

No. 16 of 2012



FIFTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

SECOND SESSION

TUESDAY 24 JULY 2012

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Dr. the Hon. Navinchandra Ramgoolam, GCSK, FRCP	Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues
Dr. the Hon. Ahmed Rashid Beebeejaun, GCSK, FRCP	Deputy Prime Minister, Minister of Energy and Public Utilities
Hon. Charles Gaëtan Xavier-Luc Duval, GCSK	Vice-Prime Minister, Minister of Finance and Economic Development
Hon. Anil Kumar Bachoo, GOSK	Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping
Dr. the Hon. Arvin Boolell, GOSK	Minister of Foreign Affairs, Regional Integration and International Trade
Dr. the Hon. Abu Twalib Kasenally, GOSK, FRCS	Minister of Housing and Lands
Hon. Mrs Sheilabai Bappoo, GOSK	Minister of Social Security, National Solidarity and Reform Institutions
Dr. the Hon. Vasant Kumar Bunwaree	Minister of Education and Human Resources
Hon. Satya Veyash Faugoo	Minister of Agro-Industry and Food Security
Hon. Devanand Virahsawmy, GOSK	Minister of Environment and Sustainable Development
Dr. the Hon. Rajeshwar Jeetah	Minister of Tertiary Education, Science, Research and Technology
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Hon. Yatindra Nath Varma	Attorney General
Hon. John Michaël Tzoun Sao Yeung Sik Yuen	Minister of Tourism and Leisure
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Hon. Sutyadeo Moutia	Minister of Civil Service and Administrative Reforms

Members

Members

PRINCIPAL OFFICERS AND OFFICIALS

*Mr Speaker*Peeroo, Hon. Abdool Razack M.A., SC,
GOSK*Deputy Speaker*

Peetumber, Hon. Maneswar

Deputy Chairperson of Committees

Deerpalsing, Hon. Ms Kumaree Rajeshree

Clerk of the National Assembly

Dowlutta, Mr R. Ranjit

Deputy Clerk

Lotun, Mrs B. Safeena

Clerk Assistant

Ramchurn, Ms Urmeelah Devi

Clerk Assistant

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MAURITIUS

Fifth National Assembly

SECOND SESSION

Debate No. 16 of 2012

Sitting of 24 July 2012

The Assembly met in the Assembly House, Port Louis,

At 11.30 a.m

The National Anthem was played

MR SPEAKER - ELECTION

The Clerk: In accordance with the provisions of section 32 of the Constitution and of Standing Order 7 of the Standing Orders and Rules of the National Assembly, the House will now proceed to the election of a Speaker.

(At this stage, the Mace is brought into the House by the Serjeant-at-Arms and is laid under the Table)

I will, therefore, invite two hon. Members to move and to second the election of a Member present in this Assembly or otherwise to be nominated to the office of Speaker and to take the Chair of the House as such.

The Prime Minister: Clerk of the National Assembly, in accordance with the provisions of section 32 of the Constitution and Standing Order 7 of the Standing Orders and Rules of the National Assembly, I move that Mr Abdool Razack Mahomed Ameen Peeroo, GOSK, SC be elected Speaker of the House.

In line with the tradition of the House, I wish to say a few words about Mr Razack Peeroo whom I am proposing to be the Speaker of the House.

Mr Razack Peeroo is a well-known figure, both as a Barrister and as a politician. He was called to the Bar of England and Wales in 1972 and to the Mauritian Bar in 1974.

Mr Razack Peeroo first stood as a candidate in 1976 under the banner of the Independence Party, a coalition of the Labour Party and the CAM and was duly elected in Constituency No. 15 – La Caverne/Phoenix. The other two elected Members from that Constituency were Mr Rajkeswur Purryag and Mr Iswardeo Seetaram.

By stroke of coincidence, all three elected Members from Constituency No. 15 served as Ministers in the Government of Sir Seewoosagur Ramgoolam and, by yet, another stroke of coincidence, Mr Seetaram and Mr Purryag have also both served as Speaker of the House and now Mr Peeroo too is to be the Speaker of the House.

Mr Razack Peeroo stood again for Parliament as a Labour Party candidate in 1991 and was returned as the Fourth Member of Constituency No. 15. He stood for Parliament again in 1995 under the banner of the Labour Party/MMM Alliance and he was returned as First Member of the same Constituency in 1995.

Mr Razack Peeroo has held the following Ministry or responsibilities. He was Minister of Labour and Industrial Relations from November 1979 to June 1982; Attorney-General, Minister of Justice and Industrial Relations from December 1995 to November 1996; Attorney-General, Minister of Justice, Human Rights and Corporate Affairs from December 1996 to June 1997; Attorney-General, Minister of Justice, Human Rights and Corporate Affairs and Minister of Labour and Industrial Relations from June 1997 to November 1999; Attorney-General, Minister of Justice and Human Rights, Minister for Reform Institutions from November 1999 to September 2000.

His abilities and qualities have been recognised both locally and internationally and have earned him several decorations. In view of his exceptional and distinguished service in the political and legal fields, in 2006, he was awarded Grand Officer of the Order of the Star and Key of the Indian Ocean (GOSK). In 2010, he was elevated to the rank of Senior Counsel.

His wide experience and his well-known sense of fairness combined with the unswerving dedication to his duty fully qualify him to preside over the deliberations of the National Assembly. I have no doubt that Mr Razack Peeroo will serve the House with the same exemplary distinction he has always displayed in his previous responsibilities.

With these words, I move that Mr Razack Peeroo be elected Speaker of this august Assembly.

The Deputy Prime Minister rose and seconded.

The Clerk: Is there any counter proposal?

As there appears to be no other proposal, I shall declare Mr Abdool Razack Mahomed Ameen Peeroo, Senior Counsel, Grand Officer of the Order of the Star and Key of the Indian Ocean, present in the House, elected to the Chair and I invite him to come to the upper step to make the affirmation, in the first instance, and then to take the Chair.

(The House having called Mr R. Peeroo to the Chair, he proceeds to the upper step of the Chair)

Mr Peeroo then made and subscribed before the Assembly the Oath of Allegiance prescribed in Schedule 3 of the Constitution and signed the Roll of Membership.

Mr Speaker: *(Standing on the upper step)*

Hon. Members, I am thankful to you for having elected me Speaker of the National Assembly. I am deeply honoured by the trust and confidence you have placed in me.

I am fully aware that impartiality is the main characteristic attached to the Office of Speaker. The task is demanding and carries many responsibilities.

My predecessor deserves praise for having so fairly and ably discharged his duties. The Speaker is looked upon as the symbol of authority and the guardian of Parliamentary rights and liberties.

Let me make it known to this Assembly that impartiality and fair play will be my guiding principles.

Hon. Members, I shall strive to make this impartiality and fair play felt and recognised. I shall, to the best of my abilities, enable all of you to have the opportunity to voice out your opinions, obviously within the parameters of the Standing Orders and Rules of the National Assembly.

I thank in anticipation the Clerk, his officers and all the members of the staff for their invaluable contribution in ensuring the proper and effective functioning of the National Assembly.

Hon. Members, I hope to rely on your collaboration in maintaining the dignity this Assembly deserves and the respect it commands.

Thank you.

(Applause)

(Mr Speaker then takes the Chair)

(The Mace which was, up to that time, under the Table, was placed upon the Table)

PAPERS LAID

The Prime Minister: Sir, the Papers have been laid on the Table –

A. Ministry of Finance and Economic Development –

The Customs (Amendment) Regulations 2012 (Government Notice No. 132 of 2012).

B. Ministry of Social Security, National Solidarity and Reforms Institutions

–

(a) The Report of the Director of Audit on the Financial Statements of the Examination of the National Savings Fund for the financial years ended 30 June 2000, 30 June 2001, 30 June 2002, 30 June 2003, 30 June 2004, 30 June 2005, 30 June 2006 and 30 June 2007.

(b) The Report of the Director of Audit on the Financial Statements of the National Pensions Fund for the financial years ended 30 June 2002, 30 June 2003, 30 June 2004, 30 June 2005, 30 June 2006 and 30 June 2007.

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

The Annual Report 2009/2010 of the Mauritius Research Council.

D. Ministry of Local Government and Outer Islands –

(a) The District Council of Moka/Flacq (Fair) Regulations 2012 (Government Notice No. 133 of 2012).

(b) The District Council of Moka/Flacq (Market) Regulations 2012 (Government Notice No. 134 of 2012).

MOTION

SUSPENSION OF S.O.10 (2)

The Deputy 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.

STATEMENT BY PRIME MINISTER

MAURITIAN COMPANIES – ALLEGED ARMS TRAFFICKING

The Prime Minister: Mr Speaker, Sir, with your permission, I would like to make a statement on the recent reported cases of attempts by foreign nationals to use a number of countries, including Mauritius for trafficking of arms.

Following an interim report by Ms Kathi Lynn Austin, from the Conflict Awareness Project, exposing an active arms trading network of associates of former trafficker Viktor Bout that involves companies from the United States, South Africa and the United Kingdom, among other countries and the use of Mauritian companies by foreign nationals to facilitate dealings in arms trafficking, I wish to inform the House that Government is taking a very serious view of this matter and will undertake whatever actions necessary to prevent Mauritius and its institutions to be used for any illicit purposes.

It is noteworthy that a previous application by Superfly Aviation Limited for an air operating certificate was turned down in July 2011 thanks to the vigilance of the department of the Civil Aviation which detected that the documents submitted in support of the application were fake. The matter was submitted by the Director of Civil Aviation to the Commissioner of Police which led to the arrest of a Mauritian national in February 2012. He was provisionally charged for swindling.

Subsequently, one of the directors of Superfly Aviation Limited informed the Director of Civil Aviation that he wanted to pursue his business venture in Mauritius and his project had been jeopardised earlier by the action of the Mauritian national. He submitted a fresh application for an air operating certificate under the name of Island Air Systems Ltd.

Based on the various sources of information available, including a report from our mission in New York and having regard to the previous application where one of the directors of Island Air Systems Ltd was involved, Government on 11 July 2012 decided not to accede to the request of the company for an air operating certificate.

An enquiry into the matter has been instituted by the Commissioner of Police, the Final Intelligence Unit, the Financial Services Commission and ICAC. I will keep the House informed of any future development.

Thank you.

MOTION

GOVERNMENT PROGRAMME 2012-2015

Order read for resuming adjourned debate on the following motion of the hon. Third Member for Port Louis North & Montagne Longue (Mrs B. Juggoo) –

“This Assembly resolves that the Government Programme 2012-2015 presented to this Assembly on Monday 16 April 2012, copy of which has been circularised amongst Honourable Members, be and is hereby approved.”

Question again proposed.

(11.40 a.m.)

The Minister of Fisheries (Mr J. Von-Mally): M. le président, permettez-moi, tout d’abord, de vous féliciter pour votre élection comme *Speaker* de cette auguste Assemblée. Vous ayant connu comme ministre, je crois que je peux vous dire *welcome back to this House*.

Je voudrais aussi féliciter le PPS, l’honorable Peetumber pour son élection comme *Deputy Speaker of this House*. Permettez-moi aussi, M. le président, de saluer deux grandes dames. La première c’est Madame Monique Ohsan-Bellepeau, la vice-Présidente de la République, pour avoir présenté le discours-programme du gouvernement, le programme gouvernemental 2012/2015. *She was then the acting President of the Republic*. Et comment ne pas saluer la PPS, Madame Kalyanee Juggoo pour avoir présenté la motion qui est en train d’être débattue actuellement?

M. le président, ce présent gouvernement, à travers ce programme gouvernemental, a voulu, autant que possible, voir loin, voir large et voir profond pour notre république. Nous avons voulu préparer la route pour mener la république à une meilleure destination pour que les futures générations puissent vivre mieux dans notre pays. Ce n’est, donc, pas un hasard, M. le président, si le concept d’État-océan est bien ancré. Cela a une place de choix dans ce discours-programme, parce qu’on comprend de plus en plus, M. le président, que notre république n’est pas cette petite île Maurice ou la petite île Rodrigues ou bien les Chagos ou bien Agaléga. Notre république est une république océan, c’est un des plus grands États-océan du monde, surtout si on tient compte qu’il y a à peine quelques semaines de cela - il faut le dire, il faut le redire, il ne faut pas que cela passe inaperçu - grâce à la vision de notre Premier Ministre, qui a travaillé d’arrache-pied avec, je dirais son ami, le Président des Seychelles, le Président Michel, ils ont

pu faire une demande. Et c'est la première fois au monde que deux États arrivent à faire cela. Ils ont soumis une demande pour l'extension de notre plateau continental et cela a été fait d'une façon extraordinaire. Tout s'est bien passé et, aujourd'hui, le résultat est qu'on a 396,000 kilomètres carrés de mer, de plateau continental, en plus à être cogérés conjointement par les Seychelles et Maurice. C'est presque la superficie de l'Allemagne. Aujourd'hui, nous avons, grâce à cela, un EEZ, Zone Économique Exclusive, de plus de 2.3 millions de kilomètres carrés, M. le président. Ce que, comme je l'ai dit, fait de nous, un des plus grands États-océan du monde. Donc, nous avons plus de mer à gérer que de terre.

(Interruptions)

11,000 fois plus de mer à gérer que de terre. Donc, il va de soi, qu'on doit utiliser au maximum tout le potentiel que nous avons dans la mer.

Ce qui est intéressant dans ce discours-programme, M. le président, c'est que ce gouvernement veut s'assurer que la République de Maurice assume pleinement ses responsabilités d'État archipel, et cela c'est quelque chose de formidable. Aucune île, aucune parcelle de ce territoire ne sera laissée de côté et nous voulons, bien sûr, développer tout le potentiel qu'elle regorge. Je pense que c'est très important, parce que comme cela a été dit au Sommet de Rio+20 tout dernièrement, c'est bon à savoir que, M. le président, les océans recouvrent 71% de notre planète. Les océans abritent quelque 80% des organismes vivants. Les plantes océaniques. M. le président, produisent presque la moitié de l'oxygène que nous respirons et 90% des échanges maritimes passent par les voies maritimes. Selon les estimations, 80% des ressources minérales de notre planète se trouvent dans les fonds océaniques. M. le président, les océans fournissent 60% de protéines alimentaires dans les pays tropicaux en développement. Et la pêche - cela concerne un peu mon ministère – emploie pas moins de 170 millions de personnes de par le monde.

Donc, ce n'est pas un hasard si ce présent gouvernement a tenu à mettre en bonne place ce concept d'État-océan dans ce discours-programme. Nous, au ministère de la pêche, M. le président, voulons jouer notre rôle comme il le faut. Nous savons que nous avons un rôle important à jouer dans tout cela et nous voulons le faire comme il le faut et nous voulons, aujourd'hui, plus qu'hier et moins que demain, essayer d'apporter nos pierres à l'édifice de notre économie.

Laissez-moi, pour commencer, parler un peu de la pêche et mon ministère avant, en tant que député de Rodrigues, dire quelques mots sur Rodrigues. What are we doing, Mr Speaker, Sir, concerning fisheries which is, despite what some can say, a big Ministry? Mr Speaker, Sir, my Ministry remains committed to the strengthening of its unflinching support to the fisheries sector and its development as, indeed, it has a critical role to play in the economic growth, job creation, food security and the transformation of the industry for the benefit of the nation at large.

Let me, first, share with you, Mr Speaker, Sir, that currently the fisheries sector contributes approximately 1.9% to GDP and we want to increase that - mainly from the processing and services sector - with a turnover of Rs18.9 billion – *R 18.9 milliards, presque R 20 milliards que la pêche contribue à notre économie* and fisheries represent about 16% of our total commodity export.

The marine sector has a positive future with the right steps being taken in the Government Programme to develop its ocean resources for economic advances. Here, I would like to comfort the House that fisheries was, is and will always be one of the important economic pillars contributing to the national economy and will certainly become more important with time.

We may have differences of opinion, to be sure, firmly held beliefs and very significant and emotional debates, but I also believe that we are united in our end-goal, that is, to manage our fisheries resources to ensure their health, sustainability and vitality for today and for the future.

Mr Speaker, Sir, as you are all aware, the positioning of Mauritius as a seafood hub forms part of the strategy of this Government to further diversify the Mauritian economic base due to globalisation effects on our existing traditional economic pillars. A lot of progress has been made and today, Mauritius is one of the two biggest ACP exporters of canned tuna to the EU market. *Maurice est un des plus grands exportateurs de* canned tuna to the EU market. Mauritius ranks third in terms of overall EU canned tuna external supply in terms of volume and also ranks third of overall EU tuna loins external supply in terms of value.

As much as fisheries is seemingly better-off in the global economic crisis, it is by no means shielded from its effects. Here, it is worth noting that an increase of 35.1% in the value of exports for fish and fish products has been recorded during the very first quarter of 2012. Indeed, Mr Speaker, Sir, the growth in the fishery sector during the first quarter of this year has

been up to 35.1%. Strategically positioned in the Indian Ocean, Mauritius is also a regional hub for maritime traffic, thus facilitating the export of our finished products towards markets such as Europe, USA, Middle East, Asia and Africa. *Il faut le dire, M. le président, que Port Louis est un des ports le plus efficient de la région. C'est pourquoi nous sommes en train de connaître de plus en plus de succès dans le domaine de la pêche et dans le domaine portuaire.*

You are all aware of the right business environment in place in the seafood hub of Mauritius from competitive services to marine related activities, more particularly the facilities available for dry docking, repairs, maintenance, and dockyard. Our local stakeholders provide international services to fishing companies for repairs of vessels and the recent jumborisation of a fishing vessel is testimony of our *savoir-faire* in the domain. *Pour la première fois, M. le président, dans notre port, dans une de nos cales sèches, nous avons pu agrandir un bateau, ajouter des cales à un bateau, c'est ce qu'on appelle la jumborisation. Pour la première fois, on a pu le faire à Maurice. Donc, c'est encore une façon pour nous d'attirer plus de bateaux vers notre port, parce que nous offrons ce service aussi maintenant.* The Mauritius Port Authority, on its part, is seriously considering the expansion of the port area to cater for the increased number of fishing vessels.

Mr Speaker, Sir, our waters, let us say it bluntly, are not as productive compared to most other ocean areas and yet we are a reference when it comes to fisheries. Our dedication, hard work and commitment are recognised in the international arena. Being a member of various international organisations, we implement all the fisheries conservation and management measures. We have also signed the Southern Indian Ocean Fisheries Agreement (SIOFA) which aims at the long-term sustainable use and conservation of fishery resources other than Tuna in areas that fall outside national jurisdiction. We are now looking forward for its coming into operation and relying on the unflinching support of member States for hosting the SIOFA Secretariat in Mauritius as we have demonstrated to the international community our capacity in implementing joint management and conservation measures along with sectoral fisheries policies besides having the relevant expertise and infrastructure. *En abritant le Secrétariat du SIOFA, M. le président, nous allons pouvoir accueillir davantage de bateaux qui vont se ravitailler à Maurice, qui vont utiliser nos facilités portuaires pour effectuer des réparations, utiliser nos dry docking facilities à Maurice. Donc, cela va offrir davantage d'emplois dans le secteur portuaire. Donc, je pense que la croissance va s'accroître dans ce domaine, M. le président.*

Furthermore, in April 2012, as the Chairman of the Indian Ocean Tuna Commission – indeed, Mr Speaker, Sir, Mauritius is actually chairing the IOTC – was congratulated from all quarters to the excellent conduct of its commission meeting in Australia. We have been able to adopt the resolutions for the sustainable management and development of tuna resources incorporating for the first time the precautionary approach principle along with the recommendation for targeting reference limits for species in the IOTC area of competence. Likewise, the European Union congratulates Mauritius to host in October 2012 the Indian Ocean Tuna Tagging Symposium. And this is a demonstration of the ability of the IOTC member States to manage the tuna fisheries in the Indian Ocean through a better knowledge of the status and population dynamics of the main stocks. The data collected are expected to have a significant contribution to the fisheries stock assessment. Mauritius would also host the ACP Fish II Monitoring and Evaluation workshop under which the Fisheries Master Plan for Mauritius was elaborated. Projects enunciated in the Plan are being scrutinised by a multi-sectoral task force for implementation.

Mr Speaker, Sir, fisheries constitutes a vital sector of economic activity for Mauritius and it is crucial for us to conclude a strategic partnership in the fisheries sector with the European Commission which is our main market for export of fish and fish products with duty-free privileges. Conclusion of a Fisheries Partnership Agreement does not only guarantee sustainable fishing activities, but also ensures the sustainability of our processing sector in the seafood hub. A Fisheries Partnership Agreement and Protocol has been concluded and initialled by both the European Commission and Mauritius in February 2012. The Fisheries Partnership Agreement establishes the terms and conditions under which vessels registered in and flying the flag of the European Union may carry out tuna fishing in Mauritius waters in accordance with the provisions of the United Nations Convention on the law of the Sea, that is, UNCLOS and other rules of international law and practices.

Here, I would also like to highlight that a private company already involved in fishing and processing of tuna has shown a keen interest to register 5 purse seine fishing vessels in Mauritius, Mr Speaker, Sir. The implementation of this project is expected to result in the landing of some 60,000 tonnes of tuna in Mauritius for processing and eventually exports. *Donc, encore la croissance! Nous pensons qu'avec ces cinq nouveaux bateaux qui vont être enregistrés à Maurice, nous allons avoir quelque 60,000 tonnes de thon qui vont être processed à Maurice.*

This proposal is in line with our philosophy of building a national fleet capacity to particularly harness the resources in our waters. *Et cela va donner du travail à nos pêcheurs. Donc, on aura enfin une flotte de bateaux neufs dans notre pays.* Concerning the sustainability issue as the global demand for fish increases, so does our responsibility to ensure the sustainability of our finite fishery resources.

I believe that the solutions to ensure the viability of our marine ecosystems are to influence the economic and social benefits that would come from rebuilding the fisheries which are within reach. My Ministry is inspired to redouble efforts, so that we can reverse the decline of fisheries by managing them for profit on a more sustainable basis through the principles of ecosystem approach to fisheries. My Ministry is also coming forward with a Fisheries Management Plan for the shallow water demersal fish species of the Saya de Malha and Nazareth banks of Mauritius.

Concerning Illegal, Unreported and Unregulated fishing (IUU), we know, Mr Speaker, Sir, that illegal fishing is a scourge which has to be eliminated. To curb down illegal fishing, my Ministry is increasing crackdown operations to stop people from such illegal practices. From February to date, around 1800 meters of illegal fishing nets, 95 units of illegally caught fish and several underwater spear guns used for fishing have been seized, and we are continuing to crack down those who indulge in illegal fishing, Mr Speaker, Sir. At regional level, my Ministry is actively participating in the regional plan of control and surveillance initiatives, enforcing laws and regulations related to management measures of the high migratory resources. Not less than 30 joint patrol missions were carried out from 2007, and about 100 vessels controlled each year at sea. The success of this operation is due to the fact that there is the contribution of Indian Ocean Countries (IOC) Member States as far as joint surveillance means are concerned, and Mauritius participates in this very laudable initiative.

Let us now come to aquaculture. Mr Speaker, Sir, our vision is to make of Mauritius a leader in this field because many African countries want us to help them, but I believe we must become a leader ourselves in order to help our brothers and sisters of Africa. We are working hard in this respect. As you are aware, coral reefs are some of the most diverse and valuable ecosystems on earth. Most importantly, they provide protection and shelter for many different species of fish. Without coral reefs, these fish are left homeless and cannot reproduce. They also protect coasts from strong currents. Furthermore, marine fish stocking involves producing fish

fry or fingerlings, and releasing them into the sea. Fish stocking provides many benefits such as increasing existing stock, and is recognised for its importance to the fishing community in terms of quality fishing, conservation outcomes, employment, and subsequent economic benefits. As a first step, with a view not to compromise the marine resources capacity to provide inherent ecosystem goods and services, we have embarked on projects in connection with marine ranching, release of fish fingerlings and coral farming. *On a déjà commencé cela, M. le président, avec mes collègues, le vice-Premier ministre, l'honorable Xavier Duval, et l'honorable Seetaram. On veut continuer à relâcher des petits poissons dans le lagon pour replenish the lagoon. On a déjà commencé avec les 'Cordonniers', et là, en hiver, c'est la 'Gueule Pavé' qu'on peut faire reproduire, et on est en train de se préparer pour les relâcher dans le lagon.*

Some 100,000 fingerlings have been produced and released in the lagoons of Blue Bay, Trou d'Eau Douce, Poste Lafayette and Rivière Noire. Some 200,000 will be produced during the course of the year for release at sea around the island. Beaucoup plus que 200,000 ; on veut produire le maximum possible. On fait reproduire les poissons à Albion, et arrivé à un certain stage on les relâche dans le lagon. C'est un premier pas dans le domaine de l'aquaculture. Je reste convaincu que la sécurité alimentaire mondiale passe par l'aquaculture, et l'île Maurice ne fait pas exception. Au contraire, nous avons pris du retard, et je veux qu'on rattrape ce retard. Tout dernièrement, j'étais en Malaisie, et j'ai vu qu'ils sont arrivés bien loin. Il y a des pêcheurs et des coopératives aquacoles qui produisent des quantités phénoménales de poissons. Ils sont devenus multimillionnaires en élevant des poissons. Ils ont commencé avec l'élevage de crabes dans des boîtes parce que les crabes étant cannibales, on ne peut pas les mettre ensemble. On doit les mettre isolément dans des boîtes. Là-bas, ils ont commencé cela, et on veut apporter leur expertise à Maurice pour aider les pêcheurs, qu'ils soient à Maurice, Rodrigues, Agalega ou à St. Brandon ; on veut les aider. C'est cela le concept d'*Ocean State*, M. le président.

A Trou d'Eau Douce, on a commencé le projet pilote pour les pêcheurs – j'étais accompagné par mon ami l'honorable Seetaram. On leur a donné des cages de poissons, des *fingerlings*, des petits poissons, et les poissons se portent bien. On a commencé avec le 'Berry rouge', et bientôt se sera la 'Gueule pavé', les anguilles etc ; des poissons qui valent de l'or. Avant, les pêcheurs étaient réticents, mais maintenant on a une grande demande. Les pêcheurs à travers l'île Maurice veulent qu'on leur donne des cages de poissons. On veut travailler dans

cette direction parce que s'ils élèvent des poissons, demain eux-mêmes vont dire ' Ecoutez, on ne va pas aller pêcher des poissons sauvages, on va rendre nos filets, et on va aller vers l'aquaculture.' Ce sera tant mieux pour notre environnement et pour nos coraux, car il n'y aura plus beaucoup de gens pour marcher dessus. Donc, on veut aller dans cette direction, M. le président.

Mr Speaker, Sir, we also need initiatives that will help increase returns to the fisheries sector, by improving the image of its products and thus satisfy the consumers through means such as certification and eco-labelling. Consumers are more and more aware of the need for sustainable fisheries development. It is high time for fish and fish products to have an FAO consistent standard for sustainability and environmental responsibility. My Ministry is working on this endeavour because there are some countries which will not buy our fish if it is not fished in a sustainable way, Mr Speaker, Sir, especially the European countries. This is why we want sustainability to be high on our agenda.

We need to integrate technology in fisheries to diversify and maximise outputs and returns in a sustainable way while protecting the environment. Thus, to support economic and social development of the fishermen community, I can assure the House that my Ministry will pursue the programme of improving fisheries infrastructure. In this context, we have started the process for the construction of Case Noyale and Trou d'Eau Douce Fisheries Posts – my friend, hon. Seetaram, will be happy, I am sure - dredging of boat passages at Remy Ollier, Mahebourg – my hon. friend Dr. Bunwaree also, I am sure, will be happy - and the Fisheries and Training Extension Centre (FITEC) at Pointe aux Sables. Hence, the priority of the day should be upgrade capacity and improve facilities at all levels. As the saying goes '*un homme averti en vaut deux.*'

Fisheries policy is a science-based policy, and science is the cornerstone of sound decision making. In this context, my Ministry is pursuing discussions with the Norwegian authorities, with a view to establishing a strategic partnership for the Albion Fisheries Research Centre to foster and strengthen cooperation in research and scientific networks in the areas of fisheries research within the framework for the implementation of ecosystem approach to fisheries management. This will also help us to acquire additional knowledge on their marine ecosystem for their use in planning and monitoring.

M. le président, laissez-moi maintenant dire quelques mots sur Rodrigues. *When we are talking of* le concept d'Etat-océan, je pense que nos îles et, surtout Rodrigues, a un rôle très important à jouer dans ce domaine. Pour la réussite de ce concept d'État-océan, Rodrigues a un rôle très important à jouer de par sa position et demain Agaléga aussi peut jouer un très grand rôle de par sa position dans le nord. Je vais y revenir.

Concernant Rodrigues, M. le président, en tant que député de Rodrigues, avant les élections régionales, j'avais dit qu'il fallait amender le *RRA Act* pour qu'on puisse avoir un gouvernement stable, qu'importe qui gagne les élections, qu'on ait un gouvernement stable. Il y en a qui n'ont pas voulu, et, aujourd'hui, les événements me donnent raison. Nous avons un gouvernement minoritaire à Rodrigues, avec 48% de l'électorat ayant voté pour lui. Dans l'opposition, nous avons 52% et on a dû faire appel à une clause du *RRA Act* pour donner un député en plus au parti qui est au gouvernement actuellement à Rodrigues. Donc, ils sont très forts, 48 % contre 52% dans l'opposition. Bonjour, la stabilité ! Avec un membre en majorité, je leur souhaite bonne chance. Je ne vais pas aller plus loin, ils sont forts, très forts. Je leur souhaite bonne chance parce que je sais ce qui se passe à l'intérieur. Il n'y a pas qu'à Maurice qu'il y a quelques cinémas qui se passent, mais à Rodrigues aussi. On peut le cacher autant qu'on le veut, mais cela va sortir. C'est comme la fumée. Cela va sortir, on est à peine cinq mois depuis les élections et je n'ai jamais vu un gouvernement régional devenir impopulaire en si peu de temps.

(Interruptions)

On en reparlera, mon ami.

(Interruptions)

Nous sommes des amis. Je ne dis pas cela méchamment. Je suis objectif.

(Interruptions)

M. le président, je reste convaincu qu'on devrait apporter les amendements nécessaires, pour que quiconque remporte les élections à Rodrigues, ce parti-là ait une majorité forte sinon il y aura l'instabilité. On a eu presque une dizaine d'élections en 10 ans. On va fêter les 10 ans de l'autonomie cette année, on a eu une dizaine d'élections. Je me demande combien de pays ...

(Interruptions)

C'est cela l'instabilité. Chez eux-aussi, il y a eu des transfuges! Mais, ce qui se passe, c'est qu'il y a l'instabilité. Il ne faut pas se voiler la face, que ce soit de notre côté ou de leur côté,

l'instabilité est là. Il faut changer cela. Si on est d'accord, on y va. Je ne pense pas seulement à nous, je pense aux générations futures, aux autres partis qui vont venir. Il faut leur léguer un système approprié, un système qui va garantir la stabilité à Rodrigues. Heureusement, le peuple Rodriguais est un peuple calme et doux sinon on aurait eu plus de problèmes. C'est bon de réfléchir. Je ne suis pas en train d'attaquer, c'est objectif. Il ne faut pas se voiler la face. Le problème est là, il faut le regarder en face.

(Interruptions)

M. le président, autre chose qui m'inquiète à Rodrigues. Pendant qu'on était au gouvernement à Rodrigues, la productivité n'a cessé d'augmenter. Aujourd'hui, je suis inquiet. Cette année, on a eu plus de pluie que l'année dernière, mais la productivité agricole a diminué. Pourquoi? Parce qu'on n'a pas envoyé les tracteurs quand il le faut chez les planteurs.

(Interruptions)

M. le président, concernant le secteur pêche, la maison des pêcheurs, on l'a fermée. C'est malheureux on a travaillé très dur pour que les coopératives de pêche puissent avoir leurs bateaux pour aller en haute mer. On a créé une flotte de bateaux pour aller pêcher en haute mer. Qu'est-ce qui se passe aujourd'hui? Ces bateaux sont à quai. Pourquoi? Ils ont osé fermer la maison des pêcheurs. Ils n'ont plus de glace. Ils n'ont plus de place pour mettre leurs poissons. Est-ce que c'est comme-ça qu'on va travailler pour le pays? En s'occupant des petites peccadilles, en oubliant les secteurs économiques de Rodrigues !

Moi, je dis une chose et je parle en toute objectivité. Tout gouvernement qui se respecte doit savoir qu'il y a deux secteurs où il ne faut pas faire de la démagogie. C'est l'économie d'un pays et l'environnement parce que cela touche tout le monde. On peut s'attaquer, on peut discuter, mais l'économie, c'est important. L'environnement, c'est sacré. On doit tomber d'accord là-dessus. Je crois que c'est faire preuve de largesse d'esprit. Il faut aller dans cette direction. A Rodrigues, je lance un appel, il faut aller dans cette direction. Il y a des gros projets qui sont en panne: le port, l'aéroport, le câble optique, les pêcheurs, les agriculteurs. Il ne faut pas politiser ces secteurs. Il faut laisser vivre ces gens, parce que l'économie de Rodrigues est en panne. Vous allez à Rodrigues, vous voyez les gens, la première chose qu'ils vous disent : *« Dans pince, pena narien, cent pieds dans poche. »*

La pauvreté s'est accaparée d'un grand nombre de personnes. Pourquoi, M. le président? Suivez-mon regard, vous comprendrez ce qui se passe à Rodrigues. Il y a des gens qui disent qu'on a dilapidé les fonds. M. le président, on sait que quand on prépare un budget, avec le PBB, chaque sous qui est dépensé, *it must be accounted for*. Si on a mis de l'argent pour construire une route, pour nettoyer un réservoir, il faut que l'argent soit utilisé à ses fins. Comme un gouvernement responsable, c'est ce qu'on a fait. On a lancé le *tender*, pour que le travail continue. Il y a ce qu'on appelle la permanence de l'État. Si on n'avait pas fait cela, certains contracteurs qui construisaient les routes, à la fin de leur contrat, ils partiraient et les pauvres travailleurs seraient mis à la rue. On a fait ce qu'il fallait pour que personne ne perde son emploi. Mais, eux, qu'est-ce qu'ils disent? *When we have committed the money, they said: «zot finn pran l'argent, inn mett dan zott poche zott inn aller. »* Démagogie! J'espère qu'ils vont cesser avec cela. Quand eux ils sont partis, ils ont laissé sur nos bras, deux écoles et on a dû trouver de l'argent pour construire ces écoles. Et on n'a jamais dit que vous avez pris tout l'argent et vous êtes partis avec. Il ne faut pas faire de la démagogie sur l'économie d'un pays. Il faut dire les choses telles qu'elles sont. Je crois que la population arrive à comprendre de plus en plus où se trouve les gens sérieux. Qui sont les gens sérieux? Qui sont les gens qui ne parlent que pour parler? Ils ne font que parler, parler, pour essayer d'émouvoir certaines personnes.

M. le président, je ne vais pas m'étayer davantage là-dessus. Les gros projets sont en panne. J'espère qu'ils vont se ressaisir, mais, pour conclure, je dirai qu'avec la vision du gouvernement de développer le potentiel de notre État-océan, M. le président, essayons de rêver pour notre république. Verrons-nous demain le port de St James à Agaléga être ouvert pour accueillir des bateaux. On peut avoir des pontons flottants pour accueillir des bateaux de pêche ou autre qui croisent dans la région nord de l'océan indien. Ils pourront venir débarquer leurs marchandises, leurs poissons à Agaléga. Si on fait cela, beaucoup de bateaux s'arrêteraient à Agaléga.

Verrons-nous demain le port de Port Mathurin être ouvert au trafic, pour que les bateaux venant de l'est, les bateaux de pêche pêchant du côté de Chagos, qui est notre archipel - les Chagos forment partie de l'état mauricien - nos bateaux de pêche qui viendraient de là, passeraient par Rodrigues? À l'époque où quand le vieux 'Mauritius' allait aux Chagos, il passait par Rodrigues avant de rallier Maurice.

Verrons-nous demain le port de Port Mathurin être ouvert pour le transbordement de poissons et, que sais-je, des nodules polymétalliques parce que la mer aux environs de Rodrigues abonde en nodules polymétalliques riches en manganèse? Verrons-nous demain le port de St James ou le Port de Port Mathurin être utilisé comme port de transbordement, pour transborder d'autres minerais qui se trouvent dans notre plateau continental, Saya de Malha ? Je ne sais pas ! Y aura t-il du pétrole là-bas, y aura-t-il du gaz ? On ne sait pas ! Il faut aller prospecter et je pense qu'on va aller dans cette direction. C'est ainsi qu'on va faire de sorte que toutes les îles de notre République Archipel puissent jouer un rôle important dans la grande République de Maurice.

Verrons-nous un système de cabotage, un projet si cher à notre ami, le secrétaire général, M. Jean Claude de l'Estrac, d'*Indian Ocean Commission*, qui pense que ce serait bien d'avoir un système de cabotage pour desservir les îles de l'océan indien ? Verrons-nous ce système de cabotage passer par les îles de l'océan indien ? Nous avons des ports qui peuvent être mis à contribution parce que, M. le président, comme je l'ai dit lors de mon dernier discours, imaginez un bateau sortant de l'Australie, d'Indonésie, de l'Inde qui passe devant Rodrigues pour venir à Maurice. Le bateau prend 36 heures pour venir à Maurice et 36 heures pour retourner. Si dès que le bateau pénètre dans notre *EEZ*, il y a un port, il débarque les marchandises et repart. C'est aux bateaux mauriciens de faire le cabotage entre Port Louis et Port Mathurin ou le port St James d'Agaléga et Port Louis. C'est tant mieux pour Maurice si on arrive à établir ce système de cabotage. On pourrait économiser pas mal d'argent. A l'avenir, verrons-nous cela ? Je pense que tout cela forme partie de ce concept d'Etats-océan, M. le président.

Donc, M. le président, ce gouvernement veut tracer la voie pour que les citoyens de la grande République mauricienne où qu'ils habitent, que ce soit à Maurice, à Rodrigues, à Agaléga, à St Brandon, à Tromelin, aux Chagos, puissent vivre mieux à l'avenir. Le gouvernement a tracé la voie et tous les ministres et membres qui sont là s'attèlent à la tâche. On veut faire de sorte que cela marche. On veut faire avancer les idées nouvelles comme le concept États-océan et je suis sûr qu'avec de la bonne volonté, avec de l'enthousiasme, on réussira parce que nous avons une alliance qui marche, une alliance solide, une alliance qui veut du bien pour notre pays.

Je vous remercie, M. le président.

(12.24 p.m.)

Mr C. Fakeemeeah (Third Member for Port Louis Maritime & Port Louis East): Mr Speaker, Sir, allow me, first of all, on behalf of my electorate and my party, on behalf of all Members of this House to congratulate you on your election to this office.

(Interruptions)

As a representative and spokesman of the general public, I am not here to criticise only for the sake of criticism. I feel deeply honoured and privileged to intervene on the Government Programme delivered by the Acting President, whom I congratulate also on 16 July 2012. I hope that the speech was not *a mise en scène* to enable Government to come forward with the election of a new Deputy Speaker to this House, but that it rather serves its pledge to move the nation really forward and this will be my main focus today, globally as locally.

Going forward, Mr Speaker, means that you need a transformation in all the political, economical and social system of the country. You cannot go forward when the wealth of this country is concentrated in the hands of a few persons. True it is, it is our duty to build a desirable democratic society where all human potentials could be richly realised.

Since 1968, our successive Governments have each tried to correct this imbalance by helping some less favoured persons to enter the field of business and establish themselves, but this is not enough, Mr Speaker, Sir. I have noted that this Government is committed with its democratisation project but, at the same time, I have observed that the traditional economic players have developed new strategies to block new players in what they consider to be their '*chassé gardé*'.

It was almost surprising that an influential player, like the Mauritius Commercial Bank, all of a sudden decided to go into some ecological concept with a mass advertising campaign, as soon as two promoters from the non sugar barons decided to enter into energy production. This is why I fear that Government intentions to move the nation forward may be jeopardised because of those conflicting interest of the powerful economic players of our country. I listened to all Ministers, I am proud of them, the goodwill are there to move the nation forward. I listened to most of them, all our speeches in our last Government Programme can only come into practice with legislation. We cannot rely on good faith of the private sector as we shall move nowhere. There need to be a change in mentality from top to grassroots level.

I am asking Government to give the direction and the priorities, set the targets and achieve our goals. We have to look at the well-being of our people. Let us reflect on what is

going on in the world around us. I appeal, Mr Speaker, Sir, to the conscience of the Members of the House. There seems to be an economic system imposed on our today's world, of which our Government is certainly part of; an economic system that appears to be very much strange; an economy in which wealth no longer circulates; an economy in which the rich will stay permanently rich forever and ever and the poor is imprisoned in permanent poverty forever and ever; an economy in which the rich is growing ever richer and richer while the masses around the world are now being imprisoned in new slavery.

Yes, Mr Speaker, Sir, in this imposed new world order, the world is to be run by the rich for the rich. The ruling group - in most of the countries, it is like that - for example, in Italy, the ruling group could not be popularly elected, but they represent tremendous financial power which, for the most part, does not benefit the common people. Governance, Mr Speaker, Sir, is increasingly in the hands of huge private institutions and their representative in the House.

Those institutions unfortunately, are totalitarians in character ruled by dictatorial system where power over investment decisions is centralised and exempted from influence and control by workers and communities. Vast unemployment will consequently persist alongside with huge demand for labour, but the economic system cannot bring together needed work and the idle hands of suffering people. In brief, the prevailing economic system in the world is a catastrophic failure.

Of course, Mr Speaker, Sir, although it is a failure, it is hailed as a grand success yet for a narrow sector of privileged people, and although the world economic forum threatens the survival of our species and cause for a shift of paradigm, no one cares still. *Même le Directeur de la Banque de Maurice, dans le sens de sa responsabilité, est venu dire cette vérité -*

“If we do not shift our economic paradigm in the coming month, we will be hit by unprecedented economic calamities.”

How, then, Mr Speaker, Sir, do we respond to this critical situation? How do we address this catastrophic failure if not by a shift of paradigm, as I claimed throughout my presence in this House? There emerged from the long-prevailed system, the lonely suffering crowd who have lost close human relations. In this situation, Mr Speaker, Sir, the recovery of our humanities is strongly cried for. The meaning of life and spiritual value are eagerly sought for, and the awakening of the moral mind of each member of society has become crucial. We are witnessing, during this very time, a loss of ethics in business enterprises as the progress of industrialisation

has brought about public nuisance and destruction of the environment. Manipulation of life has been made possible scientifically. This is where the establishment of morals and social norms which are fit for the new age has, therefore, become an urgent task of our rulers. If we do not shift, Government will fail even with this programme. I will voice out what I appreciate in it, but we have to start a shift as emerging realities contradict the long-prevailing westernised ultraliberal economy based on capitalism. An immediate shift of paradigm *s'impose*, *M. le président*.

We should be realist and courageous in our political will to free ourselves from the slavery and dominion of the western masters to free our democracy, our new Republic and to shift to where lies salvation. Time is not to debate on yet outdated issues aiming, to my opinion - this is my opinion - to divert the public opinion, manipulating the public attention. To my understanding of the world economy and what is going on around us, when we ponder deeply into the critical situation, it is my opinion, Euro is going to crash. The dollar also is going to crash. Are we then waiting for the economic navigator in this era of austerity already hitting strongly Europe and their allies with no soon recovery in view? Are we waiting for the evil pulling the string behind the curtains, the occult forces who are planning for disasters for the world masses? Are we waiting for them?

We need to infuse a new lifeblood into the veins of our nation for its march onwards. Yes, Mr Speaker, Sir, moving the nation forward is and should be the very aim of every Mauritian soul and I believe we do have on our soil people endowed with peculiar capacities and vitalities to share responsibilities in this achievement that need a relatively free mind, free from Zionist doctrines, enslavement, free from local and regional racialism and ethnical influences, free from greediness for money and fame.

I am deceived by numerous attempts to restrict individual liberty and freedom of expression in our country. This is a personal deception and, as always, I speak my mind. Only recently, we learned that an adviser of the Government went to the IBA to look for the numbers of callers in phone-in programmes. We have had the sad case of the arrest and detention of Mr Imran Hosany in Alcatraz under pressure of the Irish Government who have, themselves, forgotten their bloody history with IRA and worst, he was handcuffed in his hospital bed. There have been attempts to close and pressurise private radios. These are facts, and these facts won't allow our nation to make the giant leap to take this country forward in future.

As a Member of this august Assembly on this side of the House, I am taking my responsibility to address this august Assembly, because we must take bold decision. My appeal to Government is that we must take the bank to task. Our banks have an antisocial role; some of them have major interests in too many sectors and they often kill projects of business opponents by tightening up finances. Banks should not forget who allowed them to survive and be in such a healthy situation. They cannot have only a mechanical role of lending money and bloodsuck borrowers afterwards. The Governor of the Bank of Mauritius should be given more powers to exercise his role. Even the vice-Prime Minister and Minister of Finance and Economic Development, hon. Xavier-Luc Duval, agrees that the banks are abusing the public with abnormal charges being levied on their services. In Hong Kong, Mr Speaker, Sir, a publication has this to say -

“Recent revelations in Europe and the United States about cunning, corrupt and sometimes criminal ways that big banks and financial companies have used to make money are leading to a fine steam of moral indignation and outrage. Politicians and financial regulators have joined in the chorus of condemnations. It is great theatre, but the authorities are still shuffling the blame between themselves. Are the myriad devious - even "devilish" would not be too strong a word - ways that the "banksters" have devised to make money finally catching up with them? The real proof of progress will be when shareholders summon their courage to curb bank managements, reduce their ridiculous salaries and generally clean house; when politicians get their act together to cut too-big-to-fail (TBTF) banks down to size; when regulators stop slapping wrists with small fines and bring criminal charges against the biggest banksters.”

‘Banksters’, Mr Speaker, Sir, is the portmanteau word made of bankers and gangsters.

“This is the truth which seems all the more appropriate given ongoing revelation about market-rigging have shown that a culture of greed and corruption has infected the financial business in the West.”

Coming to my fight against poverty, this was my pledge and this was my commitment. *J’ai prêté serment* in the House for it. I have long proposed that we come out with dedicated counters known as *boutiques des pauvres*. I have already launched five in the country. But I would like that Government gives a strong hand to it; *boutiques des pauvres* to help the downtrodden overcome their difficulties. It is time to have a 5-year policy and attain self-

sufficiency. We can do it. Ownership and participation are key requirements for effective natural resource management solutions and sustainable developments. For future poverty relief programmes to succeed, Mauritius must advance its reform even further; uphold the spirit of hard work and diligence; explore new means of development that fit local conditions, and mobilise the whole society in the cause.

The Chinese President recently emphasised that, in poverty relief programmes, priority must be given to minority ethnic areas, border areas, and extremely poor areas. It is well known in our country: Roche Bois, Vallée Pitot, Tranquebar, Vallée des Prêtres and so many. I am talking about Port Louis because I am elected in Port Louis. We are very much aware of the ill effects that grinding and widespread poverty can bring to our country and its people. It can engulf communities and social sectors and may be transmitted from one generation to another. It shortens lifespan, dissipates the human spirit, erodes family and community values, and ultimately destroys the social and economic fabric of a nation.

We must introduce the concept of entrepreneurship as the key to alleviating poverty. The concept of entrepreneurship, Mr Speaker, Sir, is now attracting worldwide attention, and it has become one of the main drivers of economic growth. Entrepreneurship, as I define it, is simply the capacity to see an idea, an opportunity, and bringing the capital, knowledge partners and the managerial skills needed to develop, and then making it sustainable. If we are to address the issue of poverty with some degree of success, I believe history will tell us that we have no choice, but to turn into an actively encouraged entrepreneurial venture.

There is a relationship between a country's level of economic development and its level and type of entrepreneurial activity. At low level of per capita GDP, the country's industry is composed mainly of small scale enterprises. When the per capita income increases, the industrialisation and economies of scale will then allow larger and established firms to satisfy the increasing demand of growing markets. Entrepreneurship, Mr Speaker, Sir, through innovation, contributes concrete and significant improvement in the quality of life. We must keep in mind that entrepreneurship does not just help at macro level in terms of creating stable and sustainable employment for individuals. At a micro level, it impacts positively in a nation's GDP, while entrepreneurship can deliver very positive changes in the lives of people at the grassroots level.

