir, for having been together with my departed friend and comrade Jayen Cuttaree, the one responsible to draft each and every MMM Manifesto from 1991 to 2014, I know that this is cleared with the Leader who decides, who vets, who has the final word. So, the hon. gentleman may have not been consulted, but the Leader was. And what the Leader has vetted and validated, and proposed, well, we are doing it because we do not just talk, we act. But the hon. Second Member for Constituency No. 2 goes further, and says that we should have amended section 8 of the Constitution. That is a serious matter and it is not just section 8 of the Constitution which refers, of course, to Protection from deprivation of property, but section 3 of the Constitution, which is the section that deals with Fundamental rights and which refers, I quote -

“(c) the right of the individual to protection for the privacy of his home and other property and from deprivation of property without compensation,”

So, if the hon. gentleman is referring to the need to amend the Constitution on that score, I ask myself, is he expressing the political stand of the MMM, or to put it differently, does the MMM espouse the views expressed here by the Second Member for Constituency No. 2, I asked. Because I have been in the MMM for 40 years, much longer than the hon. gentleman and I have never heard the MMM speak of amending those sections, at least, since 1982. And you will have noted that not one of the three other speakers from the Opposition makes the same suggestion. So, I would like to know, because I am here to listen and I always listen to speakers of the Opposition, and I have an open mind. Is it the stand of hon. Uteem, or is it the stand of the MMM or is it the stand of the holy alliance of the Labour Party/PMSD and

MMM? I would like to know because then we can reflect and act. But, telling us, we need to amend this or telling us what is the legal solution is not enough. If the Opposition is saying the law on prescription must be amended or changed, I would like to know what their proposals are. And the opportunities are there, Mr Speaker, Sir. Let me tell you something, Mr Speaker, Sir, you might not know. Last week for the first time was held a National Forum on Housing and Land Issues, the idea being to open-mindedly generate ideas, that was the objective, to generate ideas and to structure a partnership with the civil society. And do you know, Mr Speaker, Sir, that my Ministry invited all Members of this House that had formulated Parliamentary Questions and demonstrated a definite interest on the subject. Quite a few Members on this side of House were invited, but also Members from all three Parties of the Opposition, who, until 12 hours before, assured me that that they were interested and very keen to participate and would be there. And then, suddenly, did not turn up. They had the opportunity to come and discuss, not only with us, but with civil society. My young colleague, the First Member for Constituency No. 16 who criticised the Forum in public, might be interested to know that the associations, the organisations working with the squatters, former President Cassam Uteem, Caritas and others were invited. Some turned up, some didn't, but on the Opposition benches, nobody came. I had one word of apology from the hon. First Member for Constituency No. 1, and I thank him for his usual courtesy, but the others never turned up and they had the opportunity, they could have come...

(Interruptions)

Mr Speaker: Quiet!

The Deputy Prime Minister: ... and formulated constructive criticisms and proposals. So, I am afraid, it's all too easy to come here and say *grosse déception*.

(Interruptions)

What is the legal solution? We should have acted differently, but then, there is nothing concrete proposed.

Today, we are acting; let me just recap very quickly, Mr Speaker, Sir. In 2011, Truth and Justice Commission submits recommendations. Up to 2015, as regards land, nothing is done. In 2015, the Law Reform Mediation Unit is set up. In 2018, the Law Reform Commission is set up. Immediately after, there is a Cabinet decision last year and the present LRMU is set up and we are now before the House. Despite COVID, despite Wakashio, not even a year after the elections, we are before the House, proposing to act concretely to set up

a Land Division of the Supreme Court. I am happy that in their tone, at least, the hon. First Member for Constituency No. 15 and the hon. First Member for Constituency No. 12 spoke of the good intentions of the Attorney General, the right signals we were sending out and that it was a step forward. Unfortunately, not everybody on that side seems to share the view.

We know what the position of the MMM was and they have no right, therefore, to criticise us for doing what they proposed '*pour un vrai changement*'. And I don't know what the position, what the stand of the Labour Party and PMSD was, but today, Mr Speaker, Sir, there are two categories in this House, there are those who talk and who, either as the MMM, do not have the ability to act because they are always in the Opposition, and those who even when they have the ability to act, choose not to act because it's too complex, it's too difficult a question, it's too sensitive a question. And then, there are those who not only state what they will do, as we did in our Manifesto, those who not only state what they propose to do, but who do what they state they will do, and I am immensely proud, Mr Speaker, Sir, to be next to the Prime Minister and to be alongside the Attorney General and all others on this side of the House who belong to that second category of doers.

Mr Speaker, Sir, we, on this side of the House, cannot afford the luxury of ideally sitting back and criticising anything and everything. We are duty-bound towards our compatriots, towards our population to act to remedy the perceived injustice handed down by history.

I wish to briefly recall before I end that two weeks ago, prior to this Bill being debated here, I met with Mr Clency Harmon, whose name is closely associated to this whole campaign for the rights of those who have been allegedly dispossessed. I met him together with his legal advisor, Professor Narsinghen, and his other collaborators and I had the opportunity to explain what the Government was doing and why we were acting as we are. I had the opportunity to listen to the views of Mr Harmon and his legal advisor and his collaborators, who admittedly want to go well beyond what the Government is doing. The legal advisor, it has been agreed will submit further proposals, which I am eagerly awaiting. So, I listened to their views and they listened to what we were doing, but we both agreed that this Land Division is a first step or rather a step in the right direction. The first step was the creation of the LRMU. It is a step in the right direction; this was agreed. Today, I tried to meet Mr Harmon again before conclusion of debates because I was very troubled when I heard the Second Member from Constituency No. 2 who purported to be le *porte-parole* of Mr Harmon, but Mr Harmon, as we know, has had some serious health issues lately and was

not in a state to meet with me, but I shall certainly meet him and his legal advisor and others to see, to discuss the way forward.

So, in conclusion, Mr Speaker, Sir, this Bill when it is enacted, quite apart from its other objectives, will bring about the setting-up of a Land Division of the Supreme Court of our land. This is not a first step, this is not just any step, it is a fundamental step forward; together with the Land Research and Monitoring Unit *qui trouve sa vitesse de croisière*, constitutes a major, a fundamental step forward. And I wish to call upon the Opposition to cast aside their partisan blinkers, their Party political blinkers and to recognise this Bill for what it is and to join me in congratulating both the Prime Minister and the Attorney General, and in supporting and voting for this Bill.

I am done. Thank you, Mr Speaker, Sir.

(7. 21 p.m.)

Mr Speaker: Hon. Prime Minister!

The Prime Minister: Mr Speaker, Sir, before I dwell on the justification for the introduction of the Courts (Amendment) Bill (No. X of 2020) which was presented in the National Assembly on 14 July 2020, I would like to make some general comments and observations which, as Head of the Government and Leader of the House, I consider to be important and pertinent.

Mr Speaker, Sir, nothing is static in life. We need to always move forward as the learning process is never ending. And this is relevant not only for individuals, groups, and Governments, but also for Legislatures and States.

The prophets of doom, demagogues, iconoclasts, time-servers, and such likes thrive on the country's problems and difficulties, wishing not to benefit the country but to harm it, and to inflict injury. But, we, on this side of this august Assembly continue, unabated and unflinchingly, to work for and serve the national interest and the common good.