In his book 'The Fortune at the Bottom of the Pyramid: Eradicating Poverty Through Profits', C. K. Prahalad argues that by regarding the world's masses, who he terms "the bottom of the pyramid" as potential customers, businesses and the poor will be better off. To quote –

“For more than 50 years, the World Bank, donor nations, various aid agencies, national governments, and lately civil society organisations, have all fought the good fight but have not eradicated poverty. If we stop thinking of the poor as victims or as a burden and start recognising them as resilient and creative entrepreneurs and value-conscious consumers, a whole new world of opportunity will open up. Four billion poor can be the engine of the next round of global trade and prosperity (...) and a source of innovations.”

There is a need for entrepreneurship revolution, but here we are only harassing *marchants ambulants*. We have to do away with this mentality.

Concerning social housing, Mr Speaker, Sir, I cannot understand till now why I have not been given land to build 5,000 units; not from your money, but I will bring it from abroad. I cannot understand why till now I stretch my arms in our democracy; give me the chance, once again, to build 5,000 units for the poor families. This should be an issue above politics, please! Africa and the Gulf countries, this is where we should lay emphasis for progress. Growth is in Africa. I can be the perfect link to get help from Gulf countries for our nation. But here, Government also is turning a blind eye and a deaf ear to me. If we realise, we have just seen how Gulf airlines continue to shine. Qatar Airways, Singapore Airlines - best economy class catering; Cathay Pacific Airways, Etihad Airways - best first class seats; Emirates, best in-flight entertainments; Malaysian Airlines, best cabin staff; South African Airways - best airline in Africa; British Airways up to 16 places; Air France and Air Mauritius, down three places.

The Euro zone - time has come for us to look for our main source of income. Euro zone trouble will not end in the days to come; rather in years. So, let's turn to the new emerging blocks, the BRIC, as I heard our hon. Minister of Foreign Affairs, that I appreciate so much, say. Let's turn to Brazil; let's turn to India; let's turn to China; let's turn to Africa, the new emerging blocks.

Concerning Agalega, Chagos and international diplomacy, please, Mr Speaker, Sir, through you, I appeal to the conscience of the House. Do not sell Agalega to any foreign power!

(Interruptions)

As representative of this island in this House, I must say that I am not happy with what I read in the Indian press. I wish also that our international diplomacy be set up in regard to Chagos.

(Interruptions)

Electoral reforms - this is long overdue, but we must not take constitutional guarantees from the minorities. Do not touch the 'Best Loser System' please, and see to it that every voice counts! More power for the Prime Minister and less power for the people! Why?

(Interruptions)

If liberty means anything, it means the right to tell people what they do not want to hear. This has been quoted by George Orwell in the preface of 'Animal Farm'. All of us know it. We have often heard from those in power, from whatever regime they are, that the changes they want to make for their country to progress will be slowed down if they have to comply with the bureaucratic procedures imposed on them. This is absolutely not the case. There is enough room for decisions to be taken without being paralysed by rigid procedures. It only requires good planning, some imagination, but without compromising on transparency, accountability and, above all, ensuring that each rupee which is spent contributes to enhancing the service to the public. Besides being imaginative, without compromising accountability, public sector officials have room for emergency decisions, provided that there is no abuse of emergencies or resorting to fast track for all decisions.

What is needed is that no one should be favoured by hiding behind such emergency decisions. The public officers, responsible for drafting emergency specifications, should ensure that these are not tailor-made to suit one supplier, but rather to meet public interest. All throughout the process of reaching a decision, there should be checks and balances to ensure that judgmental errors or biases are eliminated and all factors are taken into consideration to avoid huge variation in contrast due to deliberate or genuine omissions in the requirements. Where needed expert advice should be sought if the expertise is not available inside the Government itself.

Above all, change and progress are not incompatible with democracy, unlike what some autocrats tend to believe in any changed process, and development is one. Without involving the participation of those likely to be affected by the decision, the change will not be successful and sustainable. Change involves change in mindset so that people believe and embrace the change. Sometimes, there is resistance, but Government has a duty to explain the change if it is in the

long-term interest of the nation. They need to listen to criticisms and adjust accordingly. But they cannot ignore nor succumb to resistance to change if they want to make fundamental and lasting change that will not be overturned by the next regime out of egocentricism.

It requires a lot of humility from a leader to hear what is unpleasant to his ears, but it also requires people to be bold enough to tell what their professional conscience dictates them to say. Our leaders should respect the fundamental rights of its people. People should be free to express themselves and give their opinions on Government decisions. Our Prime Minister always says that he welcomes criticisms provided it is made in good faith and without any hidden agenda. This is very great words from our Prime Minister. This means that no one should be victimised for his or her opinion, that the press should be free, that there is no interference in the operational decision of the public institution.

As all Ministers talk about their programme, I will quote some words from us, the FSM and it is important that I quote it here so that it becomes more common to you. “We stand for what?» Et ça c’est noir sur blanc. On a partagé plus de 20,000 exemplaires dans le pays.

L’objectif de notre action politique. La politique a sa noblesse. Quel malheur à ceux qui subissent l’irresponsabilité des politiciens malsains. La spiritualité compense tout déséquilibre dans l’action politique et c’est la population qui en sort gagnante. De nombreuses personnes sont bafouées et humiliées dans leurs droits fondamentaux, également opprimées et sujettes aux discriminations inhumaines. Elles sont défavorisées et délaissées. Face à cette situation indigne, se situe l’obligation pressante pour nous, pour FSM, de cet éveil politique. C’est de là que remonte notre conviction au FSM d’être au service du peuple pour le plaisir de Dieu. Nous voulons, par la suite, assurer que la justice prime, que la solidarité s’implante et que l’honnêteté et la transparence prévalent. C’est sur cette vérité fondamentale qu’il est possible de construire une société saine, stable et démocratique où prévaudra une liberté réelle. L’exigence de notre émergence et notre participation dans le pays. La dégradation sociale et culturelle qui prévaut actuellement a fait émerger le FSM d’urgence comme une grâce divine. Lorsque la décadence devient évidente, la volonté divine se manifeste en émergence comme un rempart à la décadence, la dégénération, l’immoralité, la discrimination et l’injustice.

Mr Speaker: Hon. Member, how long are you going to take?

Mr Fakeemeeah: I believe, five minutes.

Mr Speaker: Carry on!

Mr Fakeemeeah: On ne peut pas être antidémocratique ou encore antipatriotique en s'éloignant du débat sur le programme gouvernemental alors qu'un seul de nos lignes *could contribute to the salvation of our nation*. Tous, et le gouvernement aussi bien que l'opposition, nous sommes les élus du peuple pour animer les débats dans la maison du peuple, surtout dans un moment aussi crucial où nous devons mieux nous préparer pour résister à l'impact des chocs d'une récession globale. On est là, M. le président, au milieu des avertissements persistants et grandissants d'une perspective économique globale se détériorant alors qu'on n'est même pas rétabli de la crise financière qui frappe le monde. Il y a quatre ans l'économie mondiale, M. le président, est instable et là, tous, nous devons joindre les épaules pour soulager notre peuple, amortir les caprices de cette économie mondiale instable.

Mr Speaker, Sir, two recent cases have shaken our reputation on the international scene. We have, first, got the scandal at the Board of Investment. And, second, we have got the traffic of firearms to the Soviet that the hon. Prime Minister just talked about. We, in the FSM, we are pretty well aware about who are concerned in these scandals and we are connected to the international agencies. I am shocked by the timid reaction of the authorities in both cases. Instead of taking action, negotiations are taking place on the back of the population. Is this the way that we are going to move the country forward? Certainly not, Mr Speaker, Sir! I am appalled by the magnitude of these affairs. My electorate wants answers and, above all, who is making money on their back and who is fooling them? There are some powerful people who want to shut down the liberty of expression. Even Ms Kathi Lynn Austin, the Executive Director of the NGO Conflict Awareness Project knows it and has publicly declared. I quote -

“We are very concerned about pressures which may inhibit freedom of the press and, therefore, are also getting in touch with international organisations mandated to support journalists and press entities in such situations”.

What a shame, Mr Speaker, Sir? What if it were to be me and members of my party implicated in these sagas? Des soldats, des hélicoptères et même des bombardiers auraient participé au barricadement de notre quartier général et même ma maison et des menottes spéciales auraient été mises en action pour m'arrêter.

(Interruptions)

Things have changed now, but I have to speak my mind. Et la machine à propagande des militants aurait été mise en marche pour démasquer la mafia qu'aurait été Cehl Meea. Que font les autorités? But I appreciate the Prime Minister talked about the issue.

(Interruptions)

It will take me five minutes, please! This is what I appreciated from the Government. And I have to mention it, please! The FSM thanks the Government for new dynamics - although, in the same paradigm, but we have to shift, I said it - in its economic policies, strategies and measures enunciated in the Government Programme that was pronounced by the Ag. President in the National Assembly.

As regards public finances, we welcome the effort made in public debt where Government borrowing as a share of GDP stands at 50% down from 64% in 2005. This is the first time in many years that Government is achieving a surplus in its current account. All Government debts are going into funding public sector investment in infrastructure, schools, hospitals, etc. Government is not borrowing to pay for current expenditure such as salaries for civil servants and other administrative expenses; privatisation and rationalisation of some parastatal organisations and State-owned companies are all on the cards. I notice it well. This is vital for the Government. We cannot have our State and parastatal organisations having high costs, but poor service delivery. Government had, in its last Budget, identified a number of organisations like the Casino of Mauritius to be put for sale. In fact, I would recommend the closure of gambling houses altogether in Mauritius and Rodrigues. It is killing the social and moral fabric of our society.

Concerning developing new industries, Government is promoting a new concept of Ocean States - God be thanked for it. This suggests that Government's vision is to fully exploit the country's Exclusive Economic Zone (EEZ) and turn it into a thriving economic space. Nonetheless, the Government Programme is short in specifics. There is no mention of the kind of activities that will be promoted in the EEZ apart from the fact that the Mauritius Oceanographic Institute will lead initiatives in this area. A few years ago, Government launched the Land-based Oceanic Industry which is yet to take off.

Investment promotion will be encouraged in new sectors of economy that are likely to support a qualitative transformation of the economy. Government's target is to focus foreign

direct investment promotion efforts to sectors with high wage potentials. We appreciate it in the FSN. Strengthening existing industries is what we can do for the time being until the shift comes.

The tourism industry will pursue products and market diversifications. The objective is to increase the number of tourists visiting Mauritius and to provide them with opportunities to spend more during their stay on the island. We need more effort to encourage tourists to spend outside the resort hotel. This will give a boost to the SME sector. I would recommend Government to encourage, if need be, some hotels to open access to our SMEs.

In the manufacturing sector, Government will promote a development strategy based on a cluster approach. Government has plans to build dedicated technology parks for the promotion and specialised activities in pharmaceutical and medical devices, high precision engineering and other sectors. All this is good, but how do we market these products? We should encourage our local companies to purchase these goods as well as looking for exports.

In the global business sector, we need to encourage Islamic finance. We started it before; we need to strengthen this encouragement because it is a wide space open to the Arab countries to come here to invest. I see little effort to make Mauritius for this for the time being. It is a crime by banks to penalise many poor people. The penalty fees applied by banks are unfair. I mentioned it before. Why do our banks charge a disbursement fee from the loan applied by an individual? Worse, Government charges registration fees! Unfair, I say! We should make capitalisation of interests illegal. The decision of Government to make it easier for SMEs to access finance is already giving positive results.

With these words, I thank you, Mr Speaker, Sir. I am just cutting short.

Thank you.

At 1.10 p.m. the sitting was suspended.

On resuming at 2.44 p.m. with Mr Speaker in the Chair.

The vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Mr Speaker, Sir, allow me to congratulate you for your election as Speaker. I will also wish to place on record my appreciation for hon. Mrs Kalyanee Juggoo for having presented the motion in favour of Government Programme for 2012-2015.

Mr Speaker, Sir, this Government is in power for the last two years. When we were elected, it was under the banner of *l'Alliance de l'Avenir*. Unfortunately, after a few months, the

massive resignation which was well planned, well calculated, evilly motivated and ill inspired by some evil genius, particularly, in the absence of our Prime Minister, was nothing short of a national calamity. It was, in fact, a treacherous act, a treacherous machination. It was just a stab at the back. That showed their real face. Unfortunately, for them, they underestimated the capacity and the inner force of the Prime Minister in the face of adversity. They mistook the lion for a sheep. That reminds me what one of my former teachers used to say: "In all adversities, there is in its depth, a treasure of spiritual blessing secretly hidden." What happened, happened for the good, and we do not regret for that. But what is bad is that these people who were with us, claiming to be our friends and our partners, were really underachievers, mischief makers, gossipmongers; they were rumourmongers; they were harbingers of misfortunate *prophètes de malheur*, mere demagogues. That reminds me of what a friend of mine told me, that they were just like a breed of vultures and opportunists, waiting to make a quick buck and then to disappear; self-centred politicians only looking for their own selves. They claim that they know the price of everything but, in fact, the value of nothing, mere critics. And critics, Mr Speaker, Sir, though they were in Government, from the back, they were backbiting. Critics can never be leaders. Critics can only be dealers. They can be observers, they can never be performers. This is what I feel about them. They shirked from their responsibilities, they took to their heels. They developed fatalistic attitude, jealous by nature, and jealousy is the tribute that they are paying to us today. Mr Speaker, Sir, I get the feeling that they have become career critics, just as we have got career diplomats. Criticising everything, mere opportunists and they were harbingers of bad news all the time, energy suckers, spreading all types of rumours against the Prime Minister and against the Government.

Mr Speaker, Sir, what we know is that attitude in life - if we are politicians - has to be positive. Harvard University conducted a survey and concluded that 85% cause of success in life is because of positive attitude and 15% is because of intelligence and knowledge. So, attitude has to be positive. If attitude is negative like we had, as MSM were behaving, life is restricted, success is limited. That is why the message I have to give to them is they have to think of the best, work for the best and expect the best, as we are doing, on this side of the House. When I look at them, that reminds me of a book which I read about 30 years ago, "The Autobiography of Adolph Hitler", where he mentioned: "In order to stick to power, in order to remain in power, create fictitious enemies if you have to and show that your country is in danger, that scares

people, as one old fellow is doing outside, out there, in public meetings. So, show your country is in danger, that scares people” and when people are scared, it is easy to enslave them. This is what they want to do, Mr Speaker, Sir. If you go through the programme of the Government, you will see, we do not want to survive on lies and false promises, we do not want to survive on emotions and sentiments, we do not want to create conflicts and conflagrations, we do not want to create political fortunes on the misfortunes of the people. As the Prime Minister, on many occasions, had said: “Our mission, if possible, is to wipe every tear from every eye. Our mission is to help the poor, the down-trodden and everybody in our country.”

Mr Speaker, Sir, we believe in strong leadership. We have a leader who is exquisitely honest. He means what he says and he says what he means. He is ferociously humble, his deeds reflect his creed. Just let me take us a little bit back. Once he was campaigning in a poor village and he learned that, in one house, there were two students; one could not go to school if the other one is going, only because of transport problems. Immediate decision was taken: “Once in power, I will have to support these people.” He kept his words; he was a man of his words.

Another example, while he was campaigning, he learnt that old people, helpless, desperate, needed additional pension, needed support, he took the pledge that once in power in 1995, he would double the pension of those people. He did it. So, we believe in a leader. Being a leader, is not about being right; it is about doing what is right. A good leader always serves the nation. A bad leader makes the nation serve him. That makes the difference, Mr Speaker, Sir.

As I have just mentioned, at least, we have a caring Government. We have somebody who cares and someone who listens, who is at the beck and call of those who are at the lowest strata of the ladder. I heard my friend, hon. Fakeemeeah, this morning, talking about those who are helpless, desperate, something needs to be done. I hope that he would appreciate the efforts which have been done in the previous Budget and even the Government Programme in order to support those who are *au bas de l'échelle*.

The saddest part of life, Mr Speaker, Sir, does not lie in the act of dying, but it lies in failing to live while we are alive. What counts in life, are the lives we have touched and the legacy we have left. We only live for ourselves when we live for others. We do not judge people by the size of their wallet or their content of bank accounts. We do not judge them by the number of buildings that they have, by the amount of rent they are collecting. We do not judge them by

the Sun Trust that they have or medi-clinic that they possess. We judge them by the strength of their character and by the size of the heart.

Mr Speaker, Sir, as politicians, we must have courage of convictions. We must have superb values and we must have self-respect. I do not say that all of us, on this side, are perfect, but we learn to walk in life by falling, we learn to lead by trying and every misstep that we take leads to the perfect step. With the blessing of the Prime Minister, we have built up the infrastructure of this country with the stones that they are throwing at us, Mr Speaker, Sir. We are very firm in our conviction, but we are friendly. We are tough in our dealings, but we are tender, we are courageous in whatever we are doing, at the same time, we are compassionate. Our Prime Minister has chosen innovation over stagnation. We don't believe in failures, we believe in results; we don't believe in tragedies, we believe in lessons; we don't believe in problems, we believe in possibilities and opportunities.

Our country has gone through turbulent times as a result of the dismantlement of all the favours that we were getting, as a result of the fall in the price of sugar and the Euro zone crisis. We have gone through turbulent times, and turbulent times carry with them incredible opportunities for each one of us to prove ourselves, but many politicians hide in their shells when the going gets tough. They retreat in their bunkers. They don't want to get out of their comfort zone, but the message we have received here is that we have to tighten our belt, we have to roll up our sleeves, and we have to fight. The brave eat their fear before the fear can eat them. This is a challenge our Prime Minister has taken, and that explains why we are successful today.

Mr Speaker, Sir, clearly the reason why we are successful today is because we have not been beating about the bush, we have not been idling, and we have not been allowing our minds to brood over objects. We have taken decisions that should be taken. What we have to do tomorrow we have done it today, and what we were to do today we are doing it now. That reminds me of a few lines of Rabindranath Tagore. I am quoting what he said -

“Spring has passed, summer has gone, winter is here, and the song I meant to sing remains unsung. I have spent my life stringing and unstringing my instrument.”

These are about somebody who is regretting for having lived his life uselessly, for having done nothing in his life. That is the reason why I say we have to work, we have to act, we have to strive, we have to struggle, we have to sweat, and ultimately we will succeed in our life. How can we go ahead in our life if we are stuck and look at the back rear window? We cannot go

ahead. That explains why those who are brooding over the past, thinking what they have done over the past 13 years when they were in power, forget the present. The past is dead and buried; the future is not yet born. If you forget the present, your present efficiency will get punctured, as it has happened on the other side of the House.

Mr Speaker, Sir, we have an open mind, but unfortunately they have an empty mind. We talk to them, we try to show them the light, they refuse. A day will come when public will make them feel the heat. They want to build up their fortunes on the misfortune of the people. They will not be successful. There is something which is very important. They say that morality does not fill the stomach. But one thing, Mr Speaker, Sir, is that politics without principles is just like music without melody; it is just like scholarship without wisdom; it is just like word without truth; work without dedication; education without character and commerce without morality. What is important is that we must have principles in our life. If we forget it, it means life is already stuck.

Mr Speaker, Sir, I would not like to make comments individually on any Member of the other side of the House, but there are a few petty politicians. We have got a Parliament in our country; we have a unicameral legislature. But these days, we get the impression that we have got a bicameral legislature. Whatever decisions are taken here is being commented outside, apparently by the private radios. We have also heard that Members who are sitting in this very House are passing lengthy comments on the other side. I would not like to stoop so low as to pass comments, but those friends who are listening to those radios and their comments on what is being done in the House don't deserve even our *mépris*. I would prefer to avoid commenting on that. Mr Speaker, Sir, we don't do great things; we do small things in a great way. That reminds me of Mother Theresa. There are no great acts; there are small acts done with great love.

Before I start directly on my Ministry, I would say only one thing. We work in such a way that reminds me of a great Indian mystic: "when you were born, you cried, and the world rejoiced. Lead your life in such a way that when you die, you rejoice, and the world would cry." That is the message I have for politicians, including me and all of us.

Mr Speaker, Sir, my Ministry has many departments, and I would like to comment on those departments, particularly the works that I have to do. The Public Infrastructure Division of my Ministry is responsible for design, monitoring and supervision of projects in various departments of the Government. Between 2005 and 2012, we have designed, monitored,

supervised architectural as well as engineering projects. I repeat, for the last seven years, we have implemented projects worth Rs10 billion.

In the educational sector, we have completed 752 projects for Rs4.3 billion, which include new schools, State Secondary schools, MGSS, toilets for the children, extension, enlargement, and improving the infrastructure. In the health sector, we have completed 305 projects, repairs, rehabilitation and capital projects for Rs2.3 billion. We have also constructed Long Mountain Hospital, Accident and Emergency Ward of SSR, Part D of the Flacq Hospital and extension to the Cardiac Centre at Candos Hospital. In many other hospitals, we have done works for the sum of Rs2.3 billion.

In the Police, Prison and PMO, we have completed 275 minor and major projects for the sum of Rs2.2 billion. In other Government departments, we have completed 180 projects to the tune of Rs1.1 billion. This gives an indication of the amount of work that has been undertaken by different departments of Government during the last seven years, and investment in buildings will continue. In our programme of 2012-2015, we have many projects. For example, in the Judiciary, there are five District Courts, namely at Mahebourg, Souillac, Moka, Pamplemousses, Mapou and the Supreme Court, where buildings will be upgraded. In the Police department, 13 Police stations, six National Coast Guard posts, one rappelling tower will be repaired and upgraded. Our missions in New Delhi, London and Brussels will be upgraded. Two recreational centres will be constructed; work has already started for one. If I am not mistaken, we have completed about 10% of the centre at Pointe aux Piments, and one at Riambel will be constructed. In fact, the detailed design is being worked out by the technicians of my Ministry.

In the educational sector, construction, extension, upgrading will be undertaken in 17 primary schools, 21 secondary schools, and a green school at Triolet will be constructed. In fact, I, together with my colleague, the Minister of Education and the representative of the constituency, went for a site visit, and we have already taken the decisions. I hope sooner or later we are going to start with the construction. For the forthcoming two to three years, we are going to construct 16 gymnasiums. In fact, we are working on that, and I do hope that it will be constructed on time.

Concerning the Ministry of Youth and Sports, we are going to undertake construction and upgrading of seven youth centres. Sports stadiums will be constructed at Tyack. We have got the National Institute of Sports at Anjalay Stadium, multi sports complex at Triolet. In fact, the

works at Triolet will start soon, and we are going to undertake the construction of one piscine at Central Flacq, and the PPC has already approved the project.

For the Ministry of Arts and Culture, there are many projects. My Ministry is going to provide consultancy services and technical support for the implementation of those services.

In the health sector, the construction of the last part of Flacq Hospital D and E will be completed in the forthcoming two to three years, and also operation theatres at Victoria Hospital, on which foreign consultants are working, but a technical team will be set up by officers of my Ministry to look into it. There are new blocks at ENT, new medi-clinics, and community health centres also.

As far as the Ministry of Local Government is concerned, there are a few fire stations which will be constructed. One is already under construction to the tune of Rs42.5 m. Others are in the pipeline. Mr Speaker, Sir, that is about the infrastructural developments.

The second part of my Ministry concerns the Road Development Authority which is the backbone of development of this country. Mr Speaker, Sir, there was a delay and we had to catch the delay. Everybody knows that the RDA looks after the roads, particularly, the classified roads. In order to maintain momentum in growth, we need modern road networks and buildings. It is important to have fast and reliable ways to move people, goods and information. If we want foreign investments, we are bound to invest massively and heavily on our roads. We have to upgrade the quality of our infrastructure. We have already moved a long way from the traditional bullock cart economy, from the traditional bullock cart track which was meant only for bullock carts. Now, we are having modern road networks and the pace at which development is taking place, we cannot rest on our laurels, we have to go very fast. As a responsible Government, we have to provide road networks throughout the country and that could enhance the mobility of people as well as goods.

Well targeted investments in infrastructure can be an engine for job creation and economic growth. That is why we want infrastructure projects to move as fast as possible. With this object in mind, we want to ease the procurement procedures and land acquisition process. But, at the same time, we have to ensure that there is transparency of transactions.

Traffic congestion and road safety have become major issues. They are affecting the economy and they are impacting on environment and on the daily life of our children. We have taken a series of measures to decongestion the traffic on the roads. Traffic issues constitute a

major problem in many advanced countries throughout the world. As our economic situation is improving day by day, more vehicles are coming on the roads, just aggravating the traffic congestion. Road congestion is costing us billions of rupees yearly due to wasted time and fuel. According to one estimate, we are losing about Rs3 billion yearly. It is also impacting on productivity and health.

The emission of greenhouse gas is polluting our atmosphere and that is why we are trying to adapt a holistic approach to tackle the problem of congestion. We are spending billions of rupees in improving and expanding our road network. For example, this year we are spending Rs4.3 billion in road infrastructure and, at the same time, more than Rs600 m. in maintenance works. The figure is expected to go up to Rs5.4 billion next year plus Rs600 m. for maintenance works.

For 2014, we are spending Rs11 billion plus Rs600 m. for maintenance works. Between 2012 and 2015, investment will increase by leaps and bounds. PPP schemes will be implemented and, in fact, the tenders were on and actually the evaluation work is being done. Most probably within a few weeks the work will be completed. The PPP Project includes Ring Road, Phase II and, at the same time, the land acquisition procedures have also started. Section 6 has already been published and we are moving towards section 8.

For the Harbour Bridge, section 8 has already been published and there is one bridge at Coromandel to Sorèze, the A1M1 Bridge, where land acquisition has already been completed. The grade separated junctions at the Phoenix Roundabout; there are, in fact, three roundabouts and there will be a grade separated junction at that place. Apart from that, at Caudan and Terre Rouge, we will have two grade separated junctions. All these are included in the pact, that is, the PPP Project and that necessitates private investment to the tune of Rs25 billion. If everything goes on well, I hope in a week or two probably the result will be out and we will be in a position to know who has been given the responsibility of doing that work.

The list of projects which have been completed since 2005 cannot be mentioned as the list is too long. But the main ones for 2009 like the Macondé Bridge to the tune of Rs200 m. has already been completed. The Terre Rouge to Pamplemousses Roundabout - the motorway has been upgraded. Quartier Militaire Road from Wooton to Belle Rive is already completed. From Camp Thorel to l'Esperance Trebuchet a new road has already been completed. Gros Bois/Mare d'Albert link road is a reality now. The Triolet bypass has already been completed. The dual

carriage way from Pamplemousses to Grand' Baie is already on. The Jin Fei work has already been completed. The Goodlands bypass is being utilised by everybody and that has decongested that region completely. The widening of the motorway from Phoenix to Port Louis is already completed with the exception at the Pont Colville Deverell Bridge. Schoenfeld bypass Phase 1 is completed. Phoenix/Beaux Songes link road is being used by everybody. Réduit Triangle is completed. The bridge at Pailles is already completed. The Nouvelle France Roundabout to La Vigie upgrading work has already been completed. The upgrading of Quay D to Terre Rouge is over. The upgrading from Pamplemousses to Mapou is over and the Flacq bypass has been completed.

Regarding the list of ongoing projects which are already on and which have not yet been completed, we have got the Terre Rouge/Verdun where we have completed 60% of the job. Unfortunately, there have been plenty of landslides and that explains the delay in the implementation of the project because there are certain unforeseen reasons over which we have got no control; that has been there for the Terre Rouge/Verdun and that explains the delay in the implementation of the project. But I have given strict instructions to the engineers of my Ministry that they have to monitor the project on a daily basis. For Verdun/Trianon, we have completed 50 to 55%. The Ring Road Phase I is 70% completed. Most probably, within six months' time, it will be completed. The Grade Separated Junction at Caudan has already been completed. There is a snag list which is being attended to. Quartier Militaire Road to Providence, Quartier Militaire to Wooton almost 50% is completed. Higginson Road at St. Julien D'Hotman is the place where many dangerous accidents took place in the past years; the upgrading of road has already started and we have completed probably 40 to 45%. Steel bridges at Tamarin, Rivière des Galets and Souillac are costing us above Rs90 m. The work has already started. The St. Pierre bypass is over Rs200 m. and 40% of the work has been completed. Motorway M1 from Colville Deverell Bridge to Grewals work has already started and I get the feeling that it will be on time. For Petite Retraite to Mont Loisir upgrading and enlargement of the work, almost 60% has been completed. Upgrading work at Salazie which was a very narrow strip of road, work has already started and we have gone a long way.

Mr Speaker, Sir, apart from all these works, there are bridges at Pailles, Quatre Soeurs, Ferney, Barlow, Bel Air Bridge. I can go on and on. Never in the history of our country have we

seen the construction of so many bridges within one or two years! It was a miraculous and Herculean feat performed by the officers of our Government and we are really proud of them.

Mr Speaker, Sir, I will come to the new list now...

(Interruptions)

I have already said what we have done, for the ongoing and now, what are the new projects which are in the pipeline and some of which we have already started.

Regarding the third lane, we have already constructed the flyover from Caudan to Place D'Armes, that is, in the centre of Port Louis. Works order will be issued in the days to come. We will be having a third lane there and that will be of great help for those who are going to use that road to move towards the north. As far as Providence to Central Flacq is concerned, the pre-qualification exercise is on and if everything goes on well, towards the end of the year, we are going to start the construction. For Beau Climat to Nouvelle France, works order has been issued and that is about Rs87 m. because the lowest tenderer got it and probably work is going to start in a week or two. It is also considered to be a very dangerous road as in the past there were plenty of accidents there.

As regards Schoenfeld Bypass Phase II, tender has already been invited. For Riche Terre B33 Road, the work order will be issued soon. Regarding dualing of road A7 from Réduit to Telfair, tenders are being invited. Flyovers at Wootton - works issue has already been issued; there are two flyovers. For Tulip Avenue, tender is being looked into. For a bridge at Providence, Poste de Flacq, tenders have been floated. Upgrading of Coastal Road, Belle Mare, we are working on that. Chemin Vingt Pieds, Vale to Cap Malheureux, the estimated cost is about Rs350 m. and we are working on that. The enlargement and upgrading as well as the opening of road between Holyrood. Those who are in Constituency No. 15 know the difficulties that they get from Quinze Canton to La Louise, Quatre Bornes, so we will have a parallel road and that was the road which belonged to the sugar estate. We have been negotiating with them and if everything goes on well, we are going to start the construction and upgrading of that road, Holyrood to Pierrefonds, in the months to come.

Mr Speaker, Sir, as I have just mentioned, road brings connectivity and connectivity brings development, but we also have to ensure that road development does not damage the balance between people and the environment, we have to keep in our mind the concept of Maurice Ile Durable which is so dear to all of us. That is why we are implementing tree planting

programmes throughout the dual carriage way. So far, we have received the support of the Minister of Finance in person and we have already planted over 4,000 trees along the dual carriage way from Grand' Baie to Pamplemousses and the Airport to Nouvelle France. We are also trying to upgrade and maintain both sides of the dual carriage way from the North and to the South and we are going to look into the central verge also.

Mr Speaker, Sir, the Project Plan Committee (PPC), which is under my Ministry, also plays a very instrumental role in assessing and approving important projects. We are reviewing the project process manual in order to address new issues that have cropped up in areas of public sector investment. From 2010 to 2012, there have been 118 projects which were approved and the cost was Rs18.8 billion. We also committed to develop and coordinate infrastructure policy that will ensure adequate infrastructure capacity within the eco framework that is more suitable for us. We are laying emphasis on development of institutional and regulatory framework. For example, the Building Act dates back to 1919. This has been replaced. A new legislation has been introduced and that legislation is more responsive to the exigencies, realities and emerging needs of our construction industry.

Mr Speaker, Sir, Government wants everybody to move towards modernisation and we want everyone to be equipped with updated and modern infrastructure. We are empowering people and the locality. We are bringing development in a holistic manner. Our aim is to eliminate social exclusion. We want to lay the foundation of modern Mauritius. We want to establish and update the standard. We want to boost the construction industry. The Construction Industry Development Board (CIDB) plays a pro-active role. Contractors and consultants are the two key players in the construction industry. They will be regulated to monitor development and performance. There is also a schedule of rates, which is being published on an annual basis, so that we can ensure that construction costs reflect the fundamental characteristics of our local market situation. In order to bring in greater professionalism in construction sector, Government is reviewing the Professional and Engineering Council Act and we are introducing a New Professional Quantity Surveyors Bill. Professional Architects Council Act was passed in 2011 and proclaimed early this year.

Mr Speaker, Sir, climate change has also become a reality for us. We have to be better prepared for disaster management and disaster risk reduction. The monitoring of landslide has been entrusted to my Ministry but, Mr Speaker, Sir, we have got no expertise in geo-technology.

Luckily, the Japanese Government has come to our support with a plan for technical assistance. The Japanese International Cooperation Agency is in Mauritius and they have set up a geo-technical unit in my Ministry, which will be responsible for monitoring of landslide. For example, in Quatre-Sœurs we had a very bad problem. Similarly, it had been the case in Vallée des Prêtres and we are looking at both problems.

We are also facing another problem, that is, of old buildings, aging buildings, and these buildings have to be refurbished and retrofitted. Many of our highly populated like hospitals and schools have to be retrofitted to face the challenges of climate change. The CIDB, on one hand, is empowering contractors and consultants and, at the same time, it is trying to protect the interest of the clients who are consumers. We are helping the small contractors to interpret and to fill in the bidding documents. A series of workshops has also been held regarding safety of workers in the construction industry.

Mr Speaker, Sir, I will move towards the National Development Unit. The National Development Unit is a very important arm of my Ministry. It transforms the thoughts and wishes and aspirations of people into action. It brings development at the doorstep of people. It helps in fulfilling the Prime Minister's wish of improving the living conditions of people. During the last seven years, we have executed thousands of projects and these projects are spread throughout the country. So far, we have spent Rs4.7 billion. The whole country today looks like a *chantier*. The very scenario landscape of our country had changed. We have raised the standard of living of our people throughout the country. It has contributed enormously for the economic development of the country. With the blessings of the Prime Minister, NDU is creating a modern network of road infrastructure. They do not look after classified roads, but after the non-classified roads, the narrow roads; roads which are found in the nook and corner of the country.

Mr Speaker, Sir, by doing so we are reducing time, we are saving costs and fuel. We are also enhancing road safety. During the last four months, January to June, we have spent Rs310 m. on 192 roads. Apart from roads, we are also constructing and upgrading bridges and drains. Since January till today, we have spent Rs288 m. in 91 drains. In the past, drains were completely neglected. Today the NDU is implementing drain network all over the island. The severe flood, which occurred on 26 March 2008, had traumatised the whole nation. Four people lost their lives and immediately after the flood, Government came forward with the Emergency

Rehabilitation Programme. The consultant Gibbs had already identified the flood prone areas. Since then, billion of rupees have been spent to save people from floods.

Drain works were undertaken in parts of the country. The main ones being Pamplémousses, Ste Croix, Vallée des Prêtes, Poudre d'Or, Argy, Dagotière, l'Hermitage, Bel Air SSS, Rose Belle, Mahebourg, Grand Bois, Riviere Noire, Cotteau Raffin, Camp de Masque, Poudre d'Or Village, to name only a few. Even Justice Domah, in his report on the cyclone Lola flooding made mentioned of the good works undertaken by NDU in the region of Gros Billot, New Grove, Ville Noire, Mahebourg, Batimaraïs, Maurisson Street, Souillac and 16^{eme} Mille. Drain works have also been in progress in Bois Rouge, Mont Gout, Poudre d'Or, Gokoola, Panchavati, l'Amaury, Bramstan, Poste de Flacq, Trois Boutiques, Rose Belle, Camp Carol, Cité Joachim, Tamarin, Grand Bois, Camp Fouquereaux, Mesnil, Parisot, Vallée Pitot, Military Road, Port Louis, Cité Martial, Port Louis, Gorah Issac, Port Louis, Roche Bois, Vallée des Prêtes, Ste Croix, Terre Rouge, only to name a few. This gives you an indication of the amount of works that is being done.

Apart from drain roads, bridges were also constructed. There are almost six to seven bridges at Mont Gout, Argy, l'hermitage, Pointe aux Sables, Ebène, Pailles, all of them costing millions of rupees. All these works have already been completed. We have not neglected amenities, Mr Speaker, Sir: construction of volleyball, football playgrounds, lighting of football grounds, street lighting, children playgrounds, market fairs, bus shelters, cemeteries and cremation grounds. Crematoriums are traditional ones in Mauritius, wood is mostly used. This method is not in line with Government policy, that of avoiding felling of trees. Besides, people get difficulties in procuring wood to burn dead bodies. A poor family can't afford to spend thousands of rupees in the purchase of wood. In line with *Maurice Ile Durable* concept, our Government had taken decisions to construct 12 cremation shelters and install 12 incinerators, which would cost Rs130 m. The contract for the construction has already been awarded and construction works have already started.

Mr Speaker, Sir, we need good roads. We need safe roads. We need safe journey. That is why, road safety and security is also high on our agenda. I have said earlier also - I am repeating over and again - I have yet to come across somebody in Mauritius, who has shown so much concern about road safety, road accident and issues that are connected with roads more than the Prime Minister of this country. There is not a single day that passes out where he does

not question me or anybody in my Ministry regarding security on the roads. That is the reason why it is very high on our agenda: road safety campaigns, road safety audits along new roads and the new road safety measures along dark spots. That is the reason why the Prime Minister has put up a special unit in his own Ministry in order to supervise these works. We have identified 33 black spots along Mauritius. We are trying to improve most of the junctions in the country; they are completely old, dilapidated and they have to be given a new look.

Mr Speaker, Sir, till now we have got 229 set of traffic signals equipment around the island. This year we are trying to procure 17 additional sets of traffic signals. We are bound to do it. There is no way-out if we want to save human lives. One human life is too much, as the Prime Minister has been telling all the times, but one death is too much. We are bound to take and invest as much as possible in order to save the life of our people.

Mr Speaker, Sir, in 2013, another 20 sets will be installed. Sensitisation campaigns have been carried out on drink driving and pedestrians. Campaigns for two wheelers will also be carried soon. We have also campaigns, broadcast on TV in Bhojpuri and in Creole. Posters have been put up on bus backs and all.

Mr Speaker, Sir, we have also been putting up slogans everywhere in order to discourage people from driving fast. For example, we have put along the motorways –

“Speed thrills but it kills”

“Drive like hell, you will be there”

“It’s a motorway not a runway”

“Speed can slow you down your life”

“Plus on boit moins on voit”

“L’alcool c’est la mort au volant”

“Start earlier, drive slowly and reach safely”

“Cars have spare parts while your body does not have”

So these are the campaigns that we are conducting throughout the country and I hope that it is creating a slight impact because I get the feeling that the percentage of death on our roads is going down.

During the past five years, for example in 2007 there were 133 deaths, 2008: 162; 2009: 129; 2010: 151; 2011: 132. So, these are too much on our roads and we do hope that the measures we are taking will bring down the number of deaths on our roads, and road accidents

have multiple causes and one of them can be attributed to lack of proper driving education and poor driving discipline. In order to achieve this end, we are planning to set up a Driver Education and Testing Centre as it will provide formal and systematic training under education programme, designed to improve road user skills and behaviour and this is very dear to the heart of the hon. Prime Minister and he is personally monitoring this issue. I do hope that if publishing goes on well, most probably we are going to start this as early as possible. We are conducting road safety campaigns, education to vulnerable road users, primary and secondary students and senior citizens, throughout the country. We have also observed that more than 35% of drivers and riders killed on our roads who are under the influence of alcohol and on average, taken over the last five years, 1,060 drivers were caught with blood alcohol content level above the prescribed limit every year. We are coming up with additional measures which will most probably reverse the current trend. Mr Speaker, Sir, the measures that we have taken include: installation of 50 additional fixed speed cameras in accident prone areas, plus six mobile speed cameras to manage speed related accident and thereby reduce severity of accidents.

More aggressive coordinated road safety sensitisation campaigns, a two-wheeler campaign in July 2012, dim drive campaign in December 2012 and the House is aware that penalty point has already become a reality and in the weeks to come it will be proclaimed. I will also request all Members of Parliament to be very cautious while driving on the road because I know what will be the consequence. We will have to pay dearly for it because we have to show the way and others have to follow. So charity begins at home, that is the reminder to all Members of the House.

Mr Speaker, Sir, the National Transport Authority (NTA) falls under my responsibility and the number of vehicles are increasing at an accelerating rate 4.5% during the last ten years. In 2001, there were 255,000 vehicles which were registered; today it is 409,000 vehicles; it means an increase of 60%. A number of vehicles per kilometre of road has increased from 128 in 2001 to 195 today. It is almost doubling more or less. The ratio of personal vehicle ownership to population is one vehicle for every 3.5 persons, so this can be attributed to economic growth and our healthy economy. Sustained economic development has led to an improvement in the standard of living of our people, but if the growth rate is maintained, it will give rise to much problems in the future, unless we invest massively on our roads.

Our roads constitute 5% of our area, since 2001 our road network has increased by 6% whereas vehicle population has increased by 60%. That is the reason why Government is investing massively on road infrastructure. Transport industry, Mr Speaker, Sir, is a very dynamic sector. New vehicles and technologies are coming on the market; our legislation has to keep pace with the developments that have taken place the last ten years.

Last year in the Budget Speech, it was announced that fitness centres would be privatised. I am pleased to announce that an expression of interest was invited, the cost of proposals was issued, bids were received and evaluation has already started. Four stations should be set up for examination and these private stations will have mandatory requirements for scientific examination of vehicles. They will have to adopt transparent procedures; they will have to display exam results. The NTA will exercise regulatory control on operation of these private stations to ensure that provisions of law are complied with and interests of vehicle operators are safeguarded, fees for examination of vehicles should be set up by the Government.

Mr Speaker, Sir, the bus industry also needs improvement; both operators and travelling public want improvement of the bus industry. We are trying to provide incentives and facilities to enable the bus industry to be more responsible, to be more responsive to changing needs and demands of the public. We need to have a new vision of the bus industry. We have to provide high quality service in terms of convenience, accessibility, efficiency, reliability, comfort, safety and affordability to the population and that will enhance the quality of life. The bus industry has to meet the needs and demands of the growing population. Passengers expect a high standard in terms of infrastructure and service. Our bus transport must provide comfortable and convenient rides in congestion free traffic. To achieve this, necessary infrastructural and proper traffic management skills should be provided. For example, priority would be given to buses over cars in road usage.

Mr Speaker, Sir, public transport is and will remain the most important means of transport in years to come. It will provide an improved quality of service which will satisfy the needs of the commuters and will offer attractive alternative to motorcar. In fact, an improved public transport system is the backbone to the economic development of Mauritius. Our ultimate aim is to restrain the use of private cars during peak hours. We all know the congestion that is being experienced today; it is costly in terms of time wasted unnecessarily, fuel spent and

pollution created. Traffic jam leads to annoyance, stress, loss of productive hours and an adverse health impact.

Mr Speaker, Sir, as the House is aware the Free Transport scheme was introduced by the hon. Prime Minister for old age pensioners, handicapped persons on 15 August 2005. For students, Free Transport Scheme was introduced on 01 September 2005 and the scheme was implemented within one month of the Government decision. That scheme has been a major achievement. Since the introduction of the scheme to date, an amount of Rs5 billion rupees has been disbursed for Free Travel Scheme. The scheme has been of great help to low income group families. It relieves the household budget; it enables people to undertake more leisure trip that enhances the quality of life. Between 80% to 85% of all secondary, post secondary and tertiary students use bus transport, therefore they benefit from the scheme.

Mr Speaker, Sir, my Ministry keeps a watchful eye on services provided by bus operators. We keep an eye on the correctness of records of operation to ensure that no bus operator makes an abuse of the scheme by claiming unwarranted payment.

A consultant, Steer Davies Gleave, assessed our Free Travel Scheme and concluded our system base on payment to bus operators is better than other alternative systems. We also receive plenty of complaints relating to Free Travel Scheme, but the NTA enquired into those complaints within the least possible delay. 2,100 complaints have been enquired into, 370 cases have been prosecuted, 273 operator's licenses have been suspended, apart from suspension of licenses. Payment due to operators is withheld from 2005 till today. A sum of Rs28 m. has been forfeited or deducted from the compensation to bus operators. If bus operators treat old age pensioners, disabled persons and students unfairly, we apply the law in all its severity. I can assure the House that we will make good regulations, if need be, to ensure that a good service is provided to students, old age pensioners and disabled persons.

Mr Speaker, Sir, as they have just mentioned, at the end of May we are having 409,000 vehicles and the fleet has been increasing at an average of 4.5%. 18,000 vehicles are coming on our roads every year. Apart from registration of new and second hand imported vehicles, we are also carrying about 38,000 transfer of ownership yearly. Actually, we are looking into the possibility of operating a satellite office of Registrar General Department within the premises of NTA. This is being done with a view to facilitate the process for registration of deeds of sale.

This proposal is in consonance with our policy to improve business facilitation. This will help over 50,000 vehicle owners every year.

Mr Speaker, Sir, road tax was paid at the head office of NTA and a few District Council Cash Offices; that was creating much frustration. Vehicle owners had to wait for hours and hours to pay road tax. In order to give a better service to the public, in 2005 Government agreed that payment of road tax could be effected at selected Post Offices. As from 2006, 33 Post Offices started providing service for private cars and motorcycles. The service has now been extended to all the 111 post offices and from July last year taxis, contract cars, buses and goods vehicles can also be renewed at Post Offices. This decentralisation of service has proved to be a real success. We have also started providing online services for reservation of specific registration marks and for securing appointments for examination of vehicles. These services have been very popular since the introduction of over 6,000 applications have been received for registration mark and 600 applications for vehicle examinations.

Mr Speaker, Sir, we have also made provision for all cars to be fixed with new registration plates to ensure that vehicles may be easily identified in case of accident, theft and crime and this should be made of retro reflective material. They should comply with British standard or equivalent, and marked with the number of information that is necessary to permit identification of that standard. On the front of the vehicles, the plates have black characters on a white background, and on the back of the vehicles the characters are black on a white background.

Mr Speaker, Sir, provision has been made in the Road Traffic Regulations 2010 for every bus, every goods vehicles, whose gross weight exceeds 3,500 kg and capable of running at a speed of more than 70 kms per hour, to be fitted with a speed limiter. This measure was necessary to prevent over speeding and accidents on the road. By 01 July 2012, all such vehicles will have to be fitted with speed limiters.

Mr Speaker, Sir, let me have a few words on the National Transport Corporation. Since 2010, 117 buses have been procured. We are going to procure an addition of 65 new buses this year. These buses will enable NTC to significantly improve the quality and reliability of services to the travelling public. That can reduce the volume of fuel consumption, as the busses are more fuel efficient. NTC is a labour inclusive organisation and, as at now, we have over 2,225 employees. The economic situation of NTC has improved a lot. In 2007/2008, there was a deficit of Rs97 m.; 2008/2009, the deficit was Rs108.7 m.; 2009/2010, the deficit was Rs58.5 m.,

and for 2011 there is a surplus of Rs75 m. The consultant Deloitte had predicted that the deficit would go up till Rs469 m. till 2010. We have proved him wrong.

Mr Speaker, Sir, there is one issue which is of great interest for everybody, and it's important for me to speak a few words on that. That concerns the light rail, that is, alternative mode of transport. This is the most ambitious project and the latest project of the Government, and this project took shape following the visit of the hon. Prime Minister to Singapore, who has at heart the realisation of this project. The project management services, including determination of the alignment, development of the concept, and preliminary design of LRT will be undertaken by Singapore Cooperation Enterprise, a Singaporean Government entity, in collaboration with the partners Singapore Mass Rapid Transit Corporation Ltd. and Aurecon. A due diligence exercise has already been conducted in collaboration with a rail expert from India to ensure that the offer is fair and reasonable. In fact, we are expecting the group from Singapore at any moment in our country, and if everything goes well, within a month, the decision will be taken.