Mr Speaker, Sir, just as we are modernising our country and improving the quality of life of our fellow citizens, we are also updating our laws to better deal with pressing issues that stem from our history and the development process.

The Courts (Amendment) Bill, therefore, goes in that direction and is testimony to this Government's resolve to give our Judiciary the institutional and the legislative framework that is required to deal with longstanding and new matters alike.

On the one hand, land disputes, as we know, date back to the pre-independence era whilst legal issues related to transnational developments have recently cropped up, especially in the finance and in the business fields.

We aim at plugging the loopholes in our legislation and also at adapting to international best practices and the norms, especially of the Financial Action Task Force (FATF).

This will not only confirm, but also vindicate our country's international reputation not only as a clean and investor-friendly jurisdiction, but also as one which exercises extreme vigilance and state-of-the-art due diligence exercises to ward off criminal business, to thwart criminal intentions and attempts in our financial sectors, and to bring to Court any individuals or bodies charged with financial crime offences.

The Financial Crimes Division, within the Supreme Court and the Intermediate Court, will indeed ensure that financial crime cases are dealt with expeditiously.

The Financial Crimes Division of the Supreme Court will also have jurisdiction to hear and determine any other matter under any other enactment which is connected or ancillary to a financial crime offence.

And, of course, depending on the seriousness of the financial crime offence, the DPP, using his discretion under Section 72 of the Constitution, will determine whether the case shall be laid before the Financial Crimes Division of the Supreme Court or that of the Intermediate Court.

Mr Speaker, Sir, the Immediate Outcomes 7 and 9 of the FATF Methodology expound the rationale for an effective system to combat money laundering and terrorism financing. Both Immediate Outcomes state that money laundering and terrorism financing offences and activities should be investigated and offenders prosecuted and subject to effective, proportionate and dissuasive sanctions.

The components of the system should function coherently to mitigate the money laundering risks. And ultimately, the prospect of detection, conviction, and punishment dissuades potential criminals from laundering proceeds of organised crimes and deters terrorist financing activities. By creating a specific Financial Crimes Division, this will not only strengthen our legal system but also provide a robust firewall against financial crimes.

In the Bill, a financial crime offence has been defined as an offence committed under an enactment specified in the 6th Schedule of the Bill and it includes, *inter alia*, any offence committed under Part VIIA and section 96C of the Banking Act, Part II of the Prevention of Corruption Act.

Mr Speaker, Sir, whilst we, as patriots, are working for the national interest and wishing the best for our country, I must say it is a matter of deep regret, and disgust, that politically-motivated opponents of all shapes and colours appear to revel in our country's placement on a grey list or on a black list, behaving and I must say unpatriotically acting themselves as if they were agents of grey-listers and black-listers.

Opposing for the mere and sole sake of opposing is regrettably part of the demagogic game of a lame and sterile Opposition good only in its attempts, all vain, to destabilise, to confuse, to mislead, to misinform and disinform.

Such an Opposition is faced with a sophisticated and perceptive population which will easily comprehend and easily see into its total inability to be cogent, to make really positive suggestions, and to contribute meaningfully and purposefully to debates.

Mr Speaker, Sir, as highlighted in the Explanatory Memorandum to the Bill, the setting up of a Land Division within the Supreme Court has been rendered necessary with a view to facilitating the just, expeditious, and accessible resolution to land disputes.

As we are all aware, many of the longstanding land disputes bear an emotional character as they date back to colonial times. Moreover, the present legislative set up has not allowed our Courts to deal effectively with land disputes put forward by the Truth and Justice Commission.

Indeed, the findings of the 2009-2011 Truth and Justice Commission revealed that as from the 18th century, *bona fide* land owners, descendants of slaves and coolies, had been despoiled of their lands by unscrupulous landowners very savvy about land laws and taking full advantage of loopholes therein with, of course, the help of astute professionals.

Time and again, there have been protests escalating to hunger strikes, the last ones which have been witnessed in April and October 2019, which have drawn attention on the burning issue of land dispossession and land ownership in Mauritius. Many Governments before had promised to address the matter through legal avenues. The setting up of Land Tribunals or Land Courts had been advocated on so many occasions, but no real action was

initiated to satisfy the expectations of those who have always believed that they have been the victims of land dispossession.

Mr Speaker, Sir, ever since I became Prime Minister, I gave a special attention to this issue. In February 2019, I set up a Ministerial Committee under the Chair of the then Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender, Child Development and Family Welfare to look into the recommendations made by the Law Reform Commission in its Opinion Paper “Mechanism for Settlement of Land Disputes”, including dispossession of land, as highlighted in the report of the Truth and Justice Commission. And I must commend my colleague who has done a tremendous job together with the members of the Committee who have been working relentlessly, and who have been having so many meetings with a number of stakeholders also. On 09 April 2019, I met His Eminence Cardinal Maurice Piat amid the hunger strike initiated by Mr Clency Harmon at that time. The Chairperson of the Ministerial Committee and two other colleague Ministers who were also present and on behalf of Government, we gave the undertaking that the Ministerial Committee will pursue its work to come up with recommendations to meet the expectations that have been expressed by a number of people at that time.

The Inter-Ministerial Committee met on six occasions, on 05 March, 04, 09 and 18 April, 02 and 09 May 2019. The Committee recommended –

- (a) the setting up of a Land Division of the Supreme Court;
- (b) the setting up of a Land Research and Monitoring Unit, to take over and complete the work of the Mandary Commission in respect of the 340 cases as was highlighted before the Truth and Justice Commission, and
- (c) the creation of a Special Fund of not less than Rs50 m. to meet the expenses related to the work of the Land Research and Monitoring Unit.

In parallel, a Coordination Committee was set up under the Chair of the Financial Secretary, comprising representatives from relevant Ministries, as well as representatives of those claiming to have been dispossessed of their land.

In the 2019-2020 Budget, I announced that a Land Research and Monitoring Unit and a Special Fund would be set up under the Ministry of Housing and Lands. An amount of Rs50 m. was earmarked for that Fund. The Unit, Mr Speaker, Sir, was promptly set up since 11 July 2019 to, *inter alia*, receive legitimate complaints from persons who allege that they, or their family, have lost or have been dispossessed of their property, to carry out an in-depth

investigation concerning an alleged complaint, or to hold an enquiry into land issues, out of its own initiative or at the instance of those interested parties and advise the applicant, after thorough investigation and enquiry, of course, on his claim or on any other relevant issues.

You will recall, Mr Speaker, Sir, that the Affidavits of Prescription Act and the Affidavits of Prescription Act (Suspension of Certain Provisions) Act were repealed and replaced by the Acquisitive Prescription Act in October 2018 to provide for a new and more appropriate legislative framework with better safeguards regarding acquisitive prescription.

The Acquisitive Prescription Act provides that where the occupier of an immovable property wishes to claim ownership of the immovable property by way of acquisitive prescription, that person has to request a notary to draw up a deed of prescription on the submission of the following documents –

- (1) an affidavit specifying the number of years during which he has occupied the immovable property and that he agrees with the contents of the affidavits of the two witnesses;
- (2) a memorandum of survey drawn up, in accordance with the Cadastral Survey Act, by a land surveyor, setting out the location, description, the exact boundaries of the immovable property;
- (3) an affidavit of the land surveyor regarding the contents of the memorandum of survey, and
- (4) a Partial Identification Number in respect of that immovable property.

The innovative part of the new Act is that the affidavit of the two witnesses who are not less than 48 years of age and reside or occupy or who have resided or occupied a plot of land in the vicinity of the immovable property, confirms that the occupier has occupied the immovable property for at least 30 years. Moreover, a utility bill in the name of each witness issued not more than two months before the date on which the request is made to the notary, serves as proof of address and the notary has the obligation to display a notice, in the prescribed form, on the immovable property, forming the subject matter of the acquisitive prescription for a period of three months.

The notary also has to publish the said notice in the Government Gazette, in two daily newspapers having wide circulation and on the website of the Ministry of Housing and Land Use Planning. An owner who has an interest in the immovable property may also object

within three months of the date of the display of that notice. Therefore, these provide better safeguards in the acquisitive prescription process, especially as they reduce the risk of false affidavits being sworn in support of a claim to prescribe land. Articles 2263 and 2264 of the *Code Civil* have also been amended to provide that the delay for any person acquiring ‘*de bonne foi*’ and ‘*par juste titre*’ an immovable property, has an unchallengeable title after 10 years instead of 20 years.

These initiatives, Mr Speaker, Sir, are tangible proofs of the initiatives and actions that my Government has undertaken during my first tenure as Prime Minister on the issue of land dispossession, and illustrate clearly our political will to address the matter decisively so that justice is restored in those cases.

In our electoral manifesto of October 2019, and subsequently in the Government Programme 2020-2024, we promised to set up a Land Division at the level of the Supreme Court, not a Land Court.

Today, with the Courts (Amendment) Bill, we are fulfilling that promise. And yet again, we are walking the talk while others have been only talking. Nothing had been done by the previous Labour-PMSD Government since the report of the Truth and Justice Commission was submitted in November 2011, and they had time till December 2014 when they were thrown out of power.

Mr Speaker, Sir, it is a pity to see how the MMM is drowning itself in the demagoguery machinery of the Opposition. Hon. Uteem made a plea in favour of the setting up of a Land Court instead of a Land Division of the Supreme Court. And he did not realise that he was ridiculing himself and what remains of his Party because as has been stated by so many orators before me, I do not know whether he could remember what was written in the electoral manifesto of his Party. I think that shows one thing, Mr Speaker, Sir; that he does not even believe in the electoral manifesto of his party!

(Interruptions)

It is just for, what can I say, propaganda?

(Interruptions)

Mr Speaker: Quiet there!

(Interruptions)

The Prime Minister: Mr Speaker, Sir, when you make a mistake - if I make a mistake, I shall sit down and shut up.

(Interruptions)

I shall not try to justify the unjustifiable.

(Interruptions)

Mr Speaker: No crosstalking!

The Prime Minister: As you can see, this is the attitude of the MMM. We are now debating on an important Bill and we are pointing out how a Member of the Opposition of the MMM Party, who, in his Party's manifesto, has been advocating the setting up of the Land Division and now, in the House, is now saying the contrary. In fact, we are exposing to the people the demagogy of this Opposition. And from a sitting position, interrupting my speech, what he says? '*Demain mo pou kone*'. What kind of reaction is this, Mr Speaker, Sir?

(Interruptions)

Mr Speaker: Order!

The Prime Minister: We debate here, today, now...

Mr Speaker: Order!

The Prime Minister: ...and tomorrow is going to be another day, when you will hold your activity!

(Interruptions)

Mr Speaker: Order, please! Order!

The Prime Minister: In the manifesto, Mr Speaker, Sir, the MMM - and it is not only in the manifesto - proposed that one of their 20 priority measures is to introduce a legislation in Parliament for the setting up of a Land Division of the Supreme Court.

(Interruptions)

An hon. Member: *Pou gagne dan buro polik !*

The Prime Minister: That cannot be denied and, once again, we have the proof that in the MMM, changing language is enshrined in its ADN. And I say what a shame Mr Speaker, Sir! And it is worth reminding that in its report, the Truth and Justice Commission has purposely refrained from making specific suggestions as to where the Land Monitoring

Unit should be set up, or as to its composition, or as to whether the Tribunal should, for example, be a Division of the Supreme Court or an *ad hoc* Tribunal. This is because, as for the LAVIMS (Project Implementation) Act or the Cadastral Survey Act of 2011, the Government may prefer to consult the Chief Justice on the best way forward, and this is exactly what we have done.

The Chief Justice was consulted in relation to the Courts (Amendment) Bill and was agreeable that it is a Land Division of the Supreme Court which should be set up. This option was preferred as it would be part of the Judiciary, ensure independence and impartiality, make use of available resources, expedite matters, and lead to expeditious determination before a specialised Division of the Supreme Court, whereas a Tribunal's or Land Court's decision would have been reviewable by the Supreme Court and delays would have ensued.

Mr Speaker, Sir, the proposed Land Division of the Supreme Court would, amongst other things, be able to decide upon cases which have been heard by the Truth and Justice Commission. These cases, as we know, are very complex in nature as the question of dispossession of land extends over centuries, and I must say through a maze of sale deeds and, in some cases, acquisition through prescription of properties. But the complexity of the matter cannot prevent our aggrieved citizens from seeking legal redress and justice. The proposed Land Division of the Supreme Court will provide that legal avenue that has been awaited since long.

Mr Speaker, Sir, it is my sincere wish that the legitimate rights of the descendants of slaves and indentured labourers who claim that they have been wrongly dispossessed of their lands, are upheld through a Court process that is respected and trusted by one and all. Mr Speaker, Sir, the need for Divisions of the Supreme Court and for specialisation for certain categories of cases was highlighted long ago in the Report of the Presidential Commission chaired by Lord Mackay as indicated in the following extract, and I quote –

“We have considered the best way of assigning cases at High Court level while ensuring the appropriate degree of specialisation, and have reached the conclusion that the High Court should be organised into five divisions.”

Additionally, following a decision from the Judge Eddy Balancy in the case of Sewraz Frères Ltd and British American Tobacco in 2017, it was clearly stated that the new Commercial Division of the Supreme Court is an informal Division with no legal existence

because it was not established by any legislation. While there is divergence of opinion on this legal issue, the effect of this Bill will be to unambiguously give a legal basis to the existing Divisions of the Supreme Court whilst also enabling the creation of new Divisions, such as the Financial Crimes Division and the Land Division.

I have been informed that the proposed Bill has been circulated with the Master and Registrar of the Supreme Court and that they from the Supreme Court have made certain suggestions which have been taken onboard in the drafting of this Bill. Mr Speaker, Sir, the Supreme Court remains, of course, vested with all the powers of a Court of Equity which is derived from section 16 of the Courts Act 1945, which states that, and I quote –

“The Supreme Court shall be a Court of Equity vested with power, authority and jurisdiction to administer justice, and to do all acts for the due execution of such equitable jurisdiction, in all cases where no legal remedy is provided by any enactment.”