Mr Speaker, Sir, we cannot forget the Shipping sector of my Ministry. With regard to Rodrigues, the measures that we have taken in the Mauritian context will also be adapted to the Rodriguan context, and my Ministry is working in close collaboration with concerned Commissions in the field of road safety and security. The request of the Chief Commissioner of Rodrigues to assist them in Port Mathurin Ville Piétonnière Project is being looked into. As far as the Shipping Division is concerned, appropriate policies and strategies are being pursued to ensure safety and security of ships, and prevent marine pollution and piracy. The following projects will be implemented between 2012 and 2015 -

- (i) Maritime legal framework will be consolidated;
- (ii) Global Maritime Distress and Safety System (GMDSS) equipment to provide efficient maritime communication for safety of life and property at sea will be renewed;
- (iii) National focal point for sharing information on piracy will be established;
- (iv) Business model of Mauritius Shipping Corporation Ltd. will be reviewed with a view to making it more profitable and financially sustainable;
- (v) Procedures have already been initiated for the replacement of Mauritius Pride, which is 20 years old, and the following measures are being taken to implement ocean State project announced in the Government Programme -

- A working group has been set up under the Chairmanship of the Director of Shipping to study and propose additional aids required to enhance safety of navigation around Mauritius, Rodrigues, Agalega, St. Brandon and Tromelin Island.
- Some 2,300 ships call at Port Louis Harbour yearly from different parts of the world and discharge their ballast water in our territorial water. My Ministry has entered into an agreement with Mauritius Oceanography Institute (MOI) to undertake a baseline survey to identify presence of invasive species being introduced in our waters through ballast water.
- A dedicated Hydrographic Unit will be set up at the Shipping Division with appropriate equipment for continuous oceanographic surveys and updating of maritime laws.

Mr Speaker, Sir, we can go on and on because the amount of work which has been done cannot be described within an hour or so. But suffice it for today, at least, we have a *réclame* or just a trailer of what has been done by our Government under the leadership of our Prime Minister. I do hope that the public will appreciate because never in the past has so much of work been undertaken, and all this is being done in complete transparency, and definitely I have to thank the Minister of Finance for the collaboration that he is showing us.

Once again, I would like to thank everybody, particularly the Parliamentary Private Secretaries, because they are also greatly involved in the work of the National Development Unit, as well as other hon. Members of Parliament who directly or indirectly have been of great help. In fact, they have been showing us the places where work needs to be done. With all the limited capacities that we have - though we are intellectually limited - still we try to do as much as possible.

Thank you, Mr Speaker, Sir.

The Deputy Prime Minister: Mr Speaker, Sir, I move for the adjournment of the debate.

The vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval) rose and seconded.

Question put and agreed to.

Debate adjourned accordingly.

(3.36 p.m.)

PUBLIC BILLS*Second Reading***THE SUPPLEMENTARY APPROPRIATION (2011) BILL****(No. XXIII of 2012)**

Order for Second Reading read.

The vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval): Mr Speaker, Sir, I would like firstly to offer you my sincere congratulations on your election as Speaker of this House.

Mr Speaker, Sir, I beg to move that the Supplementary Appropriation (2011) Bill (No. XXIII of 2012) be read a second time.

The Bill provides for the appropriation of a total sum six billion eighty-three million eight hundred and eighty-eight thousand and eight hundred and fifty-one rupees (Rs6,083,888,851) to meet supplementary expenditure incurred in fiscal year 2011.

The House will recall that in December 2010, the Appropriation (2011) Bill was passed by the National Assembly, and a total sum of Rs72.3 billion was appropriated for fiscal year 2011.

The total appropriation actually spent, however, totalled Rs68.6 billion, that is, a net amount of Rs3.7 billion below the sum already appropriated by the National Assembly. This, therefore, consists of both under-spending and overspending in various programmes.

Amounts under spent in the year by Government consist of Rs1.3 billion on employees emoluments and Rs1.2 billion on the purchase of goods and services such as telephone bills, rental of buildings and so on.

In addition, the CEB, CWA and AML have required smaller amounts of loans in the year to the tune of Rs1.7 billion. These various categories of under expenditure total Rs4.2 billion.

The net under-spending of Rs3.7 billion is after accounting for a total of Rs6.1 billion spent in excess of the amounts budgeted in 22 of the 135 programmes for fiscal year 2011.

As the House is aware, section 105 of the Constitution stipulates that where any “head of expenditure” (now any “programme”) requires funds in addition to what has already been appropriated, such additional funds would require further appropriation by the National Assembly through a Supplementary Appropriation Bill.

Thus, Mr Speaker, Sir, although total actual spending in fiscal year 2011 is below the total appropriated amount, the additional spending of Rs6.1 billion in the 22 programmes needs to be covered by a Supplementary Appropriation Bill.

The bulk of the Rs6.1 billion has been used to provide adequate financial resources for the National Resilience Plan. This is a rainy day fund totalling Rs7.3 billion at end December 2011, created in order for our country not to be caught unprepared with the continuing Euro zone crisis. This prudent measure of unequalled size in our history has received universal acclaim, and is one of the factors cited by the ratings agency Moody's for our rating upgrade from Baa2 to Baa1.

Additionally, an amount of Rs1.5 billion has been provided in the Social Housing Development Fund to meet the social housing needs of low income families. The House will remember that in my 2012 Budget Speech, I had announced the replenishment of these two funds totalling Rs8.8 billion.

A further amount of Rs250 m. has been provided in the Local Infrastructure Fund to meet the cost of Infrastructure Projects of Local Authorities in Mauritius and Rodrigues.

Accordingly, Mr Speaker, Sir, Rs4.2 billion were paid into the National Resilience Fund, out of which Rs3,863,000,000 need to be appropriated. Regarding the Social Housing Development Fund, an amount of Rs914 m. requires further appropriation. As for the Local Authorities Infrastructure Fund, an amount of Rs250 m. has been included in the total Supplementary Appropriation of Rs 289 m. under the Ministry of Local Government and Outer Islands.

The other main areas requiring Supplementary Appropriation during fiscal year 2011 are as follows -

- (a) An amount of Rs150 m. was required under programmes of the Ministry of Education and Human Resources to meet operational costs of the Mauritius Institute of Training and Development. This is partly offset by an amount paid by HRDC into the Consolidated Fund.
- (b) An additional amount of Rs134 m. was required under the programmes of the Ministry of Social Security, National Solidarity and Reform Institutions for payment of social aid benefits, essentially following the doubling of the rate for income

support with effect from March 2011. This is, therefore, the result of a policy measure.

- (c) An amount of Rs62 m. was required under the Programme 311: Rodrigues Development, for providing additional grants to the Rodrigues Regional Assembly in respect to the 2011 salary compensation, and the increase in basic pension rates and social benefits.
- (d) A further amount of Rs41 m. was needed under Programme 211: Government Information Service and Provision of International News, mainly to enable a book adjustment to recognise an amount due to the Chinese Government for a loan to Mauritius Broadcasting Corporation in connection with the construction of the MBC Headquarters at Réduit.
- (e) An amount of Rs203 m. was for programmes of the Ministry of Energy and Public Utilities mostly for Wastewater Infrastructure Projects. This is essentially a book adjustment to recognise an amount due to Exim Bank of China for the Plaine Wilhems Sewerage Project.
- (f) An additional amount Rs240 m. was required under the programmes of the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping, especially for upgrading of roads and implementation of Land Drainage and Watershed Management Programme. This represents amounts spent on additional works as well as some cost overruns on existing projects.

Mr Speaker, Sir, excluding provisions made for future expenditure under the National Resilience Fund, the Social Housing Development Fund, and the LIF, the Supplementary Appropriation would have been only 1.5% of the initial appropriation. This compares very favourably with previous years. In fact, on a comparative basis, the Supplementary Appropriation, as a percentage of initial appropriation in 2003/04, was 8.3% and in 2010 it was 3.1%.

Mr Speaker, Sir, finally, the House will have noted that the supplementary expenditures cover the following types of entries -

- (i) Provisions made to meet future spending, such as the funds created.
- (ii) Additional expenditure as a result of policy changes.

- (iii) Timing differences, that is when payment are delayed or brought forward from one year to the next.
- (iv) Transfers from centrally managed funds, where provisions are pooled therein and need to be ventilated in the year.
- (v) Book adjustments to account for loans arising, for instance.
- (vi) Cost overruns, and
- (vii) Additional scope of works on certain contracts.

Mr Speaker, Sir, above all, it should not be forgotten that a Budget is by definition an estimate of expenditure and, of course, income, both arising in the future and both subject to uncertainties and other changes.

With these remarks, Mr Speaker, Sir, I commend this Bill to the House.

The Deputy Prime Minister rose and seconded.

(3.45 p.m.)

Mr P. Jugnauth (First Member for Quartier Militaire & Moka): Mr Speaker, Sir, first of all, allow me to congratulate you on your nomination as Speaker of this House and express my conviction that you will preside over the deliberations of this House in full objectivity and wisdom and that, of course, you will spare no effort to uphold both the dignity and the solemnness of this august Assembly. I can reassure you on behalf of the MSM, we will fully cooperate so that the businesses of the House are held in the best atmosphere possible.

Mr Speaker, Sir, last year, when I intervened on the Supplementary Appropriation 2010 Bill, I highlighted the object of such Bills which is, of course, to provide for Supplementary Appropriation by Programmes of the expenditure, Mauritius in respect of the previous financial year, in excess of the expenditure appropriated for certain programmes by the Appropriation Act related to that financial year. ESEs are, in fact, meant to provide appropriation for sums already spent in excess, not for sums that are meant to be spent in subsequent financial years or sums that are bound to impact on the real budget deficit.

Mr Speaker, Sir, let me focus on programme 952, pertaining to Centrally Managed Initiatives of Government and, here, we are being asked to approve the supposed excess expenditure of nearly Rs3.9 billion. But has this excess expenditure been really incurred in financial year 2011? When we look at the document annexed to the Bill, we see at page 34 that the sum that is appropriated for 2011 Budget, Programme 952: Centrally Management Initiatives

of Government was for Rs445 m. And out of this sum of Rs445 m., we are made to understand that more than Rs337 m. have not been spent. Yet, an off budget item, that is, the Business Growth Fund is being brought in and we are being told that a sum of Rs4.2 billion have, in fact, been spent. The question that arises is: has this amount, in fact, been spent? I think not.

Mr Speaker, Sir, when I go through the Budget Estimates of 2011, I see at Appendix 1 that as regards the Business Growth Fund which has taken over - in fact, it used to be the Saving Jobs and Recovery Fund - contribution from Government was nil. It was projected that the total payment out of the Fund, in fact, would be Rs2.3 billion. Now, the sum earmarked and, subsequently, appropriated under the programme 952: Centrally Managed Initiatives of Government, was Rs445 m. Now, when I look at Appendix C - Special and Extra Budgetary Funds at page 671 of the Budget Estimates of 2012, I see that the revised Estimates for 2011 include a sum of Rs4.2 billion under the item Contribution from Government. From zero it has increased to Rs4.2 billion. How did that happen and when did it happen? Of course, this needs to be clarified. I also see that payments which were initially estimated at Rs2.3 billion had finally turned out to be slightly above Rs1 billion and I note that in the estimates for 2012, contribution from Government to the National Resilience Fund which had, in fact, taken over from the Business Growth Fund is a mere Rs170 m., whereas estimated payments for 2012 are to the tune of Rs3.2 billion. Curiously, indeed, the figure of Rs4.2 billion under contribution from Government in the 2012 Estimates is, in fact, exactly the same figure which is being bounced in the annex to the Bill and presented as provision under the Business Growth Fund. There is no explanation at all on this supposed excess expenditure incurred in terms of billions. Has this sum again been spent? It would seem not. I would wish, of course, for the sake of transparency, that the hon. Minister would probably clarify this situation.

Mr Speaker, Sir, the IMF in its two reports on the Mauritian Economy Public Expenditure and Financial Accountability Assessment (PEFA) and the 2011 Article IV Consultation, the Staff Report, pointed fingers, in fact, at the curious arithmetic in our Budget numbers. The IMF noted that the chronic under-spending on the capital side was not allowed to flow to the Budget bottom line, resulting in fact in different budget deficits. The Labour Government re-appropriated the unutilised funds and transferred them to a set of special Funds and the IMF had advised and strongly recommended, in fact, to adjust the overall budget deficit to include spending from special earmarked Funds which are macro economically important.

I can still remember when I took office as Minister of Finance and Economic Development in 2010, I resolved to put good order in the way the finances of the country were being managed and in the Budget that I presented in November 2010, I paved the way for all those special Funds to be subsequently dismantled and their respective sums transferred directly to the Consolidated Fund. I chose the path of full transparency in managing the finances of the country and, obviously, we had to go through a transitional period. The IMF staff, in fact, welcomed the Government's decision and intention to close most of those special Funds in 2011, and to place those operations in the Budget.

I can still recall the IMF commented favorably that this will reduce budgetary fragmentation and is likely, of course, to result in stronger expenditure controls. I am sure the hon. Minister has seen the comments and recommendations of the IMF and one can see how pertinent their views are in ensuring that the budget process is, in fact, transparent and that the budget deficit figures really reflect the state of public finances. I am sure that the hon. Minister will agree with me that proper accounting will help us in managing public finances in a responsible and fully transparent manner.

Mr Speaker, Sir, I asked the question when intervening on the Appropriation Bill last year: how is it that capital grants for 2011 increased from Rs1.1 billion in the original estimates to Rs7 billion in the revised estimates? How is it that contributions from Government to the Business Growth Fund have increased from zero in 2011 initial estimates to Rs4.2 billion in the revised estimates? Again, this needs to be clarified, and it would be good to know what would have been, in fact, the real budget deficit in 2011/2012 had, in fact, the net expenses under the special Funds been included in the calculation for the budget deficit.

Mr Speaker, Sir, I make a plea for transparency, effective and responsible management of public finance. I am not criticising or I'm not trying to blame the hon. Minister. I am sure that he would realise that parking of special Funds outside the Budget to hide, in fact, the ineffectiveness of implementing capital projects are having serious economic consequences. Such poor fiscal consolidation is not providing the country with the means to tackle its challenges and realise its ambition of a trillion rupees GDP economy by the 2020s. It is choking of growth by limiting public investments in key sectors at a time that the private sector finds it more profitable to invest in real estate activities and we are marking time and keep missing out targets, while there is so much to catch up in terms of infrastructure priorities.

Mr Speaker, Sir, I look forward to see the dismantling of all those special off Budget Funds and the transferring of those Funds as at are available to the Consolidated Fund. If we maintain these off Budget Funds, we would fail in our duty to act according to the principles of transparency and good governance. I hope that we do not persist on the path of curious and controversial accounting in our Budget process.

Mr Speaker, Sir, to conclude, I could repeat what I said last year. It is high time that we assess, in fact, the progress that have been achieved under the Programme-Based Budgeting to see whether the objectives set out are being, in fact, met and the degree of efficiency that have been attained in managing public Funds. I started this assessment when I was Minister of Finance and I am in a position to say that we have to steer ahead more resolutely and systematically.

I thank you for your attention.

(3.57 p.m.)

Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière): Mr Speaker, Sir, may I start by congratulating you on your election as Speaker of the House and I speak also on behalf of all my colleagues of the MMM when I say that we trust in your vast Parliamentary experiences to conduct the debates in a very fair and impartial manner. May I, in the same breath also, express our congratulations to your predecessor on election as President of the Republic of Mauritius and express our warm wishes to him in his new mission.

Mr Speaker, Sir, the Bill in front of us is the Supplementary Appropriation Bill and it is good that we start by reviewing the size of the supplementary budget. It is a staggering amount of more than Rs6 billion and it is good to have an assessment of what does that represent. In fact, it represents 8.4% over and above the original estimates and more precisely, it represents nearly 2% of GDP when we know that the budget deficit itself is estimated to be something around 3.2%.

This supplementary expenditure has to be paid and if we look at this figure of Rs6.1 billion, it represents 27% of the VAT receipts for the year 2011 and this 27% of VAT receipts, if it has not been spent extra, would have meant a reduction of 4% from the 15% VAT rate. Also, this kind of extra expenditure is financed by additional debt and if we compare this figure Rs6.1 billion to the increase in the stock of Government debts, which rose in 2011 from Rs150.7 billion to Rs164.2 billion, then this supplementary budget represents nearly 45% of the increase in the

stock of Government debts. I said it is a staggering amount. In fact, it equals actually the total amount of loans borrowed and disbursed from international organisations in 2011.

Mr Speaker, Sir, this extra expenditure is more than the size of the STC hedging loss; it is more than the Betamax I and Betamax II where Rs2 billion have been spent in the vessel and R1 billion turnover for 15 years are being earmarked for the Petredec – LPG Gas Terminal. I don't need to say by how much it exceeds the amount unnecessarily spent on Jin Fei and Neotown. This is the amount of overspending, Mr Speaker, Sir. Can we say that this size is reasonable? Was it foreseeable? Was it unavoidable? Whatever it is, Mr Speaker, Sir, it is unacceptable. This kind of variance is not acceptable even under the Financial Management Rules. Under the Financial Management Rules, a reallocation or a *virement* from one programme to another programme or from a programme of one Ministry to another programme in another Ministry will not be permitted if it exceeds 5% of the estimates appropriated. So, 5% is the threshold that triggers the justification of that over-expenditure. It will require documentary evidence, verification of outcome before it is approved by the supervising Ministry or the Ministry of Finance. Here, what justification and what explanation do we have on the necessity of this extra expenditure? We are presented with a set of figures, by a whole table, Mr Speaker, Sir; of expenditure which have already been disbursed and the financial accounts have already been prepared and even the audit report has been issued. So, we are, in fact, in front of a *fait accompli* and we are asked to regularise or even rubber stamp an otherwise unappropriated spending. How can such an exercise approving excessive overspending be a case of regularisation of something where there is no justification, there is no cost benefit analysis, there is no examination of the return on expenditure or performance valuation and there is no penalty for excess waste and no sanction for those responsible for this exaggerated extravaganza? Why should Parliamentary oversight and scrutiny be scanty, light and rushed? Should this continue year in and year out, Mr Speaker, Sir, as if it is business as usual? I think there is need to be a re-thinking and a revamping of this whole exercise of supplementary appropriation. We are here talking only on the size and the quantity of the excess expenditure, Mr Speaker, Sir, a purely quantitative discussion. But what about the quality of these excess expenditures, about the service level of these expenditures, the delivery standards, the timeliness, the cost efficiency? Do we get value for money? Is there quality control? What is the cost-effectiveness of all these excess expenditures we are called to approve? Are we making proper use of the management

tool of Programme-Based Budgeting and the Performance Management System which supposedly have been installed at the Ministry of Finance by experts from the World Bank? What's the use of all these advisers from the World Bank and consultants posted at the Ministry of Finance if there is no monitoring, no control, no evaluation to meet these key performance indicators and targets? We have not seen any progress reports on these expenditures. Hon. Pravind Jugnauth just talked about the Business Growth Fund and the other Funds which, year after year, are getting additional budgetary allocations.

So far, we have never seen any progress report. We don't even see any audited report of these funds. Whatever audit report submitted is for four or five years back for certain special Funds? If you look at the audit report you will see it is clearly written which of those Funds for which the financial statement had been submitted very late and the Minister of Finance, who had worked in the private sector, should know that in the private sector, a private enterprise must submit its return within six months of the end of its financial year failing which penalties are raised on it at the Registrar of Companies. So, what is the transparency and accountability to ensure that these extra expenditures are made properly in the interest of the taxpaying public, Mr Speaker, Sir? How do we ensure that we can recoup any extra expenditure if it is not serving its purpose? That's why there is need of a Fiscal Responsibility Act and a Right of Information Act to prevent this kind of cost explosion, Mr Speaker, Sir. The causes of this cost explosion, year after year, are many and well known: poor forecasting; guess estimates; lack of planning; amateurism; sheer incompetence; lack of control and poor monitoring; gross incompetence and mismanagement. We have at the head of this Ministry which controls all these expenditures the best Finance Minister of Africa and look at the result, Mr Speaker, Sir! Look at the paltry result showing total fiscal irresponsibility and plain wastage of public money! Sir, why is this persistent excess expenditure growing bigger and bigger? Last year, it was just a little over Rs3 billion; this year it is over Rs6 billion, almost double that of last year. I don't know where that award comes from. Mr Speaker, Sir, this is a black hole. Things are getting very tough and the Minister always tells us: things are tough; there is a cyclone coming; the Euro zone crisis has not ended. But what is happening? This is just a pretext to hide his incompetence because the Budget is being wasted; the people are being asked to tighten their belt and Government is not giving the right example. We should have expected more discipline, more rigour, more frugality in these difficult times in order to get better results with lower costs and greater efficiency, but

we are not, Mr Speaker, Sir. Who is made to pay for this excess spending? Who will have to finance this ballooning budget deficit? The taxpayers, Mr Speaker, Sir, the consumers, because you will have to borrow more! In the end, what is the Minister doing? He is selling all the assets of the State. He is selling the house jewellery in order to finance this deficit by the same token crowding out private investment, therefore causing private investment to fall and causing more unemployment and paltry anaemic growth. That is the track record, Mr Speaker, Sir. This is a Finance Minister who is creating more inflation, more poverty. He has a gargantuan appetite for fiscal extravagance.

Mr Speaker, Sir, what are those main items of the excess expenditure in respect of which we have to vote this supplementary appropriation? If we look at the different items of expenditure, we can classify them into three broad ones: number one, goods and services; number two, acquisition of non-financial assets; and number three, grants and other initiatives.

Let us look at Goods and Services. Let us look at the first one: Government Information Service, on page 12. There is an additional expenditure for publicity and press notices, where there has been an original estimate of Rs11.5 m., now we are asked to vote and approve an extra expenditure of Rs5.5 m. Why should we do that? This is because of a policy of discrimination to favour certain newspapers. In fact, one daily even went to the court to seek redress for this discrimination because its newspaper is not even bought at Air Mauritius. What are the criteria used to choose which newspaper to advertise, and to spend this type of money, Mr Speaker, Sir? There are certain items of information that should be available to the wide public like notice of vacancies in the civil service, tender information, request for proposals and other official notices. But, why is it that only two newspapers are getting the lion share? Are we going back into a regime of newspaper circulation controlled by one newspaper, the 'Pravda'? So, this item of extra expenditure is not acceptable.

Second one, the Ministry of Tourism, on page 32, Entertainment Expenses, Mr Speaker, Sir. A sum of Rs1.9 m. was voted. Now there is an additional expenditure of Rs6.7 m.

(Interruptions)

Mr Speaker: Let's have some order, please!

Mr Li Kwong Wing: What is this expenditure for, Mr Speaker, Sir? It is an additional expenditure for payment of services of artists for cultural events. Mr Speaker, Sir, is the Minister of Tourism, the Minister of Culture? Why are cultural events not organised by specialists in

culture at the Ministry of Culture, which has its own budget? What should additional expenditure be made three or four times the original amount voted for cultural activities? What type of cultural activities and artists do we have? We have seen our good friend, the Minister, involved with his 'arms trafficking'? There is some other Minister whose name has been mentioned in context of alleged arms trafficking. But, have you seen that other picture?

(Interruptions)

Mr Speaker: I am sorry to interrupt the hon. Member. Stick to the issue, please!

Mr Li Kwong Wing: Mr Speaker, Sir, we have an excess expenditure where *bal, carnival, festival* are the order of the day; expenditure where you are importing Miss Brazil, Miss UK, Miss everywhere. We are not sponsoring our own Miss Mauritius for her to go to UK to promote Mauritius, but they are promoting Miss Brazil, Miss France and others to come to Mauritius. To do what, Mr Speaker, Sir? We have already wasted Rs40 m. in the branding exercise, and these additional expenditures are totally uncalled for. We know this culture which is in the DNA of certain people: to waste money, to squander money, and to do *tamassa*. But what has this resulted in, Mr Speaker, Sir? Not one single tourist more...

(Interruptions)

...has come because the number of tourists from Europe has continuously declined year after year, Mr Speaker, Sir.

Let us go to the other item, the Ministry of Public Infrastructure, on page 17. If you look at that item, there is an additional expenditure for socio-cultural activities, involving creation of tents and podium for festivals. Mr Speaker, Sir, a sum of Rs6.7 m. was voted. Now, we have another Rs6.8 m. expenditure to be approved. Here, I have to ask the question: is the Ministry of Public Infrastructure the Minister of religion? Why are we spending so much money and time on things which could be outsourced to other people, where the Minister could have made better use of his time and money to make sure that there are no construction delays, that there are no cost overruns, that they have better project planning, and prevent unnecessary road accidents at Soreze and The Vale?

Mr Speaker: I am sorry! I have to interrupt the hon. Member. Please, this is not the debate on the budget. Therefore, stick to the item you are dealing with, please.

Mr Li Kwong Wing: I am sticking to the item of Public Infrastructure, Sir.

Mr Speaker, Sir, there is another item regarding Police Force on page 14, provision and stores. Amount voted was Rs12 m. Now, we have an extra amount which is unappropriated; Rs1.5 m. What's the use of it? It is to provide for stores and provisions for new recruits. Mr Speaker, Sir, have you seen the shirts of the new recruits on the road? How you seen the different shades of blue of these Police officers on the road? So, what kind of additional expenditure are we now approving, which is creating substandard products and giving a bad image to our public security officers?

Mr Speaker, Sir, the last item on this score, Goods and Services, concerns the Ministry of Social Security, on page 25. Rs40 m. expenditure was approved for Fees for Medical Boards and Domiciliary Visits, and now we have Rs8.2 m. additional expenditure to approve. Here, I need to congratulate hon. Mrs Bappoo for the good work she has been doing for the old people, but the hitch in the matter is that many of these old people get the visits from the doctors at home, but then they have to go out to health centres for their medical tests. They have to wait for weeks and weeks before they can get their results, so that by the time the doctors come back for their visit, they do not have the results for monitoring.

Mr Speaker: There is a point of order.

Mr Duval: This is Supplementary Appropriation. It deals with amounts being appropriated today, not on old age or whatever, Mr Speaker, Sir. I think the hon. Member should stick to the point.

Mr Speaker: I have drawn the attention of the hon. Member. The hon. Member should stick to the issue. This is not a debate on the budget.

Mr Li Kwong Wing: I pray for the indulgence. I think the hon. Minister should understand that we are talking on a relevant subject of expenditure which is unappropriated, and we are asking for justification. In general, we say that many of these expenses are exaggerated, unplanned and uncalled for. It is the role of the Ministry of Finance with all his experts, with all his World Bank advisers, and with all the roving advisers coming from the Ministry of Social Integration, from the Tourism Authority that have moved with him, hundreds of economists, should be able to make control over all these expenses, which they are not doing, which is totally failing.

Concerning acquisition of non-financial assets, Mr Speaker, Sir, there are so many cases of variation in costs, which makes it a recurrent item. Here, we have to mention a few cases,

namely the upgrading of roads, land drainage, and various payments for cost overruns. Mr Speaker, Sir, the question that we have to ask is whether such a situation is acceptable and why figures are being provided in the budget when the Ministry knows very well that these projects are not going to be implemented. We can tolerate a certain variance of a certain magnitude, but when we have all these sophisticated software and financial modeling tools and the advantage of updated information on tap at the Ministry of Finance, it is a shame to have all these figures wide of the mark.

Mr Speaker, Sir, as the hon. Leader of the Opposition has said: *la vie ne peut être rose tout le temps pour tout le monde*, especially when we talk of those born with silver spoons. But for those who cannot bring food to the table, for those who cannot get a roof over their head, for those who have to have recourse to persistent indebtedness in the hands of ruthless usurers, this type of financial estimates, not only imprudent, but irresponsible, should be condemned. Therefore, we should not be surprised that this supplementary budget for the year has more than doubled compared to last year.

But before we approve such a colossal figure, Mr Speaker, Sir, allow me to ask a few questions. Mr Speaker, Sir, I have heard the Prime Minister, on several occasions, telling the audience that before he leaves his office, he ensures that the lights are switched off and he even requests his secretary not to waste paper for photocopies and printing unnecessarily. The Prime Minister went even further to say: *l'argent ne tombe pas du ciel*, and he thanks the Opposition because he says that thanks to the kind of comments that we are making which they don't like to hear, the Prime Minister was grateful that he could find out the *magouille*. For certain people, there are only *pillages*, *magouilles multipliés par deux* – PMXD. So, this is the kind of budget that we have to analyse very carefully and check every possible cost item because you have here somebody who is spending recklessly and is hardly assuming his responsibility and he is indifferent to the sufferings of the poor.

So, we are invited to approve a colossal figure of Rs4.2 billion under the Business Growth Fund, Mr Speaker, Sir. There was already a balance of Rs4 billion that was provided successively by Rama Sithanen and Pravind Jugnauth. Rs4 billion was lying there. Now, he adds another provision, calling it rainy day. But he is in Rio, so, where is the rain? He adds Rs4.2 billion as a provision in the budget, bringing a total war chest of Rs8.2 billion which he is keeping in the event of some shocks due to world recession aggravating. Mr Speaker, Sir, what is

this kind of budgeting? Rs4.2 billion! And how much has he spent out of all this money? Rs8.2 billion in the kitty of Government put as idle deposit in the banks, Mr Speaker, Sir! And how much has been spent? Not even Rs500 m./Rs600 m.! How much? Rs700 m.! Mr Speaker, Sir, this is irresponsibility. How many SMEs have been helped? How many jobs have been saved? How many firms have been able to avoid closing down? And yet, under his mandate, unemployment has kept going up, private investment has kept going down. Look at the Statistics Mauritius! The growth rate is being degraded year after year.

(Interruptions)

Mr Speaker: I have still to interrupt the hon. Member. Well, it is clear that where a supplementary estimate is being considered, debates should be confined as to why the extra money is being sought. Please, this is the guiding principle. I would appreciate if the hon. Member could stick himself to this principle and to this guidance from Erskine May. Thank you very much.

Mr Li Kwong Wing: I abide by your ruling, Mr Speaker, Sir. But you should also understand that that's the very question that I am asking under this vote because this vote is about resilience, to rescue firms. That's why I want to know how many small firms have been rescued, how many jobs have been saved and how many jobs have been created or is it that you are rescuing only *les petits copains*? Or is it that you are throwing money after bad management? Has there been any social impact assessment done on the expenditure that has been provided for? Rs4.2 billion, Mr Speaker, Sir, is not small money. Is there any mechanism put in place to control the allocation, the disbursement, the use of this sum of money? Is there any full-time staff allocated to this Fund? Is there any committee that evaluates application for use of the funds, Mr Speaker, Sir? All these questions leave us in the dark. But we always hear that there need to be provisions for euro zone crisis. But what we find is endless, useless consultancies that are being dished out to the boys and friends.

Mr Speaker, Sir, I have talked about this huge item of vote of Rs4.2 billion, but there are a number of other Ministries which are involved in huge project implementation also that need to be scrutinised. Sometimes, we get the impression that these Ministries are ignorant of good governance, accountability, proper planning, optimisation of resources when there are all kinds of management techniques for achieving efficiency in project implementation. The excess in a lot of these expenses, like the building of the MBC, the old Government House and in various

other items of road and bridge construction. All these items show excessive variance when the FIDIC allows not more than 10% variation. Then, why is it that there is no proper control and variance analysis carried out by the Ministry of Public Infrastructure? This lack of accountability creates doubt in the mind of people. It is always criticised by the National Audit Report, but none of its lessons are being drawn and we continue as before.

In the case of the Waste Water Authority also, Mr Speaker, Sir, very often, the competitive bidding itself is not there. We are paying enormous amounts through allocation of tenders to the same firms and contractors and, therefore, we don't have value for money. I'll take just another example under the item programme 323 – upgrading of roads. The original appropriation was Rs200 m. and now we have an additional appropriation of Rs428 m. It has more than doubled. For upgrading roads, one would have expected, say 10% to 15% increase, because there are some deviations, because some people have problems of access. 10% to 15% is reasonable. But how do we explain that these new appropriations are more than double the projected amount? The Minister of Public Infrastructure is definitely taking us all for a ride.

(Interruptions)

When we see the sheer magnitude

(Interruptions)

Mr Speaker: Order, order!

Mr Li Kwong Wing: It is year after year, Mr Speaker, Sir

(Interruptions)

...the same magnitude of expenditure. Why could not the Ministry of Public Infrastructure do proper planning? Why is it, Mr Speaker, Sir, that very often, the drawings of the tender have to be redrawn by the consultant and the contractor? Why every time it is the same story, Sir? If we look at these different contracts, very often you have conflict of interest. We have just been sitting with the Public Procurement Office at the PAC Committee, Mr Speaker, Sir, and there have been so many complaints and so many *maldonnes* and he dares say that he will reply! For donkey's years this kind of ineffectiveness has continued and *cela n'a que trop duré*, because we cannot take public money and throw it out of the windows and the whole nation is aware of this kind of waste and lack of professionalism from the Ministry.

(Interruptions)

Mr Speaker, Sir, the discrepancy at the Ministry of Public Infrastructure which has been found through questions after questions from my colleague, hon. Dr. Sorefan, is simply too big to swallow. Therefore, somebody at the Ministry of Finance is not doing his job there because, at least, there, there should be somebody who should have done the expected due diligence as a custodian of public money to ensure that there is fiscal responsibility in the use of public money.

Mr Speaker, Sir, it is vital that actions are initiated to correct all these wide variances and variations in costs and to prevent the recurrence of such magnitude of supplementary budgets. As I have pointed out, there is a number of such overspending that strikes us at first sight and we need not spend years at the IMF or the World Bank or spend tonnes of money with consultants to be able to find the remedial action. What is lacking is either sheer competence or political will.

Mr Speaker, Sir, we need to look at all this extra spending because this is taxpayers' money and we will have to look at the supplementary budget from a critical point of view, though constructive. But, in a way, that transcends the legal framework and the accounting process and norms. We cannot accept that additional funds are just rubber-stamped and approved when we are not sure of what is the cost-effectiveness of the money that has been spent.

It is the role of the Opposition, Mr Speaker, Sir, to act as a watchdog to ensure that every additional cent voted in this Assembly obtains value for money and meets national priority in a cost-effective and economically efficient manner. I am sad to say when we draw the attention of some Ministers for their own good of such misappropriation and wastage of funds, wastage of public money, our own money, instead of taking on board our constructive criticisms and learn how to improve performance and control abuse, they are indifferent and come up with arguments like: 'they are against development, they are *prophètes de malheur* and they only criticise.' Mr Speaker, Sir, we are doing our job without fear or favour because we do it for all those small workers and small consumers who are working very hard out there to eke out an existence for their family and their children.

Thank you, Mr Speaker, Sir.

At 4.39 p.m. the sitting was suspended.

On resuming at 5.12 p.m. with Mr Speaker in the Chair.

The vice-Prime Minister, Minister of Finance and Economic Development (Mr Duval): Mr Speaker, Sir, I will wait for a few minutes until the previous orator comes, hopefully he will not run away after what he has said which, I consider, to be unnecessary, nasty, personal

remarks that he has made. Having let him speak, Mr Speaker, Sir, which, I think, you did rightly, I hope that you will allow me to respond appropriately *parce que l'incompétence de l'honorable membre n'a d'égal, M. le président, que son arrogance. Comme vous dites, M. le président, peut-être que ses gênes, mais petit dimoune petit l'esprit. Quelle méchanceté de la part de cette personne, quelle violence dans son langage* bordering, Mr Speaker, Sir, on insane comments made on the Supplementary Appropriation Bill. Can I go back again, Mr Speaker, Sir?

(Interruptions)

I was just saying que perhaps his DNA, *mais petit dimoune petit l'esprit*, Mr Speaker, Sir. *Son arrogance n'a d'égal que son incompétence.* Maybe he thinks he is talking to fools that may have voted for him, but not us, on this side of the House, and his remarks Mr Speaker, Sir ...

(Interruptions)

...I consider to have gone beyond ...

(Interruptions)

...what is reasonable and this is why I respond to this hon. Member before responding...

(Interruptions)

No, it's alright! I can handle it. I respond to this hon. Member with his stupid laugh.

Mr Speaker, Sir, it must be his DNA, it must be *petit d'esprit*, *must be petit bonhomme* at the same time. I am certainly proud of my DNA, Mr Speaker, Sir.

I wonder whether I should reply to these comments because they were so insane, but, colleagues on this side, have told me: 'No, Xavier you must reply to what he has said' because they are so nonsensical, Mr Speaker, Sir. So, full of spite and hatred as if he wants to have this seat, which he knows he will never get whatever happens because he is not even Opposition spokesman for the economy. He is my good friend. Mr Vishnu Luchmeenaraidoo is the Opposition spokesman for the economy, Mr Speaker, Sir. He will never be. This is why he knows that he must punch above his height maybe. I don't know what he is trying to do. It is personal. He made a personal remark, otherwise I would not.

(Interruptions)

Mr Speaker, Sir, we are most disappointed. The House is disappointed. The country is disappointed. Why this demagoguery of this Member? He is supposed to be an economist. He uses a little knowledge to make a big thing out of nothing. Thinking that he has a degree and people

will believe all the nonsense, but, Mr Speaker, Sir, I will show the hon. Member how much of a mistake he has made in what he is saying. He cannot even count. He has mentioned one item, Rs900 m. of error, Mr Speaker, Sir. I mean if he wants to take somebody's place, he is complaining about this or that. He is complaining about the Ministry's of Finance people, he has made nearly a billion of rupees error in one of the things he has stated. More than that, Mr Speaker, Sir. *Il n'a pas montré de pitié pour ses collègues de l'opposition. Il n'a pas montré de pitié pour l'honorable Bodha. Il sait très bien - je ne sais pas si c'est dans son incompetence - que les dépenses du ministère du tourisme relèvent à 'Soul of the World' qui a été mené par l'honorable Bodha. Il n'a aucune pitié pour ce monsieur. Il attaque ce monsieur, qui n'est pas on the list to speak.*

(Interruptions)

I can speak. I can defend myself. This poor hon. Member is not even on the list to speak. He goes on and on and attacks him. Maybe he doesn't even know; he has not even bothered to check what expenses have to do with leisure. *C'est cela son incompetence...*

(Interruptions)

No, it is okay!

A lot of exaggeration bordering on the ridiculous. The NRF, Mr Speaker, Sir, it is not Rs8.3 billion, maybe in his mind, somewhere has dreamt about it; some sort of wet dream last night, he has seen Rs8.3 billion. It is not. It is Rs900 m. over, it is Rs7.3 billion. If you want to appear more intelligent than your friend, get your bloody figures right! Get your figures right then you come and speak!

Dr. Sorefan: Mr Speaker, Sir, is the word 'bloody' parliamentarian?

Mr Duval: I am not giving way, this is, at least, something to be laughed at, Mr Speaker, Sir. He has ridiculed himself. It is the same for mostly anything that he has said all through his half hour he has spoken. Just ridiculous!

Mr Speaker, Sir, we need *de remettre les pendules à l'heure*. Firstly, there is no overspending. Government is not overspending. Government is under spending. You see I have regained my calm. We are under spending by Rs3.7 billion this year. I have gone through the trouble of explaining in my speech - I take it again - what this under spending is all about. Why we have under spent? We have under spent, Mr Speaker, Sir, not just because there are less capital projects. There were less capital projects every year. If you take 2003/2004, when the

MMM was in power, the Capital Budget was 29% under spent. That happens all the time. Now, we are under spending on the capital. We know that because the procedures, *patati patata*, take a long time. Mr Speaker, Sir, still the fact that we have spent less this year, we spent less, why? I have taken it in my main speech; I can go for it again. Less on emoluments, Mr Speaker, Sir, means what? It means less persons employed. We have done the work with less people. We could have gone on a recruiting spree, recruited hundreds and thousands of civil servants additionally. We have not done so. All the guys who worked in 2011, in the civil service worked – as I mentioned we did not fill all the posts - harder than they worked before. That's one thing. I will get the figures exactly in a moment. That's one thing.

The second thing, Mr Speaker, Sir, provision of goods and services, substantial fall, what does that mean, he was laughing about electricity; less electricity, less transport, less petrol. This is the second biggest item of under spending. It is less amounts spent on goods and services, less consultants, less advisors. I have no advisor from the World Bank. He does not even know. There is no Advisor at the Ministry of Finance. He has found hundreds. Minister's Advisor about five, and so far, as Advisor to the Ministry of Finance from the World Bank, not a single one. He has found hundred, Mr Speaker, Sir. What I am saying, there is, in fact, a lot of exaggeration, insanity in what he has said. There is no other word for it, Mr Speaker, Sir.

We have spent less. Some of the reasons are: less emoluments, less purchase of goods and services, and also, we have needed to give less loans to the parastatal bodies. These are three main areas. Of course, we need loans further along the line. In 2012, it's a fact, there have been less of all these.

On the other hand, there has been additional expenditure. The funny thing about this type of accounting is that you don't account for underspending, you account only for over spending in certain programmes even though, overall there is no over spending. Overall, there is underspending of Rs3.7 billion. In some programmes, there is some underspending and some over spending. For the under spending, we don't need to report and we have to come to the House and hear such comments from the former orator. He has clearly not understood that it is only for some of these programmes that there is over spending of Rs6.1 billion.

Now, before I come to Rs6.1 billion, another insanity – inflation is galloping inflation. What is this? This year we are expecting inflation much less than last year; 4.3%. As far as investment is concerned, there is another insanity. In the investment sector, in the monetary

terms, it will be more than last year; private sector investment and so will be public sector investment. What is all this? He is so-called economist, coming and talking rubbish to this House. Some poor fellow reading some newspaper will believe and that's what is dangerous! Nobody here will believe what he said, but some people somewhere will believe in it. Inflation is going to be higher when it is 4.3%. Public debt, they were in Government, 64% public debt, on the same basis as we are calculating today. *L'état d'urgence économique, désastre économique.*

In 2011, Mr Speaker, Sir, it is 54.2%. If we take it at March, the latest figure that we have it is 53.8%. It has been falling even through the crisis. One of the few countries in the world, maybe that's why, I got the prize. The award that he is so jealous of. We are among the few countries of the world, where public debt is falling, you like it or not, that is the fact, 53.8% in March of this year and we are happy that it is so. The public debt is falling even though we have kept in the 2011 Budget, Rs8.8 billion in terms of funds. *Ce n'est pas cinq sous ça.* It is Rs8.8 m. that's what we have kept in the Budget. Why has Moody's not taken his advice? It is because he would want the country to go down into the gutter. No! Why has Moody's, in fact, upgraded the country? Never before in this history, from Baa 2 for about 15 years to Baa1, why?

One of the reasons they have cited are aggressive counter cyclical measures. What are these aggressive counter cyclical measures? One is the very high public sector investment, about Rs20 billion 2012, and the second one, would you believe - the very thing that this Member is going on and on about - is the national resilience. They made a mistake in their correspondence; they meant National Resilience, and they cite it in their correspondence. That is the reason why Mauritius is being upgraded. Let every other country do the same because, in fact, we have a historically high figure of Rs7.3 billion, not Rs8.2 billion like the hon. Member was saying before.

(Interruptions)

'Sorry, I made a mistake!' Just a stupid laugh!

Mr Speaker, Sir, that is one reason. I accept some of the comments that hon. Jugnauth made. He was very technical and very fair in what he said, but he made a drastic mistake also. He made a drastic mistake in saying he was against the Fund. Why is Duval now putting a provision of Rs4.2 billion or whatever in the Fund? He is against that. Hon. Pravind Jugnauth is totally against the creation of this Fund. But, unfortunately, for the 2011 Budget, when he was

Minister of Finance - he must have forgotten! I can't understand! I did not understand it at the time. He must somehow ask what is that figure of Rs1.6 billion; he cannot escape that or else he has forgotten; either one or the other. It cannot be. Because we provided for funds in this 2012 budget and we accept that, out of the Rs6.1 billion that we are voting for, Rs5.1 billion are funds being replenished. Only Rs1 billion are actually for other items. The rest is, in fact, transfers of money. No spending; has not been spent; has not been touched; not one cent! It is going to these Funds! Hon. Pravind Jugnauth did the same! He did not put Rs5.1 billion; he put Rs1.6 billion, but it is still a lot of money. But he does not agree with that; he is totally against that – anything that should not be abolished. I don't understand. Maybe he has forgotten. I got lost a little bit in that speech, but he was correct in his speech. But I can't see how he made that mistake. Unfortunately he is not here, but I would have appreciated some explanation about how you can create something, and then when your colleague does the same and a bit more, you attack him and say that what you have done is totally wrong.

Mr Speaker, Sir, I have said Rs5.1 billion and Rs1 billion remaining. What is the Rs1 billion made up of? Because there is also a lot of demagogies and people saying that we are stealing people's money - *carnaval, festival, la vie en rose*. Where has the Rs1 billion gone? And here, shame to the Member, Mr Speaker, Sir! Because of that Rs1 billion, Rs134 m. has gone on doubling of the rate for social aid; doubling the payments paid for social aid, to the poorest in this country. That is the Rs1 billion that we are voting today. I hope he will have the decency not to ask a question about that in a moment.

Mr Speaker, Sir, there are other payments; Rs150 m. paid to MITD for training of the young basically, but that is also a contra-entry because with government accounting, a good part of the money has come elsewhere, and this is being shown as expenditure. Rs62 m., Mr Speaker, Sir, have gone to Rodrigues. It is not an additional expenditure; it is a transfer from the Contingency Funds to the Rodrigues Regional Assembly because, in fact, they had to pay compensation and they also had to pay the social aid in Rodrigues, which we have paid in Mauritius. Mr Speaker, Sir, Rs203 m. for the Plaine Wilhems Sewerage Project is a paper adjustment. No money has actually come out. It just happens that it is a Chinese contractor, there is a Chinese loan, the Chinese Government or Exim bank - I forgot which one - paid directly to the contractor, and we booked the payment here. So, it comes up as an adjustment in

account; Rs203 m. Not a cent has left the country or the Accountant General. It is the same sort of adjustment of Rs41 m. for the MBC.

All in all, Mr Speaker, Sir, one should take out all these funds. The rest represents 1.5% of the budget in terms of additional adjustments. In 2003/2004, as I mentioned before, it was 8.3%. Last year - I presented it myself - it was 3.9%, but if you look at it, we should '*tape l'estomac*' because in a way it is going down, from now 1.5; even last year it was 3.9%. So, we should be happy that, at least, what it shows here or what it is worth here, showed in these accounts, things are getting better in terms of additional expenditure.

Mr Speaker, Sir, I think a lot of people genuinely - even maybe the previous speaker genuinely does not know - do not know what is supplementary expenditure. I will explain it again. This supplementary expenditure of Rs6.1 billion firstly is provision for rainy day. Yes, provision for rainy day funds, created a long time ago, replenished every year, and that accounts for two-thirds of the money - a bit more. Then, there are additional expenditures that are incurred. For instance, we decided during the year that every local authority should have Rs10 m. to spend on infrastructure. Everybody knows that. But it has to come from somewhere. It is a policy change. So, it is not a *gaspillage*; the money has been spent, but it was not provided for, and so it is in there. It is not additional expenditure; it is a policy change.

Similarly, Mr Speaker, Sir, there is timing differences. Sometimes, because the Budget is done in October/November, we can expect to pay something in December, and for some reason the cheque did not come out at that time - I won't mention what cheque - and it comes out the next year. That comes, therefore, as a timing difference. The next year, it is not an excess expenditure, but shows up as an additional expenditure. It is just a timing difference. One is saving, and so we get blamed because of the saving; we get blamed for the additional expenditure next year, whereas it is just timing. It is good to understand that Government accounts on a cash basis.

In fact, some of the reasons for creating other Funds is to get round this cash basis. Government accounts with cash basis; what is paid and what is received. Debtors, creditors are not taken into account, as far as Government accounts are concerned. That is a problem. I think hon. Li Kwong Wing mentioned the private sector, and that people have to be *prudent* etc. In the private sector, you would never spend everything. Have you seen a company that does not keep reserves? Have you, Mr Speaker, Sir seen any company? Maybe only the previous speaker has

seen that! I don't know! A company that does not keep reserves and spends everything! *Zero dans compte la banque*. Next year, they will see how it goes. No company does that! And no government can do that, especially when you know that things are getting worse, things can get worse. These are the Funds because of cash accounting. Government has created the Funds in case we need some money like any prudent man would do. Anyone of us here in this House, I am sure, has a bank account somewhere, where he has kept some money. He may fall sick, his children may fall sick, his wife may need something, he may need to go on a holiday, whatever it is. Everybody keeps a bit of money. Why shouldn't Government keep a bit of money, especially at a time when the world economy is so disastrous? So, shame on these people who are making fun of this!