The Courts (Amendment) Bill, therefore, provides, as already mentioned, for the formalisation of existing Divisions of the Supreme Court and creation of new Divisions, and this power is accordingly vested in the Chief Justice. Moreover, the Chief Justice may, for the proper administration of justice, determine which matters should, in addition to those described in the Bill, or connected with them, be heard, and be determined by such Divisions. He may also direct that any case before a Division of the Supreme Court be transferred to, or be heard by, another Division of the Supreme Court.

Mr Speaker, Sir, as regards the Intermediate Court, it will no longer be restricted to Criminal and Civil Division but, instead, it may have such Divisions as the Chief Justice may deem fit. The Intermediate Court shall consist of a Criminal Division, a Civil Division and a Financial Crimes Division. As stated in the proposed sections 41A and 80A of the Courts (Amendment) Bill, the jurisdiction of any other competent Court in respect of a financial crime offence is not affected by the jurisdiction conferred on the Financial Crimes Division of the Supreme Court or on the Intermediate Court.

A “Sixth Schedule” is being added to the Courts Act to provide for the offences that constitute financial crimes.

Mr Speaker, Sir, in order to ensure consistency and efficient application of the amendments to the Courts Act, consequential amendments to the Criminal Procedure Act and the Financial Intelligence and Anti-Money Laundering Act are being made. The State of

Mauritius is an internationally acknowledged and highly respected *Etat de droit* and we shall leave no stone unturned to defend, protect and consolidate our *Etat de droit*. In this context, the setting up of the Financial Crimes Division and the Land Division and other appropriate Divisions will play a crucial role in the speedy and efficient disposal of cases that are tried and heard before those specialised Divisions and foster the visibility of the State of Mauritius as a genuine, clean and strong jurisdiction.

I have done, Mr Speaker, Sir.

(Applause)

Mr Speaker: Hon. Attorney General!

(7.53 p.m.)

The Attorney General, Minister of Agro-Industry and Food Security (Mr M. Gobin): Thank you, Mr Speaker, Sir. First of all, I thank all hon. Members for their contribution to the Courts (Amendment) Bill. I have in summing up three points to make –

First of all, the arguments of the Opposition, Mr Speaker, Sir;

Second, what did this Government do, and

Third, on the bigger picture; bigger picture, I mean, we should not only look at what the Truth and Justice Commission said, but much more.

Let me come, therefore, first of all, to the arguments put forward by the Members of the Opposition, starting, again, as has been done by my colleagues, on this side, with the arguments of hon. Uteem. I was minded to just say that after having heard the reply of hon. Collendavelloo, hon. Minister Teeluck last week and today hon. Minister Lesjongard, hon. Deputy Prime Minister and hon. Prime Minister, I would have been content to say nothing, because I ought not to overkill an argument which has already been brought to the ground. But, having seen what has happened today and the gesticulations of the hon. Member, I have to add something.

Hon. Uteem has displayed two things today. First, what is the level of argument in the MMM. He has disavowed the manifesto of his own party. He has done so in the capacity of deputy leader or president of the party or something, quite a high-ranking officer, office bearer within his own party, and he has the temerity of disavowing the manifesto of his own party. And he does not even keep quiet when he has been shown the manifesto, he has been explained its contents in 2020. He still insists that his argument was right. I mean, this

population deserves better in terms of Opposition. He ought to be disciplined in his party for having done so. If I were to be a high officer bearer in my party and disavowing my own manifesto, surely, my leader would have disciplined me. This is discipline in my party! I do not know what happens, what obtains in that other party. Perhaps, this explains the absence of the leader of the party because he could not stand hearing what he heard last week. Unfortunately, he is not here today, otherwise he would have witnessed what we have, unfortunately, witnessed. So much for what hon. Uteem had to say on this Bill.

However, there is a silver lining, Mr Speaker, Sir. *Tout n'est pas perdu* au MMM, because I want to, personally, commend hon. Mrs Navarre-Marie for her speech. Because, *chère collègue, je peux vous dire que vos propositions ne sont pas tombées dans l'oreille d'un sourd*. I want to thank the hon. Member for being constructive, for having put forward proposals. And I want to thank the hon. Member for her speech, not only in the tone, but in its tenor. I was taking good note because there were very valid proposals put forward. I remember, as far as my notes show me, the hon. Member being in favour of having dedicated Judges with expertise in specialised Divisions and the hon. Member was referring to the Family Division. But this is exactly what we are doing when we are setting up now dedicated Divisions for the Financial Crimes and the Land Division.

I also took good note of the other proposals put forward by hon. Mrs Navarre-Marie on family law issues, especially the proposals on legal aid and the proposals on the abbreviation called CAFCASS which stands for Children and Family Court Advisory and Support Service which obtains in the United Kingdom. We take proposals seriously when they are expressed in this House in the form and tenor as expressed by hon. Mrs Navarre-Marie. However, these proposals are outside the ambit of the Courts (Amendment) Bill, but they will surely be looked into by my colleagues in Cabinet, and we will look into the possibility of incorporating at some appropriate stage in other legislation. This is why I think *tout n'est pas perdu* and I thank you, once again, *chère collègue*.

Coming to the other arguments of my two colleagues at the Bar, I must say I am very disappointed after having heard hon. Ramful and hon. Lobine who are my colleagues at the Bar, but who both have argued that the setting up of the new Divisions will contribute to almost nothing. Last week, hon. Uteem, sorry, hon. Lobine - you are still on my mind my good friend - hon. Lobine asked whether the creation of the new Divisions will reduce the delays, because he was of the opinion that even if we create a new Division, there will still be the same pre-trial stages, particulars would have to be exchanged and therefore, there would

be same delays. And today, we heard hon. Ramful arguing and I wrote down the following question he put, to what extent will the creation of these Divisions contribute to the disposal of cases? I nearly fell to the ground when I heard these arguments, but let me try patiently to illustrate how the creation of a Division helps in the disposal of cases and helps to reduce delays.

Fortunately, hon. Ganoo explained earlier on, but let me repeat it. Maybe, my two colleagues at the Bar, hon. Ramful and hon. Lobine, do not know what was the effect of the creation of the Family Division. Maybe they are too young at the Bar, I don't know. But, previously, divorce cases had to wait on the General Cause List of all cases pending before the Supreme Court. Divorce cases were being heard only on Fridays, in Court No. 1, the old wooden Court No. 1. Why? Because that would be the biggest available Court Room and it would be packed with so many litigants waiting that their cases to be heard. And they had to take turns, indeed. With the creation of the Family Division, all divorce cases have been transferred to that specialised Division which hears cases every day. Now, with the latest statistics we have, as at the 31 December 2019, the Family Division disposed of 3819 cases. This illustrates what is the effect of creating a specialised Division with specialised judges in one particular area of the law. Now, perhaps this will serve to answer the arguments of hon. Ramful and hon. Utem on the effectiveness of creating Divisions and the same obtains, of course, on the Financial Crimes Division.

Divisions are not only to reduce delays, but Divisions lead to expertise, Mr Speaker, Sir. If a judge and a magistrate are posted to that specialised Division, they would hear the same nature of cases, the same cases almost on a daily basis. New points of law being raised before these judges and magistrates will not take time to be ruled upon because this is their daily bread and butter, if I may use this expression. Reduced delays in giving of rulings perhaps rulings could even be given from the bench right straight away. We are convinced on this side of the House as the majority of practitioners outside that the creation of Divisions indeed leads to speedy justice.