People have wanted over the years to move the Government accounting to an accrual basis, that is, to take into account all our debts, all our creditors, all that we owe. But that's not happening! At the moment, we are on a cash basis. On a cash basis, the only way that we can keep some money for the future like, I mention again - *je ne veux pas être rébarbatif* - anybody would do the same, Government has done the same, and Moody's has applauded it, and rightly so. I think I have been clear on the need, Mr Speaker, Sir, for the rainy day Fund.

Mr Speaker, Sir, very quickly, sometimes money is provided in contingencies. In fact, in 2012, we have provided more in contingencies than before. Sometimes, we provide in contingencies and, therefore, when we transfer it to the actual account, that also counts as an over expenditure in that particular account that receives the money. I have mentioned book adjustments, Mr Speaker, Sir, for loans. Now also, there will always be cost overruns, but that is a small percentage of all that we have been talking about. If you take everything out, probably you will get about Rs400 m. which account for everything else including cost overruns. Obviously, sometimes we have additional scope on works that are carried out. So, that is, Mr Speaker, Sir, the basis of preparation of the accounts.

I must say that in the Director of Audit's re[prt whose job it is to criticise, he is paid to criticise, we spend, as you will see, nearly Rs70 billion. There are 55,000 employees in the Public Service. Obviously, there will be mistakes. Obviously, there will be things that are wrong. If in a job, you will do a thousand things right; he will pick only on those that he has seen wrong. That is his job, and he has picked 65 reference sheets this year. A few years ago, it was even 100 reference sheets. So, in terms of numbers, it has fallen and it is his job, but he has

gone out of his way to congratulate Government on the Performance-based budgeting saying that, I am quoting from the Director of Audit's Report, on page 7 -

“It is an undeniable fact that budget management and process have significantly improved since the introduction of Programme-Based Budgeting (PBB)...”

So, he has said that, and he has been very *élogieux* concerning this issue of Performance-Based Budget.

Mr Speaker, Sir, if there is anything else I can cover, I will do so during the Committee Stage. Mr Speaker, Sir, let me just quickly check on that. I think, therefore, Mr Speaker, Sir, without more ado, I would say that we are concerned obviously that there should not be cost overruns and inefficiencies in the Public Service. But, looking at this Supplementary Expenditure, Mr Speaker, Sir, it does not give rise at all to the sort of nasty comments that have been made. On the contrary, Mr Speaker, Sir, it shows that Government, under the leadership of the Prime Minister, is on the right path.

Thank you very much, Mr Speaker, Sir.

(Interruptions)

Question put and agreed to.

Bill read a second time and committed.

(5.34 p.m.)

Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière): Mr Speaker, Sir, my name has been mentioned. Can I have a point of personal explanation, please?

Mr Speaker: I am still on my feet! Now, the hon. Member can speak.

Mr Li Kwong Wing: Mr Speaker, Sir, it is sad to hear that kind of language from the hon. Minister who has qualified me - petty, insane, nonsense. I hope that...

(Interruptions)

Mr Speaker: The vote has been taken. I invite the Deputy Speaker to take the Chair for the Committee of Supply!

At this stage, the Deputy Speaker took the Chair.

COMMITTEE OF SUPPLY

(The Deputy Speaker in the Chair)

ESTIMATES OF SUPPLEMENTARY EXPENDITURE (2011) OF 2012

National Assembly - Programme Code 031: Parliamentary Affairs was called.

Mr Obeegadoo: Mr Chairperson, may we have some guidance as to how you propose to proceed?

The Chairperson: It's *Programme Code 031* on page 10.

Mr Bhagwan: We'll go page by page?

The Chairperson: Yes.

Mr Bhagwan: Mr Chairperson, I have some queries on the last item *31112421 - Upgrading and Refurbishment of Old Government House*, on page 10. We are being asked to approve a vote of Rs17,226,002. Can I know from Government whether there has been retention money concerning the refurbishment? From what we gather - we are here every Tuesdays and other days - there is a lot of practical problems in the construction of the building: air conditioners are not working, doors leading to the Library have been so badly constructed that we, hon. Members of the House, cannot go to the Library, and there are other practical amenities concerning hon. Members. All of us, here, experience this problem – I am not talking about the problem of overflow of the new lavatory. Can I ask Government whether an assessment has been made post the construction of the building?

The Prime Minister: In fact, there was retention money. What has happened, Mr Chairperson, is that like every building, when you start working on it, payments have been made to the contractor for the years 2010/2011. I think I have answered a PQ on this already. Retention money was - I can't remember the sum - 25%, I think, of the contract value, but the total payments for the year 2010/2011 is already there. In addition, Mr Chairperson, Rs4.9 m. were paid for the renovation of staircase and toilets to the contractor and Rs1.1 m. to the consultant. Therefore, the total payment for that year is Rs137 m. As only Rs120 m. were budgeted, an additional provision of Rs17 m. was required. The works, as we know, have already been completed.

Mrs Labelle: Mr Chairperson, I am on item *22100 Publications and Stationery*. There is an amount - not that much big - of Rs422,552. I would like to know whether any particular measures have been taken to reduce cost on stationery. For example, we still have the Hansard report which is online and maybe some hon. Members would want to have it on CDs which would have cost less. Is there any particular measure which is being taken to reduce the cost? I have just mentioned an example.

The Prime Minister: My understanding, Mr Chairperson, is that we have to do it that way until we decide that it can be done differently. It has to be printed, unfortunately.

Mr Ameer Meea: Mr Chairperson, on the last item, can I know, including the Rs17,226,002 that we are asked to vote now, what will be the total sum that is being paid for the *Upgrading and Refurbishment of Old Government House*?

The Prime Minister: I think that this is a question that was the subject of a Parliamentary Question. The total payments for the construction, it was awarded on Rs327,574,781.12. For the year 2010: Rs75,341,729 and 2011: Rs130,911,427. In addition, as I said, Rs 4.9 m. were paid for the staircase, renovations and the toilets; Rs1.1m. to the consultant. The total payment for the year 2011, therefore, amounts to Rs137 m.

Mrs Hanoomanjee: Mr Chairperson, under the same item *Upgrading and Refurbishment of Old Government House*, can the hon. Prime Minister say whether the Project Manager has already submitted his final report and whether in that report he has already stated as to why an additional sum of Rs17 m. was required?

The Prime Minister: Obviously, he has because, otherwise, I would not be able to answer the question. That is why I get the reasons.

Mr Jhugroo: Under the same item, can I know whether there was a contract for the Project Manager and if so, when the contract started and when it was terminated and what amount had been paid to the Project Manager?

The Prime Minister: In these cases, there are always Project Managers. But there was a question on all this, Mr Chairperson. I will have go and get the details. Here, we are looking at the supplementary budget.

Mr Obeegadoo: Will the hon. Prime Minister tell us whether the additional amount of Rs17 m. includes provision of internet wireless access in working areas of Parliament such as the Library and Committee Rooms, if not, why not? Will he also tell us whether the amount to be approved allows for a device in the Library for staff of the library to be able to follow proceedings and know what stage of proceedings have been reached as is customary and if not, why not?

The Prime Minister: I believe these are two different matters which are separate. This is about the construction. They are the access and that is something different, Mr Chairperson.

Mr Jhugroo: Under the last item *Upgrading and Refurbishment of Old Government House*, can I ask the hon. Prime Minister whether consideration has been given to provide an office for the Leader of the Opposition when this work has been done?

The Prime Minister: I will have to be a bit long, Mr Chairperson. There have been statements recurrently that the Leader of the Opposition should be provided with an office. In 2000, I was even told that the office was being prepared here. I was told to get in touch with the Speaker of the House, Mr Ramnah, at the time. I got in touch and then nothing. Then, I was Leader of the Opposition and I talked to the then Prime Minister. He said that he had given instructions that the Leader of the Opposition should have an office here. So, he said to me: “maybe you should get in touch with Mr Ramnah again. I don’t know why they are not moving”. So, again I got in touch with the then Speaker. Then, I was told that he is looking into it. I waited until he looks into it. When I went to see him a third time, he said: “unfortunately, there is no space”. I am talking about 2000. They need more offices and all this, they will come back to me. I waited. They came back to me to say that they have decided, it will have to be an office outside the House, because there is no space that can be provided. In spite of I was told at the beginning that there was going to be space and now I am told that there is not going to be space. I said alright. Then I was made to visit an office outside the House, but not far from here. I went to visit it. I had a look at it. I thought that there should be some modifications in the building and I suggested that if this could be done, I will agree. Then I was told that there is no money to make these changes. The economic situation was so bad that there was no money. I said alright, I can’t get the building. I, Mr Chairperson, said that I will pay for it and give it as a gift to whoever else becomes the Leader of the Opposition. I will pay for it from my own pocket. I will do the adjustments that have to be made and it would be a gift to whoever becomes the Leader of the Opposition afterwards. Even that, it was not accepted. But, to tell you, I want to have an office for the Leader of the Opposition because certainly I will not be occupying it, somebody else can have it.

(Interruptions)

National Assembly - Programme Code 031: Parliamentary Affairs (Rs7,321,581) was, on question put, agreed to.

Electoral Supervisory Commission and Electoral Boundaries Commission - Programme Code 071: Supervision of Electoral Activities and Review of Electoral Boundaries was called.

The Chairperson: I would like the hon. Members to move in the order of the item that they appear.

Mr Uteem: Mr Chairperson, with respect to *item 21110 Personal Emoluments*, may I know from the hon. Prime Minister whether the advisers mentioned there are new advisers or existing advisers and how many advisers there are?

The Prime Minister: Mr Chairperson, the provision is for two officers whose contracts of employment have been extended as from 01 March 2011. They were appointed as advisers on a contract basis for an initial period of six months with effect from 01 September 2009, and this has been extended because it was felt that their services were still required by the Electoral Supervisory Commission for the finalisation of the code of conduct for candidates and parties and any other specific assignments as advised by the Commission.

(Interruptions)

Mr Obeegadoo: Mr Chairperson, you have said that it has to be in order, that is now a little bit confusing. On *item 22120 Fees*, there is an additional amount of Rs555,766 for legal fees. May we know which are the legal advisers or legal representatives of Government for which this amount is earmarked?

The Prime Minister: The same representatives of Government that have always represented Government. There is a representation from the Electoral Supervisory Commission as well. It was a case before the Privy Council.

Electoral Supervisory Commission and Electoral Boundaries Commission - Programme Code 071: Supervision of Electoral Activities and Review of Electoral Boundaries (Rs1,045,393) was, on question put, agreed to.

Government Information Service - Programme Code 211: Government Information Service and Provision of Internal News was called.

Mr Bhagwan: I am in front of you!

(Interruptions)

The Chairperson: This is the procedure and now the hon. Member can come with the query.

Mr Bhagwan: You are not watching at us.

The Chairperson: We have got different stages. This is the first part of it and then we come with the queries. Now, I will come with the queries. The hon. Member can go ahead with the question now.

Mr Bhagwan: Can I ask the hon. Prime Minister about public notices? Regarding the sum of Rs5,572,055, can I know from the hon. Prime Minister - we have raised this question during debates and even last year - whether Government has changed its policy concerning Government notices to newspapers? Whether there is still a ban on one particular newspaper and on what criteria? Whether the new policy has been set up as promised by the Prime Minister some years back?

The Chairperson: Is it on the same item?

Mrs Labelle: Yes, of course Mr Chairperson, thank you. There is a substantial increase. May I ask the hon. Prime Minister whether there is a particular reason for that increase in press notices? Whether a particular event which has brought this increase in press notices?

The Chairperson: Is it the same item? Yes, hon. Jhugroo!

Mr Jhugroo: Mr Chairperson, yes under the same item. Can I have a list of all the newspapers concerned and how much was paid to each of them?

The Prime Minister: First of all, Mr Chairperson, there is a case in front of the Court. I think I answered a Parliamentary Question on that, therefore, it is *sub judice*. If I am not mistaken, the case is taken today or tomorrow. I think today. So, we will have to wait, I cannot prejudice the case in front of the Court, because one newspaper has put a case in Court precisely on this matter. So we'll have to wait for the resolution of the case. I think personally there will be a resolution. But I can't say for sure.

As for the increase, first of all there has been an increase in the number of notices, because if we have noticed more Bills are being passed in Parliament.

There are more events taking place, but also the rates have increased; I am told, the publicity rates.

Mr Obeegadoo: Again, we are confused to the way you are proceeding in terms of items. Under item 32145509: *Loans - Loan to the MBC*, I did listen to the Minister of Finance, but I am still unclear as to the exact purport of this amount. There is no figure in the column appropriated. I would like to understand why this extra amount of Rs37,618,381 arises? Was it not provided

for initially? What are the variations that would justify such a significant amount? What percentage does it represent as compared to the initial cost provided for?

Mr Duval: I can only enlighten the Member part of the way; this is, in fact, book adjustment. The loan from China is made to Mauritius, but the payments are made directly to the contractor. So, the money does not come in. Somehow, we have to recognise a liability here. Now, it is a loan taken by the Government of Mauritius which we onlend to the MBC. It is as a liability and also a debt.

The Chairperson: Hon Bodha!

Mr Bodha: Mr Chairperson, on the same item, may I ask the hon. Prime Minister what was the total cost of the construction of the new building and whether it was totally funded by the Chinese loan?

The Prime Minister: Mr Chairperson, the project value was Rs400 m. and, as has been said, by the Government of the Republic of China through a loan free interest and the amount of Rs37,618,381 represents the final instalment.

Government information services - Programme Code 211: Government Information Service and Provision of International News (41,353,338) was, on question put, agreed to.

Rodrigues - Programme Code 311: Rodrigues Development was called.

Mr François: Mr Chairperson, just a question about item 26311001: *Current Grant - Rodrigues Regional Assembly*. May I know from the hon. Prime Minister what is the breakdown for BRP and social aid from the Rs64 m. of excess appropriation?

The Prime Minister: Mr Chairperson, the Rodrigues Regional Assembly submitted budget proposals to the Ministry of Finance for the year 2011, which amounted to Rs1,403,310,000 and, however, a mere provision of Rs 1,244,000,000 was provided by the Minister of Finance. Therefore, this is the reason for the addition of sum that is required to meet payment for the following expenditure -

- fees for Medical Board
- medicine, drugs and vaccines
- provision and stores

- National Pension Fund
- social aid
- Unemployment Relief Fund
- assistance to patient inoperable in Rodrigues
- block grant to RCEA
- primary school supplement fees in project and
- SC and HSC examination fees.

There are also, I should add, savings on this item. But as the hon. vice-Prime Minister and Minister of Finance says, normally the savings unfortunately do not apply. The savings of Rs2.9 m. are there also.

Mr François: Is there a specific amount for the BRP and social aid?

The Prime Minister: Yes, there is. I can give the details of the social aid. The social aid is Rs15,969,000, that is, the additional cost.

Rodrigues - Programme Code 311: Rodrigues Development (Rs61,648,380) was, on question put, agreed to.

The Chairperson: I would just like to explain the procedure to Members. I have got to put the question first and then will follow the queries.

(Interruptions)

Police Force – Programme Code 263: Emergency, Disaster Management and Surveillance was called.

Mr Baloomoody: Under item 22120 *Fees - additional provision required for payment of fees in respect of officers of a special mobile force following courses in India*, may we know the fees are paid to whom and how many members of staff were sent for training and in which specific area?

The Prime Minister: Yes, in fact, Mr Chairperson, these were fees paid in respect for three officers at the SMF sent for training abroad. I don't think it is proper to give their names. They don't give details of the areas, but they were in general training for the SMF.

Mrs Labelle: Mr Chairperson, it is on the same item. I would like to ask the hon. Prime Minister whether there is some selection criteria for those who have benefited for this training?

The Prime Minister: That has nothing to do with the Prime Minister's office. They select through the procedure, they go to the Disciplined Forces Commission.

Mr Obeegadoo: Under the same item, are we to understand that this expenditure was not foreseen in the sense that these courses had not been prearranged at the times of budgetary forecasting and is it now a regular feature? Do we have a standing arrangement with India so that every year, we should account for such courses for SMF soldiers?

The Prime Minister: We have standing arrangements not just with India, but also with other countries, France, UK and even the USA, if I am not mistaken. But these come up when they have courses ready. We cannot prearrange it ahead of the time.

Mr Baloomoody: Under item 22900005 *Provision and Stores*, there is an additional sum of Rs1,566,486. There are still some complaints from Police officers that they are not receiving their uniforms, especially shoes. Can I know whether this additional sum we are being asked to vote, cater for these requirements?

Mr Obeegadoo: Under the same item, if I may again, my question pertains to procedure. Since we do know beforehand how many new recruits there are going to be, why can it not be anticipated the increase in terms of supplies, proportionately to the number of recruits?

The Prime Minister: We planned to have the number of recruits, but it does not necessarily follow, Mr Chairperson. This was for an additional of, I think, 69 new trainees. The cost includes different provisions and an increase in the supply of meals as well.

Mrs Labelle: On page 15, under item 21110 *Personnel Emoluments*, there is this excess of Rs12 m. It relates to ration allowance instead of supply of meals. I would have taken it that there was a particular amount which was appropriated for the supply of meals. May I ask the hon. Prime Minister what is the difference and how we have reached this Rs12 m., and also the number of officers concerned as well as the amount of money paid to each officer? What is the rate of this ration allowance?

The Prime Minister: Mr Chairperson, it is one of these arrangements that, for example, the staff of the National Coast Guard is not eligible for meals. That is how the procedure is. Therefore, they have to be paid a ration allowance. Payment for the ration allowance was made under the item of Personal Emoluments, as ration allowance is taxable. That is why there has been a change. The rate of the ration allowance is Rs100 daily, and there are 730 beneficiaries.

Mr Bodha: Under item *22010 Cost of Utilities*, as regards the Coastal Radar Surveillance System, may I ask the hon. Prime Minister when was the system installed and where it has been installed? Why was there no forecast as regards to the supplementary expenditure?

Mr Lesjongard: Mr Chairperson, with regard to the same item, may I also ask the hon. Prime Minister to clarify whether we are talking of existing Coastal Radar Surveillance System or is it of additional units? This is my first question. My second question is: with regard to the enlistment of new recruits, are we talking of new buildings where additional charges are related to electricity and telephone or is it the existing buildings that we are talking about?

The Prime Minister: In fact, Mr Chairperson, the Coastal Radar Surveillance System has been received as a donation from the Government of India, and the difference of Rs34 m. has been met by the Government of Mauritius for the local charges and taxes on equipment imported by the contractor, which is Balad Electronics Ltd. It is not a new one. There has been an increase in consumption of electricity and telephone charges following the implementation of the Coastal Radar Surveillance System. The increase of electricity amounts to Rs1,269,262, and then there is an increase on telephone plus there are savings under the item Wastewater. So, the total comes to Rs2,466,290.

Mr Jhugroo: At page 15, under item *31121803 Acquisition of Patrol Vessel*, can I know from the hon. Prime Minister what is the cost of the patrol vessel and when is the expected date of delivery?

Mrs Labelle: Under item *22020 Fuel and Oil*, there is an additional sum of Rs8.9 m. It relates to increase in consumption and price of fuel. May I ask the hon. Prime Minister what amount concerns the increase in consumption and whether we have now additional vehicles and so on? What justifies this increase in consumption?

The Prime Minister: To start with the last question, the additional provision required is due to, as it says, an increase in consumption of fuel. First of all, there has been an increase in the number of vehicles. There has been an increase in the number of ships, and then there have been

savings for the fuel of aircrafts. That saving amounts to Rs1,624 m. There have been 33 vehicles and 10 motorcycles which have been attached to the National Coast Guard. As for the total cost of the patrol vessel, the cost is USD58.8 m. Of this, an amount of USD10 m., which will be a one-time grant given by the Government of India to the Government of the Republic of Mauritius, will be disbursed directly by the Government of India to the builder, and the remaining amount of US\$48.5 m. shall be paid by the Government of Mauritius to the builder.

As for the delivery, I think I answered a Parliamentary Question; it is expected to be in 2014.

Mr Baloomoody: Under item 22050 *Office Expenses*, this is, in fact, a huge increase. May we have some detailed particulars of that increase in office expenses?

The Prime Minister: There has been an increase in the cost of purchase of cleaning materials and also for office requirements.

Mr Ameer Meea: On the patrol vessel, can I ask the hon. Prime Minister if this vessel is equipped with weapons for defence purposes?

Mr Obeegadoo: Under the same item, if I may, since this patrol vessel is a most welcome arrival, and coincides with the extension of our continental shelf. May we know what special equipment is being provided for on this vessel, and will it be able to undertake missions to the limits of our new territorial territory?

The Prime Minister: As I said, Mr Chairperson, this vessel is well equipped with armaments. I hope it is not just for defence, but also for attack, if we need to, if there are pirates in our areas. They are well equipped. I don't think I should give details of the equipment, but they are also equipped with salvaging and all those things.

Mr Baloomoody: Under item 22160 *Overseas Training*, we are asked to vote an additional sum of Rs221,594. May we know how many officers have benefited from that training and in which specific area?

The Prime Minister: There are 77 officers from the National Coast Guard and the Police Helicopter Squadron which followed training overseas. When we say overseas, it includes India, China and Reunion Island.

Mr Jhugroo: Now that we have bought a new patrol vessel, may I ask the hon. Prime Minister what will he do with 'Le Vigilant'?

The Prime Minister: 'Le Vigilant' was a huge scandal, which is not this Government. If the hon. Member goes back in history, he will see how 'Le Vigilant' was born. We have been trying to get rid of 'Le Vigilant.' I have answered questions on this. It's a huge scandal.

Mr François: Under item 21111 *Other Staff Costs*, may I know from the hon. Prime Minister whether the payment of travelling allowance does cater for refund of air fares for new recruits from Rodrigues when they came here for training?

The Prime Minister: As far as I know, the airfares are paid.

Mr Jhugroo: Regarding overseas training, can I know from the hon. Prime Minister whether these officers have got training to combat pirates?

The Prime Minister: They have general training, Mr Chairperson. That would include, obviously, the counter vessels which resist, but, obviously, they are going to have additional training for piracy.

Police Force - Programme Code 263: Emergency, Disaster Management and Surveillance (Rs31,197,967) was, on question put, agreed to.

Deputy Prime Minister's Office, Ministry of Energy and Public Utilities Programme Code 444: Sanitation was called.

Mr Bhagwan: Regarding the region of Verger Bissambar in my constituency, on which I have put many questions in the interests of the people of the region, can I know from the hon. Deputy Prime Minister whether in that particular vote, provision has been made for the 30 families, which is a bit long overdue?

The Deputy Prime Minister: It does not appear in this one, but it will appear in the next one. This is a promise.

Mr Lesjongard: May I ask the Deputy Prime Minister, since we understand that this provision is to cater for book adjustments in respect of payments effected by the Exim Bank of China, do we have cases where contractors have submitted claims with regard to interests on late payment by that bank?

The Deputy Prime Minister: I am not aware of this, Mr Speaker, Sir. But, for sure, each and every payment has been duly vetted and approved by CTB, CPB and Ministry of Finance.

Mrs Dookun-Luchoomun: May I ask the hon. Deputy Prime Minister whether the additional provisions made, was with respect to any change in the scope of work of the project?

The Deputy Prime Minister: No. I think the vice-Prime Minister and Minister of Finance explained it very well. Sometimes, it appears in one year and then it goes on to the next. Works were slowed down the previous year and then accelerated in the year 2010; this was the result of this increase.

Mrs Hanoomanjee: Can I ask the hon. Deputy Prime Minister, briefly, which localities have been concerned with funds from the Exim Bank of China?

The Deputy Prime Minister: It is lot 1A, lot 2 mainly A. Lot 1A covers Stanley, Trèfles, La Source and Palma. Lot 2 covers Belle Rose, La Louise, Sodnac and Candos.

Mr Lesjongard: Mr Chairperson, I'll get back to what I have said. In the Director of Audit's Report, it has been highlighted that contractors have claimed additional payment with regard to late payment. Now, we understand that that bank has been paying directly contractors. Do we have cases where there have been delays for payment with regard to Exim Bank and contractors have claimed additional payment?

The Deputy Prime Minister: I will see the information and pass it to the House.

Deputy Prime Minister's Office, Ministry of Energy and Public Utilities - Programme Code 444: Sanitation (Rs202,596,233) was, on question put, agreed to.

The vice-Prime Minister's Office, Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping - Programme Code 321: Policy and Strategy Development for Public Infrastructure, Land Transport and Maritime Services was called.

Mr Bhagwan: Mr Chairperson, I am just asking a clarification from the vice-Prime Minister. Concerning the rental facilities for podium and tents, can I know from him whether there is a specific procedure or guideline? We all know we have lots of national festivals and then we have occasional festivals in all the different communities. Can I know from the vice-Prime Minister whether there is a sort of policy guidelines as to which cultural activities should be getting such and such facilities, whether he has the discretion to pick and choose and give assistance from Government, not only the main religious organisations, whether it goes to the main president of the socio-cultural organisations who, in fact, makes an abuse and picks and chooses, instead of giving to the proper persons who are asking the facilities?

Mrs Labelle: On the same item, may I ask the hon. Minister if he will give a list of the socio-cultural activities with the respective amounts paid for each event?

Mr Lesjongard: Mr Chairperson, on the same item, can I ask the hon. Minister whether when these facilities are granted, these are given to contractors on a yearly basis, or is it that each and every time that these facilities are required, tenders are being launched?

Mr Bachoo: Mr Chairperson, normally, emphasis is laid on national festivals which have been declared by the Government of Mauritius. In the past, the number of national festivals was limited, now it has taken a big turn. We have got Shivratri, Cavadee, Eid, Ougadi, Ganesh Chaturthi, Yaum-un-Nabi, Rambhujun and Diwali. Time and again, there are cultural programmes, where you have got registered organisations which make a request and, basing on the request and looking at the availability of funds, we construct those tents.

Secondly, we have got restrictions. It is not that anybody can ask and get it. Normally, importance is given to those national cultural organisations. Thirdly, each and every time when such demand arises, normally, we launch tenders and that is normally done through tender procedures. Fourthly, I have got no problem. I will try to circulate a list of those who have been beneficiaries under different festivities.

Mr Obeegadoo: On the same issue, I will not raise the policy matters which are being ably handled by other MPs, even, on the other side of the House. My concern is the sheer amount. Are we to understand that initially Rs6.7 m. were budgeted under this item and that actual spending has more than doubled? I mean, surely, the list of festival celebrations are known in advance and we have the expenditure for the last fiscal year. How is it that this time now the figures have doubled?

Mr Bachoo: It is because in the previous budget, the amount budgeted was around more than Rs10 m. and last time the amount budgeted has been only Rs6.7 m. In the past also, the practice was there, but we have tried to limit as much as possible. Unfortunately, we have not been able to restrict more than that.

Mr Obeegadoo: On the same point, Sir. Again, I am not raising the policy issue which is being otherwise handled. My point is simply - as I said, it is being otherwise handled on the other side, so I will not insist - these are public funds and the Minister is asking for approval. Before we do so, we would like to know why the anticipated expenditure has more than doubled. Surely, he has asked the questions and we would like to know what the answer is.

Mr Bachoo: Mr Chairperson, because the number of programmes of the different national festivals has almost multiplied and that explains - it has also multiplied, yes, and, at

times, it becomes very, very difficult for us also. We started in the beginning with only Shivratri and Cavadee, and ultimately, as years passed by - my hon. friend was also a member of that and he knows - the number of those national programmes have increased and all of them had to be adjusted within it and that explains why it has gone up.

Mr Bhagwan: I would like to know from the hon. Minister whether he has received representations that certain genuine organisations registered with the Registrar of Associations are debarred from getting this genuine help from Government, because they have to go through the Chairperson of these *socio-cultural federations* and these persons *font la loi, ceux qui méritent et qui ne sont pas* in their good books won't receive. Can I ask the hon. Minister whether he will enquire into all the requests which have been turned down, which have gone through the president of these socio-cultural centres who has prevented the association in getting the approval, the help of Government, because it is public money and everybody should have his share and due?

Mr Bachoo: I concur with the hon. Member because I have known many cases. The hon. Member was there, he knew the same problem. But we have tried our best to see to it that this is done with whatever amount is available.

Mr Baloomoody: Mr Chairperson, on the same issue, the hon. Minister said Cavadee and Maha Shivaratri are national festivities, but we know there are many kovils and shivalas which organise these. Can we know how are these kovils selected and whether there is any guideline as to how a specific kovil or a specific shivala in one area will get a contribution from the Ministry or is it only for those which are selected by the blue-eyed boys of a certain organisation?

The Chairperson: Hon. Uteem, is your question on the same issue?

Mr Uteem: On the same item, Mr Chairperson, I just wanted to know from the hon. Minister whether there is maximum amount which is allocated per society and per event.

Mr Bachoo: There is no such limitation as to the amount which is being allocated. But as the hon. Member asked me a question, for example, for Maha Shivaratri, emphasis is laid much on Ganga Talao and the vicinity of the areas where the pilgrims have the habit of passing through. But as for Cavadee, normally the list is prepared by the Hindu Mahajana Sangam and the Tamil Temple Federation. They prepare the list. Of course, the sky can't be the limit, they can give you 200 places, but we try to limit as much as possible and we ask them to give us the

most important regions. Similarly for Eid and Yaum-Un-Nabi also, we try to do as much as possible, but we cannot satisfy each and everybody. Normally, all these requests come from the registered organisations. In case we have got national committees, these matters are taken up and we try to do our maximum.

Mrs Hanoomanjee: Mr Chairperson, we see this year the amount which has been spent in excess is almost the same as the amount which was appropriated. Can the hon. Minister say whether he can, as a matter of principle, earmark a certain amount, as if place a ceiling, so that each year the amount that is spent does not exceed the ceiling?

Mr Obeegadoo: On the same issue, Mr Chairperson, since the quantum seems to be exploding from one year to the next, I would like to know in respect of the decision-making process, concerning the amounts to be dished out, whether the Minister, in the light of this experience, is considering consulting with the Prime Minister to define a proper mechanism involving the Ministry of Arts and Culture which should be the first Ministry concerned to make sure that next year we do not have Rs12 m. doubling to Rs24 m.?

Mr Bachoo: Mr Chairperson, normally this is a real headache for me and for my Ministry as well. It is a real headache, I tell you honestly and sincerely, but I don't know how we are going to stop. In fact, to be very honest, this started with the previous Government and we are continuing with it.

Mr Uteem: Mr Chairperson, under *item 28223990 Obligations following Winding Up of the Development Works Corporation*, may I know from the hon. Minister whether there are any outstanding cases in connection with the winding up of DWC or is that the final settlement?

Mr Bachoo: I am made to understand that this is the court order; now, we have to complete it.

Mr Lesjongard: Mr Chairperson, on the same page, with regard to *item 22120008 Fees to Consultants*, we are being asked to vote an additional amount of Rs2 m. Can we have an indication why and to which consultant this amount is being paid?

Mr Ameer Meea: Mr Chairperson, can we also have the details of the fees of Rs24 m. to consultants?

Mr Nagalingum: Mr Chairperson, on the same issue, can we know what studies they have made and whether there is a report?

Mr Bachoo: Firstly, if the detailed breakdown is asked about the Rs24 m., I will definitely lay it in the Library. Secondly, concerning the report, in fact, I will lay a copy of the report also. The consultant is the Swedish Institute for Public Administration. Their responsibility was to set up the Mauritius Land Transport Authority and for that an additional amount has been claimed by them.

Mr Lesjongard: Mr Chairperson, since we are talking of the setting up of the Land Transport Authority, can the hon. Minister give us an indication where matters are with regard to the setting up of that authority?

Mr Bachoo: Now, we are negotiating with the different trade unions, and we are nearly on the point of setting it up. But there are certain problems with the unions. A committee has been set up under the chairmanship of my Permanent Secretary, Land Transport Division and he is looking into it.

Mr Bodha: Mr Chairperson, may I ask the vice-Prime Minister, Minister of Public Infrastructure as regards *item 28223 Transfers to Non-Financial Public Institutions*, what is the nature of the transfers to non-financial public institutions and the reason for the increase?

Mr Bachoo: I have already explained that it concerns the DWC. There has been a court order and we have to settle the claim. That's it.

Programme Code 321: Policy and Strategy Development for Public Infrastructure, Land Transport and Maritime Services (Rs2,467,224) was, on question put, agreed to.

Programme Code 323: Construction and Maintenance of Roads and Bridges was called.

Mr Bhagwan: We are being asked to vote nearly Rs429 m. In the region where we reside, that is, Constituency Nos. 19 and 20, we have very important personalities like the Deputy Prime Minister, hon. Sayed-Hossen and hon. Mrs Bappoo. I will invite the very important personalities while driving in their car to see the state of the roads. It is not because these two constituencies have voted otherwise, but they are urban areas!

(Interruptions)

I have been appealing, the Deputy Prime Minister knows. The Municipality does not have funds or they are not competent. We are voting Rs428 m. I will ask the hon. Minister genuinely to have a site visit and see the state of the roads. I have raised the issue at Adjournment time, we have asked Parliamentary questions. I won't give the names of the roads, especially the roads where the Deputy Prime Minister resides. I don't know whether he has been penalised, he is the

Deputy Prime Minister; this is very bad. Can I ask the hon. Minister at least to go and have a site visit? We won't accompany him for a site visit. He can bring the MBC and he will see the state of the roads there. Can I ask him whether he has made a plan because these roads are classified roads?

The Chairperson: The hon. Member has made his point. Hon. Lesjongard!

Mr Lesjongard: Under the same item, Mr Chairperson, I think road markings are included. May I ask the hon. Minister how do we ensure that the paint for road markings is as per specifications? I will give him an example. I think the question of deviation at Sorèze was raised by hon. Obeegadoo last time. This was recently painted, I think less than a year. If you go there now, the road painting has completely disappeared. Can I ask the hon. Minister how do we ensure that the road painting that we are using is as per specification and that we are not making an abusive use of road markings painting below specifications?

Mr Nagalingum: Under the same item, Mr Chairperson, can we know how many classified roads for Constituencies No. 19 and 20 have been earmarked?

Mr Bachoo: Mr Chairperson, the fact that the Deputy Prime Minister resides in that region, nobody should jump to the conclusion that I am boycotting him or am against him. There must be a reason why we have not gone ahead ...

(Interruptions)

...Since the hon. Member is defending him, so will I. But we have got a problem, I have been told on many occasions. For example, that road which is at the back of – I have forgotten that road which is in a very bad situation...

(Interruptions)

I know of one main road which needs to be upgraded, but I am helpless, desperate and I am waiting because sewerage work has to be done in many of those classified roads, this is number one. Number two is that any request which has been made to me...

(Interruptions)

Listen to me any request, I am not going to put money in a road which will undergo the digging for sewerage. We have to allow that to be completed and it is only then that we are going in. Secondly, requests which have been made by the PPS of that region - and he is aware of it as he has also submitted me a list - are being attended to. I can assure the hon. Member that we are attending to all those requests. There might have been a slight delay, but we are doing it. I can

reassure him that there is no question of any type of boycott; he has himself told me that there are many VVIPs living in that region. But, we are looking into those cases and once the sewerage work is over, definitely those roads will be upgraded.

Regarding the markings, we have taken note of that and I have already communicated even my apprehension on that. In Coromandel also I have seen that there is the same problem. I have already communicated it to the RDA and I have asked them to do the needful, to do the proper testing and to have a look at it and that the materials used are durable.

Mrs Dookun-Luchoomun: On the same item, Mr Chairperson, may I ask the hon. vice-Prime Minister whether with regard to the *construction of bridges*, the number of bridges that are being reconstructed and how many of them are in the region of La Laura?

Mr Bachoo: La Laura Saint Pierre, Mr Chairperson, to tell you the truth, a sizeable proportion of the budget has gone in Constituency No.8, not because the hon. Member is a Member of that Constituency, but because this has been a flood-prone area. Not only La Laura, by the side of it, there must be four or five bridges which have already been earmarked and we are moving from one to the other. I can assure the hon. Member and, sincerely speaking, a good percentage of the Emergency Programme has been implemented in that region.

Mr Uteem: May I know from the hon. vice-Prime Minister whether this substantial increase of 100% in the budgeted amount is due to some new projects or was there bad planning in that he did not estimate the cost accurately and there were variations and overruns?

Mr Obeegadoo: The quantum of increase raises serious questions as to the budgeting process. While on this side of the House we welcome the very significant investment in road infrastructure, this is cause for concern. I would like to know from the hon. vice-Prime Minister how it is that we budgeted Rs200 m. and then come forward with a supplementary budget of Rs428 m.?

Mr Bachoo: The reason is simple, Mr Chairperson, number one: we had the emergency projects also, as a result of flash floods on two or three occasions. Number two, that gives you an indication that we are going so fast that we have already completed all the works which were earmarked and we have taken additional works. I am going to submit a list. Another point which is very important, very often, I have heard that there have been cost overruns. There are four or five projects which we had tendered and the cost has gone up and I had given a series of explanation. But, in these cases these are all works which have been undertaken by the District

Contractor and the District Contractor rate is not determined by me or by my officers. That is determined by the Central Procurement Board. We work according to the rate, so there is no cost overrun. We are doing the maximum as much as we can and drain works, wherever the need was felt, we have constructed those drains. I have got no hesitation in submitting a whole list. If I read it, that will take me hours, a whole list of all the works which have been undertaken under this item. I do not have any problem.

Mr Ameer Meea: Mr Chairperson, on the same issue, can I ask the hon. vice-Prime Minister if this amount of Rs428 m. includes variation costs relating to projects that were on and what is the proportion of the variation costs included in this amount?

Mr Bachoo: I have just mentioned that if these are works undertaken by District Contractors, there is no variation works. We measure the width and length of the road as well as what is required and we give it. Probably, in one or two cases there may be - I do not say no-exceptional cases, but in 99% of the cases, we do not have any variation works because we pay according to the work that is done. We measure it. Hon. Bhagwan was there and he knows. As far as District Contractors are concerned, there is no question of any variation, some additional works are required.

Mr Nagalingum: Can I ask the hon. vice-Prime Minister about the major link road from Camp Levieux to La Chaumière? Is the hon. vice-Prime Minister has this is his project?

Mr Bachoo: That is already in our programme and I will not tell the hon. Member more than that because we are going ahead with the project.

Mr Bhagwan: When we informed him that on the motorway just before the entrance of Bagatelle it was indicated 'Emergency Lane', the hon. vice-Prime Minister said 'no'. I have been there this morning knowing that there would be the Committee of Supply and it is still there on two or three sites where it is painted 'Emergency Lane' and the hon. vice-Prime Minister told us that this was not the case. There are cases where people go along this 'Emergency Lane' and I will not again come on what hon. Lesjongard said. I will raise the issue concerning the quality of paint of the road markings. It is not only in one place, but it is island-wide and this is one of the major causes of accidents.

Mr Bachoo: I am sorry, that emergency marking will have to be removed in case it is there. Secondly, I give an assurance to the hon. Member that regarding marking quality, I am going to have a look at it properly.

Mr Obeegadoo: Sir, on the very same issue, the road markings on the highway M1 are quite scandalous. I want to explain myself. The hon. Prime Minister very rightly has talked of the need to take sanctions against drivers who do not respect the proper lanes when they are driving and yet we are stuck with road markings before the introduction of the third lane. We still have Crawler Lanes, if not Emergency Lanes. One cannot speak of road safety and budget that sort of money if some order is not put in this whole matter of road marking so that it be standardized, so that it be now made clear that we do have three lanes and no longer crawler or emergency lanes before we take measures, *permis à points*, or whatever, against drivers.

Mr Bachoo: Mr Chairperson, my Ministry has already taken the steps in order to get the services of a good consultant. To be very honest, as far as traffic management is concerned, we have a lack of true traffic engineers, if I am not mistaken, we have only one in our country and that is why we are trying to go for tender to find out a good traffic consultant who can help us. But, I can assure the hon. Member, last time that he asked me the question, I already gave directives for them to make amendments, corrections wherever possible.

Mrs Labelle: Thank you, Mr Chairperson, with your permission, I would like to come back to this huge increase because when the House was called upon to vote Rs200 m., we took it that this figure was reached based on a particular programme, that is, there were projects and there were some calculations which were made. But now, we are being asked to vote for more than double this amount. So, have we during that year increased the number of projects and by how much because it is more than double?

Mr Bachoo: Mr Chairperson, we have not only increased, we have more than doubled those projects. I can give you one example. Till recently, there was no idea for us to take over one road which belonged to the private sector, let us say Hollyrood to Pierrefonds. That was not in our programme, but now we feel the need – I cannot wait for December for the Budget, we got the permission from the sugar sector that they are offering us that road which is private. So, we are having that road over again and that will be declared public. We are going to need over Rs125 m. This is one example that I am giving to the House. If, in the course of the year, we get such opportunities and occasions, through proper means and legal procedures, we will take over those roads. If tomorrow, you show me something in Rose-Hill or Beau Bassin, and you feel that it can relieve congestion issues, we will go ahead with it. This is how this explains why we have spent so much money.

Mr Jhugroo: Mr Chairperson, regarding road safety, will the hon. vice-Prime Minister consider repairing the lights of the motorway going towards the South?

Mr Bachoo: That does not fall under my jurisdiction. In fact, they have robbed all the cables.

Mr Obeegadoo: On this very same issue, I would like to know, within that very significant increase, whether provision has been made or spending has been effected concerning road lighting in proportion to the extension of the road network. Precisely, I am asking, in respect of this money that we are being asked to approve, whether this has been provided for.

Mr Bachoo: This one does not form part of this item.

Mr Bhagwan: We have been in the Local Authorities ourselves. The problem lies in the responsibility for maintenance.

Mr Bachoo: For lighting?

Mr Bhagwan: This is public interest concernidng the Rs428 m. The fact is that these Municipalities have the responsibility to repair the lamps, the cables are there, and have been left unattended. What are they saying? Because we have intervened as MPs, our lives are at stake! I also have the responsibility to protect the Deputy Prime Minister and others. These people are incompetent; either they are incompetent at the Local Authorities, or they are complaining to us that they don't get funds from Government. It is within their local areas. They say that they have officially written, but have not received funds, at least, to cater for these motorways which are found within the limit of the urban areas. What I am asking the hon. vice-Prime Minister is whether he will discuss with the Local Authorities, and whether funds will be given to the Local Authorities to repair these roads - Ebene road or whatever.

Mr Bachoo: Mr Chairperson, we have answered a question on that. All the cables are robbed by thieves. That explains the reason why there are blackouts everywhere.

Mr Lesjongard: With regard to upgrading of roads, that is, the road drainage system, may I ask the hon. vice-Prime Minister whether he is aware that, on certain roads, district contractors – I have seen that personally – are upgrading pavements by putting the top part of the pavement over existing pavement? This definitely will increase the price of the contract, and later on we will have to disburse huge sums of money for Local Authorities to clean those drains.

Mr Bachoo: Mr Chairperson, legally they are not allowed to do that. If this matter is reported to me, I won't hesitate to take action against those contractors.

Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping - Programme Code 323: Construction and Maintenance of Roads and Bridges (Rs77,076,809) was, on question put, agreed to.

Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping - Programme Code 404: Community-Based Infrastructure, Amenities and Public Empowerment was called.

Mrs Navarre-Marie: Mr Chairperson, under item 22060 *Maintenance, additional provision for refurbishment of offices of newly appointed Parliamentary Private Secretaries*, we are asked to vote an additional sum of Rs1,096,255. I would like to know who has been awarded the contract of refurbishment and the details of the contract. The same query applies to item 22070 *Cleaning Services*, where we are asked to vote an additional sum of Rs28,660.

Mr Bachoo: Regarding the cleaning services, the contractor is Sotractable. There has been an increase in the contract value. As far as the refurbishment of offices is concerned, if the hon. Member comes with a question, I will definitely answer. I don't have that information.

Mr Obeegadoo: On the very same item, may we know what is the breakdown of this additional sum of Rs1,096,255? I mean what part of that sum has gone to the refurbishment of the offices of newly appointed PPS, and how many newly appointed PPS are concerned?

Mr Bachoo: The sum of Rs481,378 is for refurbishment of offices; Rs490,882 for the vehicles of the PPSs, and Rs123,995 for plant and equipment. There are nine PPSs.

Mr Obeegadoo: Mr Chairperson, under item *Grants, Contribution to AARDO*, may I know from the hon. vice-Prime Minister whether there has been an evaluation of the benefits we draw from the membership of this organisation that would justify - although it is not that significant, but still - spending public money, therefor?

Mr Bachoo: Mr Chairperson, normally the Afro-Asian Rural Development Organisation (AARDO) trains many of our officers, and yearly four or five officers go to India for training in Hyderabad and Delhi. We definitely get benefits from them.

Mr Obeegadoo: On page 20, under item 31113403 *Upgrading of Roads*, the amount budgeted nearly doubles because of settlement of claims related to additional road works. May we have some transparency as to how one reaches the staggering figure of Rs58,414,026?

Mr Bachoo: Mr Chairperson, the amount voted was Rs60 m. The amount paid for ongoing works for 2008 to 2010 amounted to Rs73,423,668.99. The amount paid for additional

works for 2011 is Rs44,990,427.01. When we combine both, it comes to Rs118,414,026. If we minus Rs60 m. out of it, we are left with Rs58,414,026. This is exactly the sum that we are asking for works.

Mr Bhagwan: Again on this item *Upgrading of Roads*, we are being asked to vote Rs58,414,026. Can I ask the hon. vice-Prime Minister whether he can give us a list, constituency wise, for this sum of Rs58,414,026? What is happening to Constituency No. 20? Is it a bad fate? Because we are MPs. Each time we ask our PPS about the state of our roads, the reply is: I have sent the list. "*Anne ma soeur Anne, Anne ma soeur Anne.*" I won't mention the name of my good friend, the PPS. I even had to complain with hon. Deputy Prime Minister. Not one road! Only three small *impasses* have been wrongly tarred. They have tarred three *impasses* where there will be sewerage works in the months to come. I queried about RDA. What about NDU? Is this so only because the MPs are hon. Bhagwan, hon. Li Kwong Wing etc?

(Interruptions)

I don't think so! I am asking the hon. vice-Prime Minister to give us, at least, the names of the roads. For seven years, only Vandermeersch Street, which is a classified road, has been done; not a single road elsewhere. I am asking the hon. vice-Prime Minister, at least, to be fair to the inhabitants; not me.

Mr Bachoo: Mr Chairperson, to be very honest, in fact, we are working with the PPS, and he is aware of this. We have requested him to submit us a list, and I am pleased to announce to the hon. Member that works order to the tune of Rs20 m. has already been issued. What is happening is that in Constituencies No. 19 and No. 20, Rs20 m. works order have been issued, including the construction of a football playground which was long overdue. As I said, whenever request is made to me, I look after those requests. Secondly, I have also mentioned that in many places sewerage work will be undertaken and that it would be difficult for us to start again.

The Chairperson: Hon. Nagalingum, can you put your question in a straightforward manner?

Mr Nagalingum: Can the hon. Minister table a list of all the roads that have been done in Constituency No. 19 and the amount of money spent?

Mr Bachoo: Definitely, I will do it. In fact, hon. Bhagwan was asking me the amount of money spent constituency wise. The NDU does not keep record constituency wise, they do it

zonal wise. When you were the NDU Minister also, it was zones 1, 2, 3, 4. So, I am accumulating....

(Interruptions)

I know! We are aware of how much money was spent, but I am going to submit to the hon. member zone wise, HE can deduce from that but, as far as No. 20 is concerned, I am going to submit a list of works completed, ongoing works and works which will be undertaken. I will give all the three to him.

Mr Ameer Meea: Mr Chairperson, on *Other Structures*, there is an amount of Rs218 m., out of which Rs60 m. are for *Upgrading of Roads*. Can I ask the hon. Minister what is the nature and the details of the rest of the amount of the Rs218 m. less the Rs60 m. which are for the *Upgrading of Roads*?

Mr Bachoo: Basically, that is drain works and then we have got amenities: football ground, volley ball playground, cremation ground, cemeteries and other amenities, but the lion share goes for drain works.