So, therefore, those cases waiting to be heard concerning land disputes - let us give the statistics again. Number of cases concerning land disputes which are compiled by the Supreme Court and published on the website: cases concerning ownership, *prescription*, division in kind, boundary disputes and conflict in land use or sale, a total of 281. So, therefore, these cases, except for the division in kind which are heard before the Master, will

henceforth be heard before that specialised Division called the Land Division. So much for the argument of the Opposition.

However, I wish to add on what hon. Ramful had to state. Hon. Ramful took the example of two litigants today, namely litigants Tancred and Kisnorbo. I remember having indicated to hon. Ramful that the cases were pending before the Court. During tea-break I went to check. The case of Tancred is not before Court, Mr Speaker, Sir, I have to admit that. However, the case of Kisnorbo is. But what I want to say is: I wonder whether hon. Ramful or any Member of the Opposition has even read or seen, merely seen, the report of the Truth and Justice Commission. We don't have only a few cases in the Report of the Truth and Justice Commission which is dated 2011. The whole of volume 2 of the Report of Truth and Justice Commission is full of cases of land dispossession or fraudulent acquisition, etc. There are so many of them and why many litigants do not go to Court like the case of Mrs Tancred, well known to my colleague, the Vice Prime Minister, Mrs Jeewa Daareewoo, whom I have also personally met, whom the Prime Minister has personally met, is because of a lack of resources. And this is precisely what the Truth and Justice Commission had said. What did the Truth and Justice Commission say: is to create a Land Research and Monitoring Unit to help those litigants for their research in their whole title deeds or surveys, etc. Did any Government create the Land Research and Monitoring Unit and fund it sufficiently enough for it to start its tasks? No, Mr Speaker, Sir. It is in 2019 that budget was voted and that Unit became a reality.

So, now, those litigants, who still have to complete their research, can avail themselves of the services of the Land Research and Monitoring Unit. Hon. Ramful politely asked me two questions. He asked me: what did we do or why did we not setup the *tribunal spécialisé* or implement the other recommendations of the Truth and Justice Commission? Nobody from the Labour Party has the right to ask such questions for the simple reason that they did not implement the recommendations when they were in Government and that report was published in 2011. There were many recommendations in that report. For example, did the Labour Party abolish that famous, sorry not famous, that notorious piece of legislation called Affidavits of Prescription Act. Did the Labour Party abolish it? They did nothing.

In 2018, as the hon. Prime Minister has explained earlier, we repealed the Affidavits of Prescription Act. Therefore, I want to ask a question to members of the Mauritius Labour Party. Why did you fail to implement the recommendations of the Truth and Justice Commission? Have you even, I'll say it again, have you even seen the Truth and Justice

Commission report: how voluminous it is; the length and breadth of the analysis, it is a fantastic piece of work? I recommend one and all in this country to read it. It will take a long time to read because of its volume but every citizen of this country should read this report.

So much therefore for the arguments of the Opposition, Mr Speaker, Sir. Let me come to the second part of my summing up. Against what I have illustrated as being their arguments on that side, the question, therefore, arises what did this Government do? As hon. Deputy Prime Minister has stated there are two types persons: those who keep talking and those who walk-the-talk. I will give just three examples on this very sensitive issue of dispossession and land disputes.

One, we repealed the notorious Affidavits of Prescription Act and passed the new Bill in 2018 which is now fully in force called the Acquisitive Prescription Act which has been explained by hon. Prime Minister earlier and I do not propose, therefore, to come back to that. But I want to ask a question. That new law Acquisitive Prescription Act was passed in 2018 and, as the hon. Prime Minister has explained, there are so many safeguards in it. I, therefore, ask the question: since 2018 up today 2020, has anybody seen an Affidavit of Prescription published in the Gazette? Gazette is provided to all hon. Members in this House. Have you seen in the last two years, why? Because there are so many safeguards now compared to what the law was before that it is no longer a joke to just get two *témoins de complaisance* from Jules Koenig street and make an Affidavit of Prescription. *Fini sa! Fini!* Did anyone before this Government take such a step? No. We are the ones who really walk the talk and who take our task seriously.

The second thing we did, and this is exactly what the Truth and Justice Commission recommended. At page 23, in Volume 1 of the Truth and Justice Commission Report, I quote the following is written, title –

“Setting up of a Land Monitoring and Research Unit

A land monitoring and research unit should be set up to conduct enquiries, settle disputes or refer matters to Court. This important Authority will be called upon to monitor all land transactions, to receive complaints from genuine persons who have lost, or have been dispossessed of their property, and to assist the applicant to retrieve all necessary documents, including title deeds, plans and civil status, as well as investigate all Notarial deeds.”

Where has this recommendation been implemented at any point in time in the past? Nowhere! It has been purely and simply put on the shelf. We have taken our task seriously, we have looked into the setting up administratively, funded the Unit sufficiently for the Unit to kick-start its operations and this is a reality today.

And third is the Land Division. A lot has been said last Tuesday and today about the Land Court, the Land Tribunal, *ceci, cela*. I don't know from where these arguments come from but nobody has taken the pain to read basic recommendations of the Truth and Justice Commission. Why or they have conveniently ignored to do so. At page 24 of that same Volume 1 of the Report of the Truth and Justice Commission entitled –

“A Land Division of the Supreme Court

Land Division of the Supreme Court should be set up in order to expedite matters.”

C'est fait, Mr Speaker, Sir. The Acquisitive Prescription Act, the Land Research and Monitoring Unit and tonight the Land Division of the Supreme Court, *c'est fait*. This is what we stand for.

I therefore come to the last part of my summing up. But before doing so, I want to add. It is not only a question of creation of divisions or funding the Land Research and Monitoring Unit. Judicial Department, Mr Speaker, Sir, provides an essential service to the citizens of this country. If we do not provide the Judicial Department with sufficient resources and sufficient infrastructure, it will serve no purpose passing laws because justice will not be delivered. I asked the question when was the last time that any Government has put public funds in the construction of a Court House? None of us remember; it is so far away back in history. It is perhaps the New Court House which is the white building on Pope Hennessy Street; that was perhaps the last one. No other Court House was built after that. Just some renovation in the existing old court rooms around the country. It is this Government and I have been saying it a number of times here because this is a major achievement, the Supreme Court Tower today stands and will stand here for many years to come to show our commitment to providing service, including judicial service to the citizens of this country. And I am also pleased to inform the House that the hon. Prime Minister has advised the President to proclaim the new building as a Court House effective as from Tuesday 01 September. So, the Land Division will be sitting in the new Supreme Court House, the Financial Crime Division will be sitting in the new Supreme Court House. These are the realities which show our commitment, Mr Speaker, Sir.

Before ending, Mr Speaker, Sir, I want to recommend once again to one and all in this country to go to the Truth and Justice Commission and read because it provides insight into the history of our country. It will show what has happened in history but there is more than just the Truth and Justice Commission. *Ce pays a vraiment été développé à travers des années à coup de pioche et coup de fouet.* And when Mauritius was discovered way back in history, there was no indigenous population on this land; we only had endemic fauna and endemic flora. As often we are told, the most famous indigenous living bird is the dodo. We are all descendants of immigrants and what we choose, our decisions today determine what our country will be tomorrow. The same happened and it is not only the case of Mauritius, it is the same story for countries in the Caribbean and we are not the only ones to have commissioned a Truth and Justice Commission Report. For those who are interested, students, academics, I would like to refer them to what University College London has done. It has a centre called the LBS. LBS stands for Legacies of British Slave- Ownership and it is freely accessible on the website of the UCL, a database of more than 61,000 slave owners with their names and the details of that horrible past of history. *Nous avons un devoir de mémoire,* we need to acknowledge what has happened but we need to take collective decisions for the collective good of our country and this is what this Government consistently does. And to do so, you need leadership and I want to thank the hon. Prime Minister because without his leadership, all these steps taken, all these realities I have described would not have seen the light.

I thank you, Mr Speaker, Sir, and I commend the Bill to the House.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(Mr Speaker in the Chair)

THE COURTS (AMENDMENT) BILL

(NO. X OF 2020)

Clauses 1 and 2 ordered to stand part of the Bill.

Clause 3 (New sections 41, 41A, 41B, 41C and 41D inserted in principal Act)

Motion made and question proposed: “that the clause stand part of the Bill.”

Mr Gobin: Mr Chairperson, I move for the following amendments in clause 3 -

“In clause 3 –

- (i) in the proposed new section 41, by deleting subsection (3) and replacing it by the following subsection –

(3) Where a Judge is assigned to a division of the Supreme Court, his tenure as Judge of the Supreme Court shall not be affected and the Judge shall have full power to hear and determine any case within the jurisdiction of the Supreme Court.

- (ii) in the proposed new section 41D –

(A) by deleting paragraph (c) and replacing it by the following paragraph, the word “and” being added at the end of paragraph (b) –

(c) any matter arising out of a contract as the Chief Justice may direct.

(B) by deleting paragraph (d).”

Amendments agreed to.

Clause 3, as amended, ordered to stand part of the Bill.

Clause 4 (New sections 80A, 80B, 80C and 80D inserted in principal Act)

Motion made and question proposed: “that the clause stand part of the Bill.”

Mr Gobin: Mr Chairperson, I move for the following amendment –

“in clause 4, in the proposed new section 80A, by deleting subsection (3) and replacing it by the following subsection –

(3) Where a Magistrate is assigned to a division of the Intermediate Court, his tenure as Magistrate of the Intermediate Court shall not be affected and the Magistrate shall have full power to hear and determine any case within the jurisdiction of the Intermediate Court.”

Amendment agreed to.

Clause 4, as amended, ordered to stand part of the Bill.

Clauses 5 to 8 ordered to stand part of the Bill.

Schedule 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 Mr Speaker in the Chair, Mr Speaker reported accordingly.

Third Reading

On motion made and seconded, the following Bills were read the third time and passed –

- (i) The Courts (Amendment) Bill (No. X of 2020)*
- (ii) The Real Estate Agent Authority Bill (No. XI of 2020)*

ADJOURNMENT

The Prime Minister: Mr Speaker, Sir, I beg to move that this Assembly do now adjourn to Tuesday 03 November 2020 at 11.30 a.m.

The Deputy Prime Minister rose and seconded.

Question put and agreed to.

Mr Speaker: The House stands adjourned. Adjournment matters!

(8.25 p.m.)

MATTERS RAISED

POINTE AUX SABLES, PETIT VERGER – ROADS – REPAIRS

Mrs A. Navarre-Marie (Fourth Member for GRNW & Port Louis West): Merci, M. le président. J'adresse ma requête au ministre des Collectivités locales.

Des travaux sont actuellement effectués à la Pointe aux Sables, plus précisément à la Pointe et dans la région de Petit Verger communément appelé Chemin Prison. L'état des routes et des ruelles est dans une situation déplorable, constituant des désagréments en termes de poussière et est susceptible d'endommager les véhicules des habitants.

Je fais, donc, un pressant appel au ministre des Collectivités locales pour qu'il intervienne auprès de la municipalité de Port Louis, afin de rétablir et de goudronner les rues, y compris celle de Petit Verger, Chemin Prison.

Je vous remercie.

The Vice-Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo): Mr Speaker, Sir, I will look into it. I know there are so many roads which need to be repaired. So, I will inform the Municipality of Port Louis to look into it.

Mr Speaker: Hon. Ms Anquetil!

(8.27 p.m.)

HENRIETTA & LA MARIE - ROADS - REPAIRS

Ms S. Anquetil (Fourth Member for Vacoas & Floréal): Je vous remercie, M. le président. Ma requête s'adresse au Vice-Premier ministre et ministre des Administrations régionales.

Depuis quelques mois, circuler en voiture, à moto ou en autobus, à Henrietta, plus précisément, à Camp Fidèle, Camp La Savanne et la région de La Marie, est devenu un véritable calvaire. Nous assistons, en effet, à une prolifération des nids de poules sur ces routes représentant un réel danger, pouvant provoquer de graves accidents et abimer les véhicules.

Je sollicite l'intervention du Vice-Premier ministre et ministre des Administrations régionales pour le revêtement de ces routes dans les meilleurs délais, car il est grand temps que La Marie prenne la mesure du problème.

Je vous remercie, M. le président.

The Vice-Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo): Mr Speaker, Sir, hon. Bablee talked to me about these roads. I am going to look into them.

Mr Speaker: Hon. Dhunoo!

(8.28 p.m.)

CUREPIPE – HAWKERS – FINANCIAL PROBLEM

Mr S. Dhunoo (Third Member for Curepipe & Midlands): Thank you, Mr Speaker, Sir. The matter that I want to raise tonight is addressed to the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management.

This concerns the hawkers of Square Bruce of Curepipe. There are around 200 hawkers and they are actually facing a financial problem with the COVID-19 pandemic and their work is slowed down, and actually they have a contract with the Municipal Council of Curepipe where they are actually paying a monthly fee of Rs2,000 per month. They have made a request, a representation to me and I have a letter that I would like to pass on to the hon. Minister that if they can review the fees to lower it.

Mr Speaker: The request.

Mr Dhunoo: Thank you.

The Vice-Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo): Mr Speaker, Sir, we appreciate now with the COVID-19 situation, it is very difficult for a lot of people. And as you know, the Government came with a lot of measures like the Wage Assistance Scheme, the Self-Employed Assistance Scheme, trying to help these people. Now, as far as people who are working on the market are concerned, those people who are dealing with tourists, we appreciate now tourists are not coming to Mauritius, I mean, a case has been made to the Ministry of Finance to see how we can help these people. Those people who work with the tourists, the kind of people, but, as for the rest, I am afraid we are not considering, because you can guess, there are so many people across the island working in the different fairs. So, we have not decreased their rent in all the locality in the fairs. It is only those people who work with the tourists, because we know the tourists are not coming anymore, so we are trying to help them. So, I would advise them, if they are self-employed, to contact, I mean, they are entitled to Self-Employed Assistance Scheme and maybe that is going to partially help them.

(8.30 p.m.)