Mr Obeegadoo: I would like to raise the question of the budgetary process again, Mr Chairperson. Just as in the other case, we have an overrun of 100%, in the previous sub programme we had an overrun of 200% for roads? Surely, every Ministry and every programme which have such overruns, the Minister of Finance and the Director of Budget would have to tender their resignations. So, my question is: what mechanism is being put in place to ensure that from one year to the next, we do not have such huge overruns that would make a mockery of the whole budgetary planning process?

Mr Bachoo: Mr Chairperson, to be very clear, a Contingency Fund also has been set up and whenever my Ministry requires money for additional works, we take it from that Fund. So, there is no cost overrun, there is no exaggeration. Where the need is felt, the money is put. I can assure the House that the work is being done in a very strict manner and the whole country is aware of this. So, I don't have any problem. Whenever money is required, the Ministry of Finance provides the sum that is required and we do the work.

Mr Jhugroo: Would the hon. Minister consider increasing this budget for next year because Rs118 m. for 20 constituencies of this country are not enough and how many new roads can be constructed in each constituency every year? We have been PPS - even the Deputy

Speaker – do you know how many problems we have got to construct roads in each and every constituency?

Mr Bachoo: That is the very reason why we have increased the sum with the support of the Prime Minister and the Minister of Finance.

Mr Lesjongard: There are several questions which have been asked before. We all know that contractors are recruited at the level of the NDU on a yearly basis with a very specific rate for each item. Did we not foresee that we were going to spend that much money for the coming year, when the contractors were recruited and estimates prepared for those projects?

Mr Bachoo: Mr Chairperson, I have already explained, the rate is there, it is set up by the Central Procurement Board. The rate is there and there were flash floods, there was a hue and cry in the whole country. Everybody, including Members of the Opposition, was asking us to intervene and do the work. We have got the rate system. I don't prepare the rate system. My technicians do not prepare the rate system. The rate system is prepared by the Central Procurement Board. We have got, in fact, zones and in each zone, there is one contractor and we give them the work according to the rate. In exceptional cases, where you find that the project is a heavy one, we go for open tender. This is exactly what we do. We never give favour to any particular contractor in that.

Mr Nagalingum: Can the hon. Minister table the list of contractors? Can I also know if among them there are no defaulting contractors?

Mr Bachoo: If there are any defaulting contractors, the CPB has to take care of him and whenever the contractor is not performing, my Ministry has the habit of writing to CPB. I always tell my officers: "don't hesitate, if you find any contractor doing any wrong, boot them out." I have always been telling them. I am known for that. I am very strict regarding contractors. We never encourage anyone. I don't have any hesitation. I can provide a list of all the contractors, whether it has been through tender procedures or whether through the CPB. We don't have any problem regarding contractors.

Mrs Labelle: Can we go to page 21?

(Interruptions)

The Chairperson: We are at page 20 at the moment.

Vice-Prime Minister's Office, Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping - Programme Code 404: Community-Based Infrastructure, Amenities and Public Empowerment (Rs29, 097,419) was, on question put, agreed to.

Vice-Prime Minister's Office, Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping - Programme Code 405: Land Drainage was called.

Mrs Labelle: Under item 31113015 *Land Drainage and Watershed Management Programme*, may I ask the hon. Minister whether he will give us a list of those emergency drain works and how many bridges were constructed in the flood-prone areas and their location?

Mr Bachoo: I am going to submit a whole list to him; I could have read all that we have done in Constituency No. 16 also.

Vice-Prime Minister's Office, Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping - Programme Code 405: Land Drainage (Rs131,221,056) was, on question put, agreed to.

Ministry of Housing and Lands – Programme Code 642: Social Housing Development was called.

Mrs Labelle: Mr Chairperson, on page 22, under item 26323206 *Social Housing Development Fund*, may I ask the hon. Minister the type of houses under this programme, the number of houses concerned and the regions concerned?

Dr. Kasenally: Provision has been made for houses. In fact, I have got a long list which I have not got here, but I have replied so many times. We have got basically social housing for the lower group of people, the most vulnerable. It is 39 square metres and, in fact, it is all over the island. We have made sure that it is not only in Plaine Wilhems, but all over. We have Souillac, Britannia, Camp Diable, Plaine Magnien, Henrietta, in the Constituency of the hon. Member, we are just releasing at d'Épinay and we have had it recently a couple of weeks ago at Cottage, but there are also mixing houses. We are creating a complex where you don't have only the lower group, but the intermediate group, 57 square metres and the setting up of an estate where there is not only housing, but there are also social amenities where you also have people of higher income. So, it is a mixed housing and this is ongoing now. If you look at this, it is Rs1.5 billion, and this amount of Rs1.5 billion was transferred to the Social Housing Development Fund by the Ministry of Finance in December 2011. So, it is an ongoing programme during this year. Unfortunately, we have asked for tender procedures for 541 houses

over at least five sites. This tender was prepared last year. We started it just before the last Budget and, unfortunately, the Central Tender Board has turned down all the five. We are starting again, but we have reduced the number of housing units. We are hoping to go through a fast track so that we can get at least some houses built by the end of the year for this year, but for the previous year, we have already nearly delivered 531 houses.

Mr Bodha: Mr Chairperson, as regards to *Subsidy to MHC (Housing Loans)*, we have an additional provision. On *Government sponsored loans and bonus*, may I ask the hon. Minister how many people have benefitted from the sponsored loans?

Dr. Kasenally: I have not got the figure at hand, but the sum of Rs816,700 which is the excess of amount appropriated, is for additional funds required for the payment of grant, interest differential, HDC, bonus for Mauritius Housing Company for the year 2011. The total amount which we handed over to the MHC amounts to Rs8 m.

Mr Bodha: Can I know how many persons have benefitted from that?

Dr. Kasenally: No, I have not got this.

Mr Ameer Meea: Concerning this sum of Rs1.5 billion which was provided since December last, can I ask the hon. Minister how much of this sum has been spent up to now?

Dr. Kasenally: No. As I have said, this is for next year. What we are discussing here is what has been spent in 2011, but because it has been included in December 2011 for this year, that's why it is shown up.

Mr Roopun: Mr Chairperson, I can see that for the *Programme Code 642: Social Housing Development*, an amount of Rs868,601,000 was earmarked and I am utterly surprised that on this *Programme Code 642*, there has been a savings of Rs586,701,013. Can the hon. Minister explain how on a budgeted amount of Rs868,601,000, he managed to make so much savings? Can we be enlightened about the whole way he has been doing his job?

Dr. Kasenally: Please, don't try to impute motives! I am doing my job and I know very well what I am doing.

(Interruptions)

Now, I have already explained how we have come to this sum of Rs1.5 billion. They don't seem to have listened. It's their fault! I am sorry!

(Interruptions)

Mr Roopun: Mr Chairperson, on a point of clarification, I did not want to be rude to the hon. Minister. I am a bit surprised that out of Rs868,601,000, he managed to make a savings of Rs586,701,013 which is more than half the amount. I did not want to be rude. It appears a bit odd to me. I apologise if the hon. Minister took it badly, but I did not want to be rude.

(Interruptions)

The Chairperson: It's a very simple exercise. There is no need to get flared up.

Dr. Kasenally: I have taken a deep breath and oxidised the adrenaline of my blood. There is no hard feeling but, as I have explained, it's just a matter of readjusting. I have explained that Rs1.5 billion have been put in the Fund...

(Interruptions)

No, this is underspending. As I have just said, some of the projects did not materialise because of problems with the CPB.

(Interruptions)

I withdraw any strong words which might have crossed the hon. Member's mind.

Mrs Hanoomanjee: Mr Chairperson, under item 26323206 *Social Housing Development Fund*, can the hon. Minister say out of the Rs1.5 billion, what was the amount which was earmarked for off-site infrastructure and what was the amount which was earmarked for subsidies on social housing?

Dr. Kasenally: Mr Chairperson, these are provisions, as I have said, for this year. I have already explained that we have had five tenders launched and it has not materialised. How much is being spent? It's difficult to say at this stage, because these are provisions which have been put for next year.

Mr Ameer Meea: The hon. Minister just stated that five companies have had their tenders or bids turned down. May we know the names of the five companies whose bids have been turned down and the respective amounts that they have bid?

Dr. Kasenally: Again, as I said, this concerns this year, 2012. It is not relevant here and these are provisions which have been made. Anyway, I can give this information in the days to come if the hon. Member comes with a question.

Mr Obeegadoo: Mr Chairperson, I would like to raise the issue of the NHDC. I would like to know what part of that Rs1.5 billion went to the NHDC and how the hon. Minister proposes to address the persistent issue that unless and until the Syndics are set up, the NHDC is

still extremely reluctant to spend on urgent matters pertaining to NHDC sites? I would like to know what part went to the NHDC and how the hon. Minister proposes to be helpful in ensuring that the urgent issues are addressed until the Syndics are set up?

Dr. Kasenally: Actually, Mr Chairperson, it is not relevant to this programme. However, we have so far set up nearly 20 Syndics. There are about 15 still left and they are responsible for upgrading. However, wherever there are urgent works, the NHDC will step in and resolve the problem. There is no problem about that, because we cannot allow people to be, for example, without water, without electricity or if there are sewer pipes which are blocked or broken for that matter. If there is any problem, they can always refer to my Ministry.

Mr Nagalingum: Mr Chairperson, I know the hon. Minister is doing quite a good job regarding the NHDC at Camp Levieux, but there is only one point I would like to ask the hon. Minister regarding the water pump. There is still a lack of water regarding the levelling of the flat. Can the hon. Minister just see to it?

Dr. Kasenally: Actually, this is outside the scope. However, I will have another look at it.

Mr Ameer Meea: Mr Chairperson, under item Social Housing Project, can I ask the hon. Minister if he is planning to have a social housing project in Constituency No. 3?

Dr. Kasenally: The answer is yes, and we will probably move a bit further from the boundary of Constituency No. 3 to go near Vallée des Prêtres. We have identified some lands and the process is ongoing; in trying to provide the infrastructure first and then, there would be not only low cost social housing, there would be also site and services. There is already one big project going on at Military Road, as you may well be aware, and we shall endeavour to finish that. I think no Government has built any housing estate in Constituency No. 3 since the former Minister, Sir Abdool Razack Mohamed, did it in the post-Carol era.

The Chairperson: I would appreciate if the hon. Minister can afford to give shorter answers.

Mr Obeegadoo: I asked the question earlier, what part of that Rs1.5 billion was earmarked for NHDC if the hon. Minister does have the figure available. Will he tell us within that amount whether any provisions were made to address urgent issues at the NHDC complex at Atlee in Forest Side, and if not – I take good note of his commitment to respond to urgent problems of inhabitants – will he see to it that those issues are addressed as a matter of urgency?

Dr. Kasenally: You know, the money is vested with the NHDC and it is up to them to do it. If they don't do it, then I have to intervene.

Mr Obeegadoo: I have one other issue, Mr Chairperson. I would like to know whether this Social Housing Development Fund for which we are approving an additional expenditure also takes care of the much neglected recreational facilities within the *Cité Ouvrière*. As you know, there is an exercise – I don't know the English translation for '*passee boule*' - between the different authorities concerned, but at the end of the day, all the recreational facilities, the children's playground, social centres are left in a dilapidated condition and all the *Cités Ouvrières* in Curepipe are an illustration of the point. Will the hon. Minister tell us whether this fund does address those issues and, if not, whether he proposes to do something about this?

Dr. Kasenally: This fund is for constructing new houses. However, with the coming up of the syndic, funds will be made available to them and we shall do it.

Ministry of Housing and Lands - Programme Code 642: Social Housing Development (Rs914,124,065) was, on question put, agreed to.

Ministry of Housing and Lands - Programme Code 643: Land Management and Physical Planning.

The Chairperson: Yes, hon. Ameer Meea!

Mr Ameer Meea: Yes, concerning acquisition of Non-Financial Assets, *item 31410801: Acquisition of Land* appropriated an amount of Rs135m. plus an excess amount of Rs234 m. May we know the nature and details of the two sums?

Dr. Kasenally: Which item? This is money which has been used; there are so many infrastructural projects that have been undertaken and, in fact, if the hon. Member was here when the vice-Prime Minister was talking about his achievements, there has been a lot of lands which have been compulsorily acquired and then there were many other projects and the cost of land is also going up, so we have had to ask for extra money. But I can assure the House that each and every portion of land has been acquired at the right price after evaluation.

Mr Roopun: I just want to renew the request, if we could have a list of how the sum of Rs 234 m. has been arrived at?

Dr. Kasenally: Actually, I cannot give an indication of how the sum has been arrived at, but I can assure the hon. Member that this is an addition of all the projects for which we have to acquire land and, as I said, there are too many projects.

The Chairperson: Hon. Bodha!

Mr Bodha: As regards *item 21111 Other Staff costs*, relating to the transfer to Ebène, may I ask the hon. Minister whether it is a one-off payment, whether the transfer has been completed and whether it will recur in the coming financial year?

Dr. Kasenally: Yes, it is not recurrent. It is a one-off expense. We use our own staff to move to Ebène. In fact, we were going to allocate it to a private contractor and this would have cost Rs5 m. Instead we use our staff and that of MPI and we made a saving.

Mr Obeegadoo: On the same item, I am not sure - with all due respect to the Minister - that I understood the answer that he just gave. My question was: we have welcomed this move to Ebène and we thought that if anything, it would lead to a reduction in costs. Now, I note from the information provided that there has been an increase in travelling expenses. Would the hon. Minister kindly explain to the House how this displacement of the Ministry to Ebène has occasioned an increase in travelling expenses?

Dr. Kasenally: Yes, this is explained. As I have mentioned, this is specifically for the transfer of the Ministry there. We have used fuel for the Ministry. But it will not be recurrent.

Mr Baloomoody: Can I ask the hon. Minister whether we still have an office in Port Louis regarding his Ministry although they have moved to Ebène?

Dr. Kasenally: Yes, I have a reduced capacity building which we have had for use by myself, especially on Tuesday, Monday and also Friday. I also received constituents from the North; they have a bit of difficulty to come up to Ebène. But - what I would say - in fact, it is a large office. I think we are going to trim it down and we have made a request to move to Government Centre as from January next year.

The Chairperson: Hon. Ameer Meea!

Mr Ameer Meea: Allow me to come back to the acquisition of lands. With due respect, it says – *Additional provisions required for payment of compensation related to compulsory acquisition of land*. Maybe the labelling is not good, but if it is acquisition of land, we can have the details where, which land, which extent and what amount has been acquired?

The Chairperson: Is it under the same item?

Mrs Labelle: Yes, under the same item. Thank you, Mr Chairperson. I would like to ask the hon. Minister whether besides acquisition of land for road development, has land been acquired for other projects besides road constructions and, if so, what are these projects?

Dr. Kasenally: Yes, they are projects for schools.

The Chairperson: Hon. Bodha has got a query under the same item.

Dr. Kasenally: I get tangled because there are so many questions. They are compulsorily acquired for schools, for projects, for social halls in various Constituencies. For example, we recently acquired a piece of land for a mediclinic somewhere. If you see the Government Gazette, which you get a copy, you will have a complete list; almost every week or every other week, there are about six or ten portions of lands which are acquired for use in all the Constituencies of Mauritius.

The Chairperson: Hon. Bodha!

Mr Bodha: Thank you, Mr Chairperson. Under the same item, may I ask the hon. Minister whether some of the additional funds relate to acquisition of lands for the Terre Rouge–Verdun project and whether all the lands for the Terre Rouge-Verdun project has already been acquired or some have yet to be acquired?

Dr. Kasenally: I think most of the lands have been acquired and this includes all these – as I have said – lands which we are acquiring for building road Verdun-Terre Rouge. Now, we are acquiring for the other roads in the South and in the North. In the North, we have spent a fair amount of money there as well.

Mr Seeruttun: Mr Chairperson, under the same item, will the hon. Minister inform the House whether that amount earmarked for Rs234 m. has been worked out by the Government Valuation Department?

Dr. Kasenally: Yes, it has been worked out by the Valuation Department.

Mr Obeegadoo: I am delighted to learn that part of this money has been spent on land for schools. I am sure the hon. Minister's dedicated staff has provided him with all the details. May we know which schools were concerned in 2011?

Dr. Kasenally: I don't have the list because there are so many lands which we acquire. Perhaps the hon. Minister of Education will be able to tell the hon. Member that, but all these come in bulk. Every week we are having notices.

Mr Seeruttun: Allow me to go back to item 22030 *Rent*. I can see that there is an increase of more than 10% of that amount earmarked for 2011. Will the hon. Minister inform the House why this increase is justified?

Dr. Kasenally: There has been an extra amount of rent paid because one section of my Ministry, the Town & Country Planning Unit, didn't move to Ebene in time. They moved one month afterwards, and this is the rent for one month.

Ministry of Housing and Lands - Programme Code 643: Land Management and Physical Planning (Rs138,967,404) was, on question put, agreed to.

Ministry of Social Security, National Solidarity and Reform Institutions – Programme Code 502: Social Protection was called.

Mrs Labelle: Mr Chairperson, under item 27210 *Social Assistance Benefits in Cash*, I would like to ask the hon. Minister the number of students attending university who are benefiting under this programme.

Mrs Bappoo: Mr Chairperson, there are three students attending university. One is from Plaine Magnien, the other one from Flacq, and the third one is from Ste Croix.

Mr Obeegadoo: On the very same item, *Social Assistance Benefits in Cash*. Of course, nobody is questioning the importance of such spending. Again, in terms of budgetary procedure, I would like to know why 2011 saw an increase of 20%, and why could that not be foreseen and budgeted in advance. We have overrun the budget we provided for by some 20%, that is, Rs159 m.

Mrs Bappoo: Mr Chairperson, there is quite a considerable increase because one, there has been a change in policy in March 2011 to double the monthly rate of income support from Rs123 to Rs246 to beneficiaries of social aid. In addition, there has been an increase in the number of beneficiaries from 42,000 to 55,000. So, the additional amount of Rs 140m. was needed. In addition to that, there is about a sum of Rs1,738,400 for allowance given to the three students at the university because this item was formerly charged to Programme 503 – item 27210105, when it should have been charged to the item social aid. I wish to inform the House also that, since 2011, this allowance is charged now to social aid. There has also been a sudden increase in the number of eligible beneficiaries of social aid; in 2011, we had an increase of 16,725 compared to previous years.

Mr Roopun: Under item 22060 *Maintenance*, I see quite a substantial increase, and it would seem that it relates to maintenance works and also to the construction of a kiosk. I would like to know what is the amount in excess as regards maintenance, and what is the additional amount paid as regards construction. Can the hon. Minister enlighten us?

Mrs Labelle: Mr Chair, I would like to know the initial cost of that kiosk at Foyer Trochetia and also its area.

Mrs Bappoo: As far as maintenance is concerned, there is an amount of Rs180,150 as payment to “Keep Clean” for the maintenance of Foyer Trochetia from November 2011, and a sum of Rs1,439,622.89 as payment to Nova Glass Waterproofing Private Company Limited for the construction of the kiosk at Foyer Trochetia. That was made in 2010, but works could not be carried out due to unavailability of a district contractor. The works were carried out in October 2011, and payment effected in December 2011. I don't have at hand the exact expense for the kiosk, and if I get it I will certainly table it.

Mr Obeegadoo: If I may move on to page 25, item 27210 *Social Assistance Benefits in Cash*. Now, again, I would like to know why we have this sudden increase by 50% from one year to the next. Is it the very same factors? It can't be the same factors. May we know from the hon. Minister why we have such a significant increase?

Mrs Labelle: Under the same item, Mr Chairperson, here too, we are talking about the refund of travelling expenses to disabled students. I don't know whether these are the same three students who are concerned. With regard to the other specialised schools, I would like to know how many students are attending same, and which specialised schools are we talking about.

Dr S. Boolell: I would like to know to whom is the payment made. Is it to the students directly, to some company, or to the buses?

Mrs Bappoo: First of all concerning the bus fare, it brings to additional provision because there has been an increase in the rates of bus fares from December 2010 for 1,700 students and their accompanying parents. The accompanying parents for these children are being refunded, and they are the children going to the specialised schools and other day care centres.

With regard to the number of specialised schools, there has been an increase from 53 to 60 specialised schools in 2011, and the number of intakes also has increased from 1,750 in 2010 to 2000 in 2011. The total amount comes to Rs3,775,349. As far as the students attending university are concerned, I have just given the details, and the money is paid to the parents and students.

Mr Obeegadoo: Under item 221200001 *Fees for Medical Boards and Domiciliary Visits*, may we know whether there has been a change in policy that again would justify the increase in

2011 by some 20%? The note does say 'increase in the number of visits'. I would very much like to know, while we welcome the increase in number, why it happened in 2011?

Mrs Navarre-Marie: Under the same item, I would like to know from the Minister whether there is a particular procedure to be followed by eligible persons to benefit from that service?

Mr Roopun: Mr Chairperson, I would to know how the doctors and nurses are selected? Are these doctors and nurses in service or are they taken from private practice?

Mr Seeruttun: Under the same item, I would like to know what amount is paid per visit to those doctors?

Mr Baloomoody: Under the same item, a sum of Rs8,218,706 is for the Medical Board and Domiciliary Visits. May we know how much is for Medical Board and how much is for Domiciliary Visits?

Mrs Bappoo: First of all, Mr Chairperson, I would like to say that there is quite a considerable increase in the number of visits and session fees that have to be paid and this brings us to an additional sum of Rs8,218,706. This is due to the increase in the number of sessions. The DVs are naturally made by the doctors and we have also nurses who attend the charitable institutions. In 2010, the number of sessions was 73,332 whereas in 2011, it has increased to 75,576. I would like to add, Mr Chairperson, that we are now also facing an ageing population, so the result is quite consequent to that. There is no change in the policy, but the policy for DVs for people from 90 years above remains the same. There has been an increase in the number. The previous year 2010, it was approximately 24,000 whereas in 2011, it comes to 26,018. The policy for 75 years plus when they are bedridden remains the same. This also has known an increase from 36,000 to 45,000 and then new policies that have been added up in 2010 with visits also by physiotherapists and occupational therapists. The number of these visits has also increased.

As for the doctors, it is by press advertisement and interviews are being done by the Medical Unit. The selection is being ratified by the PSC. The same item speaks about another sum of Rs150,666. This is the course fees to the MIH to conduct training for carers which was Rs281,190 in 2010 and this has increased to Rs585,619 in 2011. The increase in the fees claimed by MIH is explained by the fact that with experience of the first course, it was found that

trainees required more practical sessions and on-job-training through visits to homes, hence additional funds were required.

Dr. S. Boolell: In view of the high unemployment rate on the medical market, might it not have been financially viable for the Minister to employ full-time doctors to perform the necessary practice?

Mrs Bappoo: We are at the same time envisaging this possibility because there are so many problems with these doctors.

Mr Obeegadoo: If I may seek some further clarification. The number of visits has increased - if I take the figures given by the Minister - by less than 5%, some 73,000 to some 75,000, yet the budget has overrun by some 20%. Is that to be explained by an increase in the fees paid to doctors and nurses? If so, by how much have those fees been increased? Who, by and how?

Mrs Bappoo: There has not been any increase in the fees because the fees for the DVs, for those of 90 years plus and 75 years plus, it remains the same – i.e Rs500 per session. But for the physiotherapists and the occupational therapists, their fees per session are Rs1,000. Concerning the physiotherapists and the occupational therapists, there have been for 2011: 839 sessions and 776 sessions.

Mrs Labelle: I would like to seek a clarification from the hon. Minister. We are being told that there has been a savings. I don't know whether it is savings or underspending under the Programme 502 amounting to something like Rs44 m. May I ask the hon. Minister: is there any particular budgetary line under which this saving or underspending has occurred and if she can give us some explanation or additional information on that?

Mrs Bappoo: It is the same, Mr Chairperson, as has been explained by my colleague, the vice-Prime Minister and Minister of Finance. There have been posts which have not been filled, then there have been bills that were not received in time in December, so they were brought in January. As for the exam fees, it was earmarked a budget of Rs150 m., but only Rs144 m. were spent; thus a savings of Rs6 m. There has been late payment for domestic appliances and hearing aids for some Rs6 m. and acquisition of financial assets for the Rivière des Anguilles Social Security and the Belle Mare Recreational Centre.

Mr Roopun: Mr Chairperson, under *item 22060 Maintenance*, I see quite a substantial increase. Can we know what is the original amount earmarked for the maintenance of James

Burty David Recreation Centre and what is the amount for the other centre at Belle Mare? Why is there this huge increase of about 40%?

Dr. S. Boolell: James Burty David Recreation Centre is a new centre and I would like to know from the Minister whether there is no commitment from the contractor to ensure the repairs to the leaking centre rather than maintenance being paid to that extent?

Mrs Bappoo: In fact, the Belle Mare Recreation Centre is the new one. But the problem is the same. It was earmarked a provision of Rs5,435,000 for maintenance. But what happened at James Burty David Recreation Centre was that there was a function for the naming of the centre. There was various maintenance works like painting, etc to give it a nice look for the day. That brought an amount of Rs166,817. For the Belle Mare Recreation Centre, there has been a sum of Rs194,350 for the upgrading works in respect of the sanitary conditions. I have been informed that there were some problems in spite that it was a new centre.

We have Rs1,689,745 for renovation works of 16 day-care centres throughout the island. The contract was awarded to MGM Enterprise and with the shifting of the Social Welfare Division to the Ministry of Gender Equality, the day-care centres operate as separate entities because they were in the same compound as the Social Welfare Centre. With that separation of my Ministry in the premises of the Social Welfare Centres, these annex buildings require quite a series of renovations.

Mr Baloomoody: It is confused now. This item speaks only of two centres. One at Pointe aux Sables and one at Belle Mare. Now the hon. Minister is stating about other centres, but these items only speak for these two centres. Will the Minister tell us how much was needed for the one at Pointe aux Sables and how much for the one at Belle Mare, because the Belle Mare one is a new one?

Mrs Bappoo: Yes, I have given the additional amount. The additional amount that was needed to cover the sanitary conditions at Belle Mare; then because of the naming of the centre at...

Mr Baloomoody: How much for each centre?

Mrs Bappoo: I said it. It is Rs166,817 for Pointe aux Sables, Rs194,354 for Belle Mare. But, in addition to that, in spite that it has not been well spelt for the item maintenance...

(Interruptions)

...it should have been, yes, because this involves Rs1.6 m. for 16 day-care centres. It should have been written here.

Programme Code 502: Social Protection (Rs133,731,908) was, on question put, agreed to.

The Chairperson: I suspend the sitting for one hour and fifteen minutes for dinner.

At 7.46 p.m. the sitting was suspended.

On resuming at 9.02 p.m. with the Deputy Speaker in the Chair.

The Ministry of Education and Human Resources- Programme Code 422: Pre-Primary Education was called.

Mr Bhagwan: Regarding the Early Childhood Care and Education Authority, there is a sum of Rs6,499 m. Can I know from the hon. Minister whether there is a Board?

Dr. Bunwaree: The Board is in place and is functioning properly.

The Chairperson: Hon. Obeegadoo, do you have any question?

(Interruptions)

Mr Obeegadoo: Unfortunately, I apologise. Mr Chairperson, I don't know what question my colleague asked. I wanted to know in what circumstances, the State Law Office would have given this advice? Was it a request from the Ministry? Was it as a result of an industrial dispute reported by the attendants? What were the circumstances in which the State Law Office was called upon to deliver this advice and on what basis he did so? As the hon. Minister is aware, there are other categories, within the State pre-primary sector, who are awaiting for their grievances to be addressed.

Dr. Bunwaree: Mr Chairperson, in fact, the funding that we are asking for, has helped to deal with a longstanding issue. I remember when I was Minister of Labour, the issue came up to me, because the workers were appealing to the Ministry, to the authorities, to get their claims approved. In fact, it was sent to the State Law Office by ourselves, because we wanted to regularise the situation of these workers and, of course, as my colleagues do know, the hon. Members as well, we asked the advice of the State Law Office. It took us some time because it concerned about 179 attendants; they were employed on contract basis and on various schemes. Some were under the PRB, some under the NRB, some under the PRB and NRB regimes. Now that this has been successfully integrated in a permanent and pensionable establishment of the

ECCEA, I think the unions are very satisfied, they are happy, because it was a long fight and, in fact, this why we are asking to appropriate this excess fund.

Mr Obeegadoo: In that case, since the teachers of the pre-primary sector have the very same grievances, being governed by different regimes, standardisation has not meant the same benefits applicable to all. Will the Minister, therefore, in the same spirit, which we commend, commit to seriously consider their grievances as soon as possible?

Dr. Bunwaree: Mr Chairman, the question does not arise from this, and we are not voting the budget for it. But the point is being raised and we will, of course, look into whatever abnormalities there could be in the system.

Programme Code 422: Pre-Primary Education (Rs3,048,705) was, on question put, agreed to.

Programme Code 425: Technical and Vocational Education was called.

Mr Obeegadoo: Mr Chairman, can the hon. Minister kindly explain to us what is the rationale behind this very significant additional budget we are being asked to fund and what, precisely, in terms of operation cost would have suddenly cropped up between July and December 2011?

Dr. Bunwaree: It is not a question of suddenly cropping up. The hon. Member will see at page 27 it is mentioned that it is for the period July to December 2011, which means that from the period January to June there was no problem. The budget that had been earmarked and that we appropriated of Rs205,100,000 was, in fact, underestimated on purpose because we knew that the amount that would be needed would be much more than that for the whole year. But there was an arrangement with the HRDC where some funds were kept and due to some confusion in the past that money was supposed to be for the MITD and it was not sent there, the Ministry of Finance intervened to say we had to regularise the situation. The HRDC was supposed to be responsible for the remainder, that is, from July to December. But, unfortunately, part was done. I think about a sum of Rs71 m. was paid to the Consolidated Fund by HRDC to be sent to MITD, and the other part came from the Ministry of Finance straightaway. The HRDC could not take the whole of the Rs150 m. under its responsibility for various reasons. One is that the training levy percentage had decreased. In fact, we have decreased it ourselves from 1% to 0.5% which means that they were getting less money, but this, we had already envisaged. The National Trading Fund which caters for the operational cost and so on, which is the levy fund, is getting

less and less. I must also say that there was an aggressive campaign by HRDC for training to take place in the country and, therefore, many more employers started coming up. Therefore, they had to be refunded which means that the HRDC funds were being depleted by other means and, therefore, they could not cater for the whole. So, almost half of it was taken care by HRDC and the other half of the Rs150 m. we are asking to appropriate came from the Ministry of Finance. This is how we explain that for the month of July to December 2011, this is the sum, excess fund, that we have to appropriate today.

Mr Obeegadoo: Mr Chairman, may I ask the hon. Minister what conclusion we are to draw from this? Should we understand that with the revision of the Grant Levy Scheme, the 1.5%, most of it going to HRDC, that henceforth we can safely assure that the MITD budget will be much more significant than it has been so far, and if so, will the hon. Minister commit to an institutional audit since the MITD has come on the criticism for its effectiveness so far?

Dr. Bunwaree: I thank the hon. Member for this question. Next year, we will have the whole amount and we won't need to come and vote for half of the budget at the end of the year. This means that MITD will get the budget that it needs for the whole year whereas for this year we have given the explanation why we had undervalued the cost at the beginning. So far, as audit is concerned, it is an ongoing process. In fact, we have an enquiry which has been set up, presided by Professor Torul, to look into industrial relations, disputes and so on. I am waiting for this report to come to me, and then we can see the way ahead.

Mr Obeegadoo: I have just one last question. I am not concerned with industrial relations. If the hon. Minister of Finance bears with me, we are being asked to approve an additional sum of Rs150 m. which is public money. It is being spent, I know, but the implications, as the hon. Minister just said, is that the budget we will be voting in November will be significantly higher. Will he agree to an institutional audit? I am not talking about industrial relations, but about the cost-effectiveness of the operation of the MITD so far.

Dr. Bunwaree: If need be, we will do that. But then, I have said, I am confirming and I am being reminded that for financial year 2012, the total Government grant of Rs395 m. will be made. The deficit in the MITD budget is an exceptional one. I think it is very clear. Next year, therefore, we will come back to the figure that will be needed for that.

Programme Code 425: Technical and Vocational Education (Rs146,829,842) was, on question put, agreed to.

Ministry of Fisheries Programme Code 751: Policy and Strategy for Fisheries was called.

Mr Barbier: Mr Chairperson, under the last item 22130002 *Surveys*, factually, the sum of Rs3,179,844 is meant solely for the additional provision for feasibility study for the new runway for Rodrigues. Can I know from the hon. Minister what is the total amount spent for the feasibility survey concerning the runway for Rodrigues? Secondly, under the same item, since the budget was initially Rs5 m., now it is over Rs8 m., can we have a breakdown of other surveys that have been carried out under this item and whether there has been any report or survey released and can these surveys be made available to the public or to Members of Parliament?

Mrs Labelle: Mr Chairperson, out of the Rs5 m. that this House has voted last year, Rs1 m. were for a survey to be carried out for the fibre optic cable for Rodrigues. Can I ask the hon. Minister whether this survey has been carried out, and if so, whether there has been an increase in the amount paid?

Mr Roopun: On the same item, I want to know where this runway is being constructed and to whom the contract has been allocated.

Mr Von-Mally: In fact, this concerns Rodrigues, but I will answer according to the information I have. In fact, a sum of Rs4 m. was provided for the feasibility study for the new runway at Sir Gaëtan Duval Airport in Rodrigues. The contract was awarded by the Rodrigues Regional Assembly in March 2011 for the sum of Rs8,064,893.65 inclusive of VAT to Ecorys Netherlands BV which formed a consortium with Parsons Brinckerhoff and DCDM. The consultant had submitted the draft final report to the RRA in November 2011. An additional amount of Rs4,064,894 was required to meet the payment.

I understand that for the optic cable the question does not arise because work is proceeding.

Mr Obeegadoo: For *Compensation of Employees*, only this morning a newspaper reminded us how dismal the performance of the Ministry had been with the fisheries sector contributing to 0.1% of GDP. May I know, within this amount of Rs532,022, whether there has been provision made for these additional staff to work on a Master Plan for the future development of the fisheries sector in Mauritius and Rodrigues?

Mr Von-Mally: We have already worked on the Master Plan. In fact, our contribution to GDP is 1.9%.

Mr Obeegadoo: Do I understand that there is a Master Plan to be placed before us?

Mr Von-Mally: Yes, and as I have said this morning, there is a multi-sectoral committee working on that Master Plan.

Mr Bodha: Can I ask the hon. Minister what has happened to the draft final report of the strip project?

Mr Von-Mally: It has been submitted to the Rodrigues Regional Assembly, and they are working on that. We are awaiting a decision from them.

Ministry of Fisheries – Programme Code 751: Policy and Strategy for Fisheries (Rs 1,202,626) was, on question put, agreed to.

Ministry of Local Government and Outer Islands – Programme Code 462: Facilitation to Local Authorities was called.

Mr Nagalingum: Regarding item 26312009 *District Council of Black River*, I can see the sum of Rs36,839,835 has been earmarked. Can I know what the purpose of this amount is?

Mrs Labelle: Mr Chairperson, we are being told that there are two items which have been covered by the Rs36 m., that is, *payment of compensation 2011 to employees and pensioners and costs of street lighting and refuse collection for District Council of Black River*. May I ask the hon. Minister whether he has the figures for the cost of street lighting and payment of compensation, and whether this compensation was not budgeted before?

Mrs Navarre-Marie: On the same item, Mr Chairperson, with regard to cost of street lighting, I would like to have details of street lighting in the region of Pailles.

Mr Aimée: Mr Chairperson, first of all, the fees were to meet the cost of the street lighting and refuse collection in the District Council of Black River. Again, for Black River, compensation is to the tune of Rs460,100.

Mr Baloomoody: In fact, on this item, the hon. Minister has not given details for each Municipality except for the District Council of Black River. May we know why we had to give nearly Rs4 m. to Port Louis, Rs3 m. to Curepipe, Rs3.5 m. to Vacoas/Phoenix? Can we have a breakdown of all these?

Mr Aimée: The fees were to meet payment of compensation to the employees of the Local Authorities.

Mrs Navarre-Marie: The hon. Minister has not answered my question with regard to the region of Pailles.

Mr Aimée: Mr Chairperson, I am going to table that.

Mr Baloomoody: On the same issue, I would like to know whether refuse collection is being carried out in Pailles now. Pailles is in Port Louis, and Port Louis says that they do not have any budget for refuse collection in Pailles. May we know to date whether the District Council of Black River is collecting refuse in Pailles?

Mr Aimée: Yes, Mr Chairperson, including Pailles.

Mrs Labelle: I think I have heard the hon. Minister mentioning something like Rs400,000 for the payment of compensation to employees. Must I take it that the difference relates to the cost of street lighting; additional cost? What has been the total cost then of street lighting and refuse collection for the District Council?

Mr Aimée: No, this is a separate item to meet payment of compensation to the employees of all Local Authorities. The sum of Rs37,900,000 is to meet the cost of the street lighting, refuse collection in the district of Black River.

Mr Bhagwan: On the same page, there is another item 26323204 *Local Infrastructure Fund*, if he wants to complete that lighting.

Mr Obeegadoo: Under item 26312 *Current Grant to Local Authorities*, is the hon. Minister aware that the number one complaint of inhabitants of Curepipe right now is the refuse collection which is in a state of total shambles? May we know, therefore, why we should approve the spending of this additional sum of Rs3.36 m. to the Municipality of Curepipe, unless the hon. Minister will commit to urgently look into the state of refuse collection in Curepipe?

Mr Bhagwan: On the same item of refuse collection, it is known by everybody, and even the hon. vice-Prime Minister, Minister of Finance and Economic Development, made some comments in the press on the deplorable state, *l'état d'insalubrité dans les villes*. Can the hon. Minister inform the House whether he has received representations from the Mayor of Beau Bassin-Rose Hill concerning additional sum for the purchase of lorries and accessories in connection with the collection of solid waste, which is a real havoc in the town, not only in the town of Beau Bassin-Rose Hill, but even elsewhere? Since more than one to two years the Ministry is dealing with the file. Can the hon. Minister inform the House why such a delay and if any reply can be given, and whether there are funds which have been provided?

Mr Aimée: There is a sum of Rs20 m. for Beau Bassin-Rose Hill, and it is for road construction, resurfacing, footpath at Bagati road.

For Curepipe, it is road construction, resurfacing to the tune of Rs5,000,700, and it is already completed; drains construction to the tune of Rs9,300,000, and the total sum is Rs15 m. for Curepipe.

Mr Barbier: May I know from the hon. Minister, out of the Rs250,000,000 which we are asked to vote, whether this sum or part of it has already been used? Can the hon. Minister give us a breakdown for the Rs250,000,000 as to which project this sum is going to be allocated, the sum allocated to each Local Authority and the amount voted for each project? Can we have a detailed breakdown of what we are being asked to vote?

Mr Aimée: The sum required is for the implementation of the Market Fair at Rivière des Anguilles and the amount is Rs40 m. and Rs10 m. to each Local Authority including, Rodrigues.

Mr Barbier: Mr Chairperson, under the same item, may I ask the hon. Minister being given that it is facilitation to local authorities. Concerning the region of Pailles, which is now as per the new Local Government Act, it is found in the region of Port Louis. May I have an idea when they are going to have a proper handing over of all the infrastructures and the budget from Black River District Council to Port Louis?

Mr Aimée: Mr Chairperson, Pailles has not been included in Port Louis yet. When the Municipal elections would come, then Pailles would be transferred in Port Louis. Up to now, it is found in the District Council of Black River and the financing is from the District Council of Black River.

Mr Baloomoody: May I ask the hon. Minister when will be the next Municipal elections?

Mr Nagalingum: Can I know from the hon. Minister if there has been any amount earmarked for the Plaza theatre?

Mr Aimée: No, Mr Chairperson.

Mr Obeegadoo: I have heard the hon. Minister said that out of the Rs250 m., Rs10 m. had been offered to each Municipal Council. May we know in the case of Curepipe, to what end this sum was utilised?

Mr Aimée: I have told already what the amount was for. I will table it in any case.

Mrs Labelle: Can the hon. Minister table the list of the new projects for all the Municipal Councils, not only for Curepipe because, I think, we are all interested to know for all? So, the Rs10 m. will be spent on which projects?

Mr Aimée: Yes.

Ministry of Local Government and Outer Islands - Programme Code 462: Facilitation to Local Authorities (Rs289,149,515) was, on question put, agreed to.

Ministry of Arts and Culture – Programme Code 621: Policy and Management for Arts and Culture (Rs489,382) was called and agreed to.

Attorney General's Office – Programme Code 563 – Law Reform and Development was called.

Mr Baloomoody: On item *Additional amount required to meet the payment of consultancy services*, may we know it is for which purpose?

Mr Varma: Mr Chairperson, it is the additional grant which was provided to the Law Reform Commission to meet the payment of consultancy fees to Professor Garon. The services of Professor Garon were hired by the Law Reform Commission for the review of the Codes.

Mr Obeegadoo: Under item 26323 *the purchase of a vehicle for use by the Commission*, may we know why the Commission requires a vehicle?

Mr Varma: Mr Chairperson, in fact, the Law Reform Commission had no vehicle and a request was made for the purchase of a vehicle to be used by the Commission for the conveyance of officials and delegates.

Mr Obeegadoo: I fail to understand.

Mr Varma: The Law Reform Commission needs a vehicle, Mr Chairperson, for the transport of officials and delegates.

Mr Obeegadoo: For the officials and delegates all year around to be transported or is this an exceptional period for which a car can be rented or obtained from another Ministry? I thought that the Law Reform Commission was essentially a team of very learned persons getting together in a committee room to work on laws. So, why do we need a vehicle? I fail to understand, if it is about delegates presumably to some sort of special meeting or conference, then *ad hoc* arrangements surely can be made.

Mr Varma: I have already replied, Mr Chairperson.

Mr Roopun: Can we know the number of staff the Law Reform Commission has?

Mr Varma: Mr Chairperson, I do not have the information right now with me. If the hon. Member comes with a substantive question, I will answer.

Attorney General's Office – Programme Code 563 – Law Reform and Development (Rs1,704,000) was, on question put, agreed to.

Ministry of Tourism and Leisure – Programme Code 344: Promotion of Leisure was called.

Mrs Labelle: I am on item 22900009 *Entertainment Expenses*. After a sum of Rs1,975,000, we are called upon to vote Rs6,756,810. I think it's more than four times more. Can I ask some information regarding the cultural events involved and the respective amounts? May I ask the hon. Minister if he will give the names of the artists, whether they were local artists or foreign artists and the fees paid to them?

Mr Yeung Sik Yuen: Mr Chairperson, I am informed that this is additional provision required to meet payments of services of artists such as musicians, costumes, actors, dancers, music composers and stage directors required for the event 'Soul of the World'.

Mrs Labelle: From what I have seen, it is for cultural events. So, was there only one event or was it a recurrent one?

Mr Yeung Sik Yuen: Just one event and I don't mind to table the list of expenses.

Mr Bhagwan: Mr Chairperson, on the last item 22900009 – *Entertainment Expenses*, can I know from the hon. Minister whether in that same fund, the artist from India was invited by the Ministry, Mrs Sunidhi Chauhan? Is it on the same vote?

Mr Yeung Sik Yuen: No, not from this amount.

Mr Bhagwan: Can I know from the hon. Minister whether from that vote, any trip was made for artists to come from Brazil?

Mr Yeung Sik Yuen: No, Mr Chairperson.

(Interruptions)

Ms Anquetil: Under item 22900009, would the hon. Minister tell us, if tour operators were contacted to sell such package to potential tourists?

Mr Yeung Sik Yuen: Mr Chairperson, from the information that I have, I don't think that tour operators were in these negotiations.

Ministry of Tourism and Leisure – Programme Code No. 344: Promotion of Leisure (Rs6,079,919) was, on question put, agreed to.

Ministry of Gender Equality, Child Development and Family Welfare – Programme Code No. 526: Social Welfare and Community-Based Activities was called.

Mr Obeegadoo: Would the hon. Minister inform the House which part of this amount went to Constituency No. 17, Curepipe/Midlands and for what specific purpose?

Mrs Martin: Mr Chairperson, can I just know from the hon. Member which item he is referring to?

Mr Obeegadoo: I apologise. I am referring to the very last item which is *Capital grant – Sugar Industry Labour Welfare Fund*.

Mrs Labelle: We are informed that this item is to meet costs of major repairs to Community Centres. May I ask the hon. Minister to which centres this sum relates to. Also for the purchase of equipment, may I know what type of equipment has been purchased and for which centres?

Mrs Martin: Mr Chairperson, I don't have the figures, specifically for Constituency No. 17, but I am informed that 100 out of 132 Community Centres have benefitted from this budgetary item. Equipments and amenities for Community Centres include purchase of indoor games, table tennis, water pressure, TV sets etc, and the major repairs constitute of fencing, roof treatment, electrical works at Community Centres.

Mr Obeegadoo: Will the hon. Minister agree to circulate the list of the 100 Community Centres that have benefitted from this amount?

Mrs Martin: Yes, I see no objection to that.

Mr Bhagwan: Can I draw the attention of the hon. Minister that on the same item, there are three Community Centres in my Constituency, namely at Canot Village, Gros Cailloux Village and Albion which, I consider, have completely been neglected, not only in terms of physical maintenance, but also in terms of indoor equipment. Can the Minister initiate action, even if not in the ESE, but in the current budget?

Mrs Martin: I will certainly look into it.

Mrs Labelle: With your permission, Mr Chairperson, under Programme 526 *Social Welfare and Community-Based Activities*, we are being informed that there is a savings of Rs2,941,263. May I ask the hon. Minister whether there is any particular activity or any particular item on which this saving has been made or is there any project that has not been implemented?

Mrs Martin: The savings under Programme 526 are due to non-payment of fees for security services and same is now being provided by the landlord and reduction in other operational costs of the Social Welfare Division and the Sugar Industry Labour Welfare Division.

Programme Code 526: Social Welfare and Community-Based Activities (Rs812,330) was, on question put, agreed to.

Centralised Operations Of Government – Programme Code No. 952: Centrally Managed Initiatives of Government was called.

Mr Li Kwong Wing: May I know from the Minister of Finance whether he is aware that the Business Growth Fund was formerly known as the Savings Job and Recovery Fund and already had a balance of more than Rs4 billion and that with this provision of additional expenditure of Rs4.2 billion, this makes up a total of Rs8.2 billion as is confirmed by the annual report for this year 2011, published by his own staff through the Accountant General? So, if there is any insanity, I suppose that this is the insanity which is proven in this table and if there is any pettiness or nonsense, is the hon. Minister able to confirm also that out of this Fund only Rs659,000 have been disbursed for various projects and can he also inform the House how much has this impacted on investment? He said that investment has increased. Can I table also this page of Statistics Mauritius where it is said clearly that investment has fallen by 0.7% during the year and also the private sector investment as a percentage of total investment also declined? Can I table this?

Mr Duval: Mr Chairperson, *la réponse est dans la question*, in fact. It is absolutely true that the balance was Rs4 billion, the transfer was Rs4.2 billion, but the hon. Member has forgotten a little thing, Mr Chairperson. There were Rs600 m. spent. In fact, there was never a sum of Rs8.2 billion in the Fund, there was only as sum of Rs7.6. We are aimed for Rs7.3, we spent a little less, we had Rs7.6 and, in fact, why? I don't want to mention that insane word again, what I was saying ...

The Chairperson: I would prefer.

Mr Duval: I don't want to. I said I don't want to. I really did not want to use that word.

The Chairperson: Please, refrain from doing so!

Mr Duval: I am referring to what the Member said. He said that Rs8.2 billion in the kitty of Government put as idle deposit in the bank. That has never ever been true. There has been a

maximum of Rs7.6. So, the Member has made a slight error, not of Rs900 m., Mr Chairperson - I am sorry - but only Rs600 m. So far, as the investment is concerned ...

(Interruptions)

It is in the same schedule and I table it, Mr Chairperson. As far as investments are concerned, it depends on what he wants to talk about. For debts, the Member is always talking about absolute amount, but for investment, he is talking about a percentage of GDP. I was talking about absolute amount, that is, the difference, Mr Chairperson, between an economist and an accountant.

Mr Li Kwong Wing: Can the Minister, therefore, inform the House whether the calculation as an accountant of a balance of Rs4 billion with an additional receipt of Rs4.2 billion makes Rs8.2 billion or not? This is what has been reported by the Accountant General. If this accounting is not understood by the Minister, I mean, there must be some insanity somewhere.