BARKLY - METRO EXPRESS - TRAFFIC LIGHTS

Mrs K. Foo Kune-Bacha (Second Member for Beau Bassin & Petite Rivière): Merci, M. le président. C'est au ministre du transport que je m'adresse par rapport à une sérieuse situation qui pourrait s'avérer dramatique et fatale, si elle n'est pas rapidement remédiée, en ce qui concerne les feux de signalisation devant le passage du métro à Barkly, à l'endroit même où il y a eu en février dernier, de cette année-ci, un accident fatal entre un

motocycliste et un tram. Samedi dernier, à exactement 8.15 dans la soirée, quatre habitants de Beau Bassin ont témoigné, que pendant que le tram passait, les feux pour les automobilistes étaient verts. Cela aurait pu entraîner un grave accident. Il y va de la sécurité des mauriciens et mauriciennes, il y va la vie des mauriciens et mauriciennes que ces feux de signalisation soient correctement synchronisés en urgence.

Merci.

The Minister of Land Transport and Light Rail (Mr A. Ganoo): I thank the hon. Member for drawing my attention to this situation, Mr Speaker, Sir. I will look into the matter and I'll call her personally and try to see what is the cause of this situation.

(8.31 p.m.)

CAMP LA SAVANNE – ROAD WORKS

Ms J. Bérenger (First Member for Vacoas & Floréal): Merci, M. le président. Ma requête s'adresse au ministre responsable des infrastructures publiques et concerne la construction d'un pont à Camp La Savanne dont les travaux ont été mis en suspens depuis le mois de mars. Les habitants sont, donc, forcés d'utiliser un sentier très dangereux, glissant et inondé en temps de pluie. Je lui demande, donc, de bien vouloir remédier à la situation au plus vite. Merci.

The Minister of National Infrastructure and Community Development (Mr M. Hurreeram): Mr Speaker, Sir, I thank the hon. Member for raising this issue. I know very well that my colleague, the PPS Bablee, is already looking into the issue and a solution has already been found for it. So, thank you.

Mr Speaker: Hon. Nuckcheddy!

(8.32 p.m.)

QUEEN VICTORIA VILLAGE – TRANSPORT PROBLEM

Mr S. Nuckcheddy (Third Member for Flacq & Bon Accueil): Thank you, Mr Speaker, Sir. My request tonight is addressed to hon. Alan Ganoo, Minister of Land Transport and Light Rail, and it concerns the village of Queen Victoria, in my Constituency. The public transport service what we commonly call the '*bus virage*' is actually not being done in a regular manner. This is causing inconvenience to the inhabitants, especially the students. May I please request the hon. Minister to look at it? Thank you.

The Minister of Land Transport and Light Rail (Mr A. Ganoo): I will certainly look into the matter, Mr Speaker, Sir.

Mr Speaker: Hon. David!

(8.33 p.m.)

MINOR K.J. – OVERSEAS TREATMENT

Mr F. David (First Member for GRNW & Port Louis West): Merci, M. le président. Ma requête de ce soir s'adresse au ministre de la Santé et du bien-être.

M. le ministre, nous avons tous été bouleversés par le décès survenu cette semaine de la petite Chandrika, âgée de six ans, emportée par une leucémie, et au nom de notre Assemblée nationale, j'adresse mes plus vives sympathies à la famille endeuillée.

Dans le même élan de solidarité, je souhaite nos meilleurs vœux de guérison au petit Matisse, trois ans, atteint également de leucémie, qui s'est rendu en Inde avec ses parents le 23 août pour recevoir le protocole de traitement.

J'aimerais solliciter l'urgente et la bienveillante attention du ministre concernant le cas de la petite Kaira Jonave, âgée de quatre ans, qui habite avec ses parents à Pointe aux Sables, et à qui on a tristement diagnostiqué une leucémie samedi dernier, 22 août. Kaira est actuellement hospitalisée à l'hôpital Jeetoo, et attend de pouvoir se rendre en Inde avec ses parents afin de se faire soigner. Puis-je demander au ministre si le dossier de la petite a été reçu et traité par son ministère et s'il peut s'assurer que les démarches avancent au plus vite, vu l'urgence médicale et vitale ?

Merci pour Kaira.

The Minister of Health and Wellness (Dr. K. Jagutpal): Thank you, hon. Member. If this patient is admitted in Jeetoo Hospital, obviously, it is being followed by the doctors over there and through the recommendation of the Board, this patient will be sent abroad in the Overseas Scheme. Now, I believe all the procedures are being done. But, anyway, I am going to look into the matter so that to expedite it as fast as possible.

Thank you.

Mr Speaker: Hon. Ameer Meea!

(8.34 p.m.)

**CHEMIN L'ENGRAIS & ROUTE ABBATOIR, ROCHE BOIS – TRAFFIC,
SECURITY & ENVIRONMENTAL ISSUES**

Mr A. Ameer Meea (Third Member for Port Louis Maritime & Port Louis East):

Mr Speaker, Sir, the issue I am raising tonight is jointly addressed to the hon. Prime Minister, and also to the Minister of Environment as it has under its purview la Police de l'Environnement. It relates to a traffic and security issue and an environmental issue at Chemin l'Engrais et Route Abattoir à Roche Bois dans la circonscription no. 3.

A chaque fin de mois, il y a le débarquement d'une cargaison de maïs à Mer Rouge, et de là il y a plusieurs camions qui transportent cette cargaison dans des énormes camions qui traversent une zone hautement résidentielle. Ces camions traversent à une fréquence de 10 à 20 camions à l'heure devant les maisons des habitants qui subissent un flot de trafic nuit et jour pendant 24 heures, 24 sur 24 pendant trois à quatre jours, et cela leur cause beaucoup, beaucoup de problèmes, occasionnant une pollution de l'air mais aussi sonore. Des fois, il y a une infime partie des cargaisons qui se déversent sur l'asphalte et cela représente un danger pour les motocyclistes.

M. le président, tout en respectant l'activité économique de la compagnie en question, il faut trouver une route alternative pour ces camions. Apparemment, il en existe ; il faut réasphalter cette route circulaire de Mer Rouge à l'entrepôt de la compagnie. En attendant que ça puisse se faire, j'ai fait une requête à la station de Police de Cité Roche Bois pour que ces camions-là cessent leurs activités à une heure raisonnable dans la soirée. Merci, M. le président.

The Minister of Environment, Solid Waste Management and Climate Change (Mr K. Ramano): M. le président, le point qui a été soulevé par l'honorable membre soulève quelques questions; il y a une question sécuritaire aussi bien qu'une question de pollution.

En ce qui concerne la question de la pollution de l'air, il y a une obligation sur les camionneurs pour couvrir leur cargaison avec des bâches. Malheureusement, il y a quelques contrevenants. Donc, à ce niveau-là je vais prendre la question, bien sûr, avec la Police de l'Environnement pour s'assurer qu'ils puissent couvrir leur cargaison avec des bâches.

En ce qui concerne la question de la sécurité routière, merci d'avoir souligné ce problème-là, je prendrai la question, bien sûr, avec les autorités concernées et bien sûr, s'il y

a des renseignements précis qui doivent être pris avec l'honorable membre, je me ferais un plaisir de l'appeler.

Merci.

Mr Speaker: Hon. Ittoo!

(8.37 p.m.)