Mr Duval: Mr Chairperson, I am quite happy to take the time of the House. What has happened, in fact, Mr Chairperson, is that we had Rs4 m. During the year, the sum of Rs659,928,000 which the hon. Member has forgotten to talk about! So, we had Rs4 billion at the start, Rs600 m. were spent during the year and, at the end of the year, everybody knows that this sum Rs4.2 billion has been paid in. This is why I am saying that at no time was there a sum of Rs8.2 billion in the account, there was a sum of Rs8.2 billion only in the head of the Member; there was an amount transferred in but, at the same time, every accountant will understand, the amounts come out. They don't always stay there, they keep coming out. At the end of the year, there is only so much left. I hope the hon. Member has understood.

Mrs Labelle: Mr Chairperson. I am not going to enter into all these technicalities. From what I read, it is this sum which is to provide also support to enterprises requiring liquidity. May I know how many enterprises have benefitted from that and if the hon. Minister will give us the names? I just want to know, because from what I read, this sum is to provide also support to enterprises requiring liquidity. So, may I know how many enterprises have benefitted from that and if the hon. Minister will inform the House of the names of the enterprises that have benefitted from this fund?

Mr Duval: I will, if a substantive question is asked for, and we are publishing the accounts of the fund in the next few weeks, Mr Chairperson.

Mr Li Kwong Wing: Mr Chairperson, a sum of Rs660 m. almost has been disbursed out of this *Business Growth Fund* and I did mention it, if the hon. Minister cared to listen. Can the hon. Minister tell us how many jobs have been created with the disbursement of this fund, because the total employment in Mauritius declined during the year?

Mr Duval: Mr Chairperson, the unemployment rate at the end of that year, that's what we are talking about. Maybe the hon. Member has forgotten. We are talking about end of December; it is stable. We are talking about 7.8% to 7.9% unemployment. It's stable. In fact, as opposed to much worse; 9.6 % when they left Government, when everything was fine. The international economy was doing well; still they managed to leave the country with 9.6% unemployment.

So, the hon. Member will bear with me, because we have done much better including this fund. Now, I don't have all the information in my head, but if the hon. Member wants to have a question, I ask him a question about which enterprises. We are transparent, Mr Chairperson, and we will provide all the information.

Thank you.

Vice-Prime Minister's Office, Ministry of Finance and Economic Development - Centralised Operations of Government - Programme Code 952: Centrally Managed Initiatives of Government (Rs3,862,723,755) was, on question put, agreed to.

E.S.E. (2011) of 2012 was agreed to.

On the Assembly resuming with the Deputy Speaker in the Chair, the Deputy Speaker reported accordingly.

COMMITTEE STAGE

(The Deputy Speaker in the Chair)

The Supplementary Appropriation Bill (2011) (No. XXIII of 2012) was considered and agreed to.

On the Assembly resuming, with the Deputy Speaker in the Chair, the Deputy Speaker reported accordingly.

The Deputy Speaker: The Speaker will take the Chair!

(At this stage Mr Speaker took the Chair)

(9.42 p.m.)

Second Reading

THE MAURITIUS BROADCASTING CORPORATION (AMENDMENT) BILL
(No. XXII of 2012)

Order for Second Reading read.

The Prime Minister: Mr Speaker, Sir, I beg to move that the Mauritius Broadcasting Corporation (Amendment) Bill (No. XXII of 2012) be read a second time.

The main object of the Bill is to amend the Mauritius Broadcasting Corporation Act (MBC Act) of 1982 to provide for disciplinary committees set up by the Board of the Mauritius Broadcasting Corporation to be constituted of independent persons.

Mr Speaker, Sir, Section 11 of the MBC Act of 1982 currently provides that the MBC Board may, in the exercise of its functions, set up committees, including a Disciplinary Committee, which shall consist of the Chairperson of the MBC Board and two other members selected by the Board. It follows, therefore, that the Chairperson and the two other members, who are also Board Members, are firstly called upon to investigate and adjudicate as Disciplinary Committee members and then to participate in the Board Meeting with other Board members, in the decision making process leading to the appropriate sanction.

Mr Speaker, Sir, as the House is aware, a Fact-Finding Committee chaired by Mr Denis Vellien, former Magistrate of the Intermediate Court, was set up in June 2011 to inquire into the dismissal by the Mauritius Broadcasting Corporation on one of its staff members. In his Report, Mr Vellien has recommended that Section 11 of the MBC Act 1982 be amended as, and I quote -

“The application of that section gives rise to a situation of more unfairness and injustice than the principle of judge and party because the members of the Disciplinary Committee before hearing the evidence are aware of the charges, the reply of the accused officer, the comments of the Director-General and the views of the Board leading to a decision of the Board to proceed with the dismissal procedure.”

Subsequently, in a reply to a Private Notice Question, on 12 November last, I did inform the House that the MBC Act would be reviewed to take into consideration the concern expressed by Mr Vellien.

Mr Speaker, Sir, the MBC Act came into effect in 1982. Since then, successive management of the MBC have always followed the disciplinary procedures outlined in Section 11 of the Act. The strict application of the Act has, consequently, led to the situation of the Disciplinary Committee Members wearing two hats. Indeed, in spite of the degree of unfairness

which results from the application of that Section of the Act, the Corporation had to comply with the provisions thereof, because it could otherwise have been sanctioned for non-compliance under the Act, under Section 35 of the MBC Act.

Mr Speaker, Sir, the right to a fair hearing is the fundamental principle of natural justice, and is deeply entrenched in our democratic culture. And for a hearing to be fair and to be seen to be fair, it must be held before an independent and impartial Disciplinary Committee. It is neither in the interest of the Corporation, nor that of the employees of the MBC, to allow the current situation to perpetuate. This is precisely why, Mr Speaker, Sir, the Corporation has put on hold the work its Disciplinary Committee as I indicated to the House in reply to PQ No. B/458 on 10 July 2012.

With a view to addressing the above unfair and undesirable situation, and in order to be consistent with the existing legislation applicable to other statutory bodies, in line with established principles of fairness and independence, the Mauritius Broadcasting Corporation (Amendment) Bill, therefore, seeks to amend the MBC Act in order to provide the Disciplinary Committees set up by the Board shall be composed of persons who -

- (i) have not been involved in the investigation of the case, and
- (ii) are able to make an independent decision.

In addition, a member or a person who is or was an employee of the Corporation shall not be qualified to sit on a Disciplinary Committee. The Bill further provides that where disciplinary proceedings have been instituted on grounds of misconduct which, if proved, would justify dismissal from the Corporation, the Chairperson of such Disciplinary Committee shall be a person who has held judicial office or is a barrister of not less than ten years' standing. In cases of misconduct of a nature not warranting dismissal, the Chairperson of such Disciplinary Committee shall not necessarily be a person who has held judicial office or is a barrister of not less than ten years' standing.

Mr Speaker, Sir, I will be proposing an amendment in Clause 3 (e) of the Bill - which I hope has been circulated - in the proposed Sub-Section 6 of Section 11 of the Act as circulated in order to avoid any ambiguity and to make it quite clear that in no circumstances, shall a Board member or an employee be part of a Disciplinary Committee.

The proposed amendment is, in fact, in line with the provisions of paragraph 150 of the Code of Practice set out in the Fourth Schedule to the Employment Relations Act.

Mr Speaker, Sir, the proposed amendments will ensure that fair and effective procedures are established for dealing with disciplinary matters. Once the Bill is passed, the MBC Board will proceed with the formulation of necessary regulations under sections 16 and 34 of the MBC Act to give effect to the revised provisions of section 11 of the MBC Act. These regulations will provide that in line with what obtains in the case of other disciplinary bodies, a Disciplinary Committee, once it has completed its investigation into any disciplinary matter, should submit its report to the MBC Board, without any recommendation regarding the form of punishment to be inflicted on the employee concerned.

It will be, therefore, for the MBC Board, after careful consideration of the findings and conclusion of the report, to determine the sanction, if any, that should be inflicted on the said employee. This will put an end to the undesirable situation in the matter of discipline which has prevailed over the last 30 years at the Corporation.

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

Dr. A. Boolell rose and seconded.

(9.51 p.m)

Mr V. Baloomoody (Third Member for GRNW & Port Louis West): Mr Speaker, Sir, on this side of the House, of course, we welcome the amendment to the MBC Act. As you are fully aware, Mr Speaker, Sir, being yourself an ex-Labour Minister, our labour law does tell us that, before we take disciplinary actions against an employee, he should be given the opportunity to reply to the charge, and there should be Disciplinary Committee. Of course, Disciplinary Committee is an internal matter with regard to management, but it should not be taken as mere formality.

The purpose of a Disciplinary Committee is to enquire about the truth of the allegation, and it should not be an empty formality. Unfortunately, in many cases, be it in the private sector, and sometimes in some para-statal bodies, this has been only a mere formality. If the MBC has found itself in that situation, like the hon. Prime Minister has said for the last 30 years, it is because one of the regulations which they had dated as far back as 1987. They had an internal regulation where, if I may quote –

“With regard to misconduct justifying dismissal – 2.2. If the employer does not furnish a reply to any charge forwarded under the provisions of paragraph 1 – it deals about the formality of this regulation – within the period specified or if the Director-General fails to

explain himself, the Director-General shall forward the Board copies of the report, the statement of the charges, the replies, if any, of the accused officers and his own consent thereof.”

So, in the case of the MBC, the practice was for the Director-General to enquire into the matter, then to go to the Board and say that he believes that there should be dismissal, and if the Board agrees that there should be dismissal, then they set up the Disciplinary Committee, chaired by the Chairman of the Board. It says -

“The Board, after consideration of the report of the Committee or any further report called for under the provisions of paragraph 244 of this subsection, shall determine the punishment.”

So, the Board was fully made aware of the charge, the explanation given by the worker, and they were there only to go for the punishment which the Director-General has already said. This is what was in contradiction with what we have in the law. This is what ex-Magistrate Denis Vellien said when he considered the internal regulations of the MBC and the MBC Act. When he made recommendations for amendment, he said that they were more like judge and party, and that it was unfair and not partial. If I may quote from the communiqué which was issued to appoint Mr Denis Vellien, which reads as follows –

“Following comments and observations made in the public in relation to the case Mrs Rehana Bibi Ameer, the Traffic Officer of the MBC, the Prime Minister’s Office on 17 June 2011 issued a press communiqué announcing the decision of the Prime Minister to set up a Fact Finding Committee.”

It is good that the Government, following PNQs and questions raised in Parliament, and following outcry by the trade unions in the case of Mrs Ameer, set up the Fact Finding Committee. If today we are here with this amendment, it’s thanks to the setting up of the Fact Finding Committee following the outcry that there has been, be it by the Opposition, members of the trade unions and, of course, with the acceptance by the hon. Prime Minister to set up a Fact Finding Committee.

Mr Speaker, Sir, the amendment will no doubt bring fairness and natural justice which prevailed in the case of the MBC. It is true that, when taking a decision with regard to the future of a worker, it does not affect only the worker, especially when it comes to dismissal. It affects the whole family of that worker. It is not a decision which will affect her instantly. It may affect

her or him permanently for life. So, it is important that we have an institution which is independent when we set up that Disciplinary Committee. Therefore, great care has to be taken in the conduct of a Disciplinary Committee, with all fairness. It must be conducted on the rules of fair play and natural justice.

Though it is an accepted principle that a Disciplinary Committee is the master of its own procedure, it does not follow that it can proceed according to its own whims and caprices. This is what we have seen in many cases, especially in this case of Mrs Ameer. It has to follow the well settled rules of natural justice and fair play, and impartiality; hearing before an impartial tribunal, so that no man can be judge and party. Decision must be made in good faith. This why we welcome this amendment to have an independent person who has nothing to do with the institution in which he is sitting - in this case, it is the MBC - and who has nothing to do with the enquiry level.

The rules of natural justice require that the employee should be given reasonable opportunity to deny his guilt, to defend himself and to establish his innocence, and includes an opportunity to cross-examine the witness, relied upon by the employer, and an opportunity to lead evidence in defence of the charge before the impartial committee.

Today, this Bill brings that impartial committee, brings natural justice - only in this sphere, at the MBC, when it comes to dismissal - and brings the worker before an impartial independent committee. We hope that by coming with this Bill, the MBC, now, will, if need be, revise certain decision against certain workers where, unfortunately, they have been punished through the bias or partiality of the Director-General of the Corporation. I hope that by bringing this Bill, the Prime Minister and the Opposition today are giving a signal to all those institutions, especially in the private sector, to the Directors of all para-statal bodies, that when it comes to disciplinary action, we should do so before a committee where there is impartiality, unbiased, fairness, and where natural justice prevails.

Thank you, Mr Speaker, Sir.

(10.00 p.m.)

Mr P. Roopun (Third Member for Flacq & Bon Accueil): Mr Speaker, Sir, since this is the first time I am rising in your presence in this House to speak, I would like, first of all, to renew my congratulation to you. I have got special thought to your predecessor, whom I had also the opportunity to congratulate personally and with whom I had the privilege of

collaborating for the good conduct of this House for some time. I have no doubt that you will rise to the expectation and help to maintain the high dignity and decorum of this august Assembly. We have been interacting for so many years in some other forum and I wish to reassure you, Mr Speaker, Sir, that you have my full support and collaboration, and I wish you well.

Let me come now to this Bill, Mr Speaker, Sir. We are, today, called upon to debate and vote on an amendment to the MBC Act. We are correcting an anomaly which has existed for years, if my calculation is right, for 30 years. What bothers me, Mr Speaker, Sir? I can't understand. In fact, I am not blaming anybody, but such a breach of fundamental principle in our labour legislation has gone unnoticed for so long and, in fact, it is not a mere employer.

We are here having a high profile public body with legal advisers, a department of human resources, and such a high profile body has been operating with a blatant disregard of the principle of natural justice for so long. This, in fact, is a matter of concern, but I don't want to blame anybody. We know that this amendment has followed recommendation of Mr Vellien. Here, also, I have a few regrets. The hon. Prime Minister mentioned about the report. Unfortunately, we can't have a full debate, an informed debate, because the report has not been released for some reasons; mention was made of the report. We don't know what it contains. I heard the hon. Prime Minister intervening, but, if I am not mistaken, I did not hear a word about the lady who provoked this change. I would like, here, to pay tribute to that lady for her courage and we know that it was not an easy task for her. She had determination; she stood firm to her principles and over two years embarked on a relentless fight. Her rights were not respected and she dared stand against the might of the MBC and for this, I think, we should honour her and also all those who stood behind her like the trade unionists. She made us realise that, at times, when you have got conviction, you can change the world and, in fact, this is a true example when we see the saying *pot de terre contre pot de fer* and, ultimately, she had her way. For this, I think, we should at least remember her.

On the other hand, we have all witnessed the high-handed manner in which the main protagonists at the MBC mishandled the whole case. We all remember how the convocation from the Minister of Labour was ignored. This ended in a prosecution, payment of fines. Hon. Bhagwan, in an intervention in this very House, talked about *un état dans l'état*, a Gestapo type of administration. While answering to a PNQ, the hon. Prime Minister himself mentioned the unsatisfactory state of industrial relations at the MBC. I hope that this episode will serve as an

eye opener for this very important institution, Mr Speaker, Sir, and that all corrective measures will be taken so that each and everyone is treated fairly and without discrimination and, here, I want to join my hon. friend. It is not merely employer-employees relationship. What we have been seeing is just the tip of the iceberg. We know how things are happening in that institution and in some other institutions also. I just hope that all those concerned will, at least, have a *sursaut* and corrective measures taken as and where required.

I end, Mr Speaker, Sir, by referring to another case, still at the MBC, and I think recently in a PQ, the hon. Prime Minister explained the case of another gentleman at the MBC, who was involved in some “Hungama” and who happened to have been interdicted well before the case of Mrs Ameer. He was interdicted in 2009 and this Fact Finding Committee headed by ex-Magistrate Vellien was appointed only in June 2011 and gave his report in October. And I smiled when I heard the hon. Prime Minister stating that for that reason the Disciplinary Committee of this gentleman was kept at hold for three years. I won’t dwell more on that issue and we do hope that the MBC will learn lesson from this particular incident and that we will all appreciate its work in the future.

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

(10.07 p.m.)

Mr S. Obeegadoo (Third Member for Curepipe & Midlands): M. le président, permettez-moi, d’abord, de vous féliciter pour votre élection ayant eu le privilège d’être, dans un passé pas trop lointain, votre colistier, ayant eu le privilège d’avoir siégé au sein de la majorité gouvernementale et au sein du gouvernement comme ministre à vos côtés et ayant eu l’expérience d’être dans l’opposition alors que vous étiez dans les rangs de la majorité gouvernementale. Je crois que je suis très bien placé pour dire à la Chambre que je pense que vous, dans votre rôle de président de cette Chambre, serez tout à fait compétent et juste dans la conduite des travaux de la Chambre et c’est pour cela qu’aujourd’hui c’est avec un énorme plaisir qu’en mon nom personnel et au nom de tous mes collègues du MMM, je tiens à vous réitérer nos sincères félicitations et nos vœux de plein succès dans vos nouvelles fonctions.

(Interruptions)

M. le président, nous accueillons ce projet de loi avec satisfaction et soulagement. Une fois n’est pas coutume. Je souhaiterais féliciter le Premier ministre et le gouvernement de nous avoir présenté ce projet de loi. En constatant la teneur de ce projet de loi, je me suis dit que

parfois c'est effectivement un mal pour un bien. Dans ce cas, je ne dis pas que la MBC avait raison de licencier Madame Ameer. Je pense que la tragédie qu'a vécue Madame Ameer aura tout au moins servi à corriger une anomalie grave dans le *MBC Act* qui viendra soulager sans doute les employés de cette institution demain.

Cet amendement a été décrit par un de mes collègues aujourd'hui même comme l'amendement Rehana Ameer. En effet, comme mon collègue, je pense que - nous le savons tous - cet amendement résulte directement de ce conflit industriel opposant Madame Ameer à la MBC qui a marqué les relations industrielles, qui fut peut-être le fait majeur des relations industrielles durant l'année 2011.

Je ne voudrais pas répéter ce qu'ont dit avant moi mes collègues, l'épisode de la non-présentation de la MBC devant la Commission pour la Conciliation et la Médiation; le manque d'égards vis-à-vis du ministre du travail, les menaces de grèves, la mobilisation syndicale, les discussions entre le Premier ministre et le *Leader* de l'opposition, la nomination du magistrat Vellien pour présider une Commission d'Enquête et finalement son rapport. Donc, le Premier ministre, dans une PNQ en juin de l'année dernière, si je ne me trompe, avait cité des extraits; il avait résumé les recommandations de ce rapport et avait déjà annoncé que le *MBC Act* serait revu.

Donc, en même temps que je rendais hommage au Premier ministre pour avoir tenu parole, pour avoir tenu son engagement vis-à-vis de la Chambre, il convient aussi de saluer le combat exemplaire, sinon héroïque, de Madame Ameer et de tous les syndicalistes, tous les membres de la société civile qui l'ont accompagnée dans sa lutte. L'issue de cette lutte n'était jamais évidente. Moi, je vous avouerai que j'étais très sceptique à certains moments en constatant que Madame Ameer était seule, soutenue par quelques syndicalistes face à tout le pouvoir, toute la force de la MBC.

Vous savez, M. le président, pour avoir été pendant un certain nombre d'années, comme d'autres, avocat de syndicats, avocat syndicaliste, je peux témoigner de combien ardue, de combien ingrate peut être la lutte syndicale face à des forces largement supérieures en termes de moyens, face aux forces du grand capital dont l'État se fait malheureusement souvent l'allié, le complice. Eh bien, voilà un cas où l'histoire aura donné raison, aura donné victoire aux travailleurs, aux syndicats et je pense qu'il est bien qu'aujourd'hui au moment de voter - on va voter cet amendement sans doute à l'unanimité au sein de cette Chambre - tout en félicitant le

gouvernement, il faut aussi et surtout rendre hommage à Madame Ameer et à ceux qui l'ont soutenue dans sa lutte. Ce projet de loi nous est d'autant plus, je disais, satisfaisant, si c'est le terme, parce qu'il est, dans une certaine mesure, avant-gardiste.

Permettez-moi de faire un pas en arrière. Mon collègue, l'honorable Baloomoody, a parlé brièvement du droit du travail, de la philosophie qui sous-tend notre droit du travail, nous savons tous que le devoir d'offrir un *hearing* à un employé susceptible de subir une sanction disciplinaire relate de la discrétion. La loi impose la nécessité d'un *hearing*, mais comment le faire, c'est à la discrétion de l'employeur. Si un tel *hearing* n'est jamais impartial, il doit être objectif parce que le but recherché n'est pas tout simplement de justifier aux yeux de la loi une sanction disciplinaire voire un licenciement, mais aussi objectivement de dire à l'employeur s'il y a des raisons valables pour licencier un employé sans quoi il devra répondre devant une cour de justice. Eh bien, pourquoi je dis que ce projet de loi, il est avant-gardiste c'est parce qu'il va au-delà du *Code of Practice* de ce qu'avait cité le Premier ministre. Le *Code of Practice* demande précisément que ceux qui siègent à ce comité disciplinaire soient indépendants. En fait, le libellé de la loi reprend les termes du *Code of Practice*, mais il va plus loin pour statuer qu'aucun membre du conseil de direction, du conseil d'administration de la MBC, ne peut siéger sur un comité disciplinaire quel qu'il soit de la MBC. En cela, il est avant-gardiste, il va plus loin que d'autres dispositions légales existantes et je me joins donc à l'honorable Baloomoody en espérant qu'il servira d'exemple à d'autres corps paraétatiques ; qu'il servira d'inspiration pour d'autres modifications à venir dans notre sein de notre droit du travail.

Je voudrais faire quelques suggestions pour terminer. D'abord, je voudrais suggérer que les conclusions de ce comité disciplinaire indépendant – puisque désormais tout comité disciplinaire à la MBC sera indépendant – soient communiquées au principal intéressé, c'est-à-dire, l'employé. Cela est d'autant plus important si le comité disciplinaire va au-delà de se prononcer sur le bien-fondé des accusations pour recommander une sanction.

La deuxième suggestion c'est qu'il y ait un droit d'appel. Comme vous le savez très bien, M. le président, tant pour d'autres paraétatiques, le CEB, la CWA, il y a un droit d'appel qui est prévu, c'est vrai, par des règlements internes, mais ici, dès lors que ce sera un comité disciplinaire autre que le conseil d'administration qui va enquêter et qui va recommander, je pense qu'il serait bien que tout employé ait un droit d'appel. Je ne dis pas que cela doit

nécessairement figurer dans la loi que nous allons voter, mais il faudrait que la MBC prévoit, sinon par des règlements internes, ce droit d'appel.

La troisième suggestion, M. le président, c'est un sujet assez délicat. Nous savons que la pratique qui gagne en importance ces jours-ci c'est que les entreprises privées ou des corps paraétatiques, surtout pour présider les comités disciplinaires dits indépendants, ont recours parfois à des personnes ayant la responsabilité de l'*Employment Relations Tribunal*; dans d'autres cas, à des magistrats en fonction de la Cour Industrielle. Il y a là un problème dans la perception qu'a le public de l'indépendance de la justice dans la mesure où une affaire devant une telle personnalité peut demain être entendue ou parallèlement être devant le tribunal d'appel industriel ou la Cour Industrielle.

Je souhaiterais, donc, que le gouvernement, le Premier ministre, le ministre des relations industrielles puissent se pencher sur cette question très délicate, mais qui est d'importance fondamentale pour que la justice soit toujours perçue comme indépendante.

Ma dernière suggestion: le Premier ministre lors de la PNQ du *Leader* de l'opposition nous avait informé que le rapport Vellien recommandait aussi un amendement à l'*Employment Relations Act* afin que, si dans le cas où un employé a déclaré litige auprès du ministère du travail, et que l'affaire soit, par exemple, devant la Commission de Conciliation et de Médiation, que l'employeur ne puisse pas dans cette situation-là, licencier unilatéralement l'employé mais qu'il attende les conclusions de cette instance de Conciliation et de Médiation. Je voudrais, donc, inviter le Premier ministre de s'assurer avec son ministre du travail que cette recommandation aussi soit suivie dès que possible.

Voilà, M. le président, j'en ai terminé. Donc, nous sommes tout à fait d'accord avec cet amendement et c'est avec plaisir et soulagement que nous le voterons.

Merci, M. le président.

(10.18 p.m.)

The Attorney General (Mr Y. Varma): Mr Speaker, Sir, let me, at the outset, congratulate you on your election. As set out in the Explanatory Memorandum to this amendment Bill, the Mauritius Broadcasting Corporation will be able to set up independent disciplinary committees once this law is passed and assented to.

The provisions of this Bill will ensure that fairness and transparency prevail in disciplinary actions against employees of the MBC. The hon. Prime Minister should be

commended for bringing this Bill to the House. The Mauritius Broadcasting Corporation Act currently does not provide that only independent persons shall be qualified to sit on disciplinary committees.

As pointed out by Chief Justice Lord Hewart, in the landmark and far-reaching United Kingdom judgement of *R v Sussex Justices Ex Parte: Mc Carthy*, I quote -

“It is not merely of some importance but is of fundamental importance, that justice should not only be done but should manifestly and undoubtedly be seen to be done”

The Bill will ensure that justice is also seen to be done. In fact, Mr Speaker, Sir, our domestic laws already contained provisions designed to adhere to the principle of Lord Hewart. The Public Service Commission regulations may be referred to in that context. Mr Speaker, Sir, the PSC regulations made under the Constitution provides in regulation 37 that where a responsible officer considers it necessary to institute disciplinary proceedings against a public officer on grounds of misconduct which, if proved, would justify his dismissal from the public service he shall, after such preliminary investigation as he considers necessary, forward to the officer a statement of the charge or charges preferred against him and call upon such officer to state in writing any grounds on which he relies to exculpate himself. Where that public officer, Mr Speaker, Sir, does not furnish any explanations or where the responsible officer is of the opinion that the reply of the public officer is not satisfactory, he shall report the matter to the Public Service Commission. The PSC may, after considering the reports of the responsible officer and where it is of the opinion that the proceedings for dismissal of the officer should be continued, appoint a committee which shall consist of not less than three members who shall be public officers or former public officers to inquire into the matter. The Chairperson of the Committee shall be a Judge/Magistrate or a public officer who is or has been a barrister.

Mr Speaker, Sir, it is worth noting that the responsible officer shall not be a member of the Committee. The amendments sought to be brought to Section 11 of the Mauritius Broadcasting Corporation Act in Clause 3(e) of this Bill are very much akin to the provisions of regulation 37 of the PSC regulations.

Firstly, where dismissal on grounds of misconduct is contemplated, the Chairperson of a Disciplinary Committee shall be a lawyer.

Secondly, Mr Speaker, Sir, employees or former employees of the MBC shall not be members of the Disciplinary Committee, the difference with what obtains in the Public Service being that under the PSC regulations, any officer who is serving, who has for any period during the five years preceding the alleged misconduct served in the accused officers' Ministry or Department, shall not be a member of a Disciplinary Committee.

Thirdly, a responsible officer in the public service who is by law required to carry out a preliminary investigation with respect to a public officer shall not be a member of a Disciplinary Committee inquiring into the conduct of that public officer.

Similarly, the proposed subsection 6 of section 11 of the MBC Act will ensure that all those involved in the investigation of a case against an employee of the MBC shall not sit on a Disciplinary Committee set up to inquire into the case.

Mr Speaker, Sir, regulation 38 of the PSC regulations again sets out similar disciplinary procedures as in regulation 37 with respect to public officers whose dismissals are not considered as appropriate, the material difference being that the Chairperson of a Disciplinary Committee need not be a lawyer. As such, Mr Speaker, Sir, a similar procedure is set out in a proposed section 11(6) of the MBC Act. The alignment of the procedures for dismissal of employees of the MBC, Mr Speaker, Sir, with those of officers in the public service are most welcome given that by virtue of the MBC Act, the MBC is a statutory body exercising public functions for the benefit of the public.

As I have stated earlier, those proposed new disciplinary procedures will, furthermore, guarantee fairness and transparency in the process leading to the eventual dismissal or punishment of an employee.

Mr Speaker, Sir, I thank you for your attention.

(10.26 p.m.)

Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière): Allow me to congratulate you, as I did this morning, on your appointment as Speaker. I am very happy that we have had a very calm day, but I have a special thought for my good friend, now President, Mr Kailash Purryag.

(Interruptions)

With respect to our good friend, Mr Speaker, Sir, we have decided to stay calm today.

Mr Speaker, Sir, I was saying that, we, on this side of the House, welcome this amendment to the legislation *et cela ne pouvait pas être autrement*. I am very sad at the same time, Mr Speaker, Sir. I won't be nasty, because Standing Orders would prevent me to talk about Mr Hitler and 'Mr Ciseau'. The Standing Orders would prevent me to make the *procès* of the management of the MBC under the present Director General. So many times we have discussed, we have asked questions on the MBC/TV and, I hope, one of these days, we will have the opportunities in this very House to have a full debate on a new legislation of the Mauritius Broadcasting Corporation.

M. le président, cela ne peut pas être autrement. Moi-même, j'ai eu l'occasion de poser plusieurs questions parlementaires sur le cas de Madame Rehana Ameer que nous avons tous salué. C'est une mauricienne qui est venue me voir, en tant qu'élu, pour interpeller les membres de la Chambre sur la politique dictatoriale que faisait la direction de la MBC/TV. Il y eu pas mal de soutien, je dois aussi dire de la part des syndicalistes, de la société civile, des gens de bonne volonté pour aider Madame Ameer afin qu'il y ait justice et fort heureusement, ici-même, dans cette Chambre, nous avons eu la *Private Notice Question* du *Leader de l'opposition and the positive response of the Prime Minister who had responded positively and set up the Fact Finding Committee*.

It is also very sad and unfortunate, and it would have been good, if the report could have been circulated. We had asked for it and for their own reason, Government has chosen not to circulate the report. But the fact remains that the ex-Magistrate, Mr Vellien, had strong words against the management of the MBC. I will not go into the several aspects of the case, as pointed out by my colleague, hon. Obeegadoo, how the Director General flouted Professor Torul as well as the Minister of Labour. Even at times, he flouted at the authority of the Prime Minister - I say it behind the back of the Prime Minister.

We consistently drew the attention of the hon. Prime Minister to the way things were being managed, the way people were being treated at the MBC/TV with the legislation which existed concerning disciplinary actions, how many innocent employees were penalised. But I won't support employees who have been found guilty in the "*hungama*" affair! These people should have been sent to jail, and they are receiving their full salary! The Prime Minister has promised us that he will bring legislation to change this way of people getting caught and then

using the different legislations to get their salaries for years and years, which should not have been the case.

As an Opposition, it is our duty to support people who are in difficulty, and I hope that the message goes not only to the MBC/TV, but to Government through the different Ministers, through the Prime Minister's Office, and opens its eyes to what is happening in other sectors. There are similar cases where *il y a des potentats qui agissent, comme ce fut le cas à la MBC/TV. C'est connu. Des gens prétendent avoir le soutien du pouvoir et font ce qu'ils veulent, agissent comme ils veulent et pénalisent des innocents derrière le dos du pouvoir. J'espère que ce projet de loi, cet amendement que nous allons voter à l'unanimité enverra un signal à ces potentats qu'il y a un dicton : 100 jours pour les voleurs un jour pour le maître.* They would be caught one of these days.

I would like also to congratulate the Prime Minister for having been consistent. He has said that he will bring this legislation, and we are having the legislation today. But let the Director General know! I am also very happy. I was just informed by my wife that I appeared on TV today, live and direct. *Je ne sais pas, M. le président, si c'est un changement de temps.* Normally, *fallait pas so figire parete!* I don't know. Normally, *it is film muet.* I am sure, my good friend on the other side, the technician, has put the sound. Let's hope *c'est un changement de temps. Mais nous aurons aussi le temps un jour*, when the Director General *pou conne so la gare.* This will happen because *comme je l'ai dit : 100 jours pour les voleurs un jour pour le maître.*

Mr Speaker, Sir, again, I am very happy because I was the one who first asked a Parliamentary question. We supported the employee, and I appeal to the Prime Minister to have an open mind. She is still being penalised; it is not very good. It is not good that somebody, especially a woman, is being penalised. I still remember when we were asking questions - she is a woman, and we have many women MPs here - even our good friend, hon. Ms Deerpalsing, at least once, supported her. We have to set the example, and I appeal to the hon. Prime Minister again to see that there is no injustice which is being done to the lady. Actually, all sorts of pretext are found to create problems to Mrs Ameer.

Once again, Mr Speaker, Sir, good luck in your assignment. I wish you a long life in this august Assembly; have a long term. I have a special thought for our good friend in Le Réduit.

We shall be here again to fight against all these *potentats* who think that they can do whatever they want because they supposedly have the blessings or the superpower.

Thank you, Mr Speaker, Sir.

(10.34 p.m)

The Prime Minister: Mr Speaker, Sir, I think we took a good decision because you can see the calmness in the House. I am very glad that there is consensus on this Bill. I would not have thought otherwise. This Bill, as I said, was enacted in 1982. I think hon. Baloomoody mentioned the 1987 regulations. It is also amazing that this has gone on.

I did not mention the lady by name on purpose. I did mention her, but I did not mention her name, Mrs Ameer. I want you to know, Mr Speaker, Sir, that, in fact, I hate injustice. If there was a case of injustice, I had to address it. I did speak to her. It was me who decided on the Fact Finding Committee. Had I not wanted it, it would not have happened. I decided that there will be a Fact Finding Committee. I must say I did not publish the report for a very simple reason, Mr Speaker, Sir. A report, I did say, in answer to a Parliamentary question, is critical of both sides; critical of her, critical of the MBC as well. So, what was the point of bringing a report, again to bring all these criticisms ahead instead of looking forward and try to see what the solution is?

I must also say that when the MBC lost the case, they considered appealing and then decided not to appeal, precisely so that they can cool things down and see a way forward with a Fact Finding Committee.

I think hon. Obeegadoo mentioned two points that I want to take up. I agree, Mr Speaker, Sir, that there should be the possibility of appeal. That is also part of the system, and you should be able to appeal from any decision. So, I don't think I agree with hon. Obeegadoo on this. I must also say that in response to the issue raised again by hon. Obeegadoo about amendments to the Employment Rights Act and the Employment Relations Act, in fact, we have been working on this. Both amendments are being finalised at the SLO, and I think they are nearly ready. The fact that a Disciplinary Committee should be made independent is also part of that proposal for the amendment because that, as hon. Members said, is part of national justice.

The two Bills, I believe, are going to be finalised within two weeks. So, we will bring it as soon as we can, Mr Speaker, Sir. With these words, I thank the hon. Members.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(Mr Speaker in the Chair)

THE MAURITIUS BROADCASTING CORPORATION (AMENDMENT) BILL

(No. XXII of 2012)

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

Clause 3 (Section 11 of principal Act amended)

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

The Prime Minister: Mr Chairperson, I move that clause 3 be amended as follows -

“In clause 3, at paragraph (e), in the new subsection (6) to be added -

- (a) at paragraph (a), by deleting the word “Where” and replacing it by the words “Subject to paragraph (c), where”;
- (b) at paragraph (c), by deleting the words “Without prejudice to paragraph (a), a” and replacing them by the word “A”.

Amended agreed to.

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

The title and enacting clause were agreed to.

The Bill, as amended, was agreed to.

On the Assembly resuming with Mr Speaker in the Chair, Mr Speaker reported accordingly.

Third Reading

On motion made and seconded, the Mauritius Broadcasting Corporation (Amendment) Bill (No. XXII of 2012) was read a third time and passed.

(10.40 p.m.)

Second Reading

(1) THE PROTECTION OF HUMAN RIGHTS (AMENDMENT) BILL (NO. XIX OF 2012)

(2) THE POLICE COMPLAINTS BILL (NO. XX OF 2012)

(3) THE NATIONAL PREVENTIVE MECHANISM BILL (NO. XXI OF 2012)

Order for Second Reading read.

The Prime Minister: Mr Speaker, Sir, with your permission, I move that the Protection of Human Rights (Amendment) Bill (No. XIX of 2012), the Police Complaints Bill (No. XX of 2012) and the National Preventive Mechanism Bill (No. XXI of 2012) be read together for a second time

The main aim of the Bills is to set up three Divisions within the National Human Rights Commission, namely the Human Rights Division, the Police Complaints Division and the National Preventive Mechanism Division.

Mr Speaker, Sir, allow me to come first with the Protection of Human Rights (Amendment) Bill.

The National Human Rights Commission was created under the Protection of the Human Rights Act 1998 to, *inter alia*, enquire into human rights complaints, complaints against the Police, visits to any Police station, prison or place of detention, to study the living conditions of inmates and the way they are being treated and to ensure that the legislative framework promotes and protects human rights.

Mr Speaker, Sir, the House will appreciate that issues relating to human rights evolve in a dynamic way and the Commission, therefore, has to adapt its functions to be in line with the new international covenants and challenges facing society. It is precisely in this spirit that the structure and functioning of the National Human Rights Commission are being reviewed with the aim of broadening its mandate and increasing its efficiency.

Consultations with various stakeholders were held and it was initially envisaged that there would be four Divisions within the National Human Rights Commission, namely –

- (i) a Human Rights Division;
- (ii) a Police Complaints Division;
- (iii) a National Preventive Mechanism Division, and
- (iv) an Equal Opportunities Division.

However, following further consultations, given the wide implications and likely work to be entailed - and also I must point out that the hon. Leader of the Opposition at that time also thought that the Equal Opportunities Commission should be a full-fledged, separate Commission by itself and, that is what we decided, that it should be a stand-alone organisation instead of being under the umbrella of the National Human Rights Commission. Accordingly, an

amendment was brought to the Equal Opportunities Act last year and proclaimed on 01 January of this year and the Equal Opportunities Commission was set up in April of this year.

It is for these reasons that the members of the Commission were not replaced upon expiry of their contract, although the Chairperson of the Commission is still in office and is examining and conducting investigations on the complaints received.

Mr Speaker, Sir, since its creation in 1998, the National Human Rights Commission has played a crucial role in the implementation and monitoring of human rights standards in the country. It has also played an effective and independent role by working in close collaboration with the relevant stakeholders involved in human rights. We are committed to strengthen the principles of human rights in the country.

The object of the Protection of Human Rights (Amendment) Bill, as indicated in the Explanatory Memorandum, is to amend the Protection of Human Rights Act, that is, the principal Act to provide for the National Human Rights Commission to operate through three Divisions, namely the Human Rights Division, the Police Complaints Division and the National Preventive Mechanism Division.

The Bill also aims to change the composition of the National Human Rights Commission and to make better provision with regard to the recruitment of its staff.

I shall now give the gist of the amendments being proposed in this Bill.

Under clause 4, the proposed new section 3, provision is being made for the three aforementioned Divisions within the Commission. The composition of the Commission is being altered under the proposed section 3 (4). The proposed National Human Rights Commission shall consist of a Chairperson who shall be the Head of the three Divisions and three Deputy Chairpersons, each of whom shall be assigned to a Division. The Chairperson and the three Deputy Chairpersons shall have a legal background. Each Division shall have two other members with knowledge and experience in the field of human rights, law, employment, industrial relations, business administration, education, sociology, policing, social work, psychology, psychiatry, medicine or prison management.

All of them shall be appointed by the President, acting upon the advice of the Prime Minister following consultation with the Leader of the Opposition and shall hold office for a term of 4 years and be eligible for reappointment.

Under clause 5, new sections 3A and 3B are sought to be inserted in the principal Act. The new section 3A sets out the functions of the Commission. These functions have been broadened in line with the Paris Principles adopted by the United Nations General Assembly in regard to the status and functioning of national institutions for the protection and promotion of human rights. The new section 3B provides for the composition of the Human Rights Division.

Mr Speaker, Sir, under clause 7, section 5 of the principal Act is amended to make better provision for the recruitment of staff of the Commission. In addition to public officers seconded for duty at the Commission, the latter will be able to recruit suitably qualified people or bodies on a contract basis. These proposed changes in the structure of the Commission will provide it with additional resources and enhance its capacity to better fulfil its mandate.

Under clause 12, section 13 of the principal Act which deals with offences has been amended. New offences have been created and the penalty has been increased to a fine not exceeding 100,000 rupees and imprisonment for a term not exceeding 2 years.

Under clause 13, section 15 of the principal Act is amended to increase the maximum fine for a breach of regulations made under the principal Act from 10,000 to 50,000 rupees. In the light of the restructuring of the Commission, the Oath of Office set out in the Schedule to the principal Act has also been reviewed.

Mr Speaker, Sir, the Bill seeks to restructure the existing National Human Rights Commission in such a way that it becomes a key institution in the protection of human rights at national level. It plays a crucial role in ensuring the rule of law and preventing violations of human rights. This, in turn, ensures that national laws and practices are in line with international norms, practices and standards.

The restructuring of the Commission will enhance its image as an independent body which is transparent, trustworthy and fair and lives up to the expectations of the public.

The Commission should not be confined to its mere and limited role of reacting to complaints. Nowadays, the population expects more to be done to ensure respect of its rights and it is a legitimate expectation, Mr Speaker, Sir.

This explains the philosophy behind the proposed reforms, that is, to satisfy the growing expectations of the population, keep pace with international trends and place our country on the path of a modern, democratic country which has due regard for human rights.

Mr Speaker, Sir, I shall now turn to the Police Complaints Bill. As the House is aware, during my first mandate, I set up the Complaints Investigation Bureau in November 1999 to enquire into all cases of complaints against the Police. I must say there was no such office before 1999.

Prior to the setting up of the Complaints Investigation Bureau, all cases of complaints against Police were enquired into by the regular Police.

However, in Mauritius, perhaps because we are a small country where practically everybody is connected somehow to everybody else, there is a strong perception of the possibility of bias when the Police enquire on the Police. Nevertheless, over the years, the Complaints Investigation Bureau has attempted to carry out its duties objectively and has been consistently referring cases to the DPP for prosecution or for disciplinary action to the Commissioner of Police. I think that I answered a Parliamentary Question the other day to give examples where cases have been taken to the Police or the DPP, they have been prosecuted and there are people who have been found guilty.

Mr Speaker, Sir, in its Annual Report for 2005, the National Human Rights Commission also pointed out the same shortcomings of the present system of lodging complaints against Police officers since it results in the Police enquiring on the Police. It was, therefore, proposed that an independent mechanism be set up to investigate complaints made by the public against a member of the Police Force. This would eliminate the perception that Police officers benefit from a certain degree of partiality when they are being investigated by their peers.

In reply to several Parliamentary Questions on this issue, I informed this august Assembly that an independent body with statutory powers would be set up to investigate complaints in respect of offences and misconduct allegedly committed by members of the Police Force. The main objective is to introduce a new, clear and transparent complaints system which ensures that such complaints are investigated and dealt with effectively.

As the House is aware, we have reiterated our commitment in the Government Programme 2012-2015 that a Police Complaints Bill will be introduced to set up the Police Complaints Division within the National Human Rights Commission.

Different models have been studied before selecting a model which would be appropriate to Mauritius. We have drawn from the experience of the Independent Police Complaints

Commission in the United Kingdom and the Independent Complaints Directorate in South Africa, amongst others.

The main object of the Police Complaints Bill, as indicated in the Explanatory Memorandum, is to provide for the setting up, within the National Human Rights Commission, of an Independent Police Complaints Division to investigate complaints made against members of the Police Force, other than allegations of corruption and money laundering.

I have set out, Mr Speaker, Sir, the background and historical facts leading to the Police Complaints Bill. I shall now give a brief summary of the main provisions of the Bill.

Clause 3 provides for the establishment, within the National Human Rights Commission, of a Police Complaints Division.

The functions of the Division are set out under Clause 4. The main function of the Division would be to investigate any complaint made against any act, conduct or omission of a Police Officer in the performance of his duty, other than allegations of corruption and money laundering. The Division will also be empowered to investigate the death of any person which occurred when the person was in Police custody or as a result of Police action. The Division shall also advise on ways in which police misconduct may be addressed and eliminated and perform such other function as may promote better relations between the public and the Police and as may be conferred upon it by any other enactment.

Clause 5 provides for the powers of the Division. In particular, the Division may summon any person to appear before it, visit any Police Station, prison or other place of detention for the purpose of an investigation and work in co-operation or consultation with any person or body, whether public or private.

I should point out, Mr Speaker, Sir, that, under sub-clause (2) of Clause 5, a person who is summoned to appear before the Police Complaints Division or required to do any of the acts specified under sub-clause (1) cannot be forced to answer questions, to provide information or to produce any article or document which would incriminate him.

Under the Clause 6, we have introduced the powers of the Division to resolve disputes through conciliation. This is within the concept of alternative dispute resolution where nowadays many citizens accept mediation and conciliation and are happy to receive any apology or an explanation that would meet their grievances.

Under Clause 7 of the Bill, the Division shall be adequately staffed for the proper discharge of its functions. With a view to ensuring that there is complete independence in the investigations and workings of the Division, under sub-clause (2), it is provided that no serving Police Officer shall form part of the staff of the Division.

Part III of the Bill deals with investigations. Under Clause 8, the Division may conduct an investigation on the basis of a complaint which is made within one year of the day on which the complainant first had notice of the matter alleged in the complaint. If a complaint is made after the period of one year, the Division may still conduct an investigation if it considers that there are special circumstances making it proper to do so.

Under sub-clause (2)(c), where a written complaint is made to a Police Officer against an act of another Police Officer in the performance of his duty, the Police Officer to whom the complaint is made shall forthwith forward the complaint to the Commissioner of Police who shall, within 2 days of receipt of the complaint, forward to the Secretary of the Division a copy of the complaint, without investigating further into the said complaint.

Sub-clause (3) provides that any complaint consisting of an allegation of an act of corruption or a money laundering offence against a Police Officer shall be referred by the Division to the Independent Commission against Corruption and dealt with under the Prevention of Corruption Act.

Mr Speaker, Sir, under sub-clause (4), the Division has the latitude to adopt a conciliatory approach to resolve any complaint made. In deciding whether to conduct, continue or discontinue an investigation, the Division may also consider whether the issue is trivial or whether the complaint is frivolous, vexatious or not made in good faith.

Clause 9 provides for the circumstances in which a complaint may be made or continued on behalf of another person.

The wide powers of investigation vested in the Division are set out in Clause 10. This Clause, in essence, provides that –

- (a) any officer of the Division may be designated to act as investigator for the purposes of an investigation;
- (b) investigators will have all powers which Police Officers have under the Police Act, except for the power to arrest, and be able to record statements under warning;

- (c) searches of private premises are only to be effected after the investigator has obtained a search warrant from a District Magistrate.

Mr Speaker, Sir, Clause 11 deals with hearings. Under sub-clause (6), a person may, at a hearing, refuse to give any evidence, to produce any document or to provide any information which would incriminate himself.

Clause 13 is important and relates to the use of evidence. It provides that evidence which is obtained in the course of an investigation may, subject to the provisions of the Constitution and the law of evidence, give rise to or be used in civil or criminal proceedings.

Under Clause 14 of the Bill the Police Complaints Division will make recommendations to the Director of Public Prosecutions or Disciplined Forces Service Commission, depending on the nature of the findings following the investigations. The Police Complaints Division will not have the power to punish or to inflict fines. The Division may even recommend to the Attorney General the payment of compensation or the grant of other relief.

Part IV of the Bill covers Miscellaneous Clauses. Under clause 18, complaints against Police Officers which are pending immediately before the commencement of the Act and being enquired into or investigated by the Complaints Investigation Bureau of the Police Force, shall, at the commencement of the Act, be investigated by the Division. Concerning complaints which were being handled by the Commission, they may be investigated by the new Police Complaints Division.

Mr Speaker, Sir, public concerns have centred particularly on deaths and alleged Police brutality in Police custody. There have also been wild allegations to the effect that confessions have been obtained by the Police by use of force.

In the Government Programme, it is clearly stated that we will review the legislative framework under which the Police operates. In this regard, we are coming forward with the Police and Criminal Evidence Bill (PACE) which provides for codes of conduct that will regulate the conduct of Police and other investigators and address a number of issues relating to criminal enquiries, including victims' rights. A draft Bill has been made available for public consultations and comments from stakeholders have been received. A workshop was held on 11 July 2012 by Professors Savage and Uglow, both eminent academics on the Police and Criminal Evidence Act of the UK. We expect to introduce the PACE Bill in the next Session of the National Assembly.

Mr Speaker, Sir, I must point out that it is very easy to make an allegation, but it is very difficult to disprove it. This is why in very serious cases, I order to avoid the possibility of unwarranted and false allegations against the Police further to the McKay Report – which you, yourself, introduced when you were Attorney General, Mr Speaker, Sir, which Government set up. we have introduced the concept of video recording of statements. This can actually be done right now and has been resorted to in a case right now before the Courts. However, the Commissioner of Police is proposing that henceforth in important and high profile cases, the Police will impose the video recording of statements. This will provide transparency and eliminate allegations that confessions have been obtained by use of force.

Mr Speaker, Sir, emphasis is also being placed on scientific led investigation instead of confession based. We know that the Forensic Science Laboratory has a major role to play in this area. The Forensic Science Laboratory is all the time being upgraded to enhance the use of DNA analysis. Adequate resources in terms of equipment and staffing are being provided to the Laboratory to fulfil its objectives.

It must be stressed, Mr Speaker, Sir, that there is no conflict between respect for human rights and the maintenance of law and order. Both the public and the Police should understand that. The duty of the Police is to protect the public and the law abiding citizens while cracking down on crime and respecting the human rights of every citizen. One does not exclude the other. Adequate training which is being imparted to the Police should ensure that they are fully aware of human rights.

Mr Speaker, Sir, this piece of legislation is another step towards modernity and I have no doubt that it provides the appropriate framework and the independence which is necessary to deal with Police complaints. This will also help in assessing whether the increasing number of cases of alleged Police brutality are well founded or not.

As for the third Bill, the National Preventive Mechanism Bill, this piece of legislation is very important as it will enable Mauritius to comply with its international obligations under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

Mauritius acceded to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment on 09 December 1992. OPCAT was ratified by Mauritius on 21 June 2005 and came into force on 22 June 2006. OPCAT provides for a system of regular

visits by mechanisms at the international and national levels to prevent all forms of ill-treatment of people who are deprived of their liberty.

It establishes the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) as the international preventive mechanism with a global remit.

The House will be pleased to note that Justice Paul Lam Shang Leen was elected to serve as Member on the Subcommittee for the period January 2011 to December 2012. OPCAT also requires each State party to set up, designate or maintain at the domestic level one or several visiting bodies for the prevention of torture, that is a National Preventive Mechanism. Mr Speaker, Sir, in October 2007, Mauritius was the first country to receive the visit of the Subcommittee on the Prevention of Torture established under OPCAT. In its report, the Subcommittee recommended that the mandate of the NPM be enshrined in law and stressed the need for the NPM legislation to have all the elements required for it to be in conformity with OPCAT in terms of its powers, faculties and composition. The Subcommittee also stated that complaints mechanisms should offer guarantees of effectiveness, promptness and expeditiousness and must be and be seen to be independent and impartial.

Mr Speaker, Sir, I wish to add that much thought has been given as to whether to establish the National Preventive Mechanism as a separate institution or as a Division of the National Human Rights Commission. The decision to establish it as a Division of the Commission is based on several considerations, namely the need to avoid the creation of additional bodies and the duplication of activities and to ensure an effective and efficient use of available resources.

Let me now come briefly to the main provisions of the Bill. Clause 3 provides for the setting up of a mechanism division within the National Human Rights Division which shall be the National Preventive Mechanism under OPCAT.

Mr Speaker, Sir, the main functions of the Division are set out under clause 4 of the Bill, in particular, it shall visit places of detention on a regular basis to ensure detainees are protected against torture and inhuman or degrading treatment or punishment and investigate any complaint made by a detainee. It may also make recommendations regarding the improvement of the treatment and conditions of persons deprived of their liberty in places of detention, taking into consideration relevant United Nations norms. The Division shall also submit to the Minister and

other relevant authorities, proposals and observations concerning legislation relating to places of detention and the treatment of persons deprived of their liberty.

Under clause 5, the Division is given wide powers in order to enable it to discharge its functions. These powers include the power to have full access to information concerning the number of persons deprived of their liberty in places of detention, as well as the number of places, the conditions of detention and their location.

The Bill provides for the Division to have access to any place of detention and installations and facilities and to have private interviews with persons deprived of their liberty, personally or with a translator where necessary, as well as with any other person whom they have reason to believe may supply relevant information. Members of the Division may also be accompanied, if needed, by such expert with the relevant professional expertise, experience and knowledge as the Chairperson may determine, on visits to the detention centres.

Under clause 7, the Commission shall provide the Division with adequate staff and facilities for the proper discharge of its functions.

Mr Speaker, Sir, clause 8 deals with the confidentiality of information. Notwithstanding any enactment providing for the statutory confidentiality of information, such information will have to be disclosed to the Subcommittee or the Division where any of those bodies so requires. Under subclause (3), information about an identifiable individual cannot be disclosed without that person's express consent, with a view to ensuring that appropriate protection is provided to personal data.

Under clause 12, consequential amendments are brought to the Reform Institutions Act. Since the NPM Division will now address complaints of detainees, this function has been removed from those of the Board of Visitors to avoid duplication. A new section 60A is also inserted in the Reform Institutions Act to allow visits of reform institutions by the NPM Division and the Subcommittee on Prevention of Torture.

The National Preventive Mechanism Bill affirms in Mauritius as a country that is committed to ensuring, in line with its international obligations, that the rights of one and all, and especially detainees, are respected and that all forms of human rights abuses are prevented.

Mr Speaker, Sir, the conditions of detention in the prisons and in police detentions centres in Mauritius are generally satisfactory. One cannot say that torture or cruel, inhuman or degrading punishment exists in our prisons. But detainees who commit aggravated defaults and

consistently defy authority will have to bear the consequences and accept punishment. The existence of a National Preventive Mechanism will ensure that the punishment is necessary and proportionate. It is the aim of the State to ensure that though people are deprived of their liberty, they are treated fairly and have the opportunity to rehabilitate themselves.

Members of the House will agree that such major reforms within the National Human Rights Commission show the strong and ongoing commitment of this Government to ensuring deep respect for human rights and great willingness to further improving our human rights record. This will enhance our image as a country committed to the uplifting of the human rights of its citizens, which will in turn impact positively on our international collaborative arrangements and trade exchanges.

With these words Mr Speaker, Sir, I commend the Protection of Human Rights (Amendment) Bill, the Police Complaints Bill and the National Preventive Mechanism Bill to the House.

Thank you.

(11.11 p.m.)

At this stage the Deputy Speaker took the chair.

Mr V. Baloomoody (Third Member for GRNW & Port Louis West): Mr Deputy Speaker, Sir, let me at the very outset state that we, on this side of the House, welcome the three Bills, the Protection of Human Rights Amendment Bill, the Police Complaints Bill and the National Preventive Mechanism Bill.

Mr Deputy Speaker, Sir, these Bills come at a very important time; a time where there are renewed calls for fundamental changes in the Police Complaints System. For many years there has been concern about lack of independence in the system of investigating complaints against Police officers.

Mr Deputy Speaker, Sir, in a democratic society, the Police are and must be accountable to a variety of players in the society, including the Parliament, the Judiciary, the Executive, their Superiors and increasingly now to civilian authorities which are established for the purpose of overseeing the conduct of the Police.

I say, Mr Deputy Speaker, Sir, at the beginning, that these Bills come at a very important time with regard to our Police Force. As a fact, we know that there have been many complaints against the Police in recent years and there have been many investigations which, unfortunately,

have not brought the result and have brought a failure in confidence in the Police. This started a long time ago, I am not blaming any Government or any Prime Minister, but what I am going to talk today is my experience as a practising barrister. Started long ago, at the Curepipe CID, then IT graduated when the MCIT was established. The MCIT established a culture of Police brutality with impunity. There have been many complaints against members of the MCIT and none of them, up to now, has been brought before the court for justice to be done. There have been many cases of unsolved crimes because of Police brutality. The hon. Prime Minister was right when he said that, according to him, there was no problem as regards the MCIT in the Michaela Harte Affair. Can you imagine - the hon. Prime Minister is a barrister as well, he has studied in UK - a jury throwing out a confession which was recorded, according to the Police, in presence of a Barrister: 9-nil? Not one single member of the jury, who represents our society today, had any confidence in what our Police said. The accused have been found not guilty, but the MCIT has been found guilty of misconduct in this case. It's unfortunate - I am not happy to say that - that because of the culture, some Police officers in certain quarters have acted as such that, today, we have members of the public, members of the jury who don't have any confidence in the Police.

This is why I say, Mr Deputy Speaker, Sir, that these three Bills come at a very, very important time. The Police hold a unique position in society, with powers to interfere in our private lives, and responsibilities to act independently and uphold of law. Thus, the Police must be accountable for their acts. Central to Police accountability, Mr Deputy Speaker, Sir, is the mechanism of investigating complaints. A citizen has to have confidence in the Police service as a whole. They must feel that when they complain about police misconduct, their allegation will be investigated thoroughly and impartially.

This is why I say, Mr Deputy Speaker, Sir, today, I am very happy, and I am sure many members of the public are happy, that we are doing away with the Police Complaints Bureau. I know it is the hon. Prime Minister who has set it up. I have always said in this House that Government may have good intentions when it comes to human rights, but we must have the right man in the right place; we must have the right institution. Unfortunately, the Police Complaints Bureau has been a total failure as far as confidence in the Police is concerned. The way they mistreat accused parties who go there is terrible, Mr Deputy Speaker, Sir. There, we have Police officers inquiring upon Police officers. Can you imagine a Corporal going to

interview a *Chef Inspecteur*, or late Mr Radhooa or a Superintendent of Police, telling him: 'there are allegations against you that you have beaten a client. Please, give a statement!' We are joking. It was a joke and the hon. Prime Minister gave us the result, the percentage of cases which have gone to court where there has been conviction is minimum. So, we are happy that this Police Complaints Bureau is done away with. Now, we will have an independent Commission under the National Human Rights Commission.

But, here again, I must say that the National Human Rights Commission - I don't know if the Commissioner is here, with due respect to him, of course; I am not personalising the debate - has imposed limitations upon itself. When you make a complaint to the Police Complaints Bureau, automatically this goes to the Human Rights Commission, and the Human Rights Commission will not investigate if a provisional case has been lodged. Where are we? He has decided, although the law does not tell him to do so. But he has decided upon his own not to investigate cases where a provisional charge has been lodged in court. So, what is the purpose of having a Human Rights Commission? Because everybody will go and make a complaint when he is released! After he has been charged, provisional case has been lodged, he goes to the Human Rights Commission or to the Police Complaints Bureau. But then, the Human Rights Commission says: "If a provisional case has been lodged, sorry, we can't do anything. We have to wait for the case to be over.' And when is the case over? After two years! The Human Rights Commission cannot investigate into cases which have happened two years before. So, we are back to square one. The Human Rights Commission says it cannot investigate. There is a limitation in that Human Rights Act, that it can't investigate cases which have happened two years before.

So, here again, there has been a limitation with regard to the Human Rights Commission. It has not been able to investigate many cases, and in many cases, in its own report, it has said that it could not investigate because of lack of manpower. It could not investigate because of lack of manpower. Here again, we have had a Human Rights Commissioner who, unfortunately, has imposed upon himself certain limitations, and has not been given the appropriate *outil*, people, *main-d'oeuvre*, to enquire. I have myself asked many questions in this House, and all the times they say: 'we are satisfied. Alright, we will look into it.' He has himself made the remarks in several reports.

Mr Deputy Speaker, Sir, the Human Rights Commission can take upon itself to enquire in many cases but, unfortunately, when you look at that report, this is minimum. The hon. Prime Minister has said that we have taken example from the IPCC, the Independent Police Complaints Commission, in UK. Is the hon. Prime Minister aware? Are you aware, Mr Deputy Speaker, Sir? Just last week, the IPCC took upon itself a case where there was a disorder in Winson Green in August 2001. That case went to court. The trial was at Birmingham Town Court; evidence was heard during trial, suggesting some misconduct by members of the Police. In fact, it was not *brutalité policière*. They had made false promise to certain people. The judge questioned the detective inspector, and came to the conclusion that there was some misconduct upon the act of that inspector. Immediately, the IPCC took over that case and enquired into the conduct of the Police officers.

Here, in Mauritius, how many cases have been dismissed because of Police misconduct in the enquiry? Apart from *brutalité policière*, there are other misconducts which have occurred like breach of Standing Orders. But, never has the Human Rights Commission taken over cases where the Judge or the learned Magistrate has come to the conclusion that he can't believe such and such Police officers. This would have been a deterrent for Police officers to respect their Standing Orders, and act according to law. But, unfortunately, this does not happen. This is why I say that we can create institutions; Government may have good intentions, but if those who are at the head of the institutions don't do what the law allows them to do, then again we will come to same conclusion.

Last week, on 20 July, the IPCC investigated the action of the Norfolk Police officers in response to the report of an accident. There was a serious accident. The Police were supposed to have gone there; they had not seen anybody injured. They came back to the station and relaxed. It is only when members of the public, eight hours after, saw a body lying near the vehicle which was involved in the accident, reported the matter to the Police, the IPCC enters and makes an enquiry against these Police officers. Recently, we have had a case in Beau Bassin or in Rose Hill where more or less we had the same incident and the Police went there with their dogs and everything and did not see anything; in fact, the body was there. So, these are examples where we should have institution, a Human Rights Commission, where they should take upon themselves. What I am saying is that we should make sure that we have the right person in the right place. When I say the right person in the right place - because the IPCC itself is being

questioned - I am sure the hon. Prime Minister is aware. There has, recently, been in Parliament on 01 May 2012: 'following a demonstration calling for the IPCC abolition outside the London Headquarters of the IPCC, a Parliamentary inquiry into the future of the IPCC was announced.' The main concern there was what? Again, they did not have the right person in the right place. They have taken retired Police officers as investigators and many cases have not been investigated because of the familiarity between ex-Police officers and duty Police officers. So, we have to be careful when we appoint these people. This is very, very important. We have to make sure that we have the right man in the right place so that we can make sure that investigation is being carried out as it should be by the people who should carry the investigation.

Another case of flagrant breach of human rights is - we raised the issue in Parliament - the question of bail today. This is an issue where the Human Rights Commission should have intervened. The Commissioner of Police decided in July last year to issue a communiqué stating that anybody who is on bail will never be released on bail again if they commit another offence, not the same offence. If they commit another offence, they should not be granted bail; if they are accused, if there is suspicion.

Now, I have a case, an old man who is working as a watchman. He doesn't have the permit from the Commissioner of Police because apparently it takes time. He was working on 16 of this month. On 19 December, he was on another site. He was arrested on 19 by the Barkly Police station. He was granted Rs3,000 bail. Then, the Rose Hill Police station says: "I saw you on 16 there; you have to give a statement." Yesterday, the Rose Hill Police objected to the bail. You know, what is the problem, in practice? Now, the District Court does not deal with bail application. You have to apply to the Bail and Remand Court. He will get the bail in 5 or 7 days and it is 99% automatic that he will get his bail at the Bail and Remand Court. The Magistrate will give bail. So, these are practical issues where the Human Rights Commission should intervene with other institutions, work in collaboration with the institutions and tell them: 'look, there is an abuse there.' If it is for a drug traffic case, we can understand.

Another example, a young boy of 18 stole a mobile phone,. He had a previous one; he was in possession of cigarette of *gandia*, it has nothing to do with these two offences, he has been refused bail. He spent 8 days in custody and the Magistrate granted him bail. So, the Commission for Human Rights must make sure that they work with other institutions. They

preach human rights in other institutions. Although, they know, but, unfortunately, it is not there, especially in the Police Force. Human Rights is the last thing they will think of. So, the issue here is that we should make sure that the Human Rights Commission - as it is, the law is well drafted, it gives independence – has the right person in the right place.

When we talk about Police brutality, the Bill is good. The hon. Prime Minister was saying whether we should have another section for the torture. But, let me tell you, in some cases - hon. Cehl Meea is not here, he, himself, said in a press conference that he has been a victim of torture - especially the MCIT - it is not Police brutality that we are talking; it is torture - bringing you somewhere, in a Police station which is unknown, where there is no communication, get you strip naked, put electricity with you or ice on your backside, beat you up. I know clients who have made statements to that effect. The cases are still in court. Hon. Cehl Meea was a victim. He has said what has happened to him. But what has the Human Rights Commission done? What has the Police Complaints Bureau done? I know cases where the Police Complaint Bureau does not even bother to reply to you, telling you: “we are investigating your case”, and that’s it. Fortunately, we have not seen anything or we have seen something. And, here, it is good in that Bill that, at least, there should be an inquiry and the outcome of the inquiry should go. The victim or the declarant should be informed of the outcome of the enquiry.

Mr Speaker, Sir, another recommendation which, unfortunately, we don’t find in this law is the *erreur judiciaire*. In the case of Michaela Harte, there has been a not-guilty verdict, we are having a new inquiry. What happened in cases where there has been *erreur judiciaire*? If there was a guilty verdict, in that case, there would not have been a new inquiry. There has been a not guilty verdict, rightly so, the hon. Prime Minister has decided to have an independent inquiry. But what about cases where there have been *erreur judiciaire*? The Human Rights Commissioner, in this report of 2006, had this to say -

“In its previous Annual Report, the Commission recommended that the Supreme Court could set up a committee chaired by a Judge to review cases of alleged miscarriage of justice. In Mauritius, it seems that, as yet, there has been no substantiated instance for an *erreur judiciaire* to justify the setting up of such a committee.”

Subsequently, people come and confess, but there is no venue for that in Mauritius. Again, we should look at those issues.

Now, another issue which the Commission has said and, which is in the UN definition of human rights, is – again, we have to amend the Constitution for that - the inclusion of human rights, the economic and social rights. This is very important. This morning, I was listening to the radio. A tenant has rented a house; he pays his rent regularly. He has given Rs10,000 in advance. Now, the owner has got another tenant or subsequent tenant. What she has done is that she has cut the electricity and water supply of this house and that lady is a mother of two little children. She went to the Police which said: “no, this is between you and your landlord”. She went to the CWA, but the CWA said it will not reinstall it because the landlord didn’t give the permission. But these are cases where the Human Rights can intervene immediately. They can go to court. In fact, it is a criminal offence under the CWA Act. But, by the time you get a conclusion in Court, these are cases where probably we can call upon the Human Rights Commission to intervene; call the parties and ask them to settle the matter, order them to install the water supply. This happens in many cases where the law order, in order to put pressure, is to just cut off the electricity and water supply. Again, we have to look probably of our definition for human rights and other issues.

One thing which I was interested to see is that in UK, the IPCC investigates in fatal accidents where, because of the Police or other authorities - hon. Bachoo may be glad to know that - have failed in their duty, which has caused that fatal accident. They investigate and sanctions are taken against these authorities. If the road is badly marked, if the Police Officer who should have been there, was not there, there are actions which they take along. They have much wider power than what we are giving to our institution. But, anyway, be that as it may, I am sure that this new Commission will, I hope, bring back the confidence in the Police. They must be proactive. They have to identify and resolve underlying systematic problems within the Police organisation and see the problems. They have to be proactive.

Unfortunately, here we get a tendency that the Commission will come after the event. It has a role. The law gives it this power. Even the law we are voting today will give it the power. They have to be more proactive and to ensure that they get the cooperation of all the institutions. Here, funding and resources are the most important things.

Funding and resources, which the Human Rights Commission has been complaining so many often in its report, should be made available. Human rights has no price, has no cost. We have to ensure that they have the resources.

There must be cooperation from the Police. This is another problem again: lack of cooperation from the Police. We found death in the new law. When we say death in Police custody, we have to have recordings of these entries. We know how recordings are made at the Police station - very often after the event.

I am sure if, by surprise the hon. Prime Minister would walk out in a Police station at, say, 2 o'clock in the morning, he will see in the Occurrence Book, the last entry was made at 9 p.m. Before he leaves at 6 a.m. he will fill the entry at 9 a.m.: I checked at 2:30 p.m.; I checked at 3:30 p.m.; I checked, everything was alright, no complaints.

The Commission should make surprise checks. They have to work 24 hours a day. When we call the Commission at 4:30 p.m. there is no answer, it is closed. This is where there are problems. They have the right to go to Police station at any time. They should go. How many times has the Human Rights Commissioner gone to Midlands Police station?

This is the base for the MCIT. They are very quiet. Banana trees around, very cold, no noise even if you shout, frogs croak! How many times I have gone there at night. These are concerns that are happening. The Prime Minister may not be aware. I don't blame him if he is given wrong information. But these are things which are happening and the Commissioner will have three Commissioners; one for tortures, one for human rights, one for Police brutality. They must be *sur le terrain* and not at office hours and do not give notice: 'I am coming to visit your prison today.' Of course, there will be red carpet. He will be asked to leave his car and there will be red carpet for him to walk to the prison.

To conclude, Mr Deputy Speaker, Sir, let us say that we are voting three Bills which is creating a very important institution with full powers. The Government has the will for human rights to be observed in Mauritius. We, in the Opposition, are supporting that project. But those who will take up the institution must play their role and Government should see to it that we should not hesitate to sack, because this law allows the President, on the advice of the Prime Minister, to remove a Commissioner, if he feels that he is not delivering. We should apply this, if need be, because human rights, as I said, is very important in our democratic institution.

I have finished, Sir. Thank you.

(11.36 p.m)

The Minister of Agro-Industry and Food Security (Mr S. Faugoo): Mr Deputy Speaker, Sir, I rise in this august Assembly with a sense of pride as I belong to the Labour Party

which was born during a historic struggle for human rights against the backdrop of deprived human dignity, and human values and utter disrespect for workers' rights and human sufferings.

I am tempted to say that had basic human rights and conditions prevailed at the time, probably the Labour Party would not have seen the day.

The preoccupation of the Labour Party has always been and still remains the protection of human rights in the largest sense of the term, human welfare and human dignity. The very vision of the Labour Party underpins the philosophy of defending the defenceless!

The first milestone was the birth of the Labour Party itself. The Labour Party was created to protect and safeguard the rights of the masses and the downtrodden. At that time, there were two classes of citizens and the mission of the Labour Party was to bridge the gap and this has been a constant and successful process to date.

The second milestone, Mr Deputy Speaker, Sir, was independence of our country with the concurrent enactment of our Constitution which is the supreme law of the land and which enshrines the fundamental rights and freedoms of each and every Mauritian citizen.

The third milestone was the setting up of different institutions emanating from the constitutional provisions to safeguard the rights of the citizen. Mr Deputy Speaker, Sir, I am proud to say that in this process, successive Labour governments have established the right institutions, the right policies and have enacted several pieces of legislation geared towards promoting and protecting human rights, values and freedoms

Today, these institutions, namely the Judiciary, the DPP's Office, the Electoral Commissioner's Office, the Ombudsman, the Human Rights Commission, the Public Service Commission and the Local Government Service Commission, among others are the pride of the nation and are recognised as such beyond our shores.

It is befitting today, Mr Deputy Speaker, Sir, to pay tribute to the founding fathers of human rights, who have also laid the basis for a more equal and just society.

I have here in mind, the father of the nation, Sir Seewoosagur Ramgoolam together with other stalwarts like Emmanuel Anquetil, Guy Rozement, Renganaden Seeneevassen, Maurice Curé and many other unsung heroes and patriots.

Mr Deputy Speaker, Sir, it is equally opportune to appreciate and congratulate the hon. Prime Minister for his renewed conviction, commitment and dedication to ensure that basic human rights and values, and the rule of law are respected and upheld. It is no coincidence that

once again the Prime Minister, himself, is bringing the three Bills before the House to further consolidate human rights and freedom in Mauritius.

The House would recall that the protection of Human Rights Act of 1988 was passed in this august Assembly by a Labour led Government under the leadership of the hon. Prime Minister during his first mandate. It is noteworthy to remind the House and to place on record that the Human Rights Bill 1998 was brought to the House by the then Attorney-General, Minister of Justice, Human Rights and Corporate Affairs who is no other than hon. Peeroo who has today been elected Speaker of the House. I take this opportunity, Mr Deputy Speaker, Sir, since Mr Speaker is not in the Chair, to place on record my congratulations upon his election as Speaker of the House.

I am also pleased to note, Mr Deputy Speaker, Sir, that there is agreement from the Opposition on the three Bills. At this stage, Mr Deputy Speaker, Sir, I consider it befitting to quote the Prime Minister from his intervention on the Human Rights Bill in December 1998 in this august Assembly.

I quote the hon. Prime Minister -

‘Mr Speaker, Sir, the introduction of this Bill should be a proud moment for our country. It is not often that Government decides on its own free will to establish a Human Rights Commission. In many countries of the world, such a body is only set up either under pressure following mass demonstration or if there is a public outcry.’

Mr Deputy Speaker, Sir, today is equally a proud moment indeed for our country and the people, as stated by the Prime Minister, when the Protection of Human Rights Bill was debated in December 1998, the more so as the Prime Minister, himself, is bringing the three Bills in the House. I consider that, in this endeavour, we are always guided by the invisible hands of destiny.

Mr Deputy Speaker, Sir, Chapter 2 of the Constitution and, in particular section 3, provides for the protection of the fundamental rights and freedoms of the individual. The provision under section 3 chapter 2 of the Constitution is as follows -

‘It is hereby recognised and declared that in Mauritius there have existed and shall continue to exist without discrimination by reason of race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and

freedoms of others and for the public interest, each and all of the following human rights and fundamental freedoms -

- (a) the right of the individual to life, liberty, security of the person and the protection of the law;
- (b) freedom of conscience, of expression, of assembly and association and freedom to establish schools; and
- (c) the right of the individual to protection for the privacy of his home and other property and from deprivation of property without compensation (...)'

Mr Deputy Speaker, Sir, this is a sacrosanct provision touching the very core of human rights and our *état de droit*. These provisions constitute an ideal and it is good to have rights and freedoms enshrined in Constitutions and other bodies of law.

Nonetheless, these constitutional rights will remain mere ideals unless they are translated into realities adapted to real life perspectives. This is exactly what these three pieces of legislation are aiming at, Mr Deputy Speaker, Sir.

Turning to the Bills, the first Bill, Mr Deputy Speaker, Sir, purports to amend the protection of the Human Rights Act (1998) with a view to broaden its mandate to adapt itself to the evolving and emerging human rights issues and also to perform more efficiently.

For this purpose, there will be three distinct divisions to operate within the Human Rights Commission, namely the -

- Human Rights Division,
- Police Complaints Division, and
- National Preventive Mechanism Division.

Mr Deputy Speaker, Sir, I do not wish to elaborate on the different provisions of the three Bills as this has been amply dealt with by the hon. Prime Minister. I wish, however, to focus on the Police Complaints Bill, which has been the subject of diverse concerns and interests from different quarters. If I am not mistaken, hon. Baloomoody has been putting so many PQs for so many years.

I must here highlight that the Police Complaints Investigation Bureau was established in November 1999, again under the leadership of the hon. Prime Minister during his first mandate. As rightly pointed out by the hon. Prime Minister, there was no specialised unit of that kind to

look into or to investigate whenever a complaint was made by an individual, by a citizen of this country against the Police.

Besides the Police Complaints Investigations Bureau, there also exists several conventional and legal avenues for a complainant to seek redress for any breach of his rights. First and foremost, Mr Deputy Speaker, Sir, we have, in Mauritius, an independent judiciary more specifically a Supreme Court established under the Constitution to which any aggrieved person can have recourse for redress.

Mr Deputy Speaker, Sir, the Constitution under chapter 2, not only provides for the protection of human rights and freedoms of the individual, but it equally provides for the enforcement of this protective provision under section 17 of the Constitution.

Section 17(i) provides -

‘(1) Where any person alleges that any of sections 3 to 16 has been, is being likely to be contravened in relation to him, then, without prejudice to any other action with respect to the same matter that is lawfully available, that person may apply to the Supreme Court for redress.’

There is also a number of different ways of pursuing a complaint against the Police apart from going to the Police Complaints Bureau. These include, for example, today any individual can make a complaint in any of the Police station of the country, but, however, as we know any complaint against the Police which has to do with the conduct of the Police, Police brutality or any of the conduct – breach of judge’s rules or standing orders - they will be referred from now on to the Police Complaints Division of the Human Rights Commission.

Complaints in court – this is something which happens in everyday life. Whenever an accused person or a detainee/a suspect is brought before a magistrate, the person who is brought before the magistrate can make a complaint which is recorded and the magistrate can, on his own discretion, refer the matter to the DPP or through the DPP to the Police. This is often done in practice, Mr Deputy Speaker, Sir.

Many citizens go to see their MPs in the Constituency and the MPs put questions in Parliament which is also a forum to canvass Police brutality. There are so many questions to do with the Police Force. We have the private radios now and also the press. They are also civil proceedings which are available. A person can enter legal action for damages against a Police officer in civil proceedings.

There is also the possibility of private prosecution, Mr Deputy Speaker, Sir, under section 121 of the District and Intermediate Court (Criminal Jurisdiction) Act. We have also the office of the Ombudsman. One can go and complain to the Ombudsman as provided for under section 96 of the Constitution.

Mr Deputy Speaker, Sir, coming back to Police Complaints Investigation Bureau, many criticisms have been levelled and recorded against this Unit. We have noted all the points which have been raised by hon. Baloomoody and, to a large extent, it is very true in practice. This is the very reason why we are coming up with amendments to the existing law and also we are creating the independent body.

The main criticism, Mr Deputy Speaker, Sir, has been that there is a perception of bias for two reasons –

- (i) Police Complaints Investigation Bureau operates under the administrative control of the Commissioner of Police, which tantamounts to Police enquiring upon the Police;
- (ii) Police Complaints Investigation Bureau is manned by serving Police officers, and there is a strong perception that Police officers obtain a certain degree of partiality when they are investigated by their peers.

There is a general perception of bias in the eyes of the public. For these reasons, the Human Rights Commission, in its 2005 report, proposed that an Independent Police Complaints Commission be set up on similar lines, as the Independent Police Complaints Commission created under the Police Reform Act (2002) in the United Kingdom. The Police Complaints Bill provides for Police Complaints Division to operate within the National Human Rights Commission. This will, in fact, replace the present Police Complaints Investigation Bureau.

This, Mr Deputy Speaker, Sir, represents a big leap; I must say, a significant reform. This centralised system will ensure that complaints against the Police are addressed promptly, thoroughly and above all, impartially by an Independent Complaints mechanism. There will, thus, no longer be a perception of bias and this will increase public confidence in the system. The public will also be more comfortable to make complaints against the Police as opposed to the previous system which discouraged a complainant from seeking redress against the Police.

Mr Deputy Speaker, Sir, by creating this centralised Independent Police Complaints Division, we have, in fact, gone one step further than the Independent Police Complaints Commission in the United Kingdom.

Though the Independent Police Complaints Commission in the United Kingdom is a non-department public body, independent of the Police, interest groups, NGOs and political parties, it does not enquire all complaints against the Police.

The Independent Police Complaints Commission elects to manage or supervise Police investigation into a particular complaint and, in some serious cases, independently conducts an investigation. At the end of the day, the Independent Police Complaints Commission does not investigate all complaints against the Police unlike the provision made in the present Bill; the Police Complaints Division will enquire, will investigate in all cases pertaining to complaints against Police, whereas in the UK, some cases, to a large extent, are still left with the Police to enquire.

Mr Deputy Speaker, Sir, a second salient element, which deserves the appreciation of the House and the population at large, pertains to the fact that albeit there is no constitutional or legal requirement to provide for an independent authority to remedy or redress any violation of human rights, unlike as required in the United Kingdom, under Article 13 of the European Convention of Human Rights.

Again, without any pressure or any mass demonstration, or public outcry, as it happens in other countries, to use the words of the Prime Minister, Government, on its own, is coming up with these Bills for the safeguard of human rights in our country.

By contrast, Mr Deputy Speaker, Sir, in the United Kingdom, it was following the case of Khan against United Kingdom 2000 BHRC, at page 310, where the European Court of Human Rights determined that the Police Complaints Authority is insufficiently independent from the Police and does not provide an effective remedy to the Police misconduct, as required under Article 13 of the European Convention of Human Rights. Accordingly, the Independent Police Complaints Commission was created in 2002 by the Police Reform Act, and the Independent Police Complaints Commission replaced the Police Complaints Authority in the UK.

Mr Deputy Speaker, Sir, one of the functions attributed to the Police Complaints Division which is totally novel, under clause 4 subsection (b) relates to investigation of death of any

person which occurred when the person was in Police custody or as a result of Police action. This is warranted in view of the concerns voiced on this issue.

This is over and above the existing provisions under sections 110 and 111 of the District and Intermediate Courts (Criminal Jurisdiction Act), which provides for the DPP to request for a judicial enquiry before a District Magistrate into the death of a person who has died in violent and/or unnatural circumstances.

Mr Deputy Speaker, Sir, there are few clauses that are worth highlighting –

- (i) Clause 9 allows for making or continuing a complaint on behalf of another person. This will enable a family member or any designated person to make or continue a complaint even after the demise of the actual complainant. This is to ensure that justice is done and no one will go unpunished for his illegal acts and behaviour.
- (ii) Under clause 13, evidence which is obtained in the course of an investigation may give rise to or may be used in civil and criminal proceedings. This will prevent duplications of enquiries, thus saving precious resources.

Mr Deputy Speaker, Sir, let me now dwell briefly on the third Bill, that is, the National Preventive Mechanism Bill.

Section 7(1) of the Constitution provides for the protection from inhuman treatment.

Under section 7(1) –

“No person shall be subjected to torture or to inhuman or degrading punishment or other such treatment.”

Section 78 of the Criminal Code also provides for the offence of torture by public official, and is punishable by fine not exceeding Rs50,000 and to imprisonment for a term not exceeding five years.

Mauritius is a party to the Convention against torture and other cruel, inhuman, degrading treatment or punishment since December 1992.

The optional Protocol to this Convention was ratified in 2005. This protocol requires Mauritius, as a party, to set up or designate a national preventive mechanism for the prevention of torture.

The present Bill is, in fact, in line with our international obligations establishing a national preventive mechanism division under the aegis of the National Human Rights Commission.

Mr Deputy Speaker, Sir, the introduction of the three Bills is yet another testimony of this Government's strong will to advocate and uphold the fundamental constitutional rights and liberties of each and every citizen of this country in a conducive 'human rights' environment.

We have already passed the Equal Opportunities Act and also several other statutes which reinforce the status of the Mauritian citizen, from the human rights perspective. We have also ratified several international Conventions and Covenants on Human Rights.

I must say that Mauritius enjoys a good track record in terms of respect, promotion and protection of human rights. This is fully evidenced by reports on human rights in Mauritius by the United Nations Human Rights Council, the US Department of State and the African Commission, Mr Deputy Speaker, Sir.

Under the leadership of the Prime Minister, we will further strive to uplift and uphold human rights and human dignity.

I, once again, Mr Deputy Speaker, Sir, congratulate the hon. Prime Minister for introducing the three Bills to the House.

I thank you for your attention.

(11.58 p.m.)

Dr. S. Boolell (Second Member for Curepipe & Midlands): Mr Deputy Speaker, Sir, first of all, I find it quite surprising that I am the only non-legal person who is speaking tonight on this Bill. I have seen the collection of lawyers that has been at the mike and talking about these Bills. I also find it quite surprising, having seen the composition, as recommended by this Bill, that even from the front bench of Government, apart from the Prime Minister, nobody shall ever be entitled to be the Chairman of this Human Rights Commission. There seems to be a certain degree of monopoly from the legal profession, the judges have it, the Chairperson shall be a judge of standing, the Deputy Chair shall also be legal persons of standing and, at the end of the day, I find that when you have eliminated the Sex Discrimination Division of the defunct to-be Human Rights Commission, there is no affirmative action which allows any female to be a member of this Human Rights Commission or its division. It depends upon the President to appoint any lady who wishes to be there, but there is nothing affirmative in that. In a time, when

we are speaking about one female candidate per three for Municipal elections, it is a matter of great regret that a man should come here and stand and say that there should be an affirmative action to have a female representation at the level of those Boards.

That having been said - I have not meant to say it, but in view of the fact that hon. Baloomoody mentioned it - I also wish to state that many of you have heard of torture at the level of the Police. But I do not consider that tonight, talking about these Bills for the sake of human rights is the right forum for us to be taking the Police Force to the cleaners and criticising extensively the Police. The majority of policemen are god fearing, hard working, politician fearing citizens and there is a minority who has always been functioning outside the normal norms and it is unfair that the whole profession of policemen be made to share the blame for those who have done wrongly. It has been unfortunate that during my career - and I have to say it - that I have been a regular witness in front of the Human Rights Commission, and if I tell you what a Human Rights Commission it was. First of all, there is no fee paid to anybody who comes as a witness in front of this Commission. Whoever is a witness is now going to subsidise justice. Already, in our courts of law you earn a fortune, as an expert to appear as a witness to the tune of Rs150 for the whole day. There, you earn nothing; and you will expect witnesses to come and cooperate with the Human Rights Commission and lose one day's work and not be rewarded for it! If they do not appear, they will now be sentenced to a fine of Rs100,000 or two years' imprisonment. It is incredible! Even witnesses have human rights just like the Police have human rights.

And then, when I take a look at these functions of the Human Rights Commission, I am thinking also about children. Do we allow children's rights to be the monopoly of the Ombudsperson for children? There is nothing mentioned about children unless children are now being considered as adults. They'll always tell you that a saved childhood is a human right. We owe it to the children. There has been a convention for children's rights to which we have rushed to sign up unlike the United States and Somalia. In the Declaration of the Rights of the Child, a child has a right to have a name and to have a country. Many children in this country do not have a name and are not declared at the Civil Status office.

When we talk about detention centres, I remember one case of a child who committed suicide in a detention centre recently. When I queried, the action that was going to be contemplated from the Minister of Gender Equality, the answer was fairly cold: 'I do not have

the staff.’ Now, we are going to have the Human Rights Commission which is going to work independently with its three Divisions, and going to be functioning outside the ambit of the Police Force without Police officers and rightly so. They are going to investigate, to empower investigators who shall emanate from the Human Rights Commission and function as investigators without any training whatsoever. While I totally agree with the hon. Prime Minister and I compliment him for bringing in such a Bill in view of the fact that the previous Human Rights Commission was not effective and complainants were not being told of what was the outcome of a lot of their complaints, I must say that I have some reserves concerning the actual efficacy and efficiency of this new look Human Rights Commission with its three Divisions.

I considered the previous Human Rights Commission to be a toothless wonder, I hope this one has dentures and learns how to bite. At the end of the day, talking about children, I note a certain degree of concern from the Attorney General. The children’s rights are flouted when they are in Police custody and they don’t get bail and that we have to wait for law reforms for children to be allowed bail, because children are always being the responsibility of the adults and, without the adults, the children are just kept locked up. We are trying to be a caring country. These three Bills show a certain degree of care from Government and from the Opposition, joining hands to vote this Bill. But we only wish. Like I am saying, looking at the composition - maybe now I have the attention of the hon. Prime Minister – he is the only who might become the Chairman of this Commission one day. Nobody else in his front bench is qualified. It is a matter of choice for those words.

When I look at the functions of the Commission...

(Interruptions)

As the hon. Minister of Health just intervened with, I suppose, a funny remark, I would like to say that I have been looking for detention centres which needed to be visited by the Commission. I have had to go to the national preventative mechanism to find somewhere there that in the detention centres, mental hospitals, which fall under the responsibility of the hon. Minister of Health, this is the only place where you find the mental hospitals and that they are to be visited as places of possible torture, not from the Human Rights Division, because it is seemingly those who are mentally impaired, those who do not have human rights and may be subjected to torture. This is the only place when I have gone through the law as a non legal person, and I find the

detention centre being mentioned and being defined as a place where you do have in the mental centres.

When you go to the functions of the Commission, that is, promote and protect human rights; review the safeguard; review the factors; submit to the Minister any opinion; prepare reports; inform the Minister; promote and ensure harmonisation; contribute; cooperate with the United Nations; assist in the formulation and publicise human rights, in short, it is a museum of good intentions and no effective action.

Then, concerning the Division -

“(2) The Division shall consist of

- (a) the Chairperson of the Commission as its head;
- (b) a Deputy Chairperson who shall be assigned to the Division, and
- (c) 2 members.”

As far as the choice of the two members goes, seemingly, we wallow in a state of confusion –

“shall be persons having knowledge and experience in the field of human rights, law, employment, industrial relations, business administration, education, sociology, policing, social works, psychology, psychiatry, medicine - as if medicine is not psychiatry and psychiatry is not medicine - or prison management.”

Certainly, somebody who has drafted this bit has a sense of humour. If we are going to deal with human rights, we are going to deal eventually with torture, say the word, and place a Doctor there, somebody who is an expert in injuries, a physician. They are thinking of dealing with people in a prison context, bring in a psychiatrist! We do not have a prison here for psychiatric illness. We only have a prison for everyone. After they mix up, they all suffer from the one disease and all the chance they will have in life is to expect to be visited.

From my experience, it is not the kind of case where I can express an interest. I no longer have an interest. But from my experience, I have had the great displeasure of visiting people who have committed suicide in Police cells. The Police cells where I, unfortunately, disagree with the hon. Prime Minister when they are described as being of good quality. Well, there are a few Police cells which would have a one star status. As far as the rest of the Police cells go, I would invite him to visit the one at Rose-Hill. The last time I visited Rose-Hill Police station and some of those centres with the stink, the smell of the cockroaches and the rats. This is the kind of place where you go and some of the Policemen are really irresponsible, and are really frustrated

and take it out on the inmates. These are the ones we have to sentence. But do we have a level of satisfaction at the level of the Police Force? Is there any other Force where people have to wait for two years before they get a result of exams? Is there a level of satisfaction when people who have degrees in the Police Force are not allowed to apply for accelerated promotion in view of age? Is it a sense of satisfaction that many people, before even getting their appointment, even retired and died? We have to think; this Human Rights Commission has also to look at the rights of the Policemen. Everybody needs to have a chance in this country.

When I take a second look, I totally agree that one cannot be negative, one has to look forward. At this time of the night, it is not exactly the time to waste time on rhetoric and I think of the powers of investigation, the death in Police custody, the powers of investigation of the Commission. It seems that the powers of investigation are now restricted to the use of one camera and filming. I remember last time the Police was recommended to buy a camera. They only used it to film parades and parties. Thank God, in the wake of the Harte affair - to all bad things, something good comes out - I do believe there will be a lot of filming done.

I have had the displeasure of watching torture at close hand. Hon. Baloomoody talked about an ice in a certain part of the anatomy. There are lots of more methods which can be used. There are lots of Police stations where the lawyer keeps chasing all night to have access to his client. He goes to Midlands and he is told that he is in the North. He goes to the North and he is told that he is in the South. We need a package to go with this Bill, just a few detention centres. There are quality detention centres in the Moka area, I think in Line Barracks, there is another one and, hopefully, we should stop keeping anybody in just any station. We have to assist the Police to help themselves and we have to be fair to everyone concerned.

On the National Preventive Mechanism Division or whatever, the only thing of note which I find is that, if we vote this law, we will appear to be a do good country? We will be in with the boys. We will be in as a civilised country, respecting the norms of Police incarceration without torture. But again, like I said, it is the only place where I found the definition of a detention centre, the Police cell, the prison, the correctional youth centre, a rehabilitation youth centre and a mental health care centre.

Mr Deputy Speaker, Sir, again, at this time of the night, I am sure that I do not want to delay. I think that I have said enough. I am all for the Bill, but I view, with a certain degree of

apprehension, those witnesses who will be dragged to this court and sentenced if they do not turn up.

Thank you.

At this stage Mr Speaker took the Chair.

(00.19 a.m.)

The Minister of Business, Enterprise and Cooperatives (Mr J. Seetaram): At the outset, I will seize this opportunity to congratulate the Speaker of the National Assembly and wish him all the best and best of luck in all his endeavours.

Also, at the outset, I would congratulate the hon. Prime Minister for coming with this Bill within this House and also it is the right signal sent to the society locally and internationally. This establishment of a National Human Rights Commission which shall be a body corporate, three divisions: the Human Rights Division, the Police Complaints Division and the National Preventive Mechanism Division, is a procedure of strengthening, ensuring and more trust being given to our institutions. This will be built upon robust pillars such as independence and impartiality.

When we talk about independence and impartiality and our institutions going on the right track, having a bright future for our citizens, we should talk about upholding the rule of law and also having the right implementation of the laws of our country.

With this Bill, we can see that this Government is moving forward in a new era of human rights and of service to the public. Also, we see that impartiality is a big segment in this Bill, that is, the element of impartiality would be given to these Commissions. The rule of law, Mr Speaker, Sir, would be upheld at all stages of proceedings, not only at initial stages.

The most important aspect of this Bill is also the upholding of our constitutional rights. I should refer to section 3 of the constitutional rights and freedom of the individual; section 5 which is the protection itself of the right to personal liberty; section 7 which is the protection from inhuman treatment and also section 10 which is the very pillar itself, i.e., the provision to secure protection of the law. All those sections are being upheld and ensured through this Bill before this House today. We see that a main aspect which I consider is of utmost importance, I should say, to which consideration has been given negatively or otherwise, that is the crackdown upon Police brutality.

Mr Speaker, Sir, you are well aware yourself and my colleague lawyers would agree with me, that this has been a major concern throughout the years. But, today, this Government is coming with the right legislation to combat police brutality. It has set up a Commission to combat Police brutality, to uphold the rights, impartiality and independence in the right way, with the right attitude. I believe such an endeavour should be given all support, be it from the Government or the Opposition of which I salute the agreement upon this Bill, not only a crackdown upon Police brutality, but also a halt, a major stop on illegally obtained confessions, illegally obtained evidence, which would be inadmissible before a court of law, be it by force, be it by bail against confession, be it by false promises or misconduct. One aspect that I believe would generate and would come out of the implementation of this Bill is the good relation between the lawyer and the Police; between the public and the Police, a better relation. We also know how frustrating it can be when cases or procedures do not go as the way we think it should be. When this type of legislation comes into action, we see that there is a hope, there is light for better and improved methods and mechanism, for the betterment of the rule of law and its implementation.

This Bill respects and it puts into action the provisions of the UN charter. I believe that the Protection of Human Rights Bill, itself, is an updated and dynamic Bill with the Commission, which is the Human Rights Division. The function itself is quite dynamic because it is a constant review, review of safeguards, review of factors and difficulties, and also, it promotes harmonisation of legislation and practices, and it also goes to international standards, that is, International Human Rights Instruments. We see that it is dynamic and I think it is quite revolutionary.

Concerning the UN charter, it goes along with all the lines of the provision, itself, that is, the recognition of the inherent dignity and equal and inalienable rights of all members of the human family, which is the foundation of freedom, justice and peace in the world. Also, it says further that disregard and contempt for human rights have resulted into barbarous acts and this has outraged the conscious of mankind and this Bill most precisely is here to overcome that. It ensures articles 1,3,5,9 and 10 of the UN charter, that is, all humans born free and equal in dignity. Everyone enjoys the right to life and to liberty and to the security of the persons. No one shall be subject to torture, cruelty in human degradation treatment, no arbitrary arrest and detention, and also, fair public hearing; all that is being respected and maintained in this Bill.

From my point of view, Mr Speaker, Sir, the Police Complaints Bill is no more like we say *éléphant blanc* or *le bouledogue sans dents*. No more, as it has been said and long said. This Bill puts forward, what we call, an answer to Police accountability. As it mentions, it says that it has a recommendation; it has avenues for steps to be taken and for the relevant sanctions to be taken. At the same time, it corrects the negative perception that one may have had over the Police Complaints Bureau with this Bill. Also, it gives an opportunity to give this institution *ses lettres de noblesse*. As from now on, we would not have a Police to inquire upon another Police, that is, no more the same old principle where we have a Police person to inquire upon another Police person. This time, we will have a duly constituted commission to inquire upon that. As from my reading, there is no discrimination, no sex discrimination, a judge may be male or female, a chairperson can be male or female, and also, such would definitely secure the protection of law. At the same time, while combating Police brutality, it would encourage good evidence to be admissible in court.