LAPEYROUSE STREET, EAU COULEE – NDU PROJECT

Mr A. Ittoo (Third Member for Vacoas & Floréal): Merci M. le président. Ma requête s'adresse au ministre des Infrastructures publiques et du Développement communautaire. Cela concerne une ruelle adjacente à Lapeyrouse. Ça fait maintenant quelques temps qu'un projet *NDU Funded* pour la Municipalité du Curepipe est retardé par rapport aux difficultés que le contracteur a eues. Donc, le *scope of works* a changé.

M. le président, je comprends que cela fait quelque temps maintenant que le projet est stagnant, donc, je demanderai au ministre s'il peut regarder le dossier et aider à ce que le projet soit complété dans les plus brefs délais. Merci.

The Minister of National Infrastructure and Community Development (Mr M. Hurreeram): M. le président, je remercie mon collègue d'attirer mon attention sur ce problème. Je l'inviterais à ce que l'on fasse un *site visit* ensemble lundi et on trouvera une solution ensemble.

Merci.

Mr Speaker: Hon. Dr. Gungapersad!

(8.39 p.m.)

SODNAC SSS – STUDENTS - SIT-IN

Dr. M. Gungapersad (Second Member for Grand'Baie & Poudre d'Or): Thank you, Mr Speaker, Sir. My request is addressed to the hon. Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology.

I am referring to the recent sit-in of upper form students at the Sodnac SSS as reported in *Week-end*, dated 23 August 2020. The students have drawn a long list of grievances which, amongst others, include the renovation of the gymnasium, the non-replacement of fans in

classrooms, the conflictual relationship between the Rector and the PTA, the flouting of the sanitary protocol both at school and on school buses, students forced to pay for their bus fare, even if they have bus pass and the misuse of PTA funds.

I will request the hon. Minister of Education to look into those serious allegations and to restore a proper teaching and learning environment in Sodnac SSS. Thank you very much.

The Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology (Mrs L. D. Dookun-Luchoomun): Mr Speaker, Sir, I have taken cognizance of the problems at Sodnac SSS. I must inform the House that the team of the Quality Assurance Unit of the Ministry is looking into the matter and will certainly look into the other grievances of the students. Thank you.

(8.40 p.m.)

Mr Speaker: Hon. Juman!

CIGARETTES & ALCOHOLIC DRINKS - PUBLICITY

Mr E. Juman (Fourth Member for Port Louis Maritime & Port Louis East): Merci, M. le président. Ma requête est adressée à l'honorable ministre de la Santé et du bien-être. Je suis interpellé par des panneaux publicitaires et une campagne publicitaire de la *Mauritius Duty Free Paradise Bay* dans plusieurs endroits du pays, ainsi que sur le site des médias en ligne. Ces panneaux font état de la promotion de la vente du tabac et des boissons alcoolisées, alors que toute promotion, publicité et parrainage du tabac et les boissons alcoolisées sont strictement interdits conformément à la *Public Health (Restrictions on Tobacco Products) Regulations 2008*. De ce fait, puis-je demander à l'honorable ministre de faire enlever ces panneaux le plus vite possible et de prendre des sanctions contre les fautifs ?

Merci.

The Minister of Health and Wellness (Dr. K. Jagutpal): Thank you, hon. Member. I will look into the matter and inform the officers to take the appropriate actions as required.

(8.42 p.m.)

Mr Speaker: Hon. Nagalingum!

CONSTITUENCY NO. 19 – ROADS – PATCHING WORKS

Mr D. Nagalingum (Second Member for Stanley & Rose Hill): Mr Speaker, Sir, with your kind permission, allow me once more to draw the attention of the Minister of

Energy and Public Utilities on the catastrophic state of roads in Constituency No. 19. I already informed that hon. Minister of the problem and he advised that necessary actions were going to be taken.

Yes, Mr Speaker, Sir, actions, if we can call them by this name, have been taken when some parts of those roads have been superficially patched. Not more than 24 hours after the patching works, the road concerned returned to the previous state, back to square one.

Can I make an appeal to the hon. Minister to seriously see to it that proper and complete repair works are carried out as soon as possible, and this before his Ministry would receive numerous claims for serious car damages resulting from the state of these roads?

Thank you.

The Minister of Energy and Public Utilities (Mr G. Lesjongard): Thank you, Mr Speaker, Sir. I thank the hon. Member for raising this issue again and I can reassure him that needful is being done in order to alleviate the problems of the inhabitants of Rose Hill. We are closely monitoring the situation, my colleague the hon. Minister of Social Security, hon. Ivan Collendavelloo and myself.

We are aware that there are problems with regard to the works that have been undertaken by that contractor, but I can again reassure the hon. Member that a series of decisions have already been taken. We have started with the patching works, but there are other measures which will be taken in due course so that works which have been delayed are completed, and are completed to the satisfaction of the inhabitants of Rose Hill.

Thank you, Mr Speaker, Sir.

Mr Speaker: Hon. Osman Mahomed!

(8.43 p.m.)

BANGLADESH, TRANQUEBAR - BUS SERVICE

Mr Osman Mahomed (First Member for Port Louis South & Port Louis Central): Thank you, Mr Speaker, Sir, I would like to address the hon. Minister of Land Transport and Light Rail, but this is an issue that would concern the Minister of National Infrastructure and Community Development as well because NDU is concerned.

Mr Speaker, Sir, buses are no longer serving some parts of Bangladesh in Tranquebar, on the main road there, as from the Hindu Ektha Mandir, all the way to the end of

Bangladesh. This is because the NDU is carrying some civil engineering works, namely the construction of road drains. Consequently, the roads have become very narrow and there is inaccessibility for normal buses because of the width of the road and the turning radius. This is causing a lot of hardship to the inhabitants, namely school children and the elderly who have to walk long distances to go to their homes.

My requests are as follows –

- (i) for the NDU to speed up the works as far as possible, and
- (ii) for the NTA to make arrangement for smaller buses or vans to serve the locality meanwhile, while the works are being completed.

Thank you.

The Minister of Land Transport and Light Rail (Mr A. Ganoo): For my part, Mr Speaker, Sir, I will get in touch with the NTA to make necessary arrangements with the way to find a solution to the problem raised by the hon. Member.

Thank you.

(8.45 p.m.)

Mr Speaker: Hon. Doolub!

WAKASHIO WRECK - BLUE BAY TOPSHOPS' REPRESENTATION

Mr R. Doolub (Third Member for Mahebourg & Plaine Magnien): Thank you, Mr Speaker, Sir. My request is addressed to the hon. Minister of Environment and comes from operators of topshops in the region of Blue Bay.

With the very unfortunate Wakashio wreck, beaches are closed and, unfortunately, the businesses as well. The operators have made a representation, if ever the rent payable to the Beach Authority could be waived during the period they are not operating.

Thank you.

The Minister of Environment, Solid Waste Management and Climate Change (Mr K. Ramano): M. le président, l'honorable membre a soulevé la question avec moi suivant une requête dans ce sens des personnes concernées. Je ne peux rien dire à ce stade. Laissez-moi prendre la question avec l'autorité concernée.

Merci.

Mr Speaker: Any other matter?

Thank you very much! Allow me to leave the Chair.

At 8.47 p.m., the Assembly was, on its rising, adjourned to Tuesday 03 November, 2020 at 11.30 a.m.