Further, I believe, with the element of investigation in any complaint made by any person against the act, conduct or omission of Police officers in the performance of his duty, or even, investigating in the death of any person whilst the person was in custody or whilst the death has occurred as a result of a Police action, and also, whilst advising to which, or any, Police misconduct may have been addressed or eliminated, this has given more room for any person to have much more faith, much more trust in this Commission in our institution and the whole process itself has become trustworthy.

So, I should congratulate the hon. Prime Minister, this Government for coming up with this Bill and for giving a breath of fresh air to the service to be provided to our community. As pointed out by the previous orator, concerning detention centres, I believe that with such measures, such functions of these Divisions, that is, the National Preventive Mechanism Division to visit places of detention on a regular basis and to examine the treatment of those persons who are deprived of their liberty and ensuring their protection against torture and inhuman and degrading treatment, are a major step ahead, a revolutionary step.

It is an implementation of section 7, that is, the protection from inhuman treatment. It upholds the treatment of prisoners according to the Constitution, and also, according to the UN charter. So, in my opinion and point of view, this is a fight against the unlawfully obtained confessions against the degrading treatment that has been given before, but now it is a new era.

It is a new vision of this Government being put forward and I shall say that I would commend this Bill, which is before the House today.

Thank you very much.

(12.29 a.m.)

Mr N. Bodha (First Member for Vacoas & Floreal): M. le président, permettez-moi de vous présenter nos sincères félicitations. Le Premier ministre nous impose des heures supplémentaires, mais je suis convaincu que vous allez diriger les travaux de la Chambre avec beaucoup de dignité et de solennité, d'autant plus que nous avons là, je pense, une législation qui est d'une importance capitale pour l'image de la démocratie et l'état de droit que l'île Maurice souhaite projeter dans le monde et aussi assurer à ses citoyens.

On this side of the House, we are very happy that we have the three Bills which are being introduced in the House today. Mr Speaker, Sir, as the hon. Prime Minister has mentioned, there have been a number of PNQs and PQs which have been answered in the House, and I will refer to one which was answered by the hon. Prime Minister on 04 July of 2009. The question was that, since July 2008 to date - that is 2009 - there have been 200 complaints against Police officers at the Police Complaints Investigation Bureau. Out of the 200 complaints, 10 cases were referred to the DPP and out of the 10 cases, in two cases, the DPP had advised prosecution. Both cases were before the Court, and so we don't know what has happened. In six cases, the advice of the DPP was still being awaited, and in two cases they have been classified following the advice of the DPP. That was one question presented to the hon. Prime Minister.

There was another question which was presented on 26 of June this year, and it related to complaints from January 2000 to 21 June 2012. There have been 3,455 complaints and, out of these, in 171 complaints Police officers were prosecuted, and 42 Police officers were convicted in 34 cases. But the most important thing, Mr Speaker, Sir, is that, out of the 3,455 cases, only 800 - there was an opinion, a recommendation as regard to 800 - and the remaining cases have been filed after enquiry, which is about only 75% of the cases were, in fact, filed, and *il n'y a eu aucune suite donnée*.

Mr Speaker, Sir, when we listen to the debates, we have two lines of thought. One is, I would say, more academic; we are debating. It is as if we are talking about the Bill, about what is happening on paper. Then, we have another vision of what is happening in this country, presented by lawyers who confront the Police and accused people or criminals on a daily basis.

We have the impression that, on the one hand, we are talking about theory, about what we want, about our vision, about institutions and, on the other hand, we have the reality.

As regards the Police, what is the perception today? I have been talking to some Police officers and to some colleagues, who are confronted on a daily basis with criminal law. The impression we have is that violence or brutality is used in, at least, 50% of cases to secure a confession.

One hon. Member in this House - I will not mention her name - told me that she was residing near a Police station, and she had heard herself, on a regular basis, people being battered; people in police custody. We have heard of the Midlands syndrome. When we speak to people, to criminal lawyers, everybody will say to some extent that there is, at all times, when there is an investigation, some sort of brutality. The Police will say: 'if we don't use some dose of brutality, how can we secure some sort of evidence or a confession?'

I think that the Michaela Harte case, which has severely dented our reputation on the international scene - and I think we should do everything to be able to show the world that we are a land of democracy, a rule of law and of human rights - raised a number of serious problems, a number of perceptions, and what was, in fact, a very sad, unfortunate incident in the tourism sector put us in a case where we were *dans le box des accusés*, as a country.

Mr Speaker, Sir, so far, at one point in time, we raised the issue of the nomination of the Chairperson of the Commission who had done two terms of office, and the Prime Minister replied that, legally, we could do it. But the question was also whether the other members who form part of the Commission could perform their duty, so that the Commission was legally constituted. That was one question.

Mr Speaker, Sir, I would like to address the issue of the nomination of the Chairperson. The Chairperson, the Deputy Chairperson and the members of every division of the Protection of the Human Rights Commission shall be appointed by the President, acting on the advice of the Prime Minister, and before giving his advice to the President, under paragraph (a), the Prime Minister shall consult the Leader of the Opposition. When we are thinking of new powers to be given to the President, I think that this is a new power which should be given to the President, that is, the nomination of the Chairperson and the other members of the different Commissions.

This is my opinion. What has happened with the present Commission? I think, on this side of the House, we mentioned a number of things. Was there inadequate funding? Did we

give the Commission the resources and the staff? Then, we had the delays, the time taken when we had this investigation in the processing and in the resolution of complaints.

The Bill mentions the issue of compensation to be given to some victims. When we take the two cases where there have been compensation, for example, in the case of Kaya and the case of Ramlugun, it took so many years before, in fact, we came to compensation as a full and final settlement of the plaint and complaint. Often, we have not been able with investigation to find the truth in what really happened. If we are to consolidate our human rights protection system and the rule of law, and our image as democracy, we need the institution which the law is providing today. We need the right people, and that will be the nomination by the Prime Minister or the President. Then, we need the efficacy and the expediency for people in the country to have trust, and in the authority of the Commission. We should believe that the Commission will deliver; that when we are making a complaint, which is a serious complaint - I am not talking about frivolous complaints - we know that the Commission will do the right investigation independently. There has been a big debate here about *la police des polices*, that Police officers were investigating on what other Police officers had done, notwithstanding the rank of the Police officer who may have committed an offence. *On a parlé de la police des polices*, but the issue is that we should believe that the Commission has the authority, the independence, to deliver once there is a serious complaint. I think that today we are setting up the institution. It is now our duty, the duty of Government, and the duty of the country, to see to it that we have the right people and that we give them the resources, the staff, the competences, to be able to deliver in time for people to believe that the institution is a pillar of democracy.

M. le président, aucune société moderne ne peut se déclarer moderne s'il n'y a pas un respect scrupuleux des droits de l'homme et de l'état de droit. Even today, if we take, for example, the case of the United States; candidate President Obama said that he would close Guantanamo Bay and then, he ended up not being able to do so. It is seen throughout the world as the fact that some human rights as regard to torture are not being respected in a land which declares itself as a very free country. Mr Speaker, Sir, this issue of how we give the resources to the institution is a very important issue, because we are a land of democracy. We have a very positive image. The hon. Minister mentioned this on the records on the international scene. But when it comes to the operation of the Police, the investigation methods, when we have this perception in the country that violence and brutality are there, the time has come today - and the

more so in the wake of the Michaela Harte case - to set up new pillars so that we can say that we have the respect that is due to the rights of detainees, the rights of accused, the rights of prisoners, the rights of children, the Chapter 2 Rights, our fundamental rights provided by the Constitution. So, the time now has come to do this and I think that with the setting up of the Commission, the possibility is there.

Mr Speaker, Sir, these institutions can ensure what we call the best practice of citizen oversight of law enforcement. What is the ultimate goal of this enforcement? The ultimate goal is to provide the public with an independent, impartial institution for the investigation and the timely resolution of Police misconduct to complaints. When it comes to investigation, Mr Speaker, Sir - the Prime Minister mentioned it and some of my colleagues on this side of the House have mentioned it as well - the Police rely too much on confessions. Our investigative methods are outdated in the days where today we have very sophisticated methods. We have the use of DNA samples. We can have other very modern techniques. The time has come that the Police should be able to secure evidence, should be able to prosecute an accused before the courts not entirely basing its case on confessions, Mr Speaker, Sir. True it is also that in the case of homicides, murders, often the perpetrator of the crime is somebody close to the victim in most cases. Often, what would the Police do? They would do some preliminary enquiry and gradually come to the conclusion that maybe somebody who is close to the victim has perpetrated the crime and then, they use the Police brutality for that person to confess.

Now, Mr Speaker, Sir, we are enacting the law today. The institution is going to be set up. We have to give the means to the institution. We have to give the resources but, at the same time, we have to see that we have a Police Force which is the reflection of Mauritian society and which is the reflection of the degree of modernity of our society. *La police de Maurice doit être le reflet de la société mauricienne et non pas une police qui agit comme dans les années 60 ou avant et qui ne représente nullement l'image d'un pays moderne qui croit dans la démocratie et qui veut, à tout prix, faire de sorte que les droits fondamentaux de ses citoyens soient respectés. Et la modernisation de la police, la restructuration de la police, devrait donc aller de pair avec la mise en place de la Commission dont on parle aujourd'hui.*

Mr Speaker, Sir, I read about the Independent Commission in England and there was something which was said, which I find very interesting. It said -

“The Commission should be independent, making its decisions entirely independently of the Police, of Government - that is, political interference - and even the complainants. Its primary purpose is to increase public confidence in the Police complaints system.”

In fact, they do two things. First of all, they address serious complaints and allegations of misconduct but, at the same time, they handle appeals from people who are not satisfied with the way the Police have dealt with the complaints, Mr Speaker, Sir.

Alors, j'ai évoqué le bilan de la Commission actuelle. J'ai évoqué la possibilité de mettre en place une Commission, mais avec les moyens. We know also that the Commission did not submit a report until recently. May I also address the question as to whether the Commissioner and the Deputy Commissioner should not also make a declaration of their assets, as is the case in a number of other nominations?

Mr Speaker, Sir, in our country, over the years, we have set up pillars to strengthen our democracy. Today, we are doing the same thing, Mr Speaker, Sir. *Mais, nous savons que dans certains cas il y a de graves atteintes. Il y a quelqu'un qui s'est posé la question: « Est-ce qu'il y a, dans certains cas, la torture et non la brutalité policière ? Quelles sont les méthodes utilisées » Il y a eu des témoignages. Mais nous n'avons pas réussi à en trouver la preuve et faire de sorte que ceux qui auront abusé de ces pratiques soient punis,* Mr Speaker, Sir.

So, the perception is there and if we want the institution to have the trust and the respect it deserves, we should do our best to see to it that it delivers with efficacy. There is in the Bill the fact that, for example, for the Police complaints that the officer, when the complaint is made, has two days to refer the case to the Commissioner of Police. After the two days, the Commissioner of Police has to stop any Police enquiry and refer the case to the Commission. There is also the fact that once a recommendation has been made, after a number of months, the recommendation has to be implemented. But the issue again remains, as I have mentioned, in the case of Kaya and in the case Ramlugun, the time taken, the delay, because when there is a lot of delay and the investigation takes too long, people lose faith in the system. We are setting up a system today and we have to live behind the institution that we have. We are setting up three new institutions. They are independent. They will be given competent people and they will be given the resources, Mr Speaker, Sir.

The Scandinavian set-up for Human Rights is seen as the best set-up. Why? It is because they have an institution, the resources, the trust, the authority, and there is an environment which

is conducive to the respect of Human Rights and the people are eager, once they feel that their rights have not been respected, to make a complaint because they know that the institution is going to deliver on that complaint, Mr Speaker, Sir.

Hon. Baloomoody mentioned the economic and social rights and that also is a very important thing. The Scandinavians started with a basic right, then they came with new rights, for example, rights of the children and they secured with the Welfare State, economic and social rights. That is an example, Mr Speaker, Sir, which we should follow and I think that, first of all, we have the institution. We should be able to provide the resources and then create a climate with education promotion so that the Mauritian citizen believes that whenever his sacred human right is not respected, there is an institution to uphold it and he feels that he is a proud citizen of this country.

Mr Speaker, Sir, we welcome the three Bills and I sincerely hope that the new Commissions will be able to have the right people and will be able to deliver in the best interest of our country.

Thank you, Mr Speaker, Sir.

(00.53 a.m.)

The Attorney General (Mr Y. Varma): Mr Speaker, Sir, first of all, let me congratulate the hon. Prime Minister for introducing the Protection of Human Rights (Amendment) Bill, the Police Complaints Bill and the National Preventive Mechanism Bill in the House. We can actually feel the invisible hands of history on our shoulders. In 1998, in your then capacity as Attorney General, Minister of Human Rights and Corporate Affairs, Mr Speaker, Sir, you piloted the Protection of Human Rights Act and today, on your election as Speaker of the National Assembly, major amendments are being brought to the Act.

As the hon. Prime Minister has explained initially it had been envisaged that the National Human Rights Commission would consist of four Divisions, including an Equal Opportunities Division. However, with the passing of the Equal Opportunities (Amendment) Bill in 2011, a separate Equal Opportunities Commission was created. The structure of the National Human Rights Commission had to be revisited. For a while now, work has been ongoing on a new legal, institutional and administrative structure of the National Human Rights Commission.

In the process of the finalisation of the three Bills, a number of working sessions were held in presence of stakeholders concerned to ensure that the National Human Rights

Commission, once revamped, is capable of fulfilling its mandate. We have also had to give due consideration to all operational aspects and to ensure that there is a smooth transition when a new system is put in place. I am glad that after all the efforts that we have put in, the three Bills are finally before this House.

Mr Speaker, Sir, the doctrine of human rights, be it at national or international level, has been a cornerstone of public policy around the world. As far as Mauritius is concerned, in its first annual report, the National Human Rights Commission expressed the view that we had a good track record in terms of respect for human rights.

Moreover, the generally sound reputation Mauritius has in the field of human rights, is borne out by the annual report of United States State Department which reviews human rights situation in the world. We should also not forget the crucial role played by our Judiciary. Under the Constitution, the Supreme Court acts as a watchdog for the respect of human rights when seized of a case by a litigant. The National Human Rights Commission has, since its establishment in 1998, been doing a commendable job. It has been listening to complaints and carrying out inquiries without any Government or party interference. It has also made a number of recommendations to Government in the fields of human rights.

However, Mr Speaker, Sir, this Government's vision is to empower the National Human Rights Commission to make it a key institution when it comes to the protection of human rights in Mauritius. The object of the Protection of Human Rights (Amendment) Bill, therefore, is to set up three Divisions within the Commission namely, the Human Rights Division, the Police Complaints Division and the National Preventive Mechanism Division. The objective of such restructuring is to have a Commission which has a broader mandate and which acts as an umbrella organisation to divisions which will focus on different aspects of human rights. This will result in cost-effectiveness and, of course, efficiency.

Mr Speaker, Sir, the broader mandate which is being conferred on the National Human Rights Commission is reflected in Clause 5 of the Protection of Human Rights (Amendment) Bill. Under the proposed new section 3(a), the function of the Commission has been broadened in line with the Paris Principles. The Paris Principles were defined at the first international workshop on national institutions for the promotion and protection of human rights held in Paris in October 1991. They were adopted by the UN Human Rights Commission by Resolution 1992/54 of 1992 and by then the UN General Assembly in its Resolution 48/134 of 1993. The

Paris principles relate to the status and functioning of national institutions for the protection and promotion of human rights. Mr Speaker, Sir, the Paris principles list a number of responsibilities for national institutions which fall under five headings -

1. The institution shall monitor any situation of violation of human rights, which it decides to take out.
2. The institution shall be able to advise the Government, the Parliament and any other competent body on specific violations on issues relating to legislation and general compliance and implementation with international human rights instruments.
3. The institution shall relate to regional and international organisation.
4. The institution shall have a mandate to educate and inform in the field of human rights.

And, finally some institutions are given a quasi judicial competence.

I should point out that compliance with Paris principles is the central requirement of the accreditation process that regulates access of national human rights institutions to the United Nations Human Rights Council and other bodies.

Mr Speaker, Sir, under Clause 6 of the Bill, section 4 of the principle Act is being amended such that the existing function of the Commission, which consists of enquiring into complaints of human rights violations, will be taken over by the Human Rights Division of the newly structured Commission. Much consideration has been given to the operational aspect for the newly structured Commission to fulfill its broader mandates and its three Divisions to operate efficiently; it has to be adequately staffed. This is why Clause 7 of the Bill makes better provision for the recruitment of staff of the Commission. Over and above public officers seconded for duty at the Commission, it may recruit suitably qualified people or bodies on a contract basis.

Mr Speaker, Sir, allow me to now turn to the Police Complaints Bill. The essence of this Bill is to provide a framework for the Police Complaints Division of the National Human Rights Commission to operate. This Division will be responsible for the investigation of complaints against members of the Police Force, other than allegations of corruption and money-laundering, which are dealt with by the ICAC under the Prevention of Corruption Act.

Currently, it is the Complaints Investigation Bureau, under the administrative control of the Commissioner of Police, which enquires into complaints made against Police officers. In other words, the Police enquire on the Police. Severe criticisms have been levelled against such a

system. In fact, Mr Speaker, Sir, as Government backbencher in 2005, I alerted the problem of the Complaints Investigation Bureau as being judge and party at the same time by way of Parliamentary question B/1 and the hon. Prime Minister stated, and I quote -

“I am of the view that this perception of being judge and party at the same time will persist. It has persisted in other countries with the same results. It is important that there should be confidence in the procedures”.

Therefore, the setting-up of a Police Complaints Division separate from the Police Force is more than welcome. In its concluding observations, dated 15 June 2011, the United Nations Committee against Torture had this to say at paragraph 11 under the heading ‘Complaint Mechanisms’ –

“While noting that different mechanisms are charged to receive and enquire on complaints against Police officers for excessive use of force such as the National Human Rights Commission and the Complaints Investigation Bureau, the Committee is concerned about the independence of the Complaints Investigation Bureau, as it remains under the administrative control of the Commissioner of Police. The party should take concrete measures to ensure that complaints lodged against the Police are addressed promptly, thoroughly and impartially by independent complaint mechanisms and that those responsible can be prosecuted, convicted and punished. In this regard the State party should rapidly adopt and implement the Draft Police Complaints Bill under preparation and establish the Independent Police Complaints Bureau, adopt a new Police Act and a Police Procedures and Criminal Evidence Act as well as codes of practice to regulate the conduct of persons entrusted to investigate offences”.

Mr Speaker, Sir, this Bill reflects the Government’s commitment to fulfill its international obligations. It brings a long awaited change, and will no doubt remove the perception of bias and partiality which exists with the present system of Police officers enquiring on Police officers.

As a responsible Government, we are coming forward with these reforms with a view to instilling trust and faith in the people of our country that they will benefit from a just system. With the present system, it has often been argued that such allegations cannot be proved since enquiries are not conducted in an independent and fair manner. The new system will,

undoubtedly, eradicate such qualms. Hopefully, it will also shed light on the veracity of such kinds of allegations.

As regards its functions, the Division will, not only investigate complaints against Police officers, but also investigate death in Police custody or as a result of Police action, advise on how to address and eliminate Police misconduct and perform such other functions as may promote better relations between the public and the Police. The powers vested on the Division are also quite broad.

Mr Speaker, Sir, when complaints are made, the Division may proceed with investigations, and may conduct hearings. It should be pointed out that, under Clause 11(6) –

‘At a hearing, a person may refuse to give any evidence, to produce any document, or provide any information, which would incriminate him.’

Clause 13 should also be highlighted. It provides that -

‘(...) any evidence obtained in the course of an investigation may give rise to, or be used in, civil or criminal proceedings.’

This will prevent duplicity.

‘The Division may, on the completion of an investigation, make recommendations to the relevant authority for future action to be taken, including the institution of criminal or disciplinary proceedings or the award of compensation.’

The Bill, therefore, provides a sound and structured framework for the Police Complaints Division to operate. In the Government Programme 2012-2015, we have announced a series of measures, including legislative measures to enhance the capability and capacity of the Mauritius Police Force. This Bill only spells the beginning of these reforms. Very soon, as highlighted by the hon. Prime Minister, we shall be coming forward with the Police and Criminal Evidence Bill, which will also provide for codes of conduct that will regulate the conduct of Police and other investigators, and address a number of issues relating to criminal enquiries, including victims’ rights.

Mr Speaker, Sir, I now come to the third Bill: the National Preventive Mechanism Bill. As the hon. Prime Minister has already explained, the main object of the Bill is –

‘(a) to give effect in Mauritius to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;’

The National Preventive Mechanism Division is being set up within the National Human Rights Commission, which shall act as a National Preventive Mechanism under OPCAT. Detainees are human beings, and should not be tortured. The role of the National Preventive Mechanism Division will, therefore, essentially be to ensure that detainees are protected against torture and inhumane or degrading treatment or punishment, and to investigate complaints made by detainees. Again, in his concluding observations, dated 15 June 2011, at paragraph 19, the United Nations Committee against Torture stated the following, and I quote -

‘The committee recommends that the State party finalises the draft National Preventive Mechanism Bill; adopts and establishes the mechanism as soon as possible. The National Preventive Mechanism should be provided with necessary human and financial resources in compliance with the requirements of the Optional Protocol to the Convention against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment as well as with the principles relating to the status of National Human Rights Institutions for the protection and promotion of human rights.’

The National Preventive Mechanism Bill, Mr Speaker, Sir, gives effect to the above. The National Preventive Mechanism is given such broad powers, as may be necessary, to effectively discharge its functions. Currently, under section 54(1) (c) of the Reforms Institutions Act –

‘The Board of visitors shall hear any complaint which may be made by a detainee and, where the detainee so requests, hear the complaint privately;’

In order to avoid any overlap, a consequential amendment has been brought.

Finally, Mr Speaker, Sir, I am confident that the restructuring of the National Human Rights Commission will give the institution the necessary dynamism and impetus to perform efficiently, and to live up to the expectations of one and all. The three Bills before this House portray our commitment to uphold and protect human rights in Mauritius.

I once again congratulate the hon. Prime Minister for coming forward with these significant reforms.

I thank you all for your attention.

(1.16 a.m.)

Mr S. Obeegadoo (Third Member for Curepipe & Midlands): Mr Speaker, Sir, to the extent that this Bill or these Bills testify the will of Government to reinforce the mechanisms against torture, against Police violence and for human rights, nobody can be against. But, for us,

this cannot be a question of offering a blank cheque either to Government and it is, therefore, our duty, while approving the overall objective, to raise certain questions, to raise certain issues, so that this drive to better protect human rights is more effective.

The first question we ask ourselves is: is it right to abolish the existing CIB mechanism within the Police? If so, is it correct to entrust the powers of the CIB to the National Human Rights Commission, as it is to be restructured? How has the Commission performed so far, and are the Bills going in the right direction?

Let me start with the first issue. Is it right to cancel the CIB? Yes, absolutely yes. It is high time to do so because all the practising criminal lawyers in this House know that the CIB is a total shambles. It is not so long ago that hon. Varma would have been at the Criminal Bar. It is not so long ago that hon. Mohamed, who is not here right now, but I believe he was to a certain extent a criminal lawyer. Both hon. Baloomoody and I can testify to the actual state of things. While I understand that the Prime Minister does not have firsthand experience of the CIB, it suffices only to know that the CIB is considered as a joke within the Police Force. Last time I was in the CID office, which had been questioned by CIB, the officers said to me: 'you see, filling in all these papers will take us a lot of time, but, at the end of the day, nothing will come out of it'. This is the attitude within the Police Force to the CIB.

Let me take two cases - I disclose my interest because I have nothing to gain or to lose - of which I have firsthand experience. The first case is that of a young man who, on 30 May 2010, is accosted by the Police at La Caverne Bridge, next to Notre Dame de la Visitation. Five officers of Police came out of the van, stopped him, brutalised him, slapped him, hit him, and then took him to Vacoas Police Station, where he is stripped and searched, and then allowed to go free. He is traumatised. He has never had any dealing with the Police before. Two days later, he went to the CIB on 02 June 2010. This person came to me at the end of April of this year, practically two years later. Nothing has been done over two years! When he went to the CIB, he told them on such and such day, at such and such place: "I was accosted by five officers, I do not know their names, but I can recognise them, they took me to Vacoas Police station at such and such time." We know, both you and I, Mr Speaker, Sir, that the first thing the Police would do, if I were to report that I have been assaulted by somebody whom I can identify and whom I know where he works, they would immediately organise an identification parade; this is the first step. The more time goes by, the less the victim is likely to remember the faces of those who assaulted

him, and yet, this is typical of the CIB - two years. Remember the Protection of Public Officers Act says –

“If proceedings are not instituted within two years of the alleged commission of an act, you cannot sue a public officer either criminally or civilly.”

Two years, the CIB does nothing! I gave them a ring and they called in this young man. Two days later, they took a statement from him to say that he did not know the names of the officers and they told him: “Go to Vacoas Police station, because we do not know who did that to you. Vacoas Police Station says they know nothing about you, so go there and if you recognise who it is, come back to us and tell us.” This is the CIB.

Another case, this year, that occurred a few months ago. A person went to the Police – I won’t say in which town – to the CID office, reported a case of larceny. The next day he was taken in by the CID, they slapped him, they punched him so that he confessed to having made a false allegation. He refused, his father walked into the CID office by chance, - because parents, of course, are desperate when they hear their child is at the CID and you know why, as well as I do, Mr Speaker, Sir - he intervened; the person was freed, he went to hospital, because he was injured, he had PF58, as we call it in the technical language. The next day, he gave a declaration at Curepipe Police station, the day after he went to the CIB with his lawyer, made a full statement as he had been injured. He did not know the names, but he described the persons physically. There has been no identification parade six months later. Ask the CIB, they will tell you: “Well, we must wait, you know the paper work, we will enquire with the Police, they will answer and then, eventually, we will organise an identification parade.” This is the reality of the day, Mr Speaker, Sir, you know it; until yesterday I presume you were at the criminal bar as well.

The CIB does not work, it has never worked and it will not work in the present circumstances. In this sense, it is high time that we do away with this CIB. But, there are a number of questions that will remain live issues and I would like the Prime Minister to tell us: what will happen of cases which are presently before the CIB when it goes out? Will these be referred automatically to the National Human Rights Commission, but then the time has already lapsed and, as we know, the National Human Rights Commission can only consider complaints that are made within a certain time period. So, there are hundreds of cases still undisposed of at

the CIB. What will happen? This is a practical question and I would be grateful if the Prime Minister would enlighten us as to that.

Now coming to the second question, if we all agree, we have to do away with the CIB, should we entrust its powers to the National Commission for Human Rights? Certainly not, if it is the Commission as it is now, constituted and as it now operates.

Firstly, we know that right now we have a Chairperson who has been there ever since, I think, 2001, when the Commission was created, whereas the law places a limit of two terms. This point was raised before me by several orators, but he is still there, he is allowed by law to continue in his office since he has not been replaced. But we cannot go on like that. There are no other persons on the Commission who have been appointed since 2009 when the last mandate lapsed. So, the first problem is the Commission as it is, is not properly constituted. Granted if this Act once it is proclaimed, the Commission will be reconstituted. But, so far, one of the reasons why it has not performed, is this.

Secondly: the report. As you know, by law, Mr Speaker, Sir, the Commission is supposed to lay a report as to its activities, I believe, on 31 March of every year. Section 11 of the existing Act says –

“The Commission shall not later than 31 March in each year submit a report on its activities during the preceding year to the President.”

The last report we have is dated March 2009. We are now in July 2012. So, this Commission has not been performing, even in terms of submitting reports in time as provided for by law.

Thirdly: cases. I raised the issue here by way of a Parliamentary Question addressed to the Prime Minister this year. Hon. Bodha quoted figures provided in 2009 - I would like to look at the figures provided by the hon. Prime Minister only a month ago. Now what the hon. Prime Minister told us in answer to my question is -

“Since the creation of the Commission in 2001 - so over a period of little more than 10 years - there have been 3,455 complaints to the Commission.”

That is impressive. It is impressive, because it means that we have had something like 350 complaints in a year, practically one complaint every day. Of those 3,455 cases, there have been 171 prosecutions; 5% of complaints lead to a prosecution. Of those 171 prosecutions, there have been 34 convictions, 1% of complaints lead to a conviction. Of course, you will tell me: “Not all

the cases are referred to the DPP, some are referred to the Department for internal disciplinary action.” But again, it is the same percentage, 5% get reported to the Department and only 1% approximately of the total number of cases leads to disciplinary action against those persons. Again, on the basis of the statistics provided by the hon. Prime Minister, one can observe that this Commission is not delivering.

The fourth point is the recommendations. Up and till now, what is of great concern, is that recommendations made by the Commission, are not given effect to by the Police. I think it was hon. Dr. S. Boolell or hon. Baloomoody who mentioned one of the basic problems of the Commission as being the lack of cooperation on the part of the Police. One example - I am quoting –

‘In one case about the lack of standing instructions on who is responsible and what is the procedure regarding the duty of Police officers to communicate the place of detention of a detainee to his relatives’

Mr Speaker, Sir, you know this, as well as I do, things do not change. Until today, every day we have cases of parents running around, trying to find out where their relative is being detained and nobody knows until a lawyer intervenes and puts his foot out, speaking to superior officers, insisting to know where the person is detained - one example. Another example I could quote is the detainees’ visitation rights, the right to be visited by relatives. Again, these are clear recommendations from the Commission. I need not go into the detail not followed by the Police. Another recommendation is the detainees’ right to food from outside sources. Of course, with all the precautions in drugs cases, but the right to food! How many times do we not see people on remand, detained on a mere suspicion in a Police cell, being offered one *pain maison* for one meal?

Recommendations of the Commission: no action on the part of the Police. Another major source of concern is the fact that the recommendations of the commission go unheeded. The question is why? Is it for lack of leadership? I have the greatest of all possible respect for the present Chairperson of the Commission. Is it for lack of leadership? Is it for lack of staff? Is it for lack of funding? Is it for lack of resources? Again, I would pray that the hon. Prime Minister, in his summing-up, addresses those practical issues. We are going to support Government in voting these Bills, but what will be the practical steps to make the Commission more effective than it has been so far? Irrespective of the Government that has been in place, this Commission

has existed since 2001. Let us face the fact! This is not a party political issue. Irrespective of the Government, this is not a Commission that has made its mark on the country and on Police practice so far. That issue needs to be addressed.

Let me turn as quickly as possible to the Bills. I have a few remarks while overall we are in agreement with the proposals of the Bills. Firstly, the Protection of Human Rights (Amendment) Bill provides at section 3(5) –

“ (b)The Deputy Chairpersons shall be persons who have been law practitioners for not less than 5 years.”

I would like to suggest that five years is just not enough. For positions of critical importance as leading those Divisions, one needs not only a lawyer, but a lawyer of experience, a lawyer sufficiently self assured to lead the way, to show leadership on those issues, to confront those guilty of malpractice and to act decisively. Five years is not sufficient, it should have been, at least, 10 years as it is for the Chairperson.

Now, another issue which troubles me is the question of appointment. The Bill now proposes that the Chairperson, the Deputy Chairperson and members of every Division shall be appointed by the President, acting on the advice of the Prime Minister on the understanding that the Prime Minister shall consult the Leader of the Opposition. And then, this Chairperson and Deputy Chairperson or any member can be removed by the President on the advice of the Prime Minister.

I would like to again raise this issue of the Prime Minister at a time when the issue of the second Republic is, once again, being debated. This is not a case in point just as in the case of the appointment of the Chairman of the PSC under the Constitution. This responsibility should not be entrusted to the President acting in consultation with both the Prime Minister and the Leader of the Opposition. So, we can make up this a non-partisan affair so that the Prime Minister of whatever party, the Leader of the Opposition of whatever party, are consulted by the President, and the President, above all political parties, appoints and also dismisses. Again, this is a point which we would like to place before the hon. Prime Minister.

The last point concerning this Protection of Human Rights (Amendment) Bill relates to the term of office. As you know, in the present law, it is two terms of four years. In the law now being proposed to us, it is a term of 4 years and then eligibility for reappointment which means that somebody could stay there for 20 years. In this area of human rights protection, I would like

to humbly submit that whatever be the qualities of the one person, it would not be in the interest of the protection of human rights that the same person should remain in the same place endlessly. I submit that two terms of 4 years are more than adequate. Then we need new blood, fresh ideas, new drive, new enthusiasm and not the very same person. I would plead again for a limitation as to the terms of office.

Turning to the National Preventive Mechanism Bill, I have two observations. The first is that this Bill, to my mind, focuses almost exclusively on places of detention, prisons and mental institutions, and the prevention mechanism should go beyond that so much so that when considering the composition of the Division, I am very ill at ease. It will have, of course, the Chairperson of the Commission, a Deputy Chairperson and then one member who is involved in social work in only prisons and the other one which was raised by hon. Dr. S. Boolell –

“The member referred to in subsection (2) (c) shall be persons having knowledge and experience in the field of human rights, law, employment, industrial relations, business administration, (...)”

I wonder what business administration has to do with this - not management, but business administration .

“(...) education, sociology.”

It would have been so much easier just to say a person having knowledge and experience in the appropriate field because, as it is, it is a catch-all, but then it excludes, at the same time, certain sections. This is a point that is rather intriguing.

As regards the function of the Division, I note the total absence of education awareness raised. There was a time, Mr Speaker, Sir, when we proposed that, as a compulsory part of curriculum, we should have citizenship education which was concerned with environmental education, human rights, including gender rights and thirdly, education for cultural pluralism. In this case, unfortunately, this Division is not entrusted with the very important function of raising awareness of campaigning to win the hearts and minds of our people in favour of the protection of human rights. I believe this is a weakness in the Bill.

I will turn now to the third Bill which is the Police Complaints Bill. Here again, there is a number of issues which I would like to raise. Firstly, the investigation by the Division, we are told that –

“(2) (a) A complaint shall not be investigated by the Division unless it is made within one year of the day on which the complainant first had notice of the matter alleged in the complaint.”

Now, why one year? The existing law says two years. We presume that this is because of the Public Officers Protection Act which provides that if you sue a public officer, it has to be within two years. Today, in the modern world that has no justification. In fact, I had drafted a Parliamentary question on the issue, but I don't think we will have the opportunity of getting an answer. But, in tort, if somebody causes me harm, I have 10 years to sue him. Public officers becomes a special category, it is only two years. Now, worse, with this law it is going to be only one year. I have given the examples of the CIB taking two years and not having completed the enquiry. There are many cases where investigations take time and yet we are going to have this one year limitation. I do not know why.

On the other hand, there is no limit for the investigation. There is a time limit imposed on the complainant to make his complaint. But once he has made his complaint, there is no time limit as regards investigation. Nowhere! I have checked. So, the Division can take one month, it can take several years, there is absolutely no limit. That is an anomaly. The Commissioner of Police has two days to forward to the Secretary of the Division a copy of the complaint. The DPP, if I am not mistaken, has three months to act, but the Division itself has no limit as to how long it will take to enquire. There is no time frame. Another intriguing point is that ‘the Division may, in considering whether or not to conduct the investigation, have regard to whether the complaint is frivolous, vexatious or not made in good faith’. But, I ask myself how can the Division, without an investigation, decide that a complaint is not made in good faith? Somehow this simply, in my humble submission, does not make sense.

Section 9 of the Bill speaks of where a person makes a complaint and for any reason is unable to act for himself after making the complaint, the relatives can take the complaint forward and, interestingly, I was thinking of the Ramlugun case, of course, it says –

‘...where a person who could have made a complaint, dies before doing so or is for any reason unable to act for himself, the complaint may be made by his personal representative member of his family...’

This is very good. But, for this to be made operational, in my humble submission again, this phrase: ‘...where a person who could have made a complaint...’ needs to be made more

certain. We need to have certainty in the law if we expect the Division to act thereupon; otherwise this will remain *lettres mortes* as we say in French.

The powers of investigation - I note that the investigator will take all other measures except arrest a person. Human Rights lawyers, because of the ICAC experience, are very hesitant to give to any other person than the DPP and the person acting under the authority of the DPP, the power of arrest. However, in this case, if the problem arises again with the time of the investigation so that if an investigation drags on, a person guilty of serious malpractice is not liable to arrest. So, I believe that this is another point which needs to be looked into.

Section 13: completion of investigation – this goes back to the point I made earlier. Investigations of Police malpractice and Police brutality, in such cases, time is of the essence. I would plead with the hon. Prime Minister to take a fresh look at this matter to make sure that there is some limitation placed upon the Division so that it does not repeat the same faults of the CIB in that investigations drag on and on and become a convenient way to take advantage of the Protection of Public Officers' Act and no proceedings can eventually be instituted.

I believe that I am more or less done here with the three Bills. I will, therefore, just simply try and summarise what we would like to say, Mr Speaker, Sir, to the hon. Prime Minister. These three Bills present a step forward. There is no doubt about that. It testifies to a will by Government to act vis-à-vis a CIB that is a mere shambles, to act vis-à-vis a Commission that has not been performing, to act so as to broaden the powers and create an effective mechanism to protect human rights. However, for this to work, we need to have a critical evaluation of the Commission so far. It is the practice internationally to have organisational audits, assessments after a number of years of operation. In the case of our National Human Rights Commission, what is called for is an independent assessment, whether by locals or by foreign experts, of its operations so far, of public perception, because it is difficult to establish benchmarking in such an area and on that basis, to invest the resources, the funding, the staffing to make of the Commission an effective body. So, on the basis of the points raised, we would like to say to the hon. Prime Minister that the MMM and I understand the whole of the Opposition, is supportive of these Bills. However, we do have serious qualms as to the ability of the Commission as it now stands on the basis of the provisions of these three Bills, on the basis of the resources which are entrusted to it, to effectively perform the functions that Government appears to be desirous of obtaining from the Commission.

I am done, Sir, thank you.

(01.45 a.m.)

The Prime Minister: Mr Speaker, Sir, I want to, first of all, thank all hon. Members who have taken part in the debate. I am very glad that there is – sometimes, when I heard hon. Obeegadoo, I think there is consensus, but you know what de Gaulle said to Giscard d’Estaing: “you don’t govern with ‘buts’ either you make proposals”. But it is very easy to pick nits. I think if you are an academic, you find little things to pick upon. In that case nothing will happen.

(Interruptions)

A criminal lawyer who is an academic! That happens too. Anyway, because the way I heard him, it is as if: let’s throw the Bill out because nothing will happen. Let’s throw the Bill out or name the hon. Member Chairman! That is what I gather from his attitude.

Anyway, I want to take some few points that have been raised. Hon. Baloomoody was talking about misconduct and then he made reference to different cases where there has been Police brutality and what has happened and all these things. Now, the hon. Member said that they have to be proactive. I quite agree. You have to be proactive, but the hon. Member made the reference to the Cehl Meeah case. I nearly smiled. I do not know whether he saw me smiling because I happened to be the Leader of the Opposition at the time. Who was the Prime Minister at that time? Would you remember? If you go and look at the Private Notice Question that I asked.

(Interruptions)

Yes, but who was the Prime Minister? Whether he was sent to hell, I don’t mind, but who was Prime Minister? Go and look at the questions and the answers that we got at that time! As if all this was untrue! What happened to him? I asked the question and hon. Dr. Boolell and hon. Dr. Bunwaree know that some people were saying: ‘don’t put the question’! I said whatever his political beliefs, he is a human being. We should ask the question. They even tried to communalise the Private Notice Question at that time. I am asking you this because these things have happened. That is why I brought the law in 1998 to look at all these things.

Let me take just the points that the hon. Member was saying. He also mentioned - I am just raising the issue because we have to answer back what he has said. He raised the issue of Police committing acts of torture. Now, the UN organisations have come here and looked at

things. I don't remember them saying that they are qualifying Mauritius as practising torture. They have not. So, let's not, ourselves, hit our own country as if we are the worst country in the world. They haven't ever said that we are practising torture. I didn't say that we are perfect. I am not defending the Police as if there are no bad apples, but they have actually never said that we have tortured.

In fact, we should know that Mauritius is regularly reviewed by the UN organisations. Last year, I think, we underwent the third periodic review under the Convention against torture, but I agree with the hon. Member that we should make every effort to ensure that there is no Police brutality. That is the whole idea behind this Bill. The ultimate objective is to reduce allegations of Police brutality. It is a good thing that he quoted this in the tragic case of Mrs Harte. He himself said it and rightly so, I am not complaining that he said that. He said that - is it not unbelievable that when the confession was made in front of the lawyer of the accused, the lawyer was there, and yet, not one of the jury believed that there was no Police brutality?

It is the perception again that the Police caused brutality. But it's deeper than this. When a question was asked about the Harte case, I quoted Lord Denning. That is one of the problems. He mentioned that, even in England, when you don't have a homogenous race, you have people who actually do not believe the Police at all. So, every policeman for them is a torturer. We cannot put all the Police in the same basket. There are people ...

(Interruptions)

He did not resign because of this, but I will tell something: I agree with the statement. When we have people of different perceptions, we will get a result like he did. He was told that it was a racist statement, and all those things. I think he was right. I personally think he was right. The hon. Member said that - hon. Obeegadoo also picked on this - we should not have the same person for 20 years. I think that's the word the hon. Member used. I will tell you something. At the end of the day, it is a question of having - as you said yourself - the right person in the right place.

The current Chairperson of the National Human Rights Commission has been a distinguished former Judge of the Supreme Court. He has also been Solicitor General before that. I have not heard any complaints about his duties. I agree that there is need to have new blood. The problem is that in a country like Mauritius, it's difficult - believe me - to have good

people to put everywhere. If some of the Members volunteered, I would gladly take them, but they would not volunteer.

It is difficult to find good people. I always say this: if only people did their job they are paid to do, we would be a long way forward. But, unfortunately, there are *magouilleurs* everywhere; I say it again. They have their own agenda. They will want to do something else; they will want to pervert things, and that is the result we get. We can have the best laws in the world. We can have the best institutions but, at the end of the day, it depends on the attitude, the mentality and the person who is there. I agree with hon. Baloomoody - and I think someone else said it - that we have to take sanctions. I believe in sanctions. I do not believe in warning people 50 times. I do not believe.

(Interruptions)

Of course, *coupe li cou!* I believe in that.

That is the mentality I am trying to change in this country. Either we decide that we are going to be a third world country or we decide that we are going to be a first world country. If we want to be a first world country, we have to take sanctions. Do you know why I ask for additional powers as Prime Minister, and I am not happy? Go and see what happens in the Civil Service! Go and see what happens everywhere else! You have to go through a procedure. People get interdicted; they stay there for five years, as if they have won a lottery. Now, they get paid; they do another job. Is there better off? You complained why one of the policemen in No. 15 was not interdicted. He would rather be interdicted, so that he would get paid. There are many things that we have to change in this country. It is not a question of just being power-hungry, but you have to do the changes that have to be done, otherwise, it will be the same. You will come into Government - hopefully never; on your own, I mean; with me, it's alright. One day maybe. You were in Government between 2000 and 2005. What did you change? It is difficult. Unless you change the system, it is not going to happen. I am sorry to say that, but it is not going to happen. But we are trying our best.

Hon. Bodha gave the example of 3,455 cases, and said that eventually there was one per cent conviction. What I would ask you to do is to see what happened in 1998. Go and see when the Police were complaining - as they were doing even before the CBI was there - what was the result? At least, we have some results here. There was no result. Go and check the statistics, and you will see!

The hon. Member mentioned about Citizenship Education. In the new Government Programme, this is precisely what we have done. We are talking about young people who will be going through this programme called NICE. We are going to set it up; we have not finished working on it. We hope that this will help. We have to start with children. We have to start with young people, to change their mentality. Some people are beyond change, we all know it.

The hon. Member also mentioned the fact that we haven't given a time limit for the investigation, but a time limit for the complaints. I think there is a reason for this. In fact, in the Bill, somewhere it says that they will be able to take up even old cases. We also mentioned that complaints, which were being handled by the Commission, may be investigated by the new Police Complaints Division.

The hon. Member asked the question about how we would know if it is vexatious, not made in good faith or frivolous. Sometimes, it is so obvious. If somebody comes and says: 'Mr Baloomoody, at one o'clock in the morning, hit me with a pan', we know it is not true because they were here. I don't have to go and investigate. I know they were here. I am giving a very simple example. Barristers do vexatious cases. I don't want to mention names. You might know who I have in mind.

There was a point also that was made about children's rights by hon. Dr. S. Boolell. It is felt that it is not advisable to provide for a multiplicity of institutions dealing with the same matter. The Ombudsman for Children has a specific mandate to investigate and address about the children's rights. The Attorney General's Office is also working, I believe, on a draft Children's Bill, which will look at all the implications of the UN Convention on the Rights of the Child, and also on a draft on juvenile. This will be taken care of, hopefully.

Hon. Baloomoody spoke about *erreur judiciaire* in the UK. I wish here to inform the House that, a few weeks back, before the verdict in the Harte case was delivered, the hon. Attorney General also referred to the Law Reform Commission, the issue of miscarriages of justice. I believe the Law Reform Commission has said that they are going to look at these very carefully and whether an institution should be set up, as in the UK, to consider allegations of miscarriages of justice. I think it was a good suggestion, but that is also being looked into. In fact, there was also the case of appeal in heavy cases, and this has to be done.

Hon. Obeegadoo mentioned about lawyers of more than five years' standing as Deputy Chairperson. I don't know whether I heard him right - I thought that's what he said. The

Constitution provides that Barristers of five years' standing are eligible to be appointed as Judges. So, we went according to that. The Constitution already provides this. As for the Deputy Chairperson, for not less than five years, we consider it is adequate. We will find difficulty ourselves to find the right people.

As for the terms, as I said, it is a small country. If we have had somebody who has performed - I am not saying that he is going to stay there for 100 years, but, I think, at least, we assure that we get somebody who is competent and who has done the job. You know when I set up this in the first place, in my first term, as you will probably remember, we did not fill the post for one simple reason, nobody wanted to take it, not for the pay that we were providing and, eventually, we talked to a lot of people who were not too interested in taking the post. So, we have to look into all this and act.

I think, hon. Dr. S. Boolell said that witnesses will need to be paid and that the Bill does not provide for payment of witnesses. I am told that although this is not provided for in the Bill, the regulations can be made to provide for this and I think we are going to look if the regulations can be modified.

There were other points that I don't want to really go into, Mr Speaker, Sir, for example, about the question of social and economic rights. I am not so sure about this, Mr Speaker, Sir. That is why we wouldn't like to go into this. At the appropriate time, a team of experts will be appointed to bring all this, to have a look at all this. I believe – it is my personal opinion - if you start going into these economic and social rights, it would be never ending. We will be going to a situation of paralysis. Everybody will say this is my economic right. This is my belief. You might not agree with me, but this is my belief; that is why I am not too keen on considering this.

There were other points made, Mr Speaker, Sir, but I don't know whether we need to go into them. Anyway, we will look at all the suggestions that have been made, but my plea to them is they agree that it was a good Bill, especially hon. Obeegadoo, but it is all a question of finding the right people putting in the right place. The practicalities, I agree with him, it is not always easy; we can have the best law, as I said, but we will have difficulty with the practicalities. But if everybody, who is appointed, does his job, he does not look at finding way of perverting the laws, that would be very helpful, but that is a question of attitude that we have to change.

Thank you, Mr Speaker, Sir.

Question put and agreed to.

Bills read a second time and committed.

COMMITTEE STAGE

(Mr Speaker in the Chair)

The following Bills were considered and agreed to -

- (a) The Protection of Human Rights (Amendment) Bill (No. XIX of 2012)*
- (b) The Police Complaints Bill (No. XX of 2012)*
- (c) The National Preventive Mechanism Bill (No. XXI of 2012)*

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 a third time and passed -

- (a) The Protection of Human Rights (Amendment) Bill (No. XIX of 2012)*
- (b) The Police Complaints Bill (No. XX of 2012)*
- (c) The National Preventive Mechanism Bill (No. XXI of 2012)*

ADJOURNMENT

The Prime Minister: Mr Speaker, Sir, I beg to move that this Assembly do now adjourn to Friday 27 July 2012, at 3.30 p.m.

The Deputy Prime Minister rose and seconded.

Question put and agreed to.

Mr Speaker: The House stands adjourned.

At 2.15 a.m. the Assembly was, on its rising, adjourned to Friday 27 July 2012, at 3.30 p.m